

“A MEMBER OF OUR FAMILY”: PETS AND THE
UKRAINE REFUGEE CRISIS

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I. INTRODUCTION

On February 24, 2022, the Russian Federation invaded the independent republic of Ukraine, sparking one of the fastest large-scale displacements in history. As of September 2022, more than seven million people had fled Ukraine, primarily to other European countries.¹ In the immediate aftermath, dozens of newspaper articles (to say nothing of social media) covered a single aspect of the conflict and displacement: animals. News media addressed families leaving Ukraine with their pets,² rescue groups working to assist animals left behind,³ shelters in Ukraine rescuing animals,⁴ veterinarians assisting animals at the

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1. UNHCR, Ukraine Refugee Situation, <https://data.unhcr.org/en/situations/ukraine>, (last updated Sept. 20, 2022).

2. Oliver Pieper, *Ukrainian refugees bring pets to safety*, DW (Mar. 30, 2022), <https://www.dw.com/en/ukrainian-refugees-bring-their-pets-to-safety/a-61262788>.

3. Martin Kuebler, *Ukraine: Pets Evacuated, Rescue Groups Send Aid to Animals in Danger*, DW (Mar. 17, 2022), <https://p.dw.com/p/48c5g>.

4. Louisa Loveluck et al., *A Shelter in Ukraine Saved Hundreds of Cats and Dogs — and a Lion*, WASH. POST (Apr. 26, 2022), <https://www.washingtonpost.com/world/2022/04/26/ukraine-kyiv-animal-shelter-saves-pets/>.

Ukraine-Poland border,⁵ and bombings of an animal shelter in Ukraine.⁶ Quickly, the European Union (E.U.) and other governments relaxed restrictions to facilitate entry for both refugees fleeing Ukraine and their pets.⁷

A displaced Ukrainian described her dog Richard the Great as “a member of our family,”⁸ a sentiment that, according to *The Economist*, is shared by 80% of Ukrainian pet owners.⁹ Since up to half of families fleeing from Ukraine had pets, millions of pets have likely accompanied families fleeing from Ukraine since February 2022.¹⁰

Refugees often face, in addition to barriers to seeking safety themselves, obstacles traveling with their pets. This Article argues that, by relaxing regulations for pets traveling with people fleeing Ukraine, European states have tacitly recognized the close relationship between people and their pets. For the first time, these policies create a legal tie between international refugee law and animal welfare.

II. GENERAL RULES AND RESTRICTIONS ON TRAVEL WITH PETS

Governments generally regulate travel with pets as a question of importation, often using language that would strike most people—let alone pet owners—as cold.¹¹ Requirements to bring a dog into the E.U. include inserting a microchip, obtaining certifications of rabies vaccination and health prior to travel, and a check at border control. Dogs coming from high-risk countries must also undergo tests for rabies and

5. Li Cohen, *Makeshift Shelter at Ukraine-Poland Border Takes in Pets Stranded in War*, CBS NEWS (Mar. 14, 2022), <https://www.cbsnews.com/news/ukraine-pets-shelter-poland-border-stranded-war/>.

6. Adam Rawnsley, *Russia's War Is Hell on the Pets of Ukraine—and Their Rescuers*, THE DAILY BEAST, <https://www.thedailybeast.com/russias-war-is-hell-on-the-pets-of-ukraine-and-their-rescuers>, (last updated Mar. 16, 2022).

7. See *infra* Part III. This Essay uses the term “animal” to mean non-human animal.

8. Tim Mak, *Some Ukrainians Fled with their Pets. Others are Stepping in to Care for the Rest*, NPR (Mar. 27, 2022), <https://www.npr.org/2022/03/27/1089047759/some-ukrainians-fled-with-their-pets-others-are-stepping-in-to-care-for-the-rest>.

9. *Europe is Bending Immigration Rules for Pets from Ukraine*, ECONOMIST (Mar. 19, 2022), <https://www.economist.com/europe/2022/03/19/europe-is-bending-immigration-rules-for-pets-from-ukraine>.

10. Fernando Alfonso III, *The Power of the Dog and How Pets are Helping Ukrainians Cope with War*, NPR: UKRAINE INVASION — EXPLAINED (Mar. 12, 2022), <https://www.npr.org/2022/03/12/1085971965/power-of-the-dog-ukraine-war-pets-russia>.

