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Multilevel governance in the temporal protection and integration of Ukrainians within the European Union: the case of Estonia

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ABSTRACT

The war in Ukraine in 2022 resulted in the rapid, large-scale migration of Ukrainians both inside Ukraine and to the European Union (EU). In response, the European Commission and Council activated the ‘Temporary Protection Directive’ (TPD, 2001) which had been dormant for two decades. This granted Ukrainians fleeing to the EU residence permits, access to the labor market, accommodation, medical care, education for minors, and social and welfare assistance. We analyzed how war-fleeing Ukrainians were received in the EU at three territorial-administrative levels. Through discourse analysis at the supranational (EC and CE), national (Estonian) and sub-national (local Estonian) levels and a survey on how 500 temporary protected Ukrainians in Estonia were covered by the TPD, we highlight the hierarchic implementation of the TPD. This case shows the potential and pitfalls of participatory multilevel governance (MLG) for a more sustainable presence and future for the Ukrainian (temporary) diaspora in the EU.

KEYWORDS

Multilevel governance; temporary protection; discourse analysis; participatory governance; Ukrainians

1. Introduction

The war in Ukraine, initiated by Russia on 24 February 2022, had immediate impacts in the EU (European Union). Among the most significant impacts was the large number of Ukrainians fleeing to neighboring EU member states (Poland, Hungary and Slovakia) and to more distant countries such as Estonia. As a result, on March 2nd, the European Commission (EC) proposed to invoke the Council Directive 2001/55/EC from July 2001. This so-called Temporary Protection Directive (TPD) was designed and approved over two decades ago to be used in exceptional circumstances when a ‘massive inflow of people’ (in the EU terms) were fleeing to the EU territory and would need protection there. EU member states were to give fleeing individuals access to accommodation, the labor market, medical care, education for minors, and social assistance (European Commission 2022).

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On March 3rd, the Council of Europe unanimously supported invoking the TPD. Such an act of unity was unprecedented in migration-related issues in the EU. In previous years, such as during the 2015/2016 'migration crisis', the EC and member states had struggled to design and implement joint policies related to immigrants, asylum seekers and undocumented individuals arriving to the EU (Bauböck 2018; Bazurli and Kaufmann 2022; Eylemer and Söylemez 2020). Differing perceptions included security threats, national interests, local burden, and the agency of newcomers (Basile and Olmastroni 2020; Vasilopoulou and Talving 2019). Furthermore, the TPD had never been used, not even in 2015/2016 when more than one and a half million asylum seekers came to the EU.

Migration-related issues were not the only ones that sparked an unprecedented response to Russian aggression by the EU. Other areas included sanctions (as pointed out by Meissner and Graziani in this special issue), energy policies (discussed by Giuli and Oberthier in this issue) and security (assessed by Saz-Carranza and Anghel and Dzankiz). Whereas the EU economic (including sanctions) and environmental policies (including reducing energy dependencies) are governed more directly by the level of EU institutions, military and security-related policies have more direct interest at member state levels in their policies and practices (see Fiott and Genscel et al. in this issue). However, as discussed later in this article, instead of allocating the response to merely one administrative-territorial layer, we scrutinize whether the participatory multilevel governance would be a more engaging and committed approach to achieve common goals. We focus here on war-fleeing Ukrainians in the EU.

Following the decisions at the highest EU-levels, the member states started to implement the TPD in the following days. Ukrainians fleeing the war were protected in all member states and guaranteed access to the above-mentioned facilities and services in the cities, towns and rural areas where they fled to. As of September 2022, over seven million Ukrainians had fled from the war in Ukraine. Millions had been registered for temporary protection in the EU. By January 2023, the numbers of war fleeing Ukrainians had risen to eight million in Europe, of whom five million were under the TPD (UNHCR 2023).

As pointed out by Della Salla (in this issue), the war in Ukraine once again spurred the debate about the challenges of the EU as a unified political community that should aim (and be able) to maintain peace and stability in Europe through partnerships that surpass national interests. While invoking the TPD to provide protection to war fleeing Ukrainians was unanimous, there were and continue to be differences within the EU in relations to Russia. Handl, Nigrin, and Mejstřík (in this issue) highlight how some strong member states (particularly Germany) neglected the warnings of Russian aggression pointed out by Poland and the Baltic States, including Estonia. There were also exceptions made for individual member states, such as Hungary and Slovakia, concerning the oil embargo, in their relation to Russia during the war.

Estonia launched the related governmental decree for TDP on March 9th and agreed to protect Ukrainians who fled Ukraine after February 24th (as required by the EU directive) and provide them with agreed assistance. Ukrainians already residing in Estonia were also allowed to remain even though they were not covered by the TPD services. Ukrainian flags and other symbols could be seen all over Estonia showing how local and national populations, enterprises and authorities welcomed Ukrainians fleeing the Russian military aggression. By November 2022, over 115,000 Ukrainians had arrived in Estonia. Of them

62,656 expressed their intention to remain, making 4.7% of the national population (Ots and Turovski 2022). This was then the largest share per capita among EU member states.

The ad hoc invocation of the TPD rapidly rolled down from the EC, at the supranational level, to governments, ministries, and policies at the national level, and further to the local level. It is at the local level in which Ukrainians with temporary protection lived and were hosted by the local population, enterprises, nongovernmental organizations (NGO) and local authorities and where they were provided with access to accommodation, employment, medical care, education for minors and other social services.

