

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

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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)<sup>1</sup> and Council Implementing Decision (EU) 2022/382<sup>2</sup>

<u>Act under scrutiny/examination by EEA EFTA</u>: The Temporary Protection Directive is not binding for Iceland. The Directive falls under EU legal act marked as EEA relevant by the EU and under scrutiny for incorporation into the EEA Agreement by Iceland, Liechtenstein and Norway.

<u>Act No. 80/2016 on Foreign Nationals</u>: Iceland has activated Article 44 of the Act No. 80/2016 on Foreign Nationals, in light of the mass influx of displaced persons from Ukraine following the Russian invasion of Ukraine. This decision is taken in keeping with the EU's decision to initiate the same kind of action, as provided for in Directive 2001/55/EC on temporary protection in the event of a mass influx of displaced persons.

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

Act under scrutiny by EEA /EFTA and not implemented. Please see below a list of national legislation having an impact on the (access to) (self-)employment and social security/welfare for the displaced persons coming from Ukraine.

#### Access to employment

- Act No. 97/2002 on Employment Rights of Foreigners
- Act No. 80/2016 on Foreign Nationals

Social security/welfare

- Act on Social Security No. 100/2007
- Act on Social Assistance No. 99/2007
- Act of Health Insurance No. 112/2008

<sup>&</sup>lt;sup>1</sup> 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: <a href="https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055">https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055</a>. <sup>2</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from

<sup>&</sup>lt;sup>2</sup> 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: <u>https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382</u>.

## **1.1.2** Beneficiaries (persons covered by temporary protection)

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
<ul> <li>Ukrainian nationals</li> <li>residing in Ukraine</li> <li>displaced from 24 February 2022</li> </ul>	Yes
Family members	Yes
	Family includes married and unmarried couples, children living with them aged 17 and under, and single men and women living with children aged 17 and under.
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	
Third-country nationals and stateless persons beneficiaries of international or equivalent national protection in Ukraine until 24 February 2022	Yes The reception of refugees in Iceland covers the same defined groups as determined by the EU. This method is first and foremost intended to make it possible to aid those who flee from Ukraine swiftly and effectively, namely by granting them temporary protection, without the reception and aid overwhelming Iceland's protection system.
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 According to the decision by the Minister of Justice who decided to activate Article 44 of the <u>Act on Foreigners No. 80/2016</u> . Article 44 states that 'A foreign national who is a member of a group which flees a specified region and arrives in Iceland, or is in Iceland when the provisions of the article are applied, may upon application for international protection be granted protection on the basis of a group assessment', i.e. collective protection. This means that foreign nationals will be granted a residence permit on humanitarian grounds under Article 74 of the <u>Act on Foreigners No. 80/2016</u> .

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
Other persons who are displaced for the same reasons and from the same country of region of origin (Article 7(1) of TPD), including	No The reception of refugees in Iceland covers the same defined groups as determined by the EU.
<ul> <li>stateless persons and</li> <li>nationals of third countries other than Ukraine,</li> <li>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).</li> </ul>	Article 44 of the <u>Act on Foreigners No. 80/2016</u> was activated in Iceland. The Ministry of Justice has also worked closely with the Schengen member states, including in preparation for the pending activation of Directive 2001/55/EC on temporary protection in the event of a mass influx of displaced persons.
Any additional category of beneficials (i.e. persons who arrived from UA before 24 February 2022)	No The reception of refugees in Iceland covers the same defined groups as determined by the EU.

## **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	Digital Iceland	Stafrænt Ísland- Island.is	https://island.is/en/p/ukrainian-citizens
status change in	The red cross	Rauði krossinn	https://www.raudikrossinn.is/ukraina-2022/
question 2)	Multicultural Information Centre	Fjölmenningarsetur	https://www.mcc.is/ukraine/
	The Directorate of Immigration	Útlendingastofnun	<u>https://utl.is/en/</u>
Employment rights	Directorate of Labour	Vinnumálastofnun	https://www.vinnumalastofnun.is/en
Social welfare and	Icelandic Health Insurance (IHI	Sjúkratryggingar Íslands	https://www.sjukra.is/english

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
social security rights		Heilsugæsla	https://www.heilsugaeslan.is/default.aspx?lang=en- us

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.

A Reception Centre for Applicants for International Protection has opened in Domus Medica in Egilsgata 3, 101 Reykjavik. All refugees arriving from Ukraine are screened for tuberculosis, syphilis, hepatitis and HIV. Refugees, like others, always have access to emergency services. After registration and all the paperwork, a health insurance certificate is issued. No other mechanism has been put in place to coordinate the work of the above mentioned national authorities.

# 2.0 Possibility of changing the status

a) Difference between temporary protection status and other forms of adequate protection<sup>3</sup> under national law, in respect of third country nationals and stateless persons coming from Ukraine.

