



The (labour mobility)
rights of
displaced
persons from Ukraine



Russia's military invasion of Ukraine on 24 February 2022 triggered an influx of displaced persons from Ukraine seeking safety, protection and security in the European Union.

Well over 4 million people displaced from Ukraine (4.16 million) currently enjoy temporary protection in the EU. Ever since the start of the war of aggression against Ukraine, the EU has adopted various measures, such as economic assistance, humanitarian aid, civil protection support as well as capacity-building among Ukrainian armed forces.

Dealing with displaced persons in such large numbers, currently around 1.04 million in Germany, 953 000 in Poland and 385 000 in Czechia, constitutes a major challenge for the EU, and for the individual Member States.

TEMPORARY PROTECTION DIRECTIVE (TPD)¹

Following the call of the home affairs ministers, on 2 March 2022, the Commission rapidly proposed to activate the Temporary Protection Directive for people fleeing the war in Ukraine. On 4 March 2022, the Council unanimously adopted the Decision giving those fleeing war in Ukraine the right to temporary protection. In October 2022, temporary protection was automatically extended until 4 March 2024. On 19 October 2023, following a proposal from the Commission, a Council Decision was adopted to extend their temporary protection until 4 March 2025.

The primary objective of the Temporary Protection Directive is to establish a common European approach to providing temporary protection to displaced persons in the event of a mass influx. It outlines the rights afforded to those under temporary protection, emphasizing access to education, healthcare, and the labour market among others. Additionally, it encourages burden-sharing among EU Member States to distribute the responsibility of hosting and supporting displaced populations more equitably.

According to the latest figures, 4.16 million people displaced from Ukraine are currently beneficiaries of temporary protection.

BUT HOW EXACTLY DOES THE TPD BENEFIT DISPLACED PERSONS FROM UKRAINE?

First and foremost, the TPD grants immediate residence rights in the Member State where they enjoy temporary protection². In other words, Member States are obliged to issue a residence permit in accordance with their own legislation for the entire duration of temporary protection. In addition, this permit is accompanied by access to essential services, with a focus on facilitating the inclusion of displaced persons into the host society.

Ukrainian nationals who have a biometric passport have since June 2017 the right to enter the EU and/or to travel visa-free from one Member State to another within the Schengen area, for maximum periods of stay of 90 days within a 180-day reference period³. The TPD also contains specific provisions regarding family reunification.

Once someone fleeing Ukraine has registered in a Member State, the minimum they are entitled to are the following rights:

- ★ Right to be engaged in employed or self-employed activities (subject to the rules applicable to the profession) (Article 12 TPD);
- ★ Right to adult education, (vocational) training and practical workplace experience (Article 12 TPD);
- ★ Access to the general education system (Article 14 TPD);
- ★ Right to suitable accommodation or to receive the means to obtain housing (Article 13 (1) TPD);
- ★ Right to receive necessary assistance in terms of social welfare and means of subsistence (Article 13 (2),(3) TPD);
- ★ Right to medical care at least in what regards emergency care and essential treatment of illnesses (Article 13.2 TPD);
- ★ Special rights are furthermore granted to minors and persons with special needs, e.g. persons who have been subject to violence and human rights violations (Article 13 (4) TPD).



1 The Temporary Protection Directive, formally known as [Council Directive 2001/55/EC](#), was adopted in 2001 as a response to the humanitarian crises in the Western Balkans during the 1990s.

2 Article 26 TPD grants displaced persons from Ukraine the right to apply for temporary protection in another Member State than the one in which they were firstly registered. However, Member States decided to waive the use of Article 11 of the TPD, meaning that a Member State has an obligation to provide for the rights in the TPD for as long as the person falls under the scope, regardless of whether the person was previously registered in another Member State.

3 See Annex II of Regulation (EU) 2018/1806.

These rights constitute minimum standards every Member State must meet. Member States are free to do more and many have gone beyond this to help people displaced from Ukraine integrate the job market as well as to help them adapt to life in their host country and protect them from exploitation in their new and unfamiliar environment at a time of great personal stress.