11. See, e.g., 42 C.F.R. § 71.51 (governing imports of dogs and cats into the United States); *Id.* § 71.51(g) (“A dog or cat excluded from the United States under the regulations in this part shall be exported or destroyed.”).

the parasite *Echinococcus multilocularis*.¹² In the United States, the Department of Agriculture imposes requirements related to screwworm and foot and mouth disease for dogs coming from countries with high risks of those conditions.¹³ The Center for Disease Control (CDC) regulates dogs for concerns relating to rabies; dogs from high-risk rabies countries, including from Ukraine, can enter the United States only with a permit obtained at least six weeks in advance.¹⁴

After satisfying all government restrictions, pet owners must also meet travel carrier restrictions. Airlines generally require a health certificate issued by a veterinarian stating that the animal is fit to fly. Airlines may charge additional fees, impose limits on the size or breed of dogs that they will carry in the cabin, and have specific guidelines for containers for animals while traveling.¹⁵ Many airlines also limit the number of animals they will carry per flight.¹⁶

III. REFUGEE RELOCATION AND PETS

These restrictions can pose significant challenges for refugees traveling with their pets. In many situations, individuals fleeing from war or persecution cannot obtain necessary certifications or veterinary care because of personal danger or widespread violence.¹⁷ For refugees in the resettlement process who are already in a country of asylum, they may not receive notice of their travel dates with enough time to

12. *Entry into the Union from non-EU countries or Territories*, EUR. COMM'N, https://ec.europa.eu/food/animals/movement-pets/eu-legislation/entry-union_en (last visited May 17, 2022).

13. U.S. DEP'T OF AGRIC., ANIMAL & PLANT HEALTH INSPECTION SERV., *Pet Travel - Bringing Pet Dogs into the United States*, <https://www.aphis.usda.gov/aphis/pet-travel/bring-pet-into-the-united-states/pet-travel-dogs-into-us>, (last modified Aug. 6, 2021).

14. *Importation: Dogs*, CTR. FOR DISEASE CONTROL, <https://www.cdc.gov/importation/bringing-an-animal-into-the-united-states/dogs.html>, (last visited Apr. 21, 2022); *High-Risk Countries*, CTR. FOR DISEASE CONTROL, <https://www.cdc.gov/importation/bringing-an-animal-into-the-united-states/high-risk.html>, (last visited Nov. 28, 2022) (listing Ukraine as a country at high risk for dog rabies).

15. *Traveler's Pet Corner*, IATA, <https://www.iata.org/en/programs/cargo/live-animals/pets/#tab-3> (last visited May 17, 2022).

16. *Id.*; *International and Connection Pet Travel*, DELTA AIRLINES, <https://www.delta.com/us/en/pet-travel/international-connection-pet-travel> (last visited May 17, 2022).

17. *See, e.g.*, Monique Beals, *Ukrainian refugees forced to abandon, evacuate pets amid invasion*, THE HILL (Mar. 7, 2022), <https://thehill.com/policy/international/597202-ukrainians-look-to-evacuate-their-pets-amid-russias-attacks> ("Ukrainian evacuees were forced to leave their pets behind as they fled their homes, hopeful that they could return to them after the violence subsided.").

complete these steps and arrange to travel with their pets. The veterinary and travel costs can also be prohibitive.

Such obstacles often lead refugee families to make the difficult decision to leave their pets behind, causing significant stress and sadness. Many states have now taken action to address these to benefit people and their pets fleeing the present conflict in Ukraine.

IV. CHANGES IN POLICY FOR PETS DURING THE UKRAINE DISPLACEMENT CRISIS

In March 2022, the E.U. adopted the Temporary Protection Directive (TPD) for people displaced from Ukraine. The TPD gives temporary lawful status in E.U. Member States and associated rights to refugees from Ukraine. The European Commission also recommended that E.U. Member States “authorise, in exceptional situations, the non-commercial movement into their territory of pet animals which do not comply with the [general requirements for importation] under specific permit arrangements.”¹⁸ Most E.U. Member States have lifted conditions on importing animals for pets that are accompanied by their owners. States instead allow animals to complete veterinary processing in the state’s territory after entering the country, with states often covering or subsidizing the costs of vaccinations and veterinary care.¹⁹ Similarly, the U.K. now allows pet dogs, cats, and ferrets from Ukraine that do not meet requirements for importation to receive licenses permitting their entry.²⁰