In this article, we discuss the implementation of the TPD in relation to multilevel governance (MLG). MLG connects all levels of territorial-administrative governance in the EU: supranational as the whole EU, national as member states, and subnational which includes local as cities, towns and villages within the member states. MLG suggests that an equitable relationship and involvement of the representatives of these levels should occur in the decision-making processes (Scholten and van Ostaïjen, 2018, 104). No one knows when and how the war in Ukraine will end or what the medium or long-term impacts of the TPD in the EU will be, especially considering that temporary protection was established for one year and it is already being amended to two or three years as made possible by the directive. We argue that the extension of TPD for Ukrainians in the EU, its member states and local municipalities is connected to the potential (or lack-there-of) for participatory integration, migration and asylum policies in the EU at all levels. Therefore, in this article we focused on the short-term impacts during the first six months of the implementation of the TPD. We investigated the opportunities and challenges for the MLG in the TPD as a policy area governed more directly all levels. The use of participatory MLG in the TPD implementation would be a sign of committed uniform reaction against Russian aggression and shared understanding and goals of what it requires at each level. It also considers how the reciprocal feedback supports the actions and reaches collectively set goals, taking war fleeing Ukrainians who are the target of the actions into account.

Providing protection is necessary, but it is also important that those being protected, in this case Ukrainians living in different EU member states, regions, and cities/towns, have agency. In the article, we also give voice to the war-fleeing Ukrainians in Estonia and illustrate their perceptions of TPD implementation. We first did this by investigating the discourses at the EU, national (Estonian), and local (Estonian) levels to determine their roles in the TPD decision-making and implementation, and more broadly in integration, asylum and migration-related discourses. Then, we applied the responses from a survey with 500 temporary protected Ukrainians in Estonia to understand their perceptions and practices related to the TPD implementation in Estonia.

This article studies the implementation of the TPD from the perspective of governance and with the empirical case on Estonia. The large number of Ukrainians fleeing war had to be absorbed very quickly into the existing infrastructures and local capacities for social service, and migration and integration policies. Due to the fact that TPD is being implemented for the first time in the EU, we had to start from the basics in our research. In this article, we ask the following: (1) what were the immigration and integration-related discourses at the supranational (the EU), national (Estonian policies) and local levels (individual people's opinions in Estonia)? If the discourses differ significantly between different levels, it is likely that the policy making and implementation will differ as well; (2) what kind of Ukrainians came to Estonia for temporary protection? It is essential to know

how the TPD recognized the potential heterogeneity of Ukrainians in order for national and local policies to provide adequate services; and (3) what kind of governance took place in the implementation of the TPD in the EU as evidenced by the case of Estonia? To what extent was MLG practiced and what agency did Ukrainians have in the TPD implementation?

To answer the main research questions, this article provides a brief conceptual overview of the MLG and focuses on the practices related to the TPD context. This discussion also addresses temporality (strictly limited time for implementing protection), agency (the possibilities of protected individuals to participate in the planning, design and implementation of the TPD) and policy adaptation (absorbing Ukrainians into national immigration and integration policies). Then, we analyze migration, asylum, and refugee-related discourses at the EU, national Estonian, and local levels immediately after the particular migration years 2015/2016 and then in 2022. Furthermore, 500 Ukrainians with temporary protection in Estonia responded to a survey giving their experience with aspects of the TPD implementation in Estonia.

2. Governance in the context of the implementation of TPD

MLG has been widely adopted by the EU actors as indicated by the EC White Paper on EU Governance in 2001 (COM 91) and the Committee of the Regions' White Paper on Multilevel Governance in 2009 (Committee of the Regions 2009; Bache, Bartle, and Flinders 2016). MLG is a tool of governance for participatory democracy reinforcing partnership practices 'both vertically between local and regional authorities, national government and the EU, and horizontally between local and regional authorities and civil society' (Committee of the Regions 2009). As the EU is not a federal state, its member states possess relatively large decision-making authority, and local authorities have substantial autonomy in matters relevant for them in most member states. Overall, the principle of subsidiarity in which the EC performs only those tasks which cannot be performed at a more local level, including those at the member state or subnational levels is applied in the EU. Public authorities and the private sector, including NGOs and inhabitants more directly, both matter in this process. Rather than being a top-down approach, MLG requires participation and shared responsibility by many stakeholders. This is expected to increase sharing common goals and maintaining the commitment to reach them in a sustainable manner which feeds the results back to the processes. However, in many areas, such governance remains circumstantial.

The implementation of the TPD in 2022 is an example of an action taken in the EU within the specific emerging context of the Russian aggression in Europe (see other articles in this issue). There was a need to identify the stakeholders so that all would commit to the common goal. This also included ensuring the necessary resources to operationalize the action, its implementation and ultimately feeding the results back to this system to achieve both immediate and long-term sustainable results. Despite the rather speedy decisions to invoke the TPD, there was room and time to consider the governance of the TPD and the vertical and horizontal spreading of powers and decision-making between governmental, nongovernmental and private actors at various levels.