BUT WHAT ABOUT THE LABOUR MOBILITY RIGHTS?

Are displaced persons able to freely move within the EU, as EU workers can do?

The answer is complicated. As such, the TPD does not endow displaced persons a right to freely move for the purposes of seeking or accepting a job in another Member State than the one in which they are enjoying temporary protection. As most third country nationals, displaced persons who seek employment in another Member State may be subject to restrictions of that Member State (including the requirement of a work permit or they may be subject to quota). When it comes to beneficiaries of temporary protection looking for employment, it should be noted that Member States may give priority in access to employment to EU/EEA citizens for labour market policy reasons.



AND WHAT ABOUT SOCIAL SECURITY COORDINATION?

If you exercise your right of free movement as an EU citizen, your social security rights and entitlements move with you. The EU has a social security coordination system that guarantees this by linking the national social security systems. It ensures you have continuous coverage when you move to another Member State, whether it is for work, on holiday, to retire or for planned healthcare. The same rules make sure you do not end up paying social security contributions in two Member States.

Thanks to Regulation 1231/2010⁴, displaced persons too are subject to these EU social security coordination rules. When a displaced person from Ukraine is insured in a Member State, they will be covered when a cross-border element occurs (for example when they are working in another Member State)⁵. For instance, this means that previous periods of insurance, work or residence in other Member States will be taken into account in the calculation of their benefits (principle of aggregation of periods), for example in case of old age pension or a possible

SOME EXAMPLES OF MEMBER STATES' APPROACHES

Member States decide on how exactly TP measures are implemented. The below initiatives from Bulgaria and Czechia are illustrative for Member States' approaches to support people fleeing the war in Ukraine.

Bulgaria has implemented an initiative known as 'Solidarity' to aid displaced persons from Ukraine in swiftly integrating into the labour market. It offers comprehensive assistance, including psychological support, expert advice, and employment counselling. Displaced individuals who enrol with the Labour Office directorates are eligible to receive subsidised full-time or part-time employment for a maximum duration of 3 months. Additionally, they are assigned a mentor by their employer and provided with an integration supplement that covers expenses such as rent, overheads, and internet access.

In Czechia, displaced persons are entitled to temporary housing by public authorities, municipalities, businesses, and individuals. Czech households also receive a 'solidary household benefit' for providing temporary accommodation free of charge to individuals under temporary protection.

More examples in other Member States can be found [here](#).

unemployment benefit.

Finally, it is also worth mentioning that, as any other legally staying third country nationals, displaced persons from Ukraine can be in a situation where they are posted from the Member State where they obtained their temporary protection status (e.g. Romania) to work temporarily in another Member State (e.g. Germany). This means that the Posted Workers Directive (PWD)⁶ will apply. As a consequence, the (core) working conditions applicable in the host Member State apply also to the displaced person who is posted. Additionally, in the case of postings by temporary work agencies, the displaced person is to be treated equally with the workers employed by the user undertaking.

The TPD provides a legal framework for the temporary protection of displaced persons. It outlines the rights and benefits afforded to those under temporary protection, emphasizing access to education, medical care, and the labour market among others. By ensuring also labour mobility rights to those affected by the conflict in Ukraine, the EU and its Member States can take a significant step towards building a future where displaced persons can rebuild their lives and contribute to the prosperity of their new communities.



4 Regulation 1231/2010 extends the scope of Regulation 883/2004 and its implementing Regulation 987/2009 to third-country nationals, who are legally residing in the EU as well as to their family members.

5 However, as explained above, in practice such cases of consecutive/simultaneous work in two Member States may be of little importance given the fact that Member States can restrict access to their own national labour markets for displaced persons when they have a temporary protection status in another Member State.

6 Directive 96/71/EC concerning the posting of workers in the framework of the provisions of services as amended by Directive 2018/957/EU.



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