In general, an employer who wants to hire foreigners to work from a country outside the European Economic Area, EFTA or the Faroe Islands must apply for a temporary work permit before foreigners start working. If foreigners start working without a work permit, this may lead to a rejection of an application for a work permit, as well as fines or imprisonment for up to two years.

If an employer is issued a temporary work permit, this is conditional on the foreigners for whom the permit is applied for. The foreigners are only allowed to work for the employer to whom the work permit is granted. If foreigners want to change jobs, they must therefore apply for a new work permit from the new employer and this must be granted before they are allowed to start working there.

Displaced persons from Ukraine need to be issued a work permit to be allowed to work in Iceland, as they are issued a residence permit on the basis of humanitarian grounds. An employer who intends to employ displaced persons from Ukraine must therefore apply for a work permit and the permit must be approved before an employee can start work.

Necessary documents for the application of a new work permit for an employee from Ukraine:

original of application for a temporary work permit for special reasons;

<sup>&</sup>lt;sup>3</sup> '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.

- employment contract between a foreigner and an employer;
- the relevant trade union must provide an opinion on the application (Box IV on the application form) unless the trade union is an EFLING trade union. In such cases, the Agency shall obtain that opinion;
- comments are obtained by contacting the relevant trade union and submitting an application for a work permit and a copy of the employment contract;
- ▶ the application and employment contract must be signed by both the employee and the employer;
- applications must be submitted to the nearest service office of the Directorate of Labour or to the Directorate of Immigration. If employment takes place through the services of the Directorate of Labour, it is desirable that the application is submitted there.

At present, applications for work permits are generally processed within a week, and if the application and employment contract are filled in correctly, the application can be processed on the same day as it is received by the Directorate of Labour.

The following conditions must always be met in order for the Directorate of Labour to be granted a temporary work permit:

- > application for a temporary work permit signed by an employer and a foreigner;
- employment contract between employer and foreigner signed by employer and foreigner;
- review of the relevant union;

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▶ furthermore, the relevant special conditions of each type of temporary work permit must be met.

An application for an extension of a temporary work permit must be submitted to the Directorate of Immigration four weeks before it expires. Upon extension, all the conditions of the temporary work permit must be met, and the employer must have paid withholding tax and social security contributions according to law due to the foreigner's work.

After a refugee/displaced person from Ukraine is registered as insured in Iceland in a refugee reception centre, the person in question is entitled to benefits and access to social welfare and social security rights. It means that there is no waiting time to access health insurance.

This is an exception to the general rule that an individual moving to Iceland must have been domiciled in Iceland for a minimum of six months in order to obtain health insurance. The general rule is that everyone who has been legally resident in Iceland for six months automatically becomes a member of the Icelandic social insurance system, regardless of nationality. EEA citizens that were health insured in another EEA country before moving to Iceland can apply for health insurance form the day they register their legal residence in Iceland.

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 <u>during</u> the temporary protection regime. and <u>at the end</u> of this regime (e.g. single permit for work, EU Blue Card for highly-qualified workers, seasonal workers, family reunification).

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

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

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

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).

The Icelandic government is in good co-operation with other refugee centres in the EU and in the Nordic countries and seeks to prevent the registration of refugees in two places. Article 26 of the Temporary Protection Directive has not been implemented.

# 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 displaced from Ukraine receive a work permit and the same working conditions as required by Icelandic law 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

According to Article 6 of <u>Act No. 97/2002 on Employment Rights of Foreigners</u>, it is not permitted to grant foreigners a work permit without a residence permit. An employer is not permitted to employ foreigners, whether permanently or temporary, or to arrange for foreigners to move to Iceland for this purpose without a work permit, provided that they are not exempt from the requirement for a work permit. Foreigners are not allowed to work in Iceland as independent or employed persons unless they are exempt from the requirement of a work permit. Foreigners are not allowed to work in Iceland unless permission has been granted.

Article 44 of <u>Act No. 80/2016 on Foreign Nationals</u> has been activated for displaced persons from Ukraine. Article 44 states that foreigners, who is part of a group fleeing a certain territory and coming to the country or are here when the provisions of the article are applied, may, upon receipt of an application for international protection be provided with protection on the basis of group assessment or so-called joint protection. This means that foreigners will be granted a residence permit on humanitarian grounds, cf. Article 74 of <u>Act No. 80/2016 on Foreign Nationals</u>. The residence permit is granted for one year at a time with the right to renew or extend it for up to three years from the time the applicant first received the permit. After that, a permit may be granted in accordance with Article 74 which may be the basis of an indefinite residence permit may be issued, provided that the conditions for maintaining the permit are still in place and the conditions are otherwise met. The residence permit that will be granted to individuals on this basis includes the same rights as access to services and residence permits on the basis of humanitarian considerations according to Article 74 of <u>Act No. 80/2016 on Foreign Nationals</u>. This means access to housing, subsistence, social services, health care and

access to the labour market. These rights are largely the same as those granted to individuals in other European countries under TPD.