First, the stakeholder identification took the simplified territorial-administrative layers of supranational actors (such as the EC and other all-EU authorities), national actors (such

as the government and national authorities) and local actors (local authorities, and to certain extent also relevant NGOs) into account. The approach between these layers could be based on hierarchic nested public governments (multilevel government) or as sharing of roles and powers more interactively (MLG). Ideally, MLG should involve a cooperative interactive network of decision-making based on competences, shared responsibilities and cooperation, if not on co-creation, among international or supranational organizations, states, and local public and private actors (Panizzon and Van Riemsdijk 2019). This also includes those more directly involved in the action such as locals hosting the war fleeing Ukrainians or Ukrainians themselves. Such understanding of participatory MLG goes beyond the early considerations of MLG as a public authority division of labor for general purposes between consolidated public governments at the EU, member state and local authority levels (Type 1 MLG) or task-specific multilayer arrangements that are of more fragmented consolidation and temporal duration (Type 2 MLG) (see Bache, Bartle, and Flinders 2016, 529–531). However, various situations in the EU, from urgent crisis to longer-term membership enlargements as well as activities of broader or narrower scope, have focused on the division of labor between supranational and national levels and has shown a mismatch between the governance policies. This creates inconsistencies for implementation at all levels of MLG. In addition, the possibilities of participation by those for whom the policies and actions are designed and implemented leaves room for improvement.

This article focuses on the linkages between the stakeholders and their policies at the EU, national (Estonian), and local levels. We focus on the MLG *processes* (or lack thereof) as they played out in the case of implementing TPD for Ukrainians in Estonia. In addition to processes, MLG can also refer to situations, strategies or structures (Piattoni 2009). In fact, one cannot discount the structures, such as the policies and practices that have resulted in this process. These ‘decoupled’ or ‘disjointed’ governance policies at the EU, national, and local levels (Curry 2018) were evident in reception of Syrian asylum seekers by the EU and its member states in the 2015/2016 years of proportionally high migration. This example showed how the multiple relations played out at all levels of MLG: The foreign-domestic as the EU and member states negotiated with external actors (such as Turkey) for their redistribution; the supranational-national as member states worked within the EU to create a common policy for reception and to adjust it to implement own policies in their own country; international and public policy-society in which policy was directed by public needs. The fissures in governance policies at the multiple levels (structures) coincided with breakage in the implementation of the EU’s refugee policy of quotas for redistribution in 2016 and beyond.

One aspect of MLG and any intergovernmental cooperation, which is necessary for cooperation is ‘issue-linkage’. If those involved in the cooperation can successfully link the policies to satisfy the relationships between foreign-domestic, supranational-national, and public-private, then the possibilities for a successful implementation increase. The challenge is that ‘compared to interstate negotiations, intra-institutional tensions with the EU’s system of multilevel governance render issue-linkage difficult to achieve’ (Hampshire 2020, 572). Furthermore, the consistently increasing scope of the EU in terms of membership and policy coverage makes implementation even more challenging. In the case of TPD, as previously discussed, the reception of Ukrainian refugees has been linked more broadly to supporting peace in Ukraine (as Europe’s neighbor and partner) and in the case

of countries which are geographically closer to Russia (such as Estonia) in contesting and deterring Russia.

In policy-making and implementation practices, the TPD has a complex relation to the EU principle of subsidiarity. On the one hand, it is linked to security issues. Letting or preventing people ('massive inflow of people') enter the EU territory could be an issue of interest across the EU and therefore belong to the EC and other supranational EU actors. At the same time, the EC and the higher supranational administrative bodies are distant from the ground in which the real action takes place. From that perspective, the supranational administrative body can 'delegate' the responsibility of the TPD implementation to the individual member states as long as they follow the commonly agreed principle of solidarity. This maneuver seemed to take place from March 2nd to 3rd when the EC suggested invoking the TPD and the European Council agreed. The TPD contained elements that the member states agreed to enforce. Since the top-down delegation required national and local authorities to absorb protected individuals into the existing policy frameworks of each member state, this usually meant loosely 'placing' Ukrainians fleeing the war into ongoing immigration, integration and asylum policy practices.

However, since it is not the 'abstract' state-level that can host the real people, the practical implementation of responsibility was 'delegated' further to the local levels. This delegation could be interpreted following the principle of subsidiarity to deal with the reception of Ukrainians fleeing war at the most immediate local level in which their basic needs must be met. The issue is then whether the (financial) resources supported this delegation to individual hosting EU citizens, enterprises and NGOs and what kind of interactive connections and co-creation existed between the local, national and supranational levels in the TPD implementation? Was this an example of top-down delegation of responsibilities following the multilevel government structure or was it participatory MLG as it should be?

When comparing 2015/2016 with 2022, the difference in implementation which made the supranational EU-level-initiated policy possible could be due to the issue-linkage in 2022 that did not exist in 2016. Especially in the case of Estonia, the reception of Ukrainians and providing them protection with or without temporary protection status was linked to the larger policy of EU relations (or rather separation of relations) with Russia that fit within the national and local context. Thus, even before the initiation of TPD, Estonians and Estonian policy makers had already been grappling with how to address the new security situation in Europe and were ready to provide support to Ukraine.

The temporary synergy around one issue, such as the quick implementation of TPD to support Ukrainians fleeing war in Ukraine does not create automatic transformation toward MLG across issues and time in the EU. Moreover, linking migrants, such as Syrian refugees or war-fleeing Ukrainians, to a specific issue to implement short-term policies based on generalizations of these groups of migrants is not sustainable without recognizing their internal difference and their individual mid- and long-term needs in society.

With the common EU asylum system and protection of refugees and migrants under the Dublin Agreement, all EU member states should share the responsibility for supporting migrants of all kinds, especially in the asylum process. On paper, this agreement represents an initiative of MLG cooperation, but in practice, the national and local policies toward migration and asylum still depend on public will and

opinion. While migration, particularly that related to war, has received salience through media coverage, previous research on the EU public perception has found that people mix 'refugees' with 'immigrants' (Brosius et al. 2019). There is a difference, however, in how people view the EU in relation to 'refugees' compared with regular 'migration'. Refugees have been linked to increased mistrust in the EU after failing to 'handle' the 2015/2016 migration. However, regular migration has been linked with economic needs and integration in the EU.

