

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

Country Fiche – Estonia
August 2022

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Information provided in this fiche considers legal and policy developments up to 31 August 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

- ▶ **Act on Granting International Protection to Aliens (Protection Law)** and Governmental and Ministerial Acts issued under that law. In general, the TPD in Estonia is implemented through the Protection Law which was adopted by the Estonian Parliament already on 14 December 2005 (entered into force on 1 July 2006) and has been amended several times by the Parliament since then (last amendment dates to 19 July 2022 and entered into force on 16 August 2022). In addition to temporary protection questions, the law also regulates the process of applying for refugee status and subsidiary protection status (international protection). The questions of temporary protection are more specifically regulated in Chapter 3 of the Protection Law (Article 52 and following).
- ▶ **Regulation No. 86 on 'The procedure of application for, issue, extension and revocation of a residence permit of a person eligible for temporary protection and their family member, the list of certificates and information to be submitted upon application for a residence permit'**: Regulation No. 86 was issued under Article 60 of the Protection Law by the Minister of Interior on 18 December 2015 and entered into force on 1 January 2016 (hyperlink to consolidated and active version of Estonian text (17.01.2017)).
- ▶ **Order No. 66 on the 'Application of Temporary Protection'**: Order No. 66 was issued on 08 March 2022 under Article 52 of the Protection Law. With this Order The Government of Estonia applied temporary protection to persons named in Article 2(1) of Council Decision 2022/382. It entered into force on 9 March 2022.
- ▶ **Order of Police Director General from 24 February 2022**: This order is also relevant (especially before the Amendment Law entered into force). The order widens the scope of persons - compared to Government's order from 8 March 2022 - who can temporary stay in Estonia and during this stay apply for international protection under the Protection Law or any residence permit on any other grounds. The Police and Boarder Guard Board has expedited proceedings (one month duration) for international protection proceedings for persons coming to Estonia due to armed conflict in Ukraine. It entered into force on 24 February 2022.
- ▶ **Aliens Act**: This Act regulates the general questions of aliens, including the ones receiving temporary protection: bases for the entry of aliens into Estonia, their temporary stay, residence and employment in Estonia. The Act was adopted on 9 December 2009 and entered into force on 1 October 2010.

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>.

- **State Borders Act:** This Act regulates the general questions of crossing Estonian state border. The Act was adopted on 30 June 1994 and has been amended several times. On 19 July 2022, the Parliament of Estonia adopted changes to the [State Borders Act](#), the Aliens Act and the Protection Law. In an emergency caused by mass immigration, in the event of a threat to public order or national security, the Police and Border Guard Board is now granted the right to return an alien who has illegally crossed the external border to the foreign state from where they arrived in Estonia without the issue of a precept to leave or without making a decision on prohibition on entry if it was possible for the alien to enter Estonia through a border crossing point open for crossing of the external border (Article 9¹⁰ of the States Borders Act as amended).

