

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

Country Fiche – the Netherlands
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 of 23 November 2000 for the general revision of the Aliens Act](#), '*Vreemdelingenwet 2000*', entered into force on 23 November 2000, Stb. 2000, 495, last amended on 29 September 2021, Stb. 2021, 505. This act provides the general legal framework regarding access, registration, supervision, asylum and enforcement regarding aliens in the Netherlands. It also implements the TPD in the Netherlands.
- ▶ [Aliens Decree 2000](#), Stb. 2000, 497, entered into force on 23 November 2000, last amended on 13 December 2021, Stb. 2021, 608. This decree provides more detailed rules and further procedural rules regarding access, supervision and enforcement creating the general asylum system in the Netherlands, and also providing more detailed rules to implement the TPD in the Netherlands.
- ▶ [Act of 16 December 2004 to amend the Aliens Act 2000 in order to implement 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 of it](#), entered into force on 16 December 2004, Stb. 2004, 691. This act amends the Aliens Act 2000 in order to implement the TPD Directive.
- ▶ [Decision of 12 January 2005 to amend the Aliens Decree 2000 in order to implement 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 of it](#), entered into force on 12 January 2005, Stb. 2005, 25. The act further amends the Aliens Act 2000 to provide persons benefitting from temporary protection legal residency for the duration of the temporary protection pursuant to the Council Decision.
- ▶ [Regulation of 24 February 2005 issued by the Minister for Alien Affairs and Integration to amend the Aliens Regulation 2000](#), entered into force on 16 March 2005, Government Gazette 2005, 53 p. 17. It amends the Aliens Act 2000 specifically to include Annex I of the TPD in the Aliens Act 2000.
- ▶ [Regulation on the provisions for asylum seekers and other categories of aliens 2005](#) (Rva 2005), entered into force on 26 January 2005, Government Gazette 2005, 24, last amended on 7 December 2021, Government Gazette 2021, 49409. The regulation provides general rules on provisions for asylum seekers, including accommodation and care. It also provides that temporary protection beneficiaries are accommodated in public reception centres run by the Central Agency for the Reception of Asylum Seekers

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>.

once it is established (in an application centre) that the persons concerned can benefit from the temporary protection regime.

- ▶ [Regulation on the reception of displaced persons from Ukraine](#), entered into force on 1 April 2022, Government Gazette 2022, 9469. It provides rules regarding accommodation, care and financial allowance for displaced persons. This regulation also provides more detailed rules on the reception of and provisions to displaced persons from Ukraine specifically.
- ▶ [Act of July 10, 1952, making provisions for the relocation of population in the event of war, danger of war, related or extraordinary circumstances](#), entered into force on 10 July 1952, Stb. 1952, 406, last amended on 1 July 2020, Stb. 2020, 262. This act has been used by the Dutch government to confer on municipalities the responsibility for providing shelter and other provisions to displaced persons from Ukraine, rather than the regular procedure where the Central Organ for Reception of Asylum Seekers is responsible, in view of the large amount of displaced persons from Ukraine. This Act therefore facilitates organisation of social welfare provisions to displaced persons eligible for temporary protection.

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

- ▶ [Aliens Employment Act](#), entered into force on 21 December 1994, Stb. 1994, 959, last amended on 29 September 2021, Stb. 2021, 505. This act provides the general rules on employment of aliens, including displaced persons falling under the TPD, i.a. Article 2a regarding the duty of employers to notify to the competent authority when employing displaced persons.
- ▶ [Decision to implement the Aliens Employment Act 2022 \(Besluit uitvoering Wet arbeid vreemdelingen 2022\)](#), entered into force on 13 December 2021, Stb. 2021, 608, last amended on 29 March 2022, Stb. 2022, 130. This decision provides more detailed rules on certain exceptions and exemption from the prohibition for employers to employ aliens without an employment permit.
- ▶ [Decree of March 29, 2022, amending the Decree on the Implementation of the Aliens Employment Act 2022 in connection with a temporary exemption from the work permit requirement, in view of the Council Implementing Decision establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Council Directive 2001/55/EC of July 20, 2001, and introducing temporary protection in response thereto](#), entered into force on 29 March 2022, Stb. 2022, 130. This decree forms the legal basis for the exemption from the obligation to apply for a work permit for employers that want to employ beneficiaries of temporary protection, along with setting other rules and conditions specific to employment of persons under temporary protection.
- ▶ [Regulation of the Minister of Public Health, Welfare and Sport of 15 February 2017 regarding rules for the granting of subsidies to healthcare supplier for the provision of medically necessary care to the uninsured](#), entered into force on 15 February 2017, Stcrt. 2017, 10332, last amended on 15 June 2022, Stcrt. 2022, 16496.
- ▶ [Act of 27 November 1968 regarding Minimum Wage and Minimum Holiday Allowance](#), entered into force on 27 November 1968, Stb. 1968, 657 (*Wet Minimumloon en Minimum Vakantiebijslag*). This act provides rules regarding minimum remuneration.
- ▶ [Working Conditions Act 1999](#), entered into force on 18 March 1999, Stb. 1999, 184 (*Arbeidsomstandighedenwet*). It provides rules regarding employees' health and safety.

