

Reported issues in relation to the
measures taken by EU and EFTA
countries regarding employment
and social security of displaced
persons from Ukraine

Comparative summary report

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1.0 Introduction

Since 24 February 2022, Russia's military invasion of Ukraine has created a situation of mass arrivals of displaced people from Ukraine unable to return to their homes who seek safety and security within the EU. In order to react to significant growth of displaced persons, the Council of the EU by Decision (EU) 2022/382 unanimously activated the temporary emergency protection mechanism based on Directive 2001/55/EC. Temporary protection is an exceptional measure providing immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries who are unable to return to their country of origin. The rights connected with the temporary protection, including access to employment, are connected only with the Member State granting the protection, but they may have a further impact on the EU labour mobility and thus on ELA's mandate.

As a part of ELA's activities focused on the displaced persons coming from Ukraine, ELA has completed a mapping exercise on the measures taken by the EU and EFTA MS in the area of employment and social security for displaced persons from UA. It provides an overview of the legal frameworks and other public support instruments adopted at national level related to the implementation of the temporary protection directive (TPD) in the field of employment and social security and other national measures having an impact on the employment and/or social security of the displaced persons coming from UA.

Against this background, this report highlights the main issues spotted in the country fiches, including the national measures that have a direct or indirect impact on the potential labour mobility of displaced persons in the EU internal market.

The report is based on the information contained in the country fiches updated to January 2023. Therefore, the report may not reflect any recent developments that have occurred since that time. Additionally, the analysis is based on assumptions regarding the effectiveness of the measures adopted by Member States and the accuracy of the information contained in the country fiches. This report is intended as a summary, for more detailed information please refer to the [country fiches](#).

2.0 Issues relating to the temporary protection status

2.1 Transposition of the Temporary Protection Directive into national law

- ▶ Temporary protection in certain EU MSs, such as Austria, Germany, Slovenia, as well as EFTA countries like Switzerland and Norway, can be revoked if Ukrainian nationals leave the territory for an extended period. This can have negative consequences for workers who may lose their temporary protection status when moving to another Member State. In Austria, the specific criteria for what constitutes a 'short time' absence appears unclear, raising concerns about how these rules are enforced. However, displaced persons from Ukraine can still receive benefits associated with temporary protection if they notify the competent institution, have a short absence, and maintain their primary residence in the host country. The same applies in Germany. In some cases, individuals may need to register their residence while working abroad, which can impact labour mobility. For EFTA countries where the TPD does not apply, revocation of temporary protection status can directly affect the right to reside and work in those countries, potentially restricting labour mobility for individuals seeking employment opportunities in other EU Member States.

- ▶ The EC launched the Temporary Protection Registration Platform on May 2022. It allows EU Member States to share real-time information on registered individuals seeking temporary protection. The platform aims to ensure consistent rights for those fleeing Ukraine and address double registrations and potential abuse. Regional data exchange systems have also been established in the Baltic States and Iceland to manage double registrations and prevent refugees from registering in multiple states. However, contrary to the TPD, in practice, some DPTPs could be registered in more than one EU MS and there is no unified system, as there is no coordinated exchange of information among EU Member States. This hinders the collection of accurate statistical data and enforcement.
- ▶ It has been highlighted that some of the TPD transposition measures in the MS appear to be contrary to the Directive. In this perspective, it has been stressed that Malta is not fully adhering to the provisions of the TPD since, for example, some individuals have been given asylum seeker status for a month. In IT an issue has been raised that the article of the Italian legislative decree transposing the TPD, stating that DPTPs cannot leave the national territory appears to be contrary to the Directive.