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

- **Protection Law:** According to **Article 45 of Protection Law** 'An alien who has been issued a residence permit on the basis of this Act may take employment in Estonia on the same grounds provided by legislation as a permanent resident of Estonia'. According to Article 61 of the Protection Law, a person and their family member to whom a residence permit has been issued on the basis of temporary protection may take employment in Estonia on the conditions provided for in the Aliens Act. The Amendment Law repealed Article 61 of the Protection Law.
- **Amendment Law of Protection Law and Aliens Act ('Amendment Law'):** The Amendment law amended the [Protection Law](#) and the [Aliens Act](#) as mentioned above under Section 1.1.1 I. Following the entry into force of the Amendment Law on 24 May 2022, which repealed Article 61 of the Protection Law, it was made legally clear that Article 45 of the [Protection Law](#) now also applies to persons having residence permit on the basis of temporary protection and they may take up employment and self-employment on the same grounds as Estonian permanent residents. Before the entry into force of the Amendment Law, Article 45 of the Protection Law was considered as a general legal norm and Article 61 a special legal norm. It meant that people granted residence permit on international protection grounds, were allowed to work as permanent residents, but people who had residence permit under temporary protection grounds had the right to work, taking account the restrictions of the Aliens Act due to the reference in Article 61 to Aliens Act. The [Amendment Law](#) repealed Article 61 of the Protection Law. In other words, people having residence permit on the basis of temporary protection may take up employment on the same grounds as Estonian permanent residents.
- **Government Regulation adopted on 15 March 2022:** According to Government Regulation of 15 March 2022, all displaced persons from Ukraine who were registered as short-term employees on 24 February 2022 in Estonia, had the right to work short-term until 31 May 2022. After the adoption of the Amendment Law on 9 May 2022, which entered into force on 24 May 2022, this deadline has been extended. The short-term employment rules have been eased and no end-term and registration obligations are set for Ukrainians (in case they get residence permit on the basis of temporary or international protection, they do not have to obey by the short-term employment rules of the Aliens Act, but can work as permanent residents). The Regulation was adopted on 15 March 2022 and entered into force on 19 March 2022.
- **Aliens Act:** When persons arrive to Estonia, it takes some time before receiving a residence permit. Before a person legally staying in Estonia gets a residence permit on the basis of temporary or international protection (or any other ground) they can only work following the short-term employment rules in Aliens Act, Article 104 and following. Following the adoption of the Amendment Law, the rules of short-term employment in Aliens Act have been eased and special rights granted to displaced persons from Ukraine, in accordance

with in Articles 309.14-309.16 of the Aliens Act (e.g. no need to register for short term employment even if the person does not yet have the residence permit on temporary protection). After receiving residence permit on temporary or international protection grounds, persons can work as permanent resident. The Act was adopted on 9 December 2009 and entered into force on 1 October 2010.

Social security/welfare

- ▶ **Protection Law:** According to Article 75 of the Protection Law, social security and welfare rights of persons with residence permit on the basis of temporary or international protection are largely the same as those for permanent residents. The Law was adopted on 14 December 2005 and entered into force on 1 July 2006.
- ▶ Social security and welfare rights are dispersed in further laws such as: [Family Benefits Act](#), [Labour Market Services and Benefits Act](#), [the Social Welfare Act](#), and [Health Services Organisation Act](#).
- ▶ The new Article 309.14 and 309.16 of the Aliens Act, as amended by the Amendment Law on 9 May 2022, grant additional access to unemployment services.

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 Order No. 66 on the 'Application of Temporary Protection' .
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 Order No. 66 on the 'Application of Temporary Protection' . Family members according to the Government order are: spouse, unmarried partner, unmarried minor and also close relatives who were the members of the same household and were dependent on the person named in point 1. They are considered family members in case they formed family before 24 February 2022 and were resident in Ukraine.
Third-country nationals and stateless persons beneficiaries of international or equivalent national protection in Ukraine until 24 February 2022	Yes Order No. 66 on the 'Application of Temporary Protection' .
Stateless persons and nationals of third countries, legally residing in Ukraine before 24	After the Amendment Law took effect on 24 May 2022 and amendments to the Aliens Act were made (new Article 309.14),

