

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

Country Fiche – Luxembourg
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

- [Law of 18 December 2015 on international protection and temporary protection hereinafter 'Law 2015 No. 1'](#), published in Memorial A No. 255 of 28 December 2015 (pp. 6178-6201), Chapter 5 (pp. 6197-6199).
- [Law of 18 December 2015 on reception of applicants for international protection and temporary protection hereinafter 'Law 2015 No. 2'](#), published in Memorial A No. 255 of 28 December 2015 (pp. 6201-6207), Chapter 3 (pp. 6204).

- 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:

- [Law 2015 No. 2](#): Ukrainian nationals, third-country nationals and stateless persons, who were legally residing in Ukraine prior to 24 February 2022, are exempt from the temporary occupancy authorization provided for in Article 14 (1) to (6) of Law 2015 No. 2.

Social Security/welfare:

- [Law of 10 May 2022 amending Articles 1 and 32 of the Social Security Code](#), published in Memorial A No. 226 of 10 May 2022, in force since 4 March 2022.
- [Law 2015 No. 2 on international protection and temporary protection](#) of 18 December 2015.
- [Law No. 8035](#), introduced in Parliament on 15 June 2022, relating to the recruitment of health professionals for the medical and health care of people fleeing war in Ukraine.

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>.

1.1.2 Beneficiaries (persons covered by temporary protection)

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
<p>Ukrainian nationals</p> <ul style="list-style-type: none"> ➤ residing in Ukraine ➤ displaced from 24 February 2022 	<p>Yes</p> <p>Ukrainian nationals residing in Ukraine before 24 February 2022 and displaced from Ukraine since 24 February 2022 or shortly before, i.e persons who fled Ukraine shortly before 24 February 2022, when tensions were rising, or who found themselves in the territory of the Union (e.g. on holiday or for professional reasons) before just that date and who, due to the armed conflict, are unable to return to Ukraine.</p>
<p>Family members</p> <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 	<p>Yes</p> <p>There are <u>three categories of family members</u>:</p> <ul style="list-style-type: none"> ➤ a person's spouse; ➤ the unmarried minor children - of the Ukrainian nationals residing in Ukraine before 24 February 2022 and displaced from Ukraine since 24 February 2022 or shortly before or of stateless persons and nationals of third countries other than Ukraine, who were granted international protection or equivalent national protection in Ukraine before 24 February 2022 and displaced from Ukraine since 24 February 2022 or shortly before – or of his/her spouse, whether they are legitimate, born in or out of wedlock or adopted; ➤ other close relatives, who were living in the family unit at the time of the circumstances surrounding the mass influx of displaced persons and <u>who were wholly or mainly dependent on a person referred to as</u> [Ukrainian nationals residing in Ukraine before 24 February 2022 and displaced from Ukraine since 24 February 2022 or shortly before or of stateless persons and nationals of third countries other than Ukraine, who were granted international protection or equivalent national protection in Ukraine before 24 February 2022 and displaced from Ukraine since 24 February 2022 or shortly before].
<p>Third-country nationals and stateless persons beneficiaries of international or equivalent national protection in Ukraine until 24 February 2022</p>	<p>Yes</p> <p>Stateless persons and nationals of third countries other than Ukraine, who were granted international protection or equivalent national protection in Ukraine before 24 February</p>

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
	2022 and displaced from Ukraine since 24 February 2022 or shortly before.
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 return in safe and durable conditions to their country or region of origin	Yes Stateless persons and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid residence permit issued in accordance with Ukrainian law, and who are unable to return to their country or region of origin in safe and durable conditions and who were displaced from Ukraine since 24 February 2022 or shortly before.
Other persons who are displaced for the same reasons and from the same country or 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)	No

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)	Immigration Directorate of the Ministry of	Direction de l'Immigration du Ministère des	https://maee.gouvernement.lu/en/directions-du-ministere/immigration.html