2.2 Changing of status from temporary protection to other forms

- ▶ In several Member States, the change of status from temporary protection to other forms, such as employment-based residence (e.g., work permit, EU Blue Card for highly-qualified workers, seasonal workers) has not been regulated, such as in Belgium, Bulgaria, Cyprus, Finland, Hungary, Italy, and Lithuania. In some Member States, a lack of clarity in the existing legal framework has been outlined, such as in Czechia, Greece, Spain, and Romania, where it appears likely that the national law will have to be changed to reflect further developments.
- ▶ Issues have been highlighted in several Member States concerning the transition from the temporary protection status to other categories employed-based permit. This is the case, for instance, in Poland, where the Act on Foreigners explicitly forbids the change of status from the general temporary protection regime to an employment-based status (temporary residence permits, uniform residence and work permit, EU Blue Card). However, this applies to the beneficiaries of temporary protection who are not subject to the relevant national law on assistance to Ukrainian citizens. In Slovenia, after the termination of international protection, foreigners can apply any residence or work permit. However, such rules do not exist with respect to displaced persons under temporary protection. It is thus not clear, under which conditions they can change their status to an employment-based one at the end of the temporary protection regime. Most likely, displaced persons from Ukraine will need to follow the same procedure for obtaining residence and work permit as first-time applicants, a procedure involving legal and administrative obstacles. Similarly, in Slovakia, it is not clear under which conditions displaced persons from Ukraine can change their status to an employment-based permit, but it appears likely that the beneficiaries of temporary protection will have to follow the same procedure for obtaining a residence permit and a work permit as the first-time applicants.
- ▶ In several Member States, including Austria, Czechia, France, Germany, Croatia, Estonia and Portugal, beneficiaries of temporary protection can request a change of status during the period of validity of the temporary protection status for most residence and work permits.

2.3 Administrative obstacles to accessing temporary protection

- ▶ The main obstacles highlighted concern the length of the period for obtaining temporary protection and difficulties due to complicated administrative procedures and language barriers. This is the case for example

in Slovenia where the procedure takes on average six weeks and is reported to be nearly impossible to manage without professional help and/or knowledge of Slovene language and legislation. To address this issues, Several Member States, have created dedicated government webpages or portals to inform displaced persons from Ukraine about the process for obtaining temporary protection and information on the associated rights. These webpages offer information in multiple languages, including Ukrainian and Russian, and cover topics such as application procedures, available services, and links to relevant public authorities.

2.4 Family reunification for temporary protection beneficiaries

- ▶ In some Member States, questions have been raised about TPD implementation measures regarding the right to family reunification, as in the case of Sweden.
- ▶ In other cases, it has been outlined that national legislation provides that temporary protection regime gives the right to family reunification. In several Member States, including Spain, at the request of the persons authorised to stay in the national territory, the benefits of temporary protection shall be granted to the members of their family, provided that this family was previously established in the country of origin and has separated due to the circumstances that gave rise to the granting of temporary protection.

2.5 Obtaining a status on humanitarian basis in case of lack of temporary protection provision

- ▶ In EFTA Countries, as well as in Denmark, where the TPD does not apply, the situation has been addressed by resorting to protection regimes similar the temporary protection regime established by the TPD, but which includes some discrepancies in their application. For instance, in Norway, stateless persons and nationals of third countries other than Ukraine, who were residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin, are not covered by the Norwegian collective protection. It may be possible to get residence permit on an individual basis on grounds of strong humanitarian considerations. On this point there is a difference between the collective protection framework in Norway and the TPD.

3.0 Issues in the field of employment and social security

3.1 Posting of workers

- ▶ An issue was raised concerning the posting period for Ukrainian citizens under temporary protection, which may limit their labour mobility. It is the case for example in Poland, where the Act on assistance to Ukrainian displaced persons provided that Ukrainian nationals who leave Poland for a period over a month would lose the right for a legal stay in the country. It was thus impossible to post workers who are granted temporary protection to other countries for a period longer than one month. The act has been amended and since 1 July 2022 displaced persons under temporary protection are allowed to be posted for a period longer than one month without losing the temporary protection status.

- ▶ Temporary protection can be revoked in certain Member States if a Ukrainian national leaves the territory for an extended period of time, which can negatively impact posting of workers when the worker would lose the temporary protection status by moving in another Member State for an extended period as in the case of Austria and Germany.
- ▶ Finland requires anyone working on a Finnish construction site or on a shipyard to have a Finnish tax number. This requirement applies to third-country nationals who are posted to Finland, including those with temporary protection status in another EU Member State. This tax number is issued only after the posted worker has been given a Finnish personal ID. Lithuania requires third-country nationals who are posted workers, including those with temporary protection status in another EU Member State, to register their residence with the local authorities. Similarly, Luxembourg requires posted third-country nationals, including those with temporary protection status, to register their residence within three days at the municipality of their residence. These administrative requirements may create an indirect impact on the potential labour mobility of displaced persons.