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
<p>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</p>	<p>all persons named in Council Decision 2022/382 Article 2 point 2 and 3 may stay temporary in Estonia according to Article 43 subsection 1 point 5 of the Aliens Act and apply for international protection (or residence permit on any other grounds, except temporary protection). According to Article 309.15 to 309.16 of Aliens Act they are allowed to work short term in Estonia under eased conditions.</p> <p>They may still be eligible for temporary protection as family members of some Ukrainian national or person otherwise eligible for temporary protection or stay. In some cases they may be granted the right to temporary stay on humanity grounds and all persons who have the right to stay in Estonia may apply for international protection or residence permit on any other ground.</p>
<p>Other persons who are displaced for the same reasons and from the same country of region of origin (Article 7(1) of TPD), including</p> <ul style="list-style-type: none"> ▶ stateless persons and ▶ nationals of third countries other than Ukraine, <p>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).</p>	<p>After the Amendment Law took effect and amendments to Aliens Act were made (new Article 309.14), all persons named in Council Decision 2022/382 Article 2 point 2 and 3 may stay temporary in Estonia according to Article 43 subsection 1 p 5 of the Aliens Act and apply for international protection (or some residence permit if conditions are fulfilled). According to Article 309.15 to 309.16 of the Aliens Act, they are allowed to work short term in Estonia under eased conditions.</p> <p>In addition to this, they may get temporary protection as family members of some Ukrainian national or person otherwise eligible for temporary protection or stay. In some cases they may be granted the right to temporary stay on humanity grounds and all persons who have the right to stay in Estonia may apply for international protection or residence permit on any other ground.</p>
<p>Any additional category of beneficiaries (i.e. persons who arrived from UA before 24 February 2022)</p>	<p>Yes</p> <p>According to the order of Police Director General from 24 February 2022, every Ukrainian citizen and his family member despite nationality has the right to enter and stay temporary in Estonia and also apply for international protection (expedited proceedings) or residence permit on any other ground. This means that persons who left Ukraine before 24 February 2022 can also enter and stay (no need of biometrical passport). In this case family members are: direct ascending and descending relatives, spouse, partner or other persons in same household.</p>

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
	After the Amendment Law took effect and amendments to the Aliens Act were made, all Ukrainian citizens present in Estonia before 24 February 2022 can stay temporary in Estonia according to Article 43 subsection 1 p 5 of the Aliens Act and apply for international protection (or some residence permit if conditions are fulfilled). According to Article 309.15 to 309.16 of the Aliens Act, they are allowed to work short term in Estonia under eased conditions.

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)	Estonian Police and Border Guard Board	Politsei- ja Piirivalveamet	https://www.politsei.ee/en
Employment rights	Unemployment Insurance Fund	Töötukassa (employment related benefits and getting to work)	https://www.tootukassa.ee/en
	Labour Inspectorate	Tööinspektsioon (working conditions at work)	https://tooelu.ee/en/392/ukrainian-war-refugees-and-employment-relations
Social welfare and social security rights	Social Insurance Board	Sotsiaalkindlustusamet	https://sotsiaalkindlustusamet.ee/en

- 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.

In March, the Police and Boarder Guard Board started to coordinate the process and the Emergency Joint Staff (*hädaolukorra ühendstaap*) was issued, which coordinates all questions related to Ukrainians and the Russian-Ukrainian armed conflict. It has lower sub-units (for example for co-ordinating social protection issues) to co-ordinate specific issues.

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.

Both groups (persons having international protection and temporary protection residence permits) have the same rights as permanent residents of Estonia (Article 45 of the Protection Law). The social security rights of temporary and internationally protected persons are the same (Article 75 of the Protection Law).

As explained after the Amendment Law added new Article 309.14 to Aliens Act, it gives rights to temporary stay and work in Estonia to persons named in Council Decision 2022/382 Article 2 point 2 and 3. In other words it eases the possibilities for short-term employment for persons who get the right of temporary stay under new Article 309.14 for the period they are applying residence permit under Aliens Act or international protection and gives non-working persons the right to register as jobseeker and gain jobseekers services. In addition, the employers have to pay at least 0.8 of the average gross salary of the field of activity to these employees. The working conditions for all other short-term workers are also eased. Compared the rights of persons who have residence permit on temporary protection ground (Ukrainian nationals, family members etc) or any other ground and the ones who have the right to stay in Estonia under Aliens Act Article 309.14 (stateless persons and TCNs), then the first group is better protected: they have the rights as permanent residents, whereas the second group can work temporary and have limited social security rights.

- 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. From temporary protection to international protection or any other type of residence permit during the temporary protection regime and after this ends.

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

Status change from temporary protection to international protection or any other type of residence permit

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

If a person has a legal basis to stay in Estonia, they can file an application for a national D-visa or residence permit on any grounds within Estonia to Police and Border Guard Board. Nothing specific is prescribed for persons with temporary protection.