The current reception of Ukrainian refugees in Estonia and many other countries started at the national and local levels. It was codified through the TPD that requires a mix of hosting, integration, and adaptation policies in different member states. As we will see in the Estonian case, although the support for receiving Ukrainians in the short term was in principle high at all territorial-administrative levels, the mixed policies of integration (support to find longer term accommodation, a job, and for children to attend school in Estonian) and hosting (temporary accommodation, health care, and state subsidy support) have created circumstances for the Ukrainians in Estonia and many other EU countries to integrate and root in a new community more than a temporary directive would imply.

Moreover, policies related to refugees, migration, and asylum seeking are rather hierarchical and top-down. The case of the TPD (particularly in Estonia) shows that domestic and local support for the values and issues linked to migration support implementation at all levels in the short term. Even with support at the EU, national, and local levels, the agency of diverse groups of individual migrants is often lacking in migration-related policies. The temporariness of the TPD and application of general policies at all levels fail to allow individual migrants themselves, especially more vulnerable groups, to define their own status in a hosting society (Triandafyllidou 2022). Thus, in defining the status of migrants without including them in the process, may disconnect the 'successful' implementation of participatory MLG policies from migrant populations. In the mid and long term, this will create new challenges for social cohesion in the EU.

3. Material and methods

Multiple empirical material and both qualitative and quantitative methods were used in the article. The discourses at supranational (the EU), national (Estonia) and local (local stakeholders in Estonia) levels were identified from various sources. The critical discourse analysis (CDA) was applied to show the continuation (plasticity), evolution (elasticity) or fracturing (rupture) of identified discourses (Dunn and Neumann 2016; Erbsen 2020) from 2016 to 2022. The sources for analysis at each level were:

- (1) Supranational European level: European Union (European Council) information on Migration Policy and Temporary Protection; European Commission website on integration; Eurobarometer surveys of EU population on migration and trust in the EU.
- (2) National Estonian level: Estonian Police and Border Guard public information on temporary protection and migration policy in Estonia.

- (3) Local level in Estonia: the public opinion of Estonians on security-related issues in Estonia; the support by NGOs for immigrants and asylum seekers, including Ukrainians; the news media coverage on migration-related topics.

Earlier research has been conducted to identify the EU and the national-level discourses during years of intensive migration 2015/2016 (Wallaschek 2020; Barlai et al. 2017). We considered the multilevel perspectives and possible ruptures in migration and asylum-related discourses from 2016 to 2022. The analysis followed the logic that 'discourse implies patterns of communication of knowledge and structures whereas text is a specific and unique realization of a discourse' (Wodak 2009, 39). Thus, in analyzing the text related to migration, asylum seeking, and refugees at all levels, we applied the strategies of Ruth Wodak to consider (1) nomination: how individuals who were the subject of the discussion were referred to or named in the text, (2) predication: how the individuals or situations related to migration were contextualized as positive (opportunities) or negative (challenges, or threats), and (3) perspectivation: who the main actors with agency were suggested to be. In this article, we illustrated the evolution of the discourses at the EU and Estonian levels and identified how these discourses were named and predicated, and from whose perspective told.

Other empirical material consisted of survey answers by 500 adult Ukrainians with temporary protection in Estonia. The sample was about 1.5% of all adult temporary protected Ukrainians in the country (around 32,000 at the time the survey was conducted). The survey collection was designed so that the answers would be regionally and demographically representative to the extent possible. The survey was available in Ukrainian and Russian. It took about 20 minutes to answer 107 questions, of which 56 consisted of background information or were of multiple choice, 23 were semi-open, and 28 were open questions. Ethical issues and considerations were carefully followed, and all individuals responded anonymously and of their own free will. Prior to completing the survey, respondents were informed about the survey scope and principles, and they had the right to refuse or stop completing the survey at any time. Respondents were contacted close to where they lived or in places where Ukrainians gathered. Surveys were completed by either paper (77%) or online via survey monkey (23%). Coded responses were inserted into the SPSS (Statistical Package for Social Science), cross checked for consistency, and analyzed with descriptive statistics and cross tables. Besides giving insights to the demographic characteristics of Ukrainians with temporary protection in Estonia, the responses indicated the worst and best parts of living in Estonia and their satisfaction with and role in the implementation of the TPD.

4. The context: migration, integration, and asylum policies in Estonia

Although the TPD was invoked and implemented by the EU as a whole, different structures and priorities in each member state make it challenging to apply solidarity, protection, and access to services in a similar way in all countries. In Estonia, migration, integration, and asylum policies are significantly shaped the historical and socio-political context of the country. In particular, the country's past being occupied by the Soviet Union still has an impact on policies and practices after the restoration of the independence in 1991.

First, the general development of Estonia during the last three decades can be considered a success in many aspects. The country and its population have become economically wealthier. Estonia is firmly integrated to the western world and has been a member of the EU and NATO since 2004. Joining these organizations was initially a security issue due to the hostile neighbor Russia (see Berg 2000; Levinsson 2006). In fact, the Russian Duma has not yet ratified the treaty confirming the location of the current border between Estonia and Russia. In three decades, the memories of the Soviet occupation era have not disappeared. On the contrary, a general critical attitude toward Russia's intentions has prevailed in Estonia. Such experiences paved way to the immediate strong support and overwhelming solidarity for the war-fleeing Ukrainian people being attacked by Russia.