- ▶ Work and Income according to [Labour Capacity Act](#), entered into force on 10 November 2005, Stb. 2005, 572 (*Wet WIA*). It regulates the rights to adapted work and allowances in case of sickness.
- ▶ [Act of 16 June 2005 regarding a regulation for a social insurance for health care for the benefit of the entire people](#), entered into force on 16 June 2005, Stb. 2005, 358 (*Zorgverzekeringswet*). It provides rules regarding obligatory health insurance.
- ▶ [Act of 5 June 1913 for the provision of a workers sickness insurance](#), entered into force on 5 June 1913, Stb. 1913, 204 (*Ziektewet*). It provides rules on insurance for sickness of employees as a result of work activities.
- ▶ [Act of 6 November 1986 regarding insurance of employees against financial consequences of unemployment](#), entered into force on 6 November 1986, Stb. 1986, 566 (*Werkeloosheidswet*). It provides general rules regarding provisions to unemployed persons.
- ▶ [Act on the Central Organ Reception Asylum Seekers](#), entered into force on 19 May 1994, Stb. 1994, 422, (*Wet COA*). It contains rules concerning the establishment of the COA, an administrative body entrusted with the material and immaterial reception of asylum seekers.
- ▶ [Act of 2 March 1994 providing general rules for the protection against discrimination on the grounds of religion, beliefs, political orientation, race, gender, nationality, sexual orientation or civil state](#) (Equal Treatment Act), entered into force on 1 September 1994, Stb. 1994, 230 (*Algemene Wet Gelijke Behandeling*).

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 <p>Article 3.1a (1), subsection (a) of the Aliens Decree 2000 brings under the scope of temporary protection any alien which belongs to the group specified in the Council Decision as defined in Article 5(3) of the TPD, and in addition its family members, which are qualified in subsections b, c and d, to include:</p> <ul style="list-style-type: none"> ▶ spouse; ▶ unmarried partner, with whom the Ukrainian national has a durable relationship;

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
	<ul style="list-style-type: none"> ▶ unmarried minor children (born in or outside wedlock or adopted); ▶ other close relatives who lived together as part of the family unit at the time of the events leading to the mass influx and who were wholly or mainly dependent on the sponsor, and leaving them behind would constitute extreme hardship.
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	<p>Yes</p> <p>The Ministry of Justice and Security, DG Migration, affirmed in a letter that third country nationals that had a permit to legally reside in Ukraine on 23 February 2022, also benefit from protection, with the condition that such persons should not have left Ukraine before 27 November 2021. However, third country nationals that possessed a <u>temporary</u> permit to legally reside in Ukraine on 23 February, for instance for work or studies, only receive temporary protection in the Netherlands if they registered at a Dutch municipality before 19 July 2022, and this temporary protection is not extendable beyond 4 March 2023, as is apparent from the website of the Immigration and Naturalisation Service. Thus, third country nationals with a Ukrainian temporary residence permit who have not registered before 19 July 2022 are excluded from the scope of protection of the TPD and do not have a right to reception and facilities under the TPD framework in the Netherlands. This does not apply to third country nationals residing in Ukraine on 23 February under an international refugee protection status.</p> <p>The Netherlands decided not to apply the test as defined in Article 2(2) of the Council Decision whether safe and durable return to the county or region of origin is possible, in the spirit of a generous application of the TPD as requested in consideration 14 of the preamble of the Council Decision, and considering that such test would imply elements of a regular asylum assessment.</p>
Other persons who are displaced for the same reasons and from the same country or region of origin (Article 7(1) of TPD), including	<p>No</p> <p>Article 3.1a (e) of the Aliens Decree implements Article 7(1) TPD, providing that a ministerial regulation may determine that</p>