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

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.

There are no difference in admission criteria, all substantial conditions for issuing the respective permit or visa, should be met in all cases.

Any alteration of rights with respect to

residence:	employment rights:	Social welfare and social security rights:
If a residence permit is issued - no alterations.	No alterations in case of residence permit.	If residence permit is issued – no alterations.
If visa is issued – residence is changed to temporary stay.		If visa is issued – some social security rights may be unavailable for non-working persons.

- 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).

Based on the information provided by the Ministry of Interior, the EU level registration platform of temporary protection applications is under construction and will be potentially launched on 31 May 2022. Currently Estonia has exchanged information with Latvia and Lithuania. In Estonian law there is no legal consequence if double registration is found.

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 45 of the [Protection Law](#), if a person has been granted residence permit on temporary or international protection ground he can take up employment as permanent residents, all rules from [Employment Contracts Act](#), [Occupational Health and Safety Act](#) etc. have to be followed. All labour, health and safety rules are to be complied with (also during short-term employment, working as seasonal worker etc).

- 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

There is no need to ask any additional permit or register persons who have received residence permit on the basis of temporary or international protection (Article 45 of the [Protection Law](#)), they can work as permanent residents.

After the Amendment Law added Articles 309.14-16 to the [Aliens Act](#), the regulation of short-term employment of displaced persons from Ukraine has been eased who have not yet received residence permit and are temporary staying in Estonia: according to the amendments, the employer will not have to register the short-term employment with Police and Boarder Guard Board.

II. Recognition of qualifications/diplomas

The general rules are applicable. Convention on the Recognition of Qualifications concerning Higher Education in the European Region and also bilateral agreement between Estonia and Ukraine from 1996 are applicable ([Agreement between the Government of Ukraine and the Government of the Republic of Estonia on Mutual Recognition of Documents in the field of Education and Scientific Degrees](#)).

In Estonia, the competent authority for recognition of qualifications is the ENIC/NARIC Academic Recognition Information Centre, which is a subdivision of the Education and Youth Board. They have detailed [guidance](#) also in English and Russian. In practice the recognition of Ukrainian qualifications takes time and causes practical problems. For this reason, many doctors of Ukraine cannot work as doctors in Estonia, but they have to start as nurses (until the recognition process is over).

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

People having residence permit under temporary protection or international protection have the same rights as Estonian permanent job seekers. See also Article 75 of the [Protection Law](#).

Displaced persons from Ukraine temporary staying in Estonia under Article 309.14 of the Aliens Act, have the right to register as unemployed and receive some labour market services, counselling, job mediation, career counselling (Article 309.16 of Aliens Act).

In practice there are many special job-counselling services organised by Estonian authorities especially to people coming from Ukraine. The Unemployment Insurance Fund extensively explains and counsels them. See for example [here](#).

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

By law, the same rights and opportunities as for Estonian jobseekers and employees apply if person has residence permit on temporary protection or international protection ground.

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

The rules are the same (not less favourable).

To avoid any possible abuse of Ukrainians fleeing the war, who have not yet received any residence permit, [Aliens Act](#) Article 309.15 states that an employer should pay at least 0.8 of the average gross salary of the occupation to a person who is listed in Article 309.14 of the Aliens Act. These are persons listed in Council Decision 2022/382 Article 2 points 2 and 3, who have no other grounds to stay in Estonia and who have not yet received a residence permit on international ground and also Ukrainian citizens staying in Estonia already on 24 February 2022.

All other short-term employees (for example those named in Council Decision 2022/382 Article 2 point 1 waiting for residence permit) have to receive the average last year's gross salary published by Estonian Statistical Board (Article 107, with exceptions).

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

Persons who have a residence permit on temporary or international protection grounds have the same rights as Estonian permanent residents and eligibility criteria are the same. Examples of the most important social security benefits in Estonia include:

Family benefits: Most benefits are residence based (for example child allowance, single parent allowance, childbirth allowance), all persons having residence permit under temporary or international protection grounds receive them. This is regulated in the Family Benefits Act.