According to the current <u>Act No. 97/2002 on Employment Rights of Foreigners</u>, those who receive a residence permit on humanitarian grounds only receive conditional access to the labour market in this country, which is based on the employer having to apply for a work permit for the person in question. Accordingly, refugees from Ukraine can have access to the Icelandic labour market. A <u>bill amending the Act on Foreigners</u>, which is currently being prepared by the Ministry of Justice, proposes to amend these provisions of the Act on the Employment Rights of Foreigners in such a way that all those who receive a residence permit on humanitarian grounds automatically receive a direct work permit in parallel with the residence permit.

The Directorate of Labour participates in the coordinated reception of refugees/displaced persons from Ukraine. There are special counsellors who only provide services to refugees. To enter the service, a person needs a referral from the social services of the municipalities. Refugees from Ukraine need to be issued a work permit to be allowed to work in Iceland as they are issued a residence permit on the basis of humanitarian funds. First of all, the refugee needs to submit an application for a Limited Work Permit.

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II. Recognition of qualifications/diplomas

Nothing particular is agreed for displaced persons coming from Ukraine.

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

The Directorate of Labour has a special service for refugees/displaced persons from Ukraine. Inquiries can be sent directly to this email address: <u>flottamenn@vmst.is.</u>

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

<u>VMST</u>'s (The Directorate of Labour) consultants generally work with the idea that refugees need to enter the Icelandic labour market as soon as possible for the integration into the Icelandic society. There is therefore a strong emphasis on preparing refugees for the labour market from the time they come to the counsellor for the first interview. Emphasis is also placed on individuals registering for Icelandic language courses and engaging in other activities during their job search.

The role of the Directorate of Labour in providing services to refugees has expanded with the introduction of a coordinated reception of refugees. The role of the agency is to provide job search support, as well as to be responsible for and manage Icelandic and community education for adult refugees. Icelandic language teaching is carried out in collaboration with lifelong learning centres and language schools, and refugees can register themselves or with the help of counsellors.

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

The Act on the Employment Rights of Foreigners also applies to those who are self-employed.

## 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

The social insurance system is residence based. As a general rule, everyone who has been legally residing in Iceland for six months automatically becomes a member of the Icelandic social insurance system, regardless of nationality. Children and adolescents under the age of 18 are health insured with their parents. Persons displaced from Ukraine do not have to wait 6 months to get access to health care, they are health insured from the first day of entry.

#### The Icelandic pension system

The Icelandic pension system can be described using the three-pillar classification. The first pillar is based on a tax-financed compulsory public pension (social security benefits). The second pillar consists of mandatory occupational pension funds which are the dominant feature of the system. The occupational pension funds are based on the membership of all employed and self-employed persons of the age 16 to 70. The third pillar pension is based on voluntary individual pension savings. In Iceland, both public pension and mandatory occupational pension (first and second pillar) fall under the scope of Regulation (EC) No 883/2004 on the coordination of social security systems.

The benefits below are part of the general rules which also apply to persons displaced from Ukraine.

#### Invalidity pensions

To be entitled to invalidity pension payments, residence in Iceland must be shown for at least the last three years before the application is submitted. If work capacity was undiminished at the beginning of residence in Iceland, the person involved will have to have lived in the country the last six months before the application was submitted. The rights depend on whether the applicant has lived or worked in another country and become entitled to pension rights there.

#### Invalidity allowance

The same rules regarding proportional reduction because of residence apply to an invalidity allowance as well as to an invalidity pension.

#### Child pension

To be entitled to child pension payments, one of the child's parents or the child has to have lived in Iceland for at least three years preceding submission of the application. A <u>child pension</u> is not linked to income and is therefore not reduced in accordance with residence rights). See <u>Act on Social Security No. 100/2007</u> and <u>Act on Social Assistance No. 99/2007</u>.

#### Child benefits

Child benefits are paid for every child under the age of 18 years, domiciled in Iceland and dependent on a person or persons who have an unlimited tax liability in Iceland. The child benefits are paid to the child's supporter, i.e. the person that the child is living with and is dependent upon at the end of the previous income year. The person that pays child support is not regarded the child's supporter in this context.

Married couples that file joint tax returns are both regarded as supporters and the child benefits are split equally between them. The same applies to persons in cohabitation that at the end of the income year meet the conditions of joint taxation, even if they have asked to be taxed separately.

Persons that share a household with their child are both considered the child's supporters even if they have not registered their cohabitation.