While beneficial, these E.U. and U.K. policies do not relieve refugees from Ukraine of all challenges related to traveling with pets. For example, Poland’s relaxed guidelines only admitted animals that were entering Poland with their owners; volunteers who rescued dogs in

18. EUR. COMM’N, *Providing Operational Guidelines for External Border Management to Facilitate Border Crossings at the EU-Ukraine Borders*, art. 6, 2022/C 104 I/01 (Apr. 3, 2022), [https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022XC0304\(10\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52022XC0304(10)&from=EN).

19. *Helpful Information for People Fleeing Ukraine with their Pets*, INT’L FUND FOR ANIMAL WELFARE (Apr. 21, 2022), <https://www.ifaw.org/news/resources-flee-ukraine-pets>.

20. UK Department for Environment, Food and Rural Affairs and Animal and Plant Health Agency, *Bringing Your Pet to the UK from Ukraine*, GOV.UK (Nov. 24, 2022), <https://www.gov.uk/guidance/bringing-your-pet-to-the-uk-from-ukraine>; Diane Taylor, *Ukrainian Refugees Could Face Months of Separation from Pets under UK Rules*, THE GUARDIAN (Mar. 25, 2022), <https://www.theguardian.com/world/2022/mar/25/ukrainian-refugees-separation-pets-under-uk-rules-quarantine> (noting that the UK is expediting the process of getting Ukrainian refugees’ pets to the UK).

Ukraine have been denied entry with those dogs into Poland.²¹ While Germany allows pets to enter the country without meeting all import regulations, the animals may be required to quarantine.²² Some have argued that separating pets and owners during the quarantine period “would be an additional burden for humans and animals, to be avoided under all circumstances.”²³ In the U.K., animals that receive expedited licenses may require a quarantine period, though, if required, the quarantine and associated costs to meet the U.K. regulations are free of charge.²⁴

This means families from Ukraine may be separated from pets after arriving in another country during the animal’s quarantine. But refugees from Ukraine—themselves beneficiaries of relaxed immigration regulations—can flee with their pets and will reunite with them after the quarantine period. By contrast, the United States, which has announced programs to assist Ukrainian refugees through parole and refugee resettlement,²⁵ has not modified requirements for refugees from Ukraine seeking to travel with their pets.²⁶

V. IMPLICATIONS OF RELAXED POLICIES FOR PETS FROM UKRAINE

Government responses to the Ukraine crisis demonstrate three developments regarding pets. First, accommodations for pets implicitly acknowledge their importance to humans, and—one might even say—their status as family members. The principle of family unity plays an

21. Christina Capatides, *More than 100 Shelter Dogs that Survived Starvation in War-Torn Ukraine Turned Away at the Poland Border, Animal Charity Says*, CBS NEWS (Apr. 8, 2022), <https://www.cbsnews.com/news/borodyanka-shelter-dogs-ukraine-war-poland/>.

22. Fed. Ministry of Food & Agric. (Ger.), *Conditions for Entering Germany with Pet Animals from Ukraine have been Temporarily Eased* (Feb. 28, 2022), <https://www.bmel.de/EN/topics/animals/pets-and-zoo-animals/pet-animals-ukraine.html>.

23. Pieper, *supra* note 3.

24. UK Department for Environment, Food and Rural Affairs and Animal and Plant Health Agency, *supra* note 22; Taylor, *supra* note 22.

25. DEPT OF HOMELAND SEC., *President Biden to Announce Uniting for Ukraine, a New Streamlined Process to Welcome Ukrainians Fleeing Russia’s Invasion of Ukraine* (Apr. 21, 2022), <https://www.dhs.gov/news/2022/04/21/president-biden-announce-uniting-ukraine-new-streamlined-process-welcome-ukrainians>.