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
<p>▶ stateless persons and</p> <p>▶ nationals of third countries other than Ukraine,</p> <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>an additional group of foreign nationals from the same country or region, displaced for the same reason and who do not already enjoy protection in another EU country, may benefit from temporary protection as provided by the TPD. No such ministerial regulation has been adopted.</p>
<p>Any additional category of beneficiaries (i.e. persons who arrived from UA before 24 February 2022)</p>	<p>Yes</p> <p>As set out in the letter to the Parliament by the Migration Ministry, in the spirit of a generous application of the TPD as requested in consideration 14 of the preamble of the Council Decision, the Netherlands decided to also apply the TPD to displaced persons that left Ukraine on or after 27 November 2021 due to the rising tensions, based on the visa-free period for persons from Ukraine of 90 days. In addition, temporary protection is extended for persons from Ukraine that resided in the Netherlands before 27 November 2021, to avoid that persons from Ukraine without a legal residency in the Netherlands have to start a new residency procedure, for which then the regular asylum procedure would be applied.</p>

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
<p>General (including status change in question 2)</p>	<p>Immigration and Naturalisation Service</p>	<p>Immigratie en Naturalisatiedienst (IND)</p>	<p>https://ind.nl/Paginas/home.aspx</p>
<p>Employment rights</p>	<p>Employee Insurance Agency</p>	<p>Uitvoeringsinstituut Werknemersverzekeringen (UWV)</p>	<p>https://www.uwv.nl/particulieren/index.aspx</p>

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
Social welfare and social security rights	For displaced persons from Ukraine:	Vereniging Nederlandse Gemeenten (VNG)	https://vng.nl/
	Association of municipalities Usually: Central Agency for the Reception of Asylum Seekers	Centraal Orgaan opvang Asielzoekers	https://www.coa.nl/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.

As can be read on the [webpage](#) of the Central Government, a 'Focal Point Coordination Information Ukraine' (*Knooppunt Coördinatie Informatie Oekraïne*) has been set up, to serve as an information platform between the National government, the 25 security regions and other involved stakeholders such as the Netherlands Red Cross, the Association of Dutch Municipalities and the Central Agency of the Reception of Asylum Seekers (*Centraal Orgaan opvang asielzoekers*). Professionals can refer to this information platform with questions regarding available reception places. The National Coordination Point for the Spread of Refugees (*Landelijk Coördinatiepunt Vluchtelingen Spreiding*) is part of the focal point and provides an overview at national level of available reception places at municipalities. From the viewpoint of displaced persons, the Dutch Council for Refugees is the focal point supporting displaced persons with different types of help needed from the moment of their arrival in the Netherlands until they have found their way independently. Especially for displaced persons from Ukraine the website [RefugeeHelp](#) has been set up as a movement by and for displaced persons from Ukraine, as the online starting point offering information and bundling initiatives from the government, NGOs, companies and individuals, to create an overview and match demand and supply.

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.

No such other forms of adequate protection exist in Dutch legislation. Displaced persons from Ukraine can apply for asylum using the regular procedure based on the Aliens Act 2000, however the time periods for the authorities to take a decision on the asylum application are suspended for the duration of the temporary protection, as determined by the Act of 16 December 2004 amending the Aliens Act 2000 in order to implement

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.

the TPD Directive. Hence, there is no separate 'special' residency permit for displaced persons based on the TPD in the Netherlands. This was mentioned in the [letter](#) of the Ministry of Justice and Security, DG Migration. Displaced persons from Ukraine submit a regular asylum application with the Immigration and Naturalisation Service (IND), after which the IND determines whether the applicant is eligible for temporary protection. When a displaced person is eligible for temporary protection, they receive a temporary protection status certificate providing the displaced person with access to all facilities and provisions of 'regular' asylum seekers: access to healthcare, education for underaged children and access to employment.