Second, because of the Soviet legacy in Estonia, there is a large minority (27% of population) of people whose native language is Russian. Some of them know the national language (Estonian) to a considerable degree, while others remain in their Russian-language 'bubbles' in specific districts, towns and regions in Estonia. In some parts of Estonia, the overwhelming majority of local population speaks only Russian, and many follow the Russian-speaking media. For example, the proportion of Russian citizens (though residing permanently in Estonia) in Narva, in northeast Estonia on the border with Russia, is the highest of all towns in the EU. The viewpoint on the war in Ukraine is divided among the local Russian-speaking population.

Prior to 2022, different groups of Ukrainians were present in Estonia. Of the resident population in Estonia, 2% self-identify as ethnic Ukrainians. In 2011, the number of ethnic Ukrainians was 22,573 and in 2021 it was 27,828 (Statistics Estonia 2021). Furthermore, prior to the war, Estonia hosted around 24,000 temporary residents from Ukraine, mainly labor migrants (Vollmer and Luik 2022). Although the number of Ukrainians coming to Estonia never reached more than 2,000 annually, Ukrainians were the second largest group of immigrants arriving to Estonia in 2020 (Statistics Estonia 2022). In addition, in the recent years, Ukrainians were consistently among the largest group, although very few, to apply for international protection in Estonia (Estonian Refugee Council 2020). As of the end of September 2022, about 90,000–100,000 individuals in Estonia defined themselves as Ukrainian. Of them, 70,000–80,000 were Ukrainian citizens and about 55,000 had come to stay, at least temporarily, in Estonia during the war. Besides implementing the TPD for those who arrived after the beginning of the war, the Estonian government extended protection to all Ukrainians regardless of their status.

When it comes to integration, on the one hand, the Soviet past means that a considerable number of Estonians know Russian, especially those 40 years old or older. This makes it easier to communicate with Ukrainians in Estonia since a large majority do speak or understand Russian as well. For most Ukrainians, this makes it easier to get along in their everyday lives. It also helps them access many jobs in which part of the instructions and communication can be done in Russian. However, Estonian is still the only official language in the country and many older politicians underline the importance of Estonian in all integration and adaptation policies and processes. Without a command of Estonian, it is not possible to have a public sector jobs and many private sector jobs are also inaccessible.

On the other hand, until recently, the key policy developments related to migration and integration in Estonia focused on integrating the large Russian-speaking minority.

During the processes leading into the EU accession in 2004 the idea that the Estonian identity was ‘an endangered identity that must be protected from non-Estonian and foreign, and especially Russian, influences’ prevailed in the public debates and policies (Kuus 2002, 104). Joining the EU meant alignment with other ‘European’ and ‘non-Russian’ actors, but it also meant an obligation to integrate Russian-speaking communities within Estonia. Despite Estonia’s successful accession into the EU and general support for deepening European integration (Reiljan 2020), integration of non-Estonians remains a challenge.

Prior to joining the EU, Estonia had already begun the work to implement integration policies and sign-related international agreements. Since 2000, Estonia has had four periods of integration policies all of which coincide with the EU policy advice and general direction of integration monitoring in the EU. All policies had three focus areas (linguistic-communications integration, legal-political integration, and socio-economic integration), but the target groups, sub-categories, and emphases have shifted. In the first years, the target group was Russia-speaking population in Estonia but the recent policies also included ‘newcomers’ to Estonia (2014–2020) and returning Estonians (2021–2030). The current integration policy in Estonia ‘Cohesive Estonia Strategy 2030’ focus on integration of Russian-speaking populations already living in Estonia and adaptation aimed at newcomers. The latter can contain also newly arrived Ukrainians. However, ‘aspirations of reestablishing and strengthening an Estonian nation-state have remained at the forefront of government policy, national identity promotions, economic development, and foreign policy’ (Pettai 2021, 426).

Third, during the Soviet occupation era the share of non-Estonians grew from a 3% to 39% of the population. In 1945, there were only 23,000 non-Estonian residents and by 1989 there were 602,000 (Tammaru and Kulu 2003). As a result, there have been rather restricted immigration and asylum policies in the three decades since the restoration of independence in Estonia. Estonia adopted the Refugee Act (1951 UN Convention relating to the Status of Refugees) in 1997 but granted international protection only to 531 people from 1997 to 2019 (Estonian Refugee Council 2020). In the EU, Estonia has been among the member states receiving the fewest asylum application and providing international protection for very few; often less 10 individuals per year.

5. Findings

The arrival of Ukrainians fleeing war in Ukraine was an unforeseen situation in the EU and its member states. As Ukrainians physically entered the EU territory discourses on migration arrived as well. The implementation of the TPD in 2022 in the EU in general and in Estonia in particular was a material practice that is situated in the existing discourses on asylum-related migration, immigration and integration.

5.1 Discursive context for the TPD implementation in Estonia

In this article, we used the emergent coding framework (Dunn and Neumann 2016) to study how migration-related individuals were called (nomination), how they were depicted (predication), and who was seen to depict the situation (perspectivization) (Table 1).

Table 1. Emergent coding framework for migration-related discourses.