26. *Importation: Dogs*, See CTR. FOR DISEASE CONTROL, <https://www.cdc.gov/importation/bringing-an-animal-into-the-united-states/dogs.html> (last visited Nov. 28, 2022) (listing requirements for dogs to enter the United States, including additional restrictions from countries considered at high risk for rabies); CTR. FOR DISEASE CONTROL, *High-Risk Countries*, *supra* note 15.

important role in international human rights law generally, and in refugee law specifically. The U.N. Refugee Agency (UNHCR) affirms that international law affirms the right to family life and family unity for refugees.²⁷ Of course, refugees often face obstacles to enjoying this right in practice.²⁸

The policy changes for refugees and pets from Ukraine fall far short of establishing that refugees have a right to maintain the company of their pets. They fall still farther short of recognizing any right of the pet to travel with or reunite with their owner, let alone of animals to seek or receive asylum protections. Recall that several states admit animals to their territory only when pets travel with their owners. Nonetheless, the policies implicitly acknowledge that pets are important to displaced humans and mark a notable departure from previous European policies related to animals, which treat animals as possessions.

For example, in 1975, the European Commission of Human Rights rejected the notion that the right to private life in Article 8 of the European Convention of Human Rights encompassed the right to keep a dog:

The Commission cannot, however, accept that the protection afforded by Article 8 of the [European Convention on Human Rights] extends to relationships of the individual with his entire immediate surroundings, insofar as they do not involve human relationships . . . No doubt the dog has had close ties with man since time immemorial. However . . . Article 8 of the Convention cannot be interpreted such as to secure to everybody the right to keep a dog.²⁹

In 2005, the European Court of Human Rights ruled that Turkish soldiers' killing of a dog and a horse violated a person's "right to the peaceful enjoyment of his possessions" in violation of the Article 1 of

27. FRANCES NICHOLSON, UNHCR, THE RIGHT TO FAMILY LIFE AND FAMILY UNITY OF REFUGEES AND OTHERS IN NEED OF INTERNATIONAL PROTECTION AND THE FAMILY DEFINITION APPLIED, 15 (2018), <https://www.unhcr.org/5a8c40ba1.pdf>.

28. See generally, e.g., IRAP, FAMILIES IN LIMBO: WHAT THE BIDEN ADMINISTRATION CAN DO NOW TO ADDRESS UNREASONABLE DELAYS IN REFUGEE AND ASYLEE FAMILY REUNIFICATION (Mar. 19, 2021), <https://refugeerights.org/wp-content/uploads/2021/03/FTJ-Report-FINAL-1.pdf>; Emma Wallis, *Germany fails to meet its family reunification targets for refugee claimants*, INFOMIGRANTS (Aug. 6, 2020), <https://www.infomigrants.net/en/post/26483/germany-fails-to-meet-its-family-reunification-targets-for-refugee-claimants> (exploring the difficulties faced by refugees seeking family reunification in the U.S. and Germany).

29. *X. v. Iceland*, App. No. 6825/74 Eur. Comm'n H.R. Dec. & Rep., 86, 87 (1976).

Protocol No. 1 to the European Convention on Human Rights.³⁰ Now, E.U. migration policy has gone a step further, implicitly acknowledging that pets are more than possessions to at least some people by allowing pets to travel with their owners.

Second, these E.U. policies advance animal welfare by pairing humans' access to territory with relaxed standards for travel with pets. These policies primarily benefit animals in an instrumental sense, helping animals because doing so helps humans who are displaced.³¹ But the policy changes also promote animal welfare by providing access to safe territory for animals at least in a limited circumstance. This signals that international migration and refugee law can be a relevant source for global animal law, a field that draws upon areas of law that set rules and standards pertaining to animal welfare.³² Governments could expand these policies, currently applied to people fleeing from Ukraine, to allow any person seeking asylum or resettlement flexibility in requirements on travel with pets.

Finally, the relaxed standards allowing both humans and animals fleeing from Ukraine to access a state's territory show that states can adopt asylum policies that are primarily based on principles of safety and human rights. Despite large numbers of refugees seeking safety in Europe from Syria in 2015–16, and from Afghanistan particularly in 2021, the E.U. did not implement temporary protection to benefit those asylum-seekers.³³ European asylum policy has been primarily driven by efforts to prevent asylum-seekers from reaching European territory and,³⁴ once in Europe, to require them to seek safety in

30. *Akkum & Others v. Turkey*, App. No. 21894/93, ¶ 276 (June 24, 2005), <https://hudoc.echr.coe.int/fre?i=002-3934>.