The procedure for displaced persons from Ukraine to apply for temporary protection nevertheless differs slightly from the 'regular' Dutch asylum procedure. The procedure for displaced persons from Ukraine is set out on the [website of the IND](#) and a (non-authoritative) summary is available on the [dedicated webpage of refugeehelp.nl](#). Displaced persons from Ukraine register first at the municipality, as opposed to applicants under the regular procedure who are to register at a special registration centre for asylum seekers located in the city Ter Apel. The municipality verifies the documentation (passport, ID or proof of a residence permit in Ukraine valid on 23 February 2022) of the displaced person and assesses eligibility for temporary protection. In case of doubt regarding any facts or circumstances, the municipality contacts the IND. Displaced persons eligible for temporary protection under the TPD receive a proof of their temporary protection status from the IND which is valid until at least until 4 March 2023. It is noted that as per Monday 5 September 2022 the proof of temporary protection, which is provided in the form of a sticker in a passport or an ID document, [is temporarily out of stock](#), but this does not affect entitlement to residency, facilities and provisions of displaced persons falling under the TPD regime. The IND expects the proof of residency stickers to be available again as from mid-October.

The duration of the time period for IND to decide on the asylum application is suspended for the duration of the temporary protection and starts after temporary protection ends. The Ministry of Justice and Security, DG Migration, explained in its [letter](#) that this allows the authorities to spread the assessment of the great number of applications by displaced persons from Ukraine, avoids that displaced persons from Ukraine need to submit a new asylum application after the duration of temporary protection ends, and also prevents a great peak in asylum applications after the end of the duration of temporary protection. At the end of the temporary protection period, displaced persons from Ukraine that wish to remain in the Netherlands can have their 'regular' asylum application assessed on the merits and will not need to file a new asylum application. Stateless persons and third country nationals coming from Ukraine that are not eligible for protection under the TPD, can apply for asylum following the 'regular' asylum procedure under the Aliens Act 2000. However, third country nationals coming from Ukraine can only start the 'regular' asylum application procedure after the IND has decided that such displaced persons do not fall under the temporary protection regime, therefore, for all displaced persons coming from Ukraine, the application process starts with registration at the local municipality.

- 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 specific rules regarding status change for persons enjoying temporary protection in the Netherlands were found, however, as described under Section 2.0 a) above, the procedure to apply for temporary protection is in essence a 'regular' application for residency under the Aliens Act 2000, with suspension of the time limits for taking a decision by the immigration authority (IND) for the duration of temporary protection, which in principle ends on 4 March 2023 (subject to certain extensions as described below). In order to take up work as an employed person after the duration of temporary protection the temporary protection beneficiary needs to apply

for an ordinary residence permit for the purpose of employment as defined in Article 14 Aliens Act 2000, and a work permit. A person will be eligible for this work permit when there are no EU/EEA citizens or legally resident third-country nationals who receive unemployment benefits to whom priority can be given. The Ministry of Justice and Security, DG Migration, indicated in its [letter](#) that displaced persons wishing to extend their stay beyond the duration of temporary protection, do not need to submit a new asylum application after the end of temporary protection. The IND has the entire time period of temporary stay until six months after the end of the temporary protection period to decide on the application for a residency permit by displaced persons, as follows from Article 43a of the Aliens Act 2000. This decision-making period can however be further extended on several individual (Article 42(4) Aliens Act 2000) and categorical grounds (Article 43 Aliens Act 2000). During this decision-making period the asylum seeker can stay in the Netherlands (Article 8(f) Aliens Act 2000). In case of a negative decision, they can lodge an appeal to an administrative court. This appeal has suspending effect; the asylum seeker is allowed to remain in the country and has a right to reception facilities while awaiting the outcome of the appeal (Article 5(1)(a) of the Rva 2005).

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

Status change from temporary protection to any other form of legal stay in The Netherlands

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

In case a displaced person is eligible for residency after the end of the temporary protection period on the basis of a work permit, an EU Blue Card or other grounds as indicated in the table above, such residency may be applied for by the displaced person as part of the ‘regular’ asylum procedure upon arrival in the Netherlands, during or after the end of the temporary protection period, using the regular procedures as set out in the Aliens Act 2000 and the Articles 3.30 and 3.31 of the Aliens Decree 2000. One of the advantages of this approach as indicated upon implementation of the TPD in Dutch legislation, is that displaced persons do not need to submit a new residency application after temporary protection has ended, to have their application assessed on the merits. The IND may decide on the merits of the residency application during the period of temporary protection or until six months after the end of temporary protection, which spreads the time period for assessing the large influx of applications, whereas displaced persons will have their individual eligibility for prolonged stay assessed by the end of the duration of temporary protection, as explained in the [Explanatory Memorandum](#) to the amendment of the Aliens Act 2000.

