

Overview of national measures regarding employment and social security of displaced persons coming from Ukraine

Country Fiche – Liechtenstein
July 2022

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1.0 Legal and institutional framework

1.1 Legal framework

1.1.1 List of the legal framework

- I. Legislation implementing the Temporary Protection Directive (TPD or the Directive)¹ and Council Implementing Decision (EU) 2022/382²

The Agreement concerning Schengen concluded between the EU and Switzerland in 2004 (SR 0.362.31 does not include the Temporary Protection Directive. Therefore, the Directive is not binding for Liechtenstein.

Like Switzerland, Liechtenstein has adopted a solution similar to decision (EU) 2022/382. It is based on:

- ▶ **Article 43(1) [Asylum Act](#)** of 14 December 2011 (*Asylgesetz*), in force since 1 June 2012;
- ▶ **[Ordinance of 15 March 2022 that grants temporary protection in accordance with the situation in Ukraine \('Ukraine-SchutzV'\)](#)** (*Verordnung über die vorübergehende Schutzgewährung für bestimmte Personengruppen aus der Ukraine*), in force since 16 March 2022.

Like in Switzerland, the status given to persons displaced from Ukraine is called 'S-status' and is very similar to the protection status provided by Directive 2001/55. The S-status was activated by the Government of Liechtenstein on 15 March 2022 in order to receive persons displaced from Ukraine (Article 1 [Ukraine-SchutzV](#)).

This is the first time that Liechtenstein has activated the S-status. It allows persons displaced from Ukraine to stay in Liechtenstein for the period of protection without applying for asylum; if the protection period is longer than five years they will get a residence permit (Article 49(2) [Asylum Act](#)); displaced persons from Ukraine get social aid and medical care (Article 55 AsylG); they may work in Liechtenstein (Article 50 and 23 [Asylum Act](#)), have their children go to school (also Article 50(1) [Asylum Act](#)) and they can travel to other countries (Art. 5(2) [Ukraine-SchutzV](#)). The [Ukraine-SchutzV](#) of 15 March 2022 entered into force on 16 March 2022 (see Article 6 [Ukraine-SchutzV](#)). For information concerning Ukraine see the [website](#) of APA.

- II. Legislation having an impact on the (access to) (self-)employment and social security/welfare for the displaced persons coming from Ukraine

Access to employment:

- ▶ **[Asylum Act](#)** of 14 December 2011 (*Asylgesetz*), in force since 1 June 2012. Articles 50 and 23 [Asylum Act](#) allow persons in need of protection to accomplish a gainful activity in Liechtenstein.

¹ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7 August 2001, p. 12-23, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055>.

² Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4 March 2022, p. 1-6, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382>.

► **Article 13(1)(b) [Foreigners Act](#)** of 17 September 2008 (*Gesetz über die Ausländer*). The employer has to ask for the work permit if s/he wants to hire a person falling under the scope of the temporary protection; according to Article 15 [Foreigners Act](#), the permit will be issued only if the local wage and working conditions are respected.

Social security:

► **Article 55(1) [Asylum Act](#)**. This refers to the regulation concerning social security.

Social welfare:

► **[Foreigners Act](#)** of 17 September 2008 (*Gesetz über die Ausländer*).

1.1.2 Beneficiaries (persons covered by temporary protection)

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
Ukrainian nationals <ul style="list-style-type: none"> ► residing in Ukraine ► displaced from 24 February 2022 	Yes
Family members <ul style="list-style-type: none"> ► of a Ukrainian national present or residing in Ukraine before 24 February 2022 and displaced from Ukraine on or after 24 February 2022 ► of third-country nationals and stateless persons present or residing in Ukraine before 24 February 2022, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and were displaced from Ukraine on or after 24 February 2022 	Yes <p>According to Article 45 Asylum Act, family members will be accepted if the family was separated by the escape and wants to reunify in Liechtenstein. Article 46(1), 2nd phrase Asylum Act obliges the Office for Foreigners and Passports to take into account the “principle of family unity” while defining the group of persons in need of protection and deciding who will be granted temporary protection in Liechtenstein.</p> <p>The term family member is defined by Article 2(1)(g) AsylG and includes the spouse, the children and other close family members the refugee/displaced person is supporting.</p>
Third-country nationals and stateless persons beneficiaries of international or equivalent national protection in Ukraine until 24 February 2022	Yes
Stateless persons and nationals of third countries, legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent resident permit and unable to	Yes

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
return in safe and durable conditions to their country or region of origin	
Other persons who are displaced for the same reasons and from the same country of region of origin (Article 7(1) of TPD), including <ul style="list-style-type: none"> ▶ stateless persons and ▶ nationals of third countries other than Ukraine, who are residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin (Article 2(3) Council Decision).	No
Any additional category of beneficiaries (i.e. persons who arrived from UA before 24 February 2022)	Yes Ukrainian nationals legally residing in Liechtenstein before 24 February 2022.

1.2 Institutional framework

- a) National competent authority(ies) providing assistance to the persons enjoying temporary (or adequate) protection coming from Ukraine.

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
General (including status change in question 2)	Office for foreigners and passports	Ausländer- und Passamt APA	https://www.llv.li/inhalt/119259/amtstellen/information-ukraine
Employment rights	Office for public economy	Amt für Volkswirtschaft	https://www.llv.li/inhalt/12481/amtstellen/amt-fur-volkswirtschaft
Social welfare and social	Social security institution Office for Health	AHV-IV-FAK-Anstalten Amt für Gesundheit	https://www.ahv.li/ https://www.llv.li/inhalt/11463/amtstellen/versicherung

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
security rights			

- b) Existence of a mechanism in place to coordinate the work of these national authorities with respect to persons enjoying temporary (or adequate) protection coming from Ukraine.