3.2 Policies for regularisation and tackling undeclared work

- ▶ Some Member States are particularly active in taking measures to prevent undeclared work and illegal economic activities to stimulate legal employment on their territory that might involve displaced persons from Ukraine. Such initiatives have also been undertaken in EFTA countries such as Iceland, where the Directorate of Labour has advertised jobs for refugees on their website, the business sector/construction industry has been offering targeted jobs and many more companies have shown general interest in hiring refugees. In Italy, within the framework of a legislative decree of May 2020 on the regularisation of undocumented migrants working in agriculture, fishing, care and domestic work sectors, the National Labour Inspectorate issued a circular addressed to local inspectorates, recommending giving priority to the files related to the regularisation of labour relations and status of Ukrainian citizens. In Poland, the National Labour Inspectorate has announced new control measures to enforce working conditions and check legality of employment at workplaces hiring DTPs. Also, the Inspectorate offered training courses on employers' obligations with regard to foreigners and provided free legal advice for employees in a few languages. This approach is also reflected in Portugal, where the ACT conducted visits to companies to monitor the situation of Ukrainian workers and the Labour Inspection in Poland announced new control measures to supervise whether working conditions standards in workplaces hiring displaced persons coming from Ukraine are observed

3.3 Seasonal work

- ▶ Sweden is currently rejecting applications for seasonal work from people who are resident in Ukraine. However, displaced persons from Ukraine shall receive residence permit under the TPD, which gives them the right to work.
- ▶ In France, the legislation on seasonal work permits requires the employer to make an online request for the work permit before the third country national's arrival in the country. This would seem to preclude this status change from the temporary protection status to a seasonal worker status while the third country national is in France.
- ▶ One common approach among Member States is to allow displaced persons under temporary protection from Ukraine to work in certain sectors as seasonal workers. Bulgaria, for example, grants displaced persons the right to seasonal work for up to 90 days in agriculture, forestry and fisheries, hotels and restaurants without interruption for 12 months. Finland has also employed many displaced persons from Ukraine as seasonal workers in agriculture and forestry.

3.4 Barriers to access the national labour market entry and measures to facilitate displaced persons' integration

- ▶ It has been pointed out that in several Member States access to the labour market is hampered by language barriers, which put displaced persons from Ukraine in a less advantageous position than native speakers. This has been highlighted for instance in Slovakia, Malta, Ireland and Lithuania. In particular, it has been emphasised that no measures had been identified some Member States, including Malta, to help Ukrainian citizens overcome the language barrier.
- ▶ Some Member States proved to be insufficiently effective in the integration of displaced persons under temporary protection into their labour market. It is the case, for instance in Slovenia, where, although the response of the Slovenian labour market was notably inclusive, data shows that competent institutions were not adequately prepared for employment of displaced persons from Ukraine. The main issues detected were delays in obtaining temporary protection status and in issuing of ID cards necessary to be employed, difficult access to potential work candidates, the gap between supply and demand on the labour market, poor language skills, and lack of documentation.
- ▶ Member States have implemented various public support instruments to aid the integration of displaced persons from Ukraine into their national labour markets. These measures encompass online platforms, brochures, language and vocational training, financial support for employers, and specific programs and counselling services. The aim is to provide information on job vacancies, employment rights, and support services, as well as to facilitate the recognition of qualifications and professions. Examples of these initiatives can be found in Member States such as Austria, Belgium, Croatia, Czechia, Estonia, Finland, France, Germany, Spain, Hungary, Ireland, Italy, Latvia, the Netherlands, Poland, Portugal, Romania, Sweden, Slovakia. The efforts reflect a commitment to ensuring displaced individuals have the necessary tools and resources for successful integration into the labour market.
- ▶ Many countries have implemented initiatives to integrate displaced persons from Ukraine, focusing on language courses and other support programs. Examples include Czechia, Italy, France and Hungary. On the other hand, other Member States, such as Germany and Finland, offer integration courses covering various aspects of life. These efforts demonstrate the commitment of Member States to address the challenges faced by displaced persons beyond language acquisition.