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

An application for ‘change of status’ is, according to the procedure in the Netherlands as set out above, in fact a continuation of the first-time application for residency, which is only considered on the merits after the end of the duration of temporary protection. Admission criteria and conditions for prolonged stay of displaced persons from Ukraine after the end of temporary protection depends on the type of legal status invoked; legal residency on the basis of employment or other economic activity, or a regular asylum request as a refugee.

Any alteration of rights with respect to

residence:	employment rights:	social welfare and social security rights:
Right to residency while the IND considers the displaced person’s asylum or residency application on the merits – as the decision making period is prolonged for the duration	‘Regular’ asylum seekers are given limited access to the labour market of a	This depends on the type of legal residency applied for. Employed persons enjoy access to the same

<p>of temporary protection, a person's right to prolonged stay in the Netherlands should become clear at the moment or shortly after temporary protection ends, but not much information on the practicalities regarding status change is available yet.</p>	<p>maximum of 24 weeks per year after six months waiting period from the moment of first application during which the asylum seeker is fully excluded from the labour market. The employer needs to get a work permit for such employment. In practice, displaced persons from Ukraine are likely to have already received a decision regarding their right to prolonged residency prior to expiry of the six months period.</p>	<p>social security rights as Dutch citizens, as explained further under Section 4.0 below. Asylum seekers have access to provisions and facilities as set out in the Regulation on the provisions for asylum seekers and other categories of aliens 2005, which is a different system than what displaced persons from Ukraine have access to under the Regulation on the reception of displaced persons from Ukraine. However, it is unclear to what extent and for how long displaced persons from Ukraine will (need to) have access to provisions for 'regular' asylum seekers after the end of temporary protection.</p>
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- 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).

Article 3.1a (2)(c) Aliens Decree 2000 mentions that the transferral of a person from the Netherlands to another EU/EEA Member State in connection with the TPD has as a consequence that the lawful residence of that person on the basis of temporary protection in the Netherlands will come to an end and that expulsion will no longer be withheld. There is no statutory provision transposing the obligation that Member States have to take care of the fact that persons who are about to be transferred for reasons of solidarity (Chapter VI of the TPD) must consent.

Furthermore, under Article 3.1a (2)(b) of the Aliens Decree 2000, a displaced person may be expelled from the Netherlands when already under temporary protection in another Member State. Where a person already enjoys temporary protection under the TPD in another Member State but nevertheless travels to the Netherlands without permission, the other Member State is obliged to take the persons back upon request by the Netherlands authorities, as highlighted in the [Explanatory Memorandum](#) to the amendment of the Aliens Act 2000.

[Webpage](#) of the IND provides that after expiry of the standard 'free EU residence period' of 90 days within a period of 180 days for persons coming from Ukraine, displaced persons from Ukraine with Ukrainian nationality may travel within the EU and back and forth to Ukraine, in case they possess a biometric passport with proof of their temporary protection status. It depends on the rules of the destination Member State how long displaced persons with temporary protection status in the Netherlands, may reside in the Member State travelled to. For displaced persons from Ukraine not in a possession of Ukrainian nationality, travelling inside and outside the EU from the Netherlands is at their own risk, as the Netherlands migration service does not provide a return visum, also not for persons with a temporary protection 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.

Pursuant to the Equal Treatment Act, people should be treated equally irrespective of among other things their nationality. Paragraph 3 of this Act (Sections 4-6a) contains special provisions in the field of employment and professions. According to Section 5 of the Act it is unlawful to discriminate in or with regard to: (i) advertisements for job vacancies and procedures leading to the filling of vacancies; (ii) job placement; (iii) the commencement or termination of an employment relationship; (iv) the appointment and dismissal of civil servants; (v) terms and conditions of employment; (vi) permitting staff to receive education or training during or prior to employment; (vii) promotion and (viii) working conditions. Section 6 mentions that it is unlawful to discriminate with regard to the conditions for and access to the professions and opportunities to pursue such professions or for development within them.