31. Tom Sparks, *Protection of Animals Through Human Rights: The Case-Law of the European Court of Human Rights*, in *STUDIES IN GLOBAL ANIMAL LAW* (Anne Peters ed., 2020).

32. ANNE PETERS, *STUDIES IN GLOBAL ANIMAL LAW 2* (2020). Global animal law draws on an array of legal sources, including regulations on trade and legal protections for the environment and endangered species. *Id.* at 1-2.

33. *The Ukraine Crisis Double Standards: Has Europe's Response to Refugees Changed?*, GLOBAL DETENTION PROJECT (Mar. 2, 2022), <https://reliefweb.int/report/ukraine/ukraine-crisis-double-standards-has-europe-s-response-refugees-changed>.

34. Thomas Gammeltoft-Hansen & Nikolas F. Tan, *The End of the Deterrence Paradigm? Future Directions for Global Refugee Policy*, 5 *J. MIGRATION & HUM. SEC.* 28, 28 (2017) (“Restrictive migration control policies are today the primary, some might say only, response of the developed world to rising numbers of asylum seekers and refugees. This has produced a distorted refugee regime both in Europe and globally — a regime fundamentally based on the principle of deterrence rather than human rights protection.”).

southern and eastern European states via the Dublin Regulation.³⁵ Efforts to welcome refugees and pets from Ukraine, then, are a marked departure from recent decades of European asylum policy.

Comparing those restrictive policies with the relaxed standards allowing access for Ukrainians and their pets, it is now easier for a dog, cat, or ferret leaving Ukraine with its owner to enter E.U. territory than for an Afghan fleeing the Taliban to do so. Afghans face border controls when attempting to enter the E.U., and must apply for asylum to obtain legal status, a process in which they face significant backlogs and success is not guaranteed. These exclusionary policies illustrate the comparative welcome extended to people and animals fleeing from Ukraine.

VI. CONCLUSION

The policies for refugees from Ukraine demonstrate that states can adopt humane asylum policies and that human rights and animal welfare need not be at odds. Philosophers argue that promoting animal welfare can also improve human welfare.³⁶ Social scientists demonstrate that, at least in the United States, support for animal rights also correlates with greater respect for human rights.³⁷ That animal welfare can also promote human welfare is aptly illustrated by Ukrainian families who report that the presence of their pets has brought them comfort as they experienced and fled from the conflict in Ukraine.³⁸

Having shown during the response to the war in Ukraine that such policies are possible, states should improve standards for all asylum-seekers, including giving access to territory and correctly applying

35. The Dublin Regulation requires an asylum-seeker to claim asylum in the first member state that the individual enters. While presented as a means of “burden-sharing,” the Dublin Regulation ensures that most asylum claims are heard in southern and eastern European states with poor reception conditions and very low rates of acceptance. Andrei Dragan, *Dublin III and Beyond: Between Burden-sharing and Human Rights Protection*, 2 PÉCS J. INT’L & EUR. L. 84, 84–85 (2017).

36. Will Kymlicka, *Human Rights Without Human Supremacism*, 48 CAN. J. PHIL. 763, 763–64 (2017) (“there is good reason to believe that the pursuit of human rights would actually be strengthened, both philosophically and politically, by disavowing species hierarchy.”).

37. Yon Soo Park & Benjamin Valentino, *Animals Are People Too: Explaining Variation in Respect for Animal Rights*, 41 HUM. RTS. Q. 39 (2019).

38. See, e.g., Pieper, *supra* note 3 (quoting a Ukrainian refugee in Germany, reporting about her cat Luna: “When we are very sad, we play with her. Luna makes sure that we all stay close. She gives us positive feelings and helps us work through bad emotions.”); Fernando Alfonso III, *supra* note 10 (quoting an expert noting that “[p]revious traumatic events have shown us that pets can be vitally important for their owners during stressful times”).

international refugee law rather than pursuing deterrence. States can also facilitate travel with pets for individuals in refugee resettlement processes or seeking asylum. It is to the credit of European governments that they quickly adopted policies to allow refugees from Ukraine to access territory and travel with their pets. It would be a greater credit still for principles of human rights and animal welfare to guide policy for all asylum-seekers.