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
change in question 2)	Foreign and European Affairs	Affaires Etrangères et Européennes	
Employment rights	Agency for the Development of Employment	Agence pour le Développement de l'Emploi (ADEM)	https://adem.public.lu/en.html Information for <u>jobseekers who have fled Ukraine</u> : https://adem.public.lu/en/actualites/adem/2022/03/ukraine-info.html
Social welfare and social security rights	National Reception Office the Foreign Children's School Service at the Ministry of National Education	Office National d'Accueil (ONA) le Service de scolarisation des enfants étrangers (SECAM) au Ministère de l'Éducation Nationale	https://ona.gouvernement.lu/en.html https://men.public.lu/fr.html

- 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.

The Immigration Directorate of the Ministry of Foreign and European Affairs works as the contact point. The persons concerned must fill in a [Personal Data Sheet](#) available on the Internet. Next, the Directorate will contact and invite them to an appointment for the purpose of submitting an application for temporary protection.

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.

Article 77 of [Law 2015 No. 1](#) states that beneficiaries of temporary protection may apply, at any moment, for international protection. During the review of the request for international protection, the benefit of temporary protection cannot be combined with the status of applicant for international protection. If the international protection is not granted, the beneficiary of the temporary protection keeps the temporary protection for the remainder of the term of the temporary protection.

- 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 (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).

Not 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).

According to Article 75 (9) of [Law 2015 No. 1](#), persons who are granted the benefit of temporary protection in another EU Member State, as an individual or a family member, automatically lose the benefit of temporary protection in Luxembourg and their temporary protection certificate ceases to be valid.

According to Article 79 of [Law 2015 No. 1](#), beneficiaries of temporary protection are free to renounce status for voluntary return to their country of origin. Given the situation in their country of origin, they can return to Luxembourg as long as the temporary protection status does not end.

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.

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.

Persons enjoying temporary protection do not need a specific work permit and have free access to the Labour Market for as long as their temporary protection certificate is valid.

- 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

Persons enjoying temporary protection do not need a specific work permit and have free access to the Labour Market for as long as their temporary protection certificate is valid.

Moreover, they are exempt from the temporary occupancy authorization provided for in Article 14(1) to (6) of [Law 2015 No. 1](#).

- II. Recognition of qualifications/diplomas

There are no specific issues identified for this question. General legislation applies.

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

Persons enjoying temporary protection can [register](#) as jobseekers with the Agency for the Development of Employment (ADEM). They will be assisted and guided in the job search. They have access to a number of free services, like guidance for the search for employment, employment measures and access to vocational training.

As a jobseeker registered with ADEM, they will have access to the:

- [JobBoard](#), which means to all job offers registered with ADEM (public and restricted);
- 'Work in Luxembourg' [portal](#), which presents job offers in various professions.

On the [website](#) of ADEM, under the heading '*Finding job offers*', they will also find a list of private job sites.

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

According to Article 14 (8) of the [Law 2015 No. 1](#), beneficiaries of temporary protection have access to vocational training under the same conditions as Luxembourg nationals (Law of 19 December 2008 amending vocational training).

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

No.

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:

Sickness benefits in kind

According to Article 1, point 22), of the [Law of 10 May 2022 amending Articles 1 and 32 of the Social Security Code](#), beneficiaries of the temporary protection with the certificate provided for in Article 72 of the [Law 2015 No. 1](#) have mandatory sickness and maternity insurance. Under this provision, guarantees immediate access to the social security system and especially the coverage of hospitalization costs and drugs through the 'third-party payer scheme' is guaranteed.

Costs

The State covers the social contributions regarding the beneficiaries of Article 1, point 22), SSC. The State also covers the social contributions regarding the special provision for children provided in Article 1, point 13), SSC.