- 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

Employed activities

The Netherlands had determined upon implementation of the TPD, that employers of displaced persons must apply for a work permit with a full-fledged labour market test, which entails an investigation whether suitable employees are available in the EEA and/or Switzerland, before a work permit may be granted to a displaced person, based on the Aliens Employment Act 2022. However, in view of the need to offer displaced persons from Ukraine the opportunity to work as soon as possible, as of 1 April an exemption from the obligation for employers to apply for such work permit applies, on the basis of the Decree of 29 March 2022 providing an exemption from the work permit requirement. Therefore, displaced persons from Ukraine immediately have access to the labour market in the Netherlands. However, this is subject to certain requirements. The Decree of 29 March 2022 requires employers to submit a notification at the Employee Insurance Agency (UWV) that they will employ a displaced person based on the exemption, at least two working days in advance of the start of employment, in order to prevent abuse. Not complying with this requirement is punishable with a fine on the basis of the Aliens Employment Act 2022.

The procedure to be followed by employers to employ displaced persons from Ukraine is as follows. First, employers must file a notification with the Employee Insurance Agency (UWV) that they will employ a displaced person on the basis of the exemption, at least two working days in advance of the start of employment (for displaced persons employed prior to 15 April 2022, employers may also notify retroactively after that date).

Displaced persons must register in the Basic Personal Register (BRP) indicating their place of residence and address at the municipality. Upon registration in the BRP, they are automatically registered in the Basic Facility for Aliens (*Basisvoorziening Vreemdelingen - BVV*), are thereby known at the Immigration and Naturalisation Service and receive a Citizen Service Number (BSN), which is a prerequisite to be able to work in the Netherlands and open a bank account.

As set out in the [letter](#) to the Parliament by the Migration Ministry, in the absence of proof of temporary protection status (in the form of a pass or a sticker in the passport provided upon registration in the municipality as described under 2(a) above), employers may establish whether persons qualify for the exemption based on identify documents indicating the person is from Ukraine, or based on documentation attesting that the person is a third country national or stateless person benefitting from international protection or a legal residency permit on the basis of Ukrainian law. A transition period applied until 31 May 2022 (with a possibility of prolongation) to provide an adequate time period for displaced persons to obtain documents that attest their eligibility for the temporary protection status and thereby access to the labour market based on the exemption. Until 1 September 2022 it is not an obligatory precondition to possess proof of the temporary protection status in the form of a sticker or a pass (pursuant to the procedure described under 2(a) above) and employers may establish a displaced person's right to reside in the Netherlands under the TPD on the basis of proof of nationality (a passport or proof from the Ukraine embassy) or for persons that do not have Ukrainian nationality, a Ukrainian residence permit or proof of international protection valid on 23 February 2022. Given the [current shortage of 'proof of residence stickers'](#), due to a higher number of applications for temporary protection in the Netherlands than expected, the starting date for the requirement of possessing a 'proof temporary protection residence sticker' to be allowed to work in the Netherlands, has been pushed back to 31 October 2022.

Self-employed activities

The Migration Ministry affirmed, in its [letter](#) to the Parliament, that the exemption from the requirement to apply for a work permit does not apply to the self-employed persons. It is mentioned in the explanatory memorandum to the Decree of 29 March 2022 amending the Aliens Employment Act 2022 that at a later moment, the Minister of Social Affairs and Employment may still decide to extend the temporary exemption of the obligation to apply for an employment permit to self-employed persons. At the time of writing, the exemption from the obligation to possess a work permit has not been extended to self-employed activities.

If the temporary protection beneficiary wants to engage in a self-employed activity, they have to apply for a work permit as an entrepreneur, for which the conditions are strict. The Employee Insurance Agency (*UWV*) does not issue self-employed work permits for several sectors, including construction, agriculture, hospitality and personal services. Moreover, prospective customers have to substantiate that they could not find a suitable candidate for provision of the relevant services inside the EEA, before being able to engage a self-employed person from outside the EEA. Detailed information on the steps required for displaced persons from Ukraine to engage in self-employed activities when meeting the aforesaid requirements, is available [on a dedicated webpage of the Dutch Chamber of Commerce](#). In short, the process to register at the Dutch Chamber of Commerce as a self-employed person consists of the following steps: (i) registration at the municipality to obtain a citizen service number (*BSN nummer*) (as further explained above under Section 2.0 a)); (ii) application for a digital ID for government services; (iii) registration as an entrepreneur online at the Chamber of Commerce (for this, a business address is required) and making an appointment at one of the Chamber of Commerce offices; (iv) registration by the Chamber of Commerce in the Business Register (*Handelsregister*). Displaced persons already registered in Ukraine with a company possessing legal personality, will need to show the original constituting company documents upon registration.