4.0 Social welfare and accommodation

4.1 Housing and subsistence allowances

- ▶ One of the issues highlighted in the country fiches concerns displaced persons' access to financial assistance measures provided by Member States. In this perspective, it was highlighted that there is often a lack of reliable data on this issue provided by Member States' authorities and institutions, or the data is not complete. For instance, in the case of Poland, there is no publicly available data on the number of displaced persons under temporary protection having access to social security. In the majority cases, information on this is provided by government sources.
- ▶ Some Member States have put in place social assistance measures going beyond the TPD framework, such as in the case of Italy, where a special social allowance was established for displaced persons for the first three months of their stay. Slovakia provides short-term financial assistance to displaced persons from Ukraine with the support of international institutions, in particular UN agencies and the International Red Cross. This is a

limited financial support to meet basic living conditions. Furthermore, every displaced person arriving from Ukraine is entitled to immediate urgent health care. Similar measures have been introduced in other Member States. Austria decided on a financial increase of the support for displaced persons from Ukraine concerning housing and subsistence allowances.

- ▶ Some issues were highlighted concerning barriers in the access to benefits in some Member States. These are mainly related to the length of procedures, lack of information and language barriers. Similar issues also emerged in EFTA countries. For instance, some social security benefits in Norway require a long qualification period which will make it particularly difficult for many Ukrainian citizens to be entitled to benefits. This holds true in particular for work assessment allowance, benefits to single parents and survivor's benefits, which all require a five-year qualification period. This requirement is not an issue for EU nationals, because the time of residence in EU is taken into account when the condition is assessed. In Slovenia, delays in obtaining social benefits such as financial assistance are reported. As a result, the costs of living are often borne by humanitarian organisations.

4.2 Eligibility to receive assistance for job seekers

- ▶ Displaced persons from Ukraine under temporary protection receive in EU Member States the same job seeker assistance as nationals, in compliance with the Temporary Protection directive. Some Member States have introduced specific measures to support these individuals, such as providing comprehensive information, employment counselling, and job matching tools. However, not all Member States have implemented such measures. Challenges include language barriers and the availability of interpreters. Overall, there are common approaches to job seeker assistance, but with variations and tailored approaches by individual Member States.

4.3 Accommodation in private housing and reception centres

- ▶ It has been pointed out that Member States generally dealt with the arrival of displaced persons from Ukraine by increasing their accommodation and reception capacity, setting up new facilities and also by resorting to private houses provided by volunteers.
- ▶ Among the reported examples, it appears that a majority of Member States accommodated most of the displaced persons from Ukraine in reception centres as temporary accommodation. Among those reported there are, for example, Croatia, Spain, the Netherlands, Luxembourg, France, Italy, Latvia, Poland, Portugal, Spain, Slovakia and Slovenia, which established reception centres as response to the emergency situation.
- ▶ Another approach observed among the Member States is the establishment of dedicated websites and campaigns to provide information and raise awareness about the housing and accommodation of displaced persons from Ukraine. Belgium and Estonia have set up websites to provide information related to housing for displaced persons from Ukraine. In that perspective, a common issue observed among Member States is residents' reluctance to rent apartments to displaced persons from Ukraine. In this regard, Estonia's campaign to change residents' mentality about renting apartments to displaced persons from Ukraine is an instance of initiative aimed at addressing this issue.
- ▶ One of the issues highlighted concerns the difference between short-term and long-term accommodations. Some Member States have implemented policies to ensure that the majority of displaced persons from Ukraine can enjoy long-term accommodation, like Bulgaria. Spain's Temporary Protection program grants access to housing for individuals or families without economic resources for a maximum period of 18 months, which can be extended to 24 months for displaced persons in vulnerable situation.

- ▶ Several instances have been reported where Member States made use of private facilities and houses made available by volunteers, for example in host families. These include, for example, France, the Netherlands, Croatia, Germany, Slovenia and Slovakia, all providing state-funded or financial support for private individuals hosting displaced persons from Ukraine.

5.0 Training initiative and information campaigns

5.1 Programmes for the integration of displaced persons and awareness of rights

- ▶ In relation to right awareness campaigns for displaced persons from Ukraine, joint efforts of public and private sector have been highlighted. A free annual training has been organised in Spain, addressed at particularly at displaced persons coming from Ukraine, is an instance of this kind of initiatives. In the Netherlands, a flyer was created by private and public institutions, providing information on how to prevent exploitation by employers and employment agencies against displaced persons from Ukraine. It gives information on the rights and obligations, but also about organisations that provide advice to job seekers or persons already employed in the Netherlands and is available also in Russian and Ukrainian.
- ▶ Many Member States have established dedicated websites or webpages that provide comprehensive information on a range of topics, including legal status, registration processes, access to accommodation and food, travel arrangements, and enrolment in education. These websites often feature translations into multiple languages, including Ukrainian, Russian, and English, to ensure accessibility to as many people as possible. In addition to websites, many Member States have established phone lines or help desks that offer information and assistance to displaced persons.