Health insurance: Pregnant women, minors under 19, and pensioners have residence-based health insurance (Article 5 (4) of Health Insurance Act). According to Article 5(1) of the Health Insurance Act, an insured person (active income related) is also a person residing in Estonia on the basis of a temporary residence permit or a person legally staying and working in Estonia based on a temporary stay for whom a payer of social tax must pay social tax or who pays social tax for themselves in accordance with the procedure, in the amounts and within the time limits provided for in the Social Tax Act. According to the combination of Article 5(1) of the Health Insurance Act and Article 6 of Social Tax Act a lot of non-working persons, for whom the state is paying social tax (see more precisely Article 6 of Social Tax Act) have also Estonian health insurance.

Invalidity benefit: This benefit is also residence-based and regulated in the Social Benefits for Disabled Person Act.

Social welfare

While applying for residence permit on temporary protection grounds, displaced persons from Ukraine have the following rights to social benefits.

Accommodation: According to Article 32 of the [Protection Law](#), persons applying for temporary or international protection residence permit have the right to get their basic needs covered in accommodation centres, which are organised by Estonian Social Insurance Board. A displaced persons from Ukraine has a right to receive accommodation, food, basic clothing etc. from the accommodation centre. They also receive basic medical check-up and counselling of rights and duties.

Social assistance: Emergency social assistance is provided to persons who find themselves in a socially helpless situation due to the loss or lack of means of subsistence which guarantees the persons at least food, clothing and temporary accommodation (Articles 5(5) and 8 of the [Social Welfare Act](#)).

Health: Even if a person does not have a health insurance, according to Article 6 of [Health Services Organisation Act](#) every person in the territory of the Republic of Estonia has the right to receive emergency care. Emergency care means health services which are provided by health care professionals in situations where the

postponement of care or the failure to provide care may cause the death or permanent damage to the health of the person requiring care.

After having obtained residence permit under temporary protection or international protection grounds such persons have the same rights as before, plus all the rights entitled to persons with Estonian permanent residence. Including all social services listed in the [Social Welfare Act](#) and the right to subsistence benefit. Most of the social welfare services are organised and the subsistence benefit paid by local municipalities, where the person is living.

II. Eligibility conditions

Social security

Many of Estonian social security benefits are residence based, so the persons are eligible for them from day one after receiving the residence permits on temporary protection grounds. There is no need to verify self-employment for them.

Social welfare

The substantial grounds for benefits are defined in the Social Welfare Act. For example, the substantial criteria for subsistence benefit are listed in Article 131 and following paragraphs of the Social Welfare 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

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.

Almost all Estonian authorities have dedicated special pages for people coming from Ukraine. The Estonian Unemployment Insurance Fund and Labour Inspectorate are no exception.

The Estonian Unemployment Insurance Fund has a dedicated [webpage](#) and has negotiated with the employers who make special job-offers to Ukrainian people, the web-page also sorts job-offers in different Estonian regions.

The Estonian Unemployment Insurance Fund has another [webpage](#) which explains in Estonian, Russian and English the possibilities to get a job-seeker status and benefits and services connected with it and the possibility to study the Estonian language.

The Estonian Labour Inspectorate has made short summaries of basic employment rights and obligations in Estonia, and also FAQs to employers, volunteers etc. The [info](#) is available in Estonian, English, Russian and Ukrainian.

The larger municipalities together with the Estonian Unemployment Insurance Fund have set up 'refugee centres' where persons can get counselling and also register their interest for child day-care and school needs. They can also find [info](#) about the centre in Tallinn (biggest municipality in Estonia).

The Equality and Equal Treatment Commissioner is launching a campaign (volinik.ee) to change the mentality of persons to rent apartments to persons coming from Ukraine. The problem is that many residents do not want to rent out apartments to displaced persons from Ukraine.