II. Recognition of qualifications/diplomas

No special rules apply on recognition of qualifications/diplomas for displaced persons from Ukraine. The [website](#) of the Netherlands organisation for internationalisation of education (*Nuffic*) provides information on recognition of foreign diplomas for working in the Netherlands. In case a displaced person wants to exercise a protected profession, reference is made to the European Commission [database](#) of regulated professions with a

recommendation to contact the profession's competent authority in the Netherlands to determine whether and how permission to exercise the profession may be granted and what the rules are in case the person only wants to exercise the profession temporarily. In case the profession is not protected, Nuffic provides an [overview](#) of comparability of foreign diplomas per country, and what type of Dutch diploma is assessed as equivalent, including for diploma's from Ukraine. Employers in the Netherlands may request an official [diploma assessment](#) by the government agency 'International Diploma Assessment' (*IDW*), which is a non-binding advice on diploma equivalence provided to educational institutes or employers.

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

Displaced persons with a temporary protection status have access to the same assistance services for job seekers as nationals do, which is provided by several public and private agencies. For example, the public Employee Insurance Agency (UWV) has its own '[Work Company](#)', which offers services to match demand of employers with supply of employees. It also offers an online portal accessible to all jobseekers, providing information and advice on working in the Netherlands: [werk.nl](#). Moreover, from 1 July 2022, displaced persons with the Ukrainian nationality can also be assisted by [the UWV](#) and municipalities in finding a job. UWV also provides information about entitlements to benefits, how to apply for benefits or general information about illness during employment to displaced persons from Ukraine. Such services are only available for persons with Ukrainian nationality, asylum seekers or other refugees receive assistance and information services via the Central Agency for the Reception of Asylum Seekers and other dedicated services. A dedicated website '[Banen voor Oekraïners](#)' ('Jobs for Ukrainians') brings together supply and demand of jobs for displaced persons from Ukraine, and provides a registration form for job seekers.

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

Displaced persons from Ukraine have access to vocational training and apprenticeships. If, during this vocational training period, they want to do a work placement, they are exempted from the work permit obligation. One of the conditions mentioned on the Government's [website](#) for access to internships or work placements for displaced persons from Ukraine is that the employer has to dispose of a work placement agreement or an internship agreement between the displaced person, the employer and the educational institution. In-service education will not be considered as vocational training.

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

During a transition period, the exemption from the work permit obligation on the basis of the Decree of 29 March 2022, offering displaced persons from Ukraine free access to the labour market without the need for a permit, only applied to Ukraine nationals. This was [explained](#) by the fact that without further documentation it was not possible for employers to establish whether a displaced person falls in the scope of the temporary protection regime. The transition period ended on 31 May 2022. After 31 May 2022, displaced persons from Ukraine with a different nationality than the Ukrainian can work once they have received proof from the Immigration and Naturalisation Service (*IND*) that they are covered by the Temporary Protection Directive. For eligibility for protection under the TPD, such persons must possess proof that they were a refugee recognized by Ukraine on 23 February 2022 or were in possession of a residence permit valid in Ukraine on 23 February 2022.

Displaced persons from Ukraine falling in the scope of protection of the TPD must register at the municipality where they reside, after which subsequent to verification of their documents attesting eligibility under the TPD, they receive proof of their legal residency status under the TPD, from the [IND](#). This proof will be a prerequisite for access to work in the Netherlands for displaced persons from Ukraine as of 31 October 2022 (originally 1 September 2022 but this period [has been extended](#) due to a shortage of raw materials to produce the authenticity feature on the proof of residence sticker).

Once displaced persons from Ukraine have access to the Dutch labour market, all the relevant national labour legislation will be applicable, including the Minimum Wage Act (regarding remuneration) and the Working Conditions Act (regarding employer's health and safety).