5.2 Campaigns for tackling the trafficking in human beings

- ▶ In response to the displacement of individuals from Ukraine, several Member States have implemented public support instruments and awareness campaigns regarding labour and social rights and for tackling and raising awareness on human trafficking. Common approaches include providing information on employment rights in multiple languages, distributing flyers on labour law and for the prevention of human trafficking, offering online resources. Efforts have been made by several Member States including Bulgaria, Estonia, Ireland, Luxembourg, the Netherlands, Norway, Portugal, Slovenia, to assist and raise awareness among displaced persons from Ukraine.
- ▶ Some Member States collaborate with other national institutions and embassies to coordinate their efforts. Slovenia's Government Office for the Support and Integration of Migrants, in coordination with the Ukrainian Embassy and other institutions, raises public awareness about the threat of human trafficking, especially among displaced women and children from Ukraine. The Anti-trafficking service under the Ministry of Interior alerts displaced persons from Ukraine about the risk of becoming trafficking victims, including through a short video, and raises awareness through the EU Anti-Trafficking Day and the Network of Anti-Trafficking Coordinators of South-East Europe.

6.0 Interim findings

- ▶ Following the activation of the temporary protection regime provided for by Directive 2001/55/EC for Ukrainian displaced persons, it was pointed out that many Member States still have gaps in their internal legal system with regard to the implementation of the Directive.
- ▶ In several Member States uncertainties remains concerning the possibility of transition from a temporary protection regime to other categories of permits that would guarantee access to the labour market at the expiration of the temporary protection status. This situation often appears unregulated at national level or under an unclear legal framework.
- ▶ It has been highlighted that a number of Member States are facing challenges in providing Ukrainian citizens with access to temporary protection. These difficulties are primarily attributed to the prolonged procedures, administrative hurdles, and language barriers. To overcome these obstacles, most Member States have taken steps to introduce public support and information initiatives aimed at streamlining the procedures for obtaining temporary protection status.
- ▶ One aspect that seems particularly relevant is absence of a unified information and coordination system among Member States to prevent Ukrainian displaced persons under temporary protection from being registered in multiple countries and having access to their social protection systems. To address this issue, some regional-level systems have been put in place, such as in the Baltic States, to prevent duplication of temporary protection applications. Additionally, the European Commission launched a platform to promote information exchange among Member States regarding beneficiaries of temporary protection and their entitlements to adequate protection under national laws.
- ▶ Despite many efforts by the Member States to guarantee the rights of displaced persons under the temporary protection directive, there are still gaps or inconsistencies with respect to the level envisaged by the Directive regarding, for example, access to healthcare, education, access to labour market, and means of subsistence.
- ▶ Uncertainties remain with regard to the coherence of protection systems in states, such as Denmark, that have not implemented the TPD, as well as EFTA countries. A reported case is Norway, where stateless persons and nationals of third countries other than the Ukraine, who were residing legally in Ukraine and are unable to return in safe and durable conditions to their country or region of origin, are not covered by the Norwegian collective protection. It may be possible to get a residence permit on an individual basis on grounds of strong humanitarian considerations.
- ▶ In some Member States concerns raised over the potential for displaced persons from Ukraine to fall victim to labour exploitation or engage in undeclared work. In response, some Member States have taken proactive measures to ease displaced persons from Ukraine entry into their respective national labour markets and address the issue of undeclared work through specific enforcement actions and regularisation initiatives. In addition to this, information and training programmes aimed at combating human trafficking, awareness of rights and the prevention of labour exploitation were reported. These initiatives often involved cooperation between public and private institutions.
- ▶ Legislative requirements and administrative barriers to the freedom movement and establishment of displaced persons may hinder their labour mobility in the EU in particular by reference to the posting of workers. For instance, in certain Member States, national legislation allows for the revocation of temporary protection if a Ukrainian national leaves the country for an extended period, potentially hindering their ability to be posted in another Member State. Furthermore, in some cases, posted workers may be required to apply for residency in the receiving Member State, which could lead to the loss of their temporary protection status. These challenges have been identified as potential issues in this regard.

- ▶ Most of the Member States have been very active in setting up reception centres for displaced persons in their territories, by resorting to public facilities, setting up new centres and relying on volunteers to provide private houses.