

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

Country Fiche – Malta
July 2022

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Information provided in this fiche considers legal and policy developments up to 8 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

Laws of Malta Ch 420: Refugee Act (ACT XX of 2000, as amended by Act VIII of 2004 and Legal Notice 40 of 2005). No other ad hoc legislation has been enacted.

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

No Ukraine-specific measures have been enacted and the Ukraine situation is being handled like all situations involving third-country nationals seeking to settle in Malta.

Access to employment:

- ▶ No specific legislation for persons enjoying temporary protection from Ukraine has been enacted. The procedures are identical to any other third-country national enjoying the same status. These are regulated by [subsidiary legislation 217.17](#).

Social security:

- ▶ No specific legislation for persons enjoying temporary protection from Ukraine has been enacted. Social security benefits are regulated by the [Social Security Act](#).

Social welfare:

- ▶ No special provisions exist for persons coming from Ukraine. Social security benefits and social welfare are regulated by the [Social Security Act](#).

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
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, 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
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 return in safe and durable conditions to their country or region of origin	Yes
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	No

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
conditions to their country or region of origin (Article 2(3) Council Decision).	
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 change in question 2)	AWAS: Agency for the Welfare of Asylum Seekers	AWAS Literal Translation: <i>Aġenzija għall-Benessri ta' Dawk li Jfittxu Azil</i>	https://homeaffairs.gov.mt/en/MHAS-Departments/awas/Pages/Administration.aspx
Employment rights	DIER Department for Industrial & Employment Relations Malta Qualifications Recognition Information Centre (MQRIC)	DIER: <i>Dipartiment għar-Relazzjonijiet Industrijali u x-Xogħol</i>	https://dier.gov.mt/en/pages/home.aspx
Social welfare and social security rights	Ministry for Social Justice and Solidarity, The Family and Children's Rights	<i>Ministeru għall-Gustizzja Soċjali, għas-Solidarjeta, għall-Familja u għad-Drittijiet tat-Tfal</i>	https://meae.gov.mt/en/public_consultations/mfs/pages/home.aspx

- 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.

No state mechanism exists. There is no coordinated effort between the government and NGOs, who are doing a lot of work through the Refugee Council without any formal guidance or co-ordination.

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.

There are no specific differences created for displaced persons from Ukraine. The four categories that exist are:

- ▶ **Asylum seeker** with a right to work and to social security, children's education and access to medical services;
- ▶ **Refugee status:** freedom of movement (including residence permit), travel document, employment, social welfare, medical care, education & training, and medical care;
- ▶ **Long-term residents:** access to paid and unpaid employment, education, recognition of professional status, social security, tax benefits, access to procedures for obtaining housing, freedom of association, and medical care;
- ▶ **Temporary protection:** rights include residence permit; access to labour market & accommodation, social & welfare assistance, medical care, and access to education for children & teenagers.

- 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).

Yes, the 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 to family reunification exists during the temporary protection 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.

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

Status change from temporary protection to family reunification

The conditions set in the legislation to apply for such a status change while remaining in the country:

There are no specific measures in Maltese law explicitly referring to the status change from temporary protection to family reunification.

However, in the provisions relating to **family reunification**, Article 8 of the Subsidiary Legislation 217.06 provides an exception to the rule that the family member must reside outside of Malta, and stipulates that in appropriate circumstances the competent authority may accept an application submitted whilst the family members are already in Malta.

Any difference in admission criteria and conditions between first time applicant and when applying for a change of status:

The same procedure for family reunification applies (except the family member will not need to apply for a long-stay visa as they already reside in Malta).

Any alteration of rights with respect to

residence:

The length of permit is the same length as the person whom the family member is joining in Malta.

employment rights:

This depends on the status of the family member being joined in Malta. If the family member being joined has recognised refugee status, the employment rights would not change.

social welfare and social security rights:

The family member also has access to social security rights.

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).

Displaced persons from Ukraine can apply for temporary protection in Malta but have to inform the country where they had protection to de-list them.