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

Displaced persons from Ukraine who conclude an employment contract and whose work is in accordance with the Aliens Employment Act are included in the social security insurances in the same way as Dutch citizens. They enjoy the same social security rights. In the Netherlands, the social security system encompasses mandatory social insurances (pension and disability insurance, health insurance, unemployment insurance and sickness benefits).

Displaced persons from Ukraine that are employed in the Netherlands are also entitled to other social security rights, such as child benefits, healthcare benefits, and rent benefits subject to certain conditions. When a displaced person has income from work, this must be reported to the municipality, and the living allowance on the basis of the Regulation on the reception of displaced persons from Ukraine, stops. However, for family members who do not have paid employment, the living allowance continues. Displaced persons who lose their employment may apply for the living allowance again, as long as they fall under the TPD regime (i.e. until 4 March 2023).

Social welfare

A person granted temporary protection in the Netherlands has the following social rights (Article 6 of the Regulation on the Reception of Displaced Persons):

- ▶ shelter in accommodation facilities that provide an adequate level of housing;
- ▶ a monthly financial allowance for food, clothing and other personal expenses, unless the displaced person has income from employment;
- ▶ recreational and educational activities;
- ▶ insurance against the financial consequences of civil liability; and

- ▶ payment of extraordinary expenses;
- ▶ protection of family life;
- ▶ possibility to communicate with family members, legal advisers, UN representatives and other relevant organisations;
- ▶ education for displaced persons for whom education is compulsory pursuant to Dutch legislation.

Pursuant to the Regulation on the Reception of Displaced Persons, municipalities are responsible for making sure the above facilities and provisions are granted to displaced persons from Ukraine and that such provisions comply with regulatory standards. This is a difference with the regular reception regime for asylum seekers, where the Central Agency for the Reception of Asylum Seekers is responsible for reception and provisions on a national level.

Financial allowance

Displaced persons from Ukraine are entitled to EUR 260 living allowance, per person per month. The financial allowance for displaced persons from Ukraine consists of an amount for food and an amount for clothing and other personal expenses. The amount for food in a reception facility in which displaced persons provide their own food amounts to EUR 205 per person per month. The amount for clothing and other personal expenses referred to in the first paragraph amounts to EUR 55 per person per month. The amount is the same regardless of the age of the displaced person and allowances for children are paid to the parents or caretakers of the displaced person. The allowances may also be paid in kind.

Extra allowance when living with a host family

This extra allowance may be provided in a municipal reception facility or individual facilities or homes registered at the municipality. In case of the latter (living with a host family), displaced persons receive an extra allowance in addition to the living allowance of EUR 215 per month for adults and EUR 55 per month for children. This money can be used to contribute to the costs of the host family, or for things like public transport, family visits or sports. The living allowance is granted for a period of three months, with an extension up to six months. [It is currently being considered](#) how the payment of living allowances will be organised in the future, for displaced persons that are not able to take up employment.

Extraordinary costs

Such costs are defined in Article 11 of the Regulation on Reception of Displaced Persons as necessary costs which, due to their nature or amount, cannot reasonably be expected to be paid by the displaced persons themselves. Such costs shall only be paid for if the mayor has given prior permission to the displaced person to incur them, with the exception of costs arising from emergency situations where it was not possible to request permission. This could include costs such as transport to school, as mentioned in the [letter](#) of the Ministry of Justice and Security, DG Migration.

Education

Pursuant to Article 6(2)c of, the Regulation on the Reception of Displaced Persons, displaced persons from Ukraine of an age falling under the education obligation, must be offered education. On the basis of the Compulsory Education Act 1969, education is compulsory in the Netherlands from age 5 to age 16, with an obligation to obtain a starting qualification before age 18. The aforementioned [letter](#) also indicates that students from Ukraine are received in special schools for students coming from abroad, which will receive extra subsidy

from the Ministry of Education, Culture and Science to help schools support children coming from Ukraine. The costs of education are covered by the Ministry of Education, Culture and Science.

Healthcare

Displaced persons from Ukraine initially did not have medical insurance coverage for required medical care. The Subsidy Fund for Medically Required Care provided for a compensation to care providers that provided required healthcare to the uninsured displaced persons from Ukraine, on the basis of the Regulation Medically Required Care for the Uninsured. All medically required healthcare costs of displaced persons incurred until 