Medical Care

According to [Law No. 8035](#), introduced in Parliament on 15 June 2022, people fleeing the war in Ukraine will have access to the following four medical services:

- The medical service for new comers at the Emergency Centre for initial reception ([SHUK](#)), open seven days a week.
- The [Medical Centre](#) (*Maison Médicale*) for people living outside the SHUK, open from Monday to Friday
- The [Ligue Médico-Sociale](#) with its services in Luxembourg, Esch and Ettelbruck. Each person arriving in Luxembourg must undergo a compulsory medico-social control within 6 weeks of arrival. 500 controls are organised per week.

- A Single Window managed by the Health Directorate, which informs people about the various sites made available for primary care.

[Bill No. 8035](#) aims to make it possible to recruit quickly, under a fixed term contract, doctors and paramedics authorised to practise in Luxembourg assigned to these services. See [website](#).

Social welfare:

The Government has set-up an Emergency Centre for the initial reception of persons fleeing the war in Ukraine. It is situated at the [SHUK](#) (*Structure d'hébergement d'urgence au Kirchberg*) in Luxembourg City. This Centre provides shelter during the first couple of days, as well as food and items of primary necessity, for people wishing to request temporary protection in Luxembourg. The Minister for Foreign and European Affairs [announced](#), on 12 May 2022, during an information meeting with residents of the Municipality of Luxembourg, that a new Residential Facility for people under temporary protection fleeing the war in Ukraine will be set up at a former building of the European Court of Justice at Kirchberg. Its capacity will be at the maximum of 1,200 beds. It will host families and isolated women and men, who have stayed previously at the Emergency Centre for initial reception (SHUK). It will offer socio-educational support provided by agents of Caritas and the Red Cross. This Residential Facility will open progressively from Mid-May 2022 on.

According to Article 14(9) of [Law 2015 No. 2](#), beneficiaries of temporary protection have access to 'the material reception conditions' of the National Reception Office (ONA) defined in Article 2, point g), of the same Law.

Material reception conditions include:

- accommodation, food and clothing, provided in kind or in the form of a financial allowance or bonus or by combining these three formulas;
- a monthly allowance; and
- access to medical care

According to Article 14(7) of [Law 2015 No. 2](#), minor children have access to the Education System under the same conditions as Luxembourg nationals, especially regarding mandatory school attendance between the ages of 4 and 16 (Law of 6 February 2009). They are entitled, if necessary, to preparatory courses including language courses. Access to secondary education is still possible for those who have reached the age of majority during schooling.

II. Eligibility conditions

When a temporary protection certificate is issued, the National Reception Office (*Office National d'Accueil – ONA*) registers the persons at the Common Centre for Social Security (*Centre Commun de la Sécurité Sociale – CCSS*) by transmitting their data for affiliation with the sickness insurance. The affiliation will have retroactive effect and will start, at the earliest, at the date of the application for the temporary protection status (from 4 March 2022). Affiliation will be limited in time according to the duration of the temporary protection certificate issued. Temporary protection status is granted in a first phase for an initial period of one year, until 4 March 2023. The initial period may be extended automatically by periods of six months, for a maximum of one year.

Family members:

According to [Article 7 of the Social Security Code](#), family members, like the spouse or partner, children and close relatives, of the insured person are entitled to derived rights.

There is a special provision regarding children under the age of 18 residing in Luxembourg, who are not otherwise insured and who are not covered by Article 7 SSC (derived rights). According to Article 1, point 13), SSC, they are mandatory insured in the sickness and maternity insurance. This Article ensures full support for children from the first day.

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.

Employers wishing to hire beneficiaries of temporary protection can contact the Employers Department at ADEM directly.

The Ministry of Labour, Employment and Social and Solidarity Economy, in collaboration with the Inspectorate for Labour and Mines (ITM) and the Agency for the Development of Employment (ADEM), has published a [flyer](#) with information on labour law, job search and registration with ADEM. Information is available in Ukrainian, French and English.

The Ministry of National Education established a [Single Window](#) for families, the Foreign Children's School Service (SECAM). The school offer is mainly organised by six international public schools. As a first step, children will join reception classes with English as the vehicular language. Afterwards, they will attend international regular classes.