According to Article 65(1) [Asylum Act](#), the Courts and Public Agencies of Liechtenstein are obliged to assist the Office for Foreigners and Passports. Vice versa, the latter has to assist Courts and Public agencies.

2.0 Possibility of changing the status

- a) Difference between temporary protection status and other forms of adequate protection³ under national law, in respect of third country nationals and stateless persons coming from Ukraine.

The Temporary Protection Directive is not binding for Liechtenstein. Notwithstanding, Liechtenstein has adopted a solution similar to decision (EU) 2022/382. It is based on Article 43(1) [Asylum Act](#) and Ordinance of 15 March 2022. The status given to persons displaced from Ukraine is called “S-status” and is very similar to the protection status provided by Directive 2001/55.

The S-status allows displaced persons from Ukraine to stay in Liechtenstein for the period of protection without applying for asylum; if the protection period is longer than five years they will get a residence permit (Article 49(2) [Asylum Act](#)).

According to the existing rules (Articles 50 and 23 [Asylum Act](#)), persons that have received the S-Status are supposed to have their own income and will have to ask for a work permit. They are submitted to the same rules that apply to other refugees. Access to the labour market, however, triggers a certain number of consequences in social security protection, as workers are insured against accidents, unemployment and other risks. But these consequences follow from social security law and not from asylum law.

- b) Possibility to file status change inside the territory without the requirement for the person to first leave the country or return to Ukraine from temporary protection or other forms of adequate protection to employment-based residence permit during the temporary protection regime and at the end of this regime

³ 'Adequate protection' under national law is referred to in Article 2(2) of the Council Decision as a possible alternative that may be offered by Member States to temporary protection and therefore does not have to entail benefits identical to those attached to temporary protection as provided for in Directive 2001/55/EC. Nevertheless, when implementing the Council Decision, Member States must respect the Charter of fundamental rights of the European Union and the spirit of Directive 2001/55/EC. The respect for human dignity and therefore a dignified standard of living (such as residency rights, access to means of subsistence and accommodation, emergency care and adequate care for minors) has to be ensured in respect of everyone.

(e.g. single permit for work, EU Blue Card for highly-qualified workers, seasonal workers, family reunification).

No.

c) Relevant national legislation on changing the status (including the procedure to be followed).

No applicable.

d) Measures aiming to preclude registration of displaced persons in more than one Member State/EEA-EFTA country (see Article 26 of the Temporary Protection Directive).

Liechtenstein applies the Dublin-Rule (Agreement concerning Dublin from 2004) and precludes double registration (Article 3(a) [Ukraine-SchutzV](#)).

3.0 Access to labour market (Article 12 of the Temporary Protection Directive)

a) Overview on how equal treatment on the labour market as regards working conditions is ensured for persons enjoying temporary (or adequate) protection from Ukraine.

According to Article 13(1)(b) [Foreigners Act](#), the employers have to ask for the work permit if they want to hire a person falling under the scope of the temporary protection; according to Article 15 [Foreigners Act](#), the permit will be issued only if the local wage and working conditions are respected. Once the work permit is obtained and the work starts, all general rules concerning employment and self-employment apply.

b) Conditions applicable to persons enjoying temporary (or adequate) protection from Ukraine, (including the procedure to be followed):

I. The conditions regulating work permits/work authorisation, if required

Articles 50 and 23 [Asylum Act](#) allow persons in need of protection to have a gainful activity in Liechtenstein. Article 23(1) and (2) [Asylum Act](#) more specifically establish that the displaced persons have to provide for their own income and that the Office for Foreigners and Passports must be asked for a work permit.

II. Recognition of qualifications/diplomas

Nothing in particular to report.

- III. Eligibility to receive assistance for job seekers (e.g., career counselling, skills assessment, locating appropriate job openings, etc.)

In Liechtenstein, the official [website](#) is recommending to seek employment on private platforms.

- IV. Availability of vocational training/educational opportunities for adults/practical workplace experience.

According to Article 50(1) [Asylum Act](#), persons in need of protection have access to professional and educational training.

- V. Any exceptions to the general law in force in the country applicable to remuneration and other conditions of (self-) employment

Like for other foreign workers, the law requires to check if the job proposal meets the local wage and working conditions (Article 15 [Foreigners Act](#)). Otherwise, all general rules apply.

4.0 Social security, social welfare and means of subsistence assistance, as well as medical care (Article 13 of the Temporary Protection Directive)

- I. Types of benefits with description and coverage

Social security:

Article 55(1) [Asylum Act](#) refers to the regulation concerning social security. Hence, the affiliation to social security bodies will mostly depend on residency and/or work. Concerning family benefits, Article 55(2) [Asylum Act](#) lays down that these benefits are paid out as soon as a person has the refugee status/displaced or is provisionally admitted. According to Article 55(3) AsylG, Liechtenstein pays the social contribution for sickness insurance as well as the out-of-pocket part (letter a); dental care is provided if it is necessary because of pain or sickness (letter b).

Social welfare:

According to the [Foreigners Act](#), persons in need of protection have access to social aid; the amount per day and per person is determined by the Government (Article 54(2) [Asylum Act](#)). Social aid is, wherever possible, provided by benefits in kind (Article 54(3) [Asylum Act](#)).

- II. Eligibility conditions

There are no specific rules in place.

- III. Any exceptions to the general law in force in the country to access to social security systems or social welfare system relating to employed or self-employed activities

No.

5.0 Public support instruments

Overview of other public support instruments facilitating labour market participation, information about and enforcement of rights and entitlements for displaced persons.

There are no specific issues or salient points identified for this question.