Nomination	Predication	Perspectivation
Refugee	In need (of support/help/protection/better life etc.)	United EU, MS, and partners (showing partnership among EU and MS)
Asylum seeker	Subject (of law, rules, treatment)	EU level (EU as sole decision maker)
Migrant	Part of population (shows the integration and normalization of individual into everyday life of the country)	State organization (Estonian government, state, police and border guard)
War-fleeing Ukrainian	Unfairly treated (shows examples of discrimination or citing unwelcome actions by local population or administration)	Grassroots (individual or NGO initiatives and a call to action for participation)
Alien People of country (i.e. Ukraine, Syria)		

The first variable in the discourses was how migration and migrants were referred to in the public information at the EU, national (Estonian) and local levels in 2022. Noticeable differences existed at different administrative-territorial levels. At the EU level, which consisted of public information from the EC, the European Council, Eurostat, and Eurobarometer, individuals were carefully depicted and distinguished as ‘refugees’, ‘asylum seekers’, and ‘migrants’. However, at the Estonian national level, these distinctions were somewhat blurred. On the one hand, the migrating individuals were distinguished by their status, for example, labelling them as ‘war refugees’ or ‘economic refugees’. On the other hand, the use of the word ‘refugee’ (*põgenik* in Estonian) created a misunderstanding since none of those referred to had the status of international protection, i.e. being a refugee in the legal sense of the word. At the public/local levels in Estonia, the migrants’ country of origin was emphasized in the discourses. Clear distinctions were made, for example, between ‘Ukrainian’ and ‘Syrian’ ‘refugees’.

At the EU level, there was a strong tendency to depict fleeing individuals as refugees, asylum seekers and migrants who are people in need of help as ‘vulnerable people’ who may ‘risk their lives’ and make ‘dangerous journeys’ (European Council 2022). At the national (Estonian) level, individuals were more commonly depicted as subjects ‘who have to follow the orders given by their own state’ (Kriss.ee 2022) and whose status is ‘extended’ or ‘granted’ based on the decision of the court or the Estonian Police and Border Guard. At the local level, which in 2022 included a large amount of media coverage of Ukrainians in Estonia, individuals were referred to in a way that normalized their presence in Estonia through personal everyday life functions (such as Ukrainian women having children in Estonia), work (Ukrainians picking strawberries for work), or education (Ukrainians learning Estonian). At the national and local levels in Estonia, there were few references to ‘refugees’ as being ‘vulnerable’ and ‘in need’, but these were linked specifically to the ‘war-fleeing’ Ukrainians.

In 2022, in a representative survey of 1,500 at least 17-year-old Estonians, it became evident that rather than experiencing a general shift in relation to migration, there was a clear distinction between the ‘good’ and ‘bad’ ‘refugee’. According to the respondents, the ideal refugee in Estonia would be a 22-year-old Ukrainian woman who left Ukraine due to the war, is Christian, speaks English fluently, works as a medical doctor, and will only stay temporarily in Estonia. On the contrary, the least welcomed refugee in Estonia

Table 2. Migration-related discourses in 2022 at the EU, national (Estonian) and local (in Estonia) levels.

	Nomination	Predication	Perspectivation
EU level	Refugee, asylum seeker, migrant	In need of help	United EU
Estonian (National)	Refugee (war/economic)	Subject/in need	Government body (the Estonian state, the Estonian government, The Police and Border Guard)
Estonian (Local)	Refugee (nationality + war/economic)	Part of population/subject	Public interest

would be a 66-year-old Russian man who left Russia for economic reasons, is Muslim, does not speak English, is unemployed, and will stay long in Estonia (Jüristo 2022). The Estonian and local level discourses concerning refugees placed more emphasis on the ‘type’ of refugee and their ‘country’ of origin (Table 2).

The discourses around migration in 2015/2016 played a role in the distinction between the ‘good’ and ‘bad’ refugee in Estonia in 2022. As the number of asylum seekers in Estonia were very small over the years, the media coverage of the European situation in 2015/2016 brought the issue of asylum-related migration to the Estonian public. The main national newspaper *Postimees* published 2,099 articles in 2016 containing the word ‘refugee’ (Lauren 2016). In 2016, 63% of the respondents to the survey among Estonian citizens considered immigration and refugees in Europe as the second most prominent security threat after the Islamic State actions (Kivirähk 2016; Turu-Uuringute 2019).

Still a few years later in 2019, in the surveys conducted specifically among the Estonian population, half (49%) of respondents continued to see immigration and refugees as a threat. Despite this share having decreased, it was still the second most cited threat after cyberattacks (53%) and even slightly more than the threat of terrorist network activity (48%). At the same time, the share of those considering Russia as a threat slightly increased from 35% in 2016 to 39% in 2019.

After 2015/2016, public debates about migration in Estonia started to focus on labor migration from Ukraine and its legal procedures. In 2017 and 2018, Ukrainians made up to 75% of short-term residence registrations in Estonia (Luik 2019). Although asylum applications started to rise in Estonia, the debates around immigration and asylum dwindled and gave way to debates about integration and citizenship in Estonia (Vollmer and Luik 2022). In a broader European-wide survey in 2017, 82% of Estonians believed that immigrants’ limited efforts to integrate was an obstacle. However, by 2021 this number decreased to 59%. This suggests a shift in the Estonian public opinion about the responsibilities of individual migrants in regards to their integration. Nevertheless, immigrants were still perceived among the highest security threats in Estonia.