Eligibility covers these categories of persons:

- ▶ Ukrainian nationals who left Ukraine after 24 February;
- ▶ persons who had international protection in Ukraine and who left Ukraine after the 24 February;
- ▶ family members of above two categories
- ▶ third-country nationals who had a permanent residence permit in Ukraine as long as they cannot be returned to their country of origin under safe and durable conditions and who left Ukraine after the 24 February.

It is important to note that persons who only have a temporary residence permit in Ukraine are not eligible in Malta for temporary protection, but can apply separately for asylum status.

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.

No special provisions have been made in respect to displaced persons from Ukraine. Otherwise, third-country nationals enjoy the same status which provides for equal treatment on the labour market as regards working conditions like any gainfully occupied person in Malta.

Full details are available [here](#).

- 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

The procedures are identical to any other third-country national enjoying the same status.

A single permit can be applied for. The single permit authorizes third-country nationals to legally reside and take up employment in Malta for a defined period, which may be further renewed. Third-country nationals may submit an application whilst they are either still-abroad or legally staying in Maltese territory.

Applications for a residence permit have to be endorsed by the employer and the permit would cease to apply if the applicant would no longer remain in the specified employment.

The single permit does not entitle holders to carry out:

- ▶ paid duties assigned by other third parties than the identified employer; and
- ▶ unauthorized work not related to the specific employment activity indicated in their application.

- II. Recognition of qualifications/diplomas

Recognition is not automatic. Recognition can be obtained through the normal channels. The official body charged with this process is the [Malta Qualifications Recognition Information Centre \(MQRIC\)](#). The procedure is based on application. If an identical request had been recorded at MQRIC, a reply is given immediately; in the case of 'unknown' qualifications, MQRIC decides after researching the contents and level of the qualification applied for.

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

No official or specific protocols have been set up to meet the needs of displaced persons from Ukraine. They are assisted by JobsPlus once it is established that they have left Ukraine after the 24 February 2022. Training facilities form part of the Training Pays Scheme, ESF.01.001 – Training for Employment Project and it aims to assist individuals to develop and/or improve their skills by participating in further off-the-job education and training. The scheme offers assistance in the form of a training grant to aid participants with costs relating to training. This grant will be awarded to the individual (trainee) after successful completion of their training. Details are available [here](#).

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

No official or specific protocols have been set up to meet the needs of displaced persons from Ukraine. But persons coming from Ukraine can benefit from all the facilities and schemes provided/run by Jobsplus (see above).

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

None.

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: No special provisions have been put in place for displaced persons coming from Ukraine. Displaced persons from Ukraine are entitled to social security benefits under the same conditions as other persons. Social security provisions in Malta are rather complicated. Benefits include: a) social and welfare assistance; b) medical care (including, as a minimum essential emergency care and essential treatment of illness); and access to education for children and teenagers.

Social welfare: No special provisions exist for persons coming from Ukraine. Temporary protection beneficiaries are treated as beneficiaries of subsidiary protection. This means that they may apply for social welfare benefits from any of the [servizz.gov offices](#), where officials will assist them to apply for such benefits. If considered eligible, temporary protection beneficiaries will receive social assistance. For more info, see: [servizz.gov](#).

- II. Eligibility conditions

Persons have to satisfy the complex conditions listed in the Social Security Act which governs both social security and social welfare in a harmonious way. As long as persons contribute regularly in terms of the provisions of this Act, they are entitled to all the contributory benefits provided under this Act.

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

None.

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.

The Ministry for Home Affairs publishes relevant information on its [website](#).

The NGO [SOS Malta](#) provides online counselling through their [online platform](#) and has engaged a Ukrainian psychologist to provide online face to face counselling to co-nationals in Malta and anywhere in the world including Ukraine. Group therapy sessions are conducted weekly at SOS Malta to Ukrainian women seeking psychological support. The DIER and JobsPlus deal with persons from Ukraine in the same way as they deal with other persons enjoying temporary protection status. The NGOs working in migration are assisting and supporting in every possible way. [Facebook pages](#) transmitting information for displaced persons from Ukraine have been opened.

Specific information for displaced persons from Ukraine has been provided by the [Malta Refugee Council \(MRC\)](#), which is a network of private NGOs.

In May 2020, Aditus (a member of MRC) published a detailed [factsheet](#) (no 24) on *Temporary Protection for Persons Fleeing Ukraine*.