Child benefits in Iceland are income related and calculations are based on both parents / supporters' total income for the previous year. In the case of a single parent, only the income of that parent is used in the calculations.

Full benefits are paid for the year of birth of a child, but none is paid for the year in which a child reaches 18 years of age. The amount of child benefits is calculated in the tax assessment at the end of June each year

and the calculated amount is split into two payments, the first on 1 June and the second on 1 October. It is possible to apply for advance payments which are then paid on 1 February and 1 May.

A special supplement, which is also income related, is paid for children under 7 years of age.

#### Maternity/Paternity leave

A person who was active on the domestic labour market for at least 25 % of employment for six consecutive months before the child's date of birth or the date on which a child enters the home in the case of adoption or permanent foster care, can apply for payments as an employee or a self-employed individual.

#### Maternity/Paternity grant

A person who was occupied (for at least 75 % of studies) for six months during the last 12 months before the child's date of birth or the date on which a child enters the home in the case of adoption or permanent foster care, can apply for a maternity/paternity grant as a full-time student.

If a person has not been active on the domestic labour market, or employed in a full-time position for less than 25 % of the last six months before the child's date of birth or the date on which a child enters the home in the case of adoption or permanent foster care, he or she can apply for a maternity/paternity grant.

As a ground rule, a person needs to be a legal resident in Iceland on the child's date of birth and needs to have been a legal resident in Iceland for the last 12 months before that date, for mor information see <u>here</u>.

#### Social welfare

Refugees/displaced persons from Ukraine are entitled to special assistance for a minimum of one year from their arrival in the country. The assistance that the refugees are entitled to are:

- basic financial assistance: displaced persons from Ukraine shall be provided with basic financial assistance in accordance with the rules of the municipality of legal residence on financial assistance;
- grant corresponding to child benefit payments by the Director of Internal Revenue;
- housing, together with the necessary furniture and telephone and housing subsidy;
- special assistance for children;
- scholarship;
- ▶ grant for the payment of a medical examination at the outpatient department of epidemiology;
- grants for dentistry;
- specialist assistance from social workers, psychiatrists or psychologists (social counselling);
- teaching Icelandic; displaced persons from Ukraine should be encouraged to study Icelandic as a second language and to join community education. Grant of ISK 150 000 is provided;
- other necessary assistance (e.g. job search assistance, leisure activities, interpreter services).

#### Accommodation

Accommodation is allocated by the Directorate of Immigration.

Food allowance:

- individuals receive ISK 8 000 per week;
- couples receive ISK 13 000 per week;
- children receive ISK 5 000 per week.

The maximum payment for a family is ISK 28 000 per week.

Allowance (paid after a four-week stay):

- adults receive ISK 2 700 per week;
- children receive ISK 1 000 per week.

#### II. Eligibility conditions

#### Social security

The social insurance system is residence based. As a general rule, everyone who has been legally residing in Iceland for six months automatically becomes a member of the Icelandic social insurance system, regardless of nationality. Children and adolescents under the age of 18 are health insured with their parents.

Persons displaced from Ukraine do not have to wait for six months to get access to health care, they are health insured from the first day of entry.

#### Social welfare

Valid for all displaced persons from Ukraine who have received approval from the Immigration Service for temporary residence and work permits.

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

#### Social security

No exceptions relating to employed or self-employed activities exist. Displaced persons from Ukraine and their family members are entitled to collective protection in Iceland. The Directorate of Immigration is responsible for the processing of applications. The applicant must be present in Iceland when submitting the application and must be submitted in person. The protection system applies to the following categories of persons:

- Ukrainian citizens, who resided in Ukraine before 24 February 2022;
- individuals who enjoyed international protection, subsidiary protection or were holders of residence permits for humanitarian reasons in Ukraine on 24 February 2022.

#### Social welfare

No exceptions relating to employed or self-employed activities.

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

The Directorate of Labour participates in the coordinated reception of refugees. There are counsellors who only provide services to displaced persons from Ukraine. To enter the service, a person needs a referral from the social services of the municipalities. The lawyer fills out a referral form in consultation with the individual. After receiving a referral, one of the Directorate of Labour's advisers takes the person into service and calls the person in question for an interview. Language Line interpreting services are used when needed. Inquiries regarding VMST's services to refugees can be sent to <a href="flottamenn@vmst.is.">flottamenn@vmst.is.</a>

On 17 March the City Council of Reykjavík agreed to form a special coordination group that will manage the city's reception of refugees and the work of a special action group. The access of refugees to Icelandic society must be ensured and the community must be encouraged to meet its needs. Consideration must be given to housing, schooling, subsistence, health and welfare services and trauma care, leisure and socializing.

The Ministry of Social Affairs and the Multicultural Centre has launched a <u>website</u> where persons can register rental housing due to the arrival of refugees from Ukraine.