5.2. Material context for the implementation of TPD in Estonia

As mentioned, the TPD provides Ukrainians fleeing war in Ukraine with access to accommodation, employment, medical care, education for minors and specific social services. According to the EC, providing these guarantees were the responsibility of the state; in reality; however, many NGOs, local inhabitants, and enterprises did this in Estonia. There were very few opportunities for the local level to provide feedback to the state-level and

even fewer for local and state levels to cooperate with supranational EU levels as would be a necessary part of functioning MLG. Furthermore, the participation of Ukrainians in processes defining their everyday lives was not organized.

By September 2022, about six months after the start of the war, about 55,000 war-fleeing Ukrainians who planned to stay temporarily had arrived in Estonia. Of them, 40% were underage. They were placed in cities, towns and rural municipalities all around Estonia. In our sample of 500 adult Ukrainians with temporary protection in June–July 2022, 91% were women and 9% were men. Of them, 17% were 18–29 years old, 39% 30–39 years old, 27% 40–49 years old, 13% 50–64 years old, and 5% were 65 years or older. Of respondents, 70% spoke Ukrainian as the native-speaker level and 48% Russian. Of respondents, 91% had at least a good command of Russian. Only 6% had good command of English and none had good command of Estonian (1% had moderate and 11% low command of Estonian).

In terms of *accommodation*, Ukrainians with temporary protection were guaranteed support from the Estonian state for housing and subsidies. However, this was provided only for up to four months after which individuals should find a more fixed living situation and cover the related costs. Obviously, different individuals have different possibilities to absorb into this market-led circumstances. At the time of survey, 43% of respondents received subsidies from the state for their accommodation. Many (45%) lived in an apartment or house having more than one person per bedroom. In general, 91% were satisfied with their accommodation (50% fully satisfied, 41% partially satisfied). Those fully satisfied with their accommodation more likely lived alone (54% fully, 44% partially), were likely younger being 18–29 years old (49% fully, 47% partially), were living in large towns (not the capital Tallinn) (65% fully, 29% partially), and had come to Estonia more recently—in May (54% fully, 40% partially). Those in Estonia without family members were more often (95%) fully satisfied with their accommodation than those in Estonia with a family member (82%) ($p = 0.042$). In addition, those who lived in separate house or apartment (88%), shared house (100%), or hostel or hotel (89%) were relatively more often fully satisfied than those living in shared apartments (68%) or other arrangements (56%) ($p < 0.001$).

When it comes to *employment*, Ukrainians with temporary protection had the same right to work and receive compensation for their work as Estonians. They could also receive help from the Unemployment Insurance Fund to receive unemployment compensation and search for work. Of respondents, 35% were employed and 92% were satisfied in their work (41% fully, 51% partially). Those most satisfied were employed men (39% fully, 61% partially), all of whom worked full-time. There were so few unsatisfied in their jobs that statistical testing could not be conducted. Most Ukrainians had small children with them and thus were not easily able to participate in the labor market.

In relation to *health* (essential medical services), the emergency health care was guaranteed to all Ukrainians with temporary protection. However, to receive other medical care, the person needed to have a work contract that contained the obligatory insurance or to be officially registered as unemployed in the state system. This required at least some skill to proceed with the administrative requirements by each Ukrainian. Of respondents, 34% had used health services. Of those not satisfied with their health, 64% had used health services and of them 61% were satisfied and 39% not satisfied with the

services. Proportionally more of those living in county centers (91%) or smaller towns and rural areas (84%) were satisfied with the health care compared with those living in the capital city, Tallinn (76%) ($p = 0.015$).

Education, in principle, was compulsory for school-aged (up to 17 years old) Ukrainians with temporary protection, and children were required to be enrolled in the education system. About 15% of respondents' children did not attend school in Estonia before the summer break of 2022. Of school-attending children, 29% were immersed in full Estonian-language tuition, 31% followed the on-line school in Ukraine, and 23% were enrolled in both the on-line school and the Estonian system. Of the parents of the school-aged children who attended school in Estonia, 84% found that it was easy to find a place for their children in a school in Estonia. Of those, who lived in Tallinn, more (29%) had found it harder to find a place in school than those who live in other large towns in Estonia (4%), county centers (7%) and small towns or rural areas (8%). Language started to become an issue as national authorities increasingly suggested the immersion in Estonian language school system.

As for the right of receiving *social subsistence services*, 88% received state benefits (51% regularly, 27% sometimes). However, 78% of the respondents mentioned that they needed much more money to improve their situation. Those who responded as needing more support were in particular those who had children in Estonia (79%), and those who had come in April (82%).

As previously discussed, Estonia has a long history of hosting Ukrainians. At the same time, Ukrainian refugees who are in Estonia *for a short time* are 'ideal refugees'. Therefore, it is important to understand the satisfaction of local Ukrainians to address challenges for further integration if TPD needs to be extended further or for Ukrainians who stay in Estonia after temporary protection expires. According to the survey, 11% of the respondents thought that to stay in Estonia for the rest of their lives. To this group belonged 15% of those who lived in small towns and countryside in Estonia and 14% of those from a major war and conflict areas in Ukraine.

It is also important to understand the level of satisfaction and local connections an individual has. The European surveys indicated that from 2017 to 2021 share of Europeans who thought it important for immigrants to have local friends, know the local language, and participate in local culture decreased. However, the share of those Europeans increased who thought that immigrants' limited effort was a key obstacle (although this was not true in Estonia) increased. At the same time, the number who thought integration was equally the part of society as the immigrant remained high. Among the Ukrainians with temporary protection Estonia, 33% already had Estonian friends after a few months of stay in the country, and this share was highest among those who had higher education backgrounds (41%) and lowest among those who had come to the country most recently (14%).

In general, almost all Ukrainians who arrived in Estonia after February 24th generally felt that Estonians were friendly toward them (92%) and that they were treated well in Estonia (92%). This was even more true for men (96%) and respondents 65 years or older (100%). However, despite the fact that 99% of the respondents spoke Russian at least a moderate level, 17% of them felt uncomfortable with Russian-speakers in Estonia. This share was slightly higher for the youngest 18–29 years old respondents (20%) and those alone in Estonia (20%). The share was clearly lower but still evident among those

Ukrainian respondents whose only native tongue was Russian (13%). Sharing the same linguistic space with Russian-speakers was not socially comfortable for all.

6. Conclusions

The immediate support to Ukrainians fleeing war in the spring of 2022 took place across the EU, and it was felt and practiced at all levels from the EC to the member states and the local population. The TPD was invoked quickly to protect war fleeing Ukrainians in the EU. It set the themes to protect individuals: access to accommodation, employment, medical care, education for minors and social services. The immediate results can be considered a success: the reception and the protection saved many lives, and the EU member states and citizens showed their solidarity. However, after a few months of responding to urgent matters, it is necessary to re-visit the invocation and implementation of the TPD. We have done this with the case of Estonia.

The first observation is a partial rupture on general discourses on migration at the EU and the Estonian national levels, evident at least temporarily. From 2016 up until 2022, in Estonia, the broader discourses continued to be rather reserved regarding immigration and asylum seekers. The initiation of the war in Ukraine brought selective changes in these discourses. Due to the clear issue linkage between European security and large-scale immigration, Ukrainians were welcomed with open arms among the member states and their populations. In Estonia, a contentious history with Russia and its predecessor the Soviet Union increased the hospitality toward Ukraine and Ukrainians showing how this issue-linkage varies in different EU member states. The short-term success seen in Estonia may not be equally achieved across the EU. The general expressions of solidarity in Estonia and across the EU also contained discursive remarks on 'good' and 'not-so-good' migrants. Among the good ones were Ukrainians to be protected and hosted *temporarily*. Ideally, they were perceived as war fleeing mothers with children and/or professionals who could be quickly employed in the hosting member states. Such solidarity was not extended to non-European asylum seekers despite many of them escaping similar fears and threats of war. In the course of time this initial solidarity toward Ukrainians may gradually fade away as happened in the case of asylum seekers who were initially welcomed in other EU countries in the aftermaths of the 2015–2016 migration years. It also depends on the issue-linkage and how Ukrainians are able to participate in communities in member states where they reside.

Second, the rather top-down implementation of TPD created a policy mismatch between integration and hosting. The case of Estonia evidenced that within a few months after the arrival, many Ukrainians were immersed into the Estonian labor market and education system. The local population's solidarity made Ukrainians feel welcomed and they made friends among Estonians. The command of Russian language by many Estonians facilitated the smoother immersion of many Ukrainians into the everyday life of Estonia. Furthermore, the reception policy underlined the necessity of Ukrainians to learn Estonian language. Ukrainian children were encouraged to attend schools in Estonian and to participate in Estonian language camps. Later in 2023, the enrollment into Estonian language courses or having Estonian language skills became obligatory for the extension of temporary protection beyond the first year. This suggests the aim to integrate Ukrainians to the country. However, the TPD, initially for one year but

extendable to three years, suggested that it should be about *temporarily* protecting and hosting of Ukrainians in the member states. Nevertheless, a growing number of Ukrainians may remain in Estonia even when the war ends.

Third, instead of a participatory MLG in which vertical and horizontal networks of public and private actors are working at all levels, the TPD process showed a rather hierarchic top-down governance from the highest levels of the EC to the highest levels of the member states and then finally reaching the local people, NGOs and enterprises who received Ukrainians fleeing war. The chain of command suggests that Ukrainians were considered as a 'massive inflow' without taking their diverse demographics and needs into account sufficiently. The TPD implementation gave very little agency to Ukrainians to take part in the planning and design how their everyday lives would be organized in the EU. This may create challenges in the medium- and long-term success of the TPD because many Ukrainians might remain in the EU, some possibly for several years. A more participatory MLG would have allowed diverse trajectories to become integrated, adapted or hosted, better respecting Ukrainians' wishes, and thus providing more sustainable long-term impacts of the TPD in the EU member states and in Ukraine. Better co-design and co-production are needed in the TPD.

What can be learned from Estonia in regards to the TPD? By invoking the TPD, the initial intention at the supranational level (EC) was to protect indistinguishable 'massive inflow' of Ukrainians from the war for a temporary period and not to foster their integration in the member states. However, contextual factors need to be considered. For example, the recent political history of Estonia having been occupied by Soviet Union makes the strong local and state support toward Ukrainians understandable. At the state level, the integration challenges with the Russian-speakers in Estonia may have turned the state authorities to push toward stronger and faster integration policies toward Ukrainians, perhaps also considering them as labor force needed in Estonia, at least temporarily. These policies do not take the diversity of Ukrainians and their wishes for more or less permanent stay in Estonia into enough consideration. Furthermore, it was required by the TPD that Ukrainians should be able to perform rather instantly in the Estonian labor market, education system and cultural sphere; however, despite the well-felt reception, the diversity of Ukrainians who came to Estonia (including many women with children) created challenges for the rather hierarchical model of implementation. The case of Estonia suggests that without participatory MLG, the long-term impacts of the TPD may vary substantially within the member states and create new challenges at all levels, and this needs to be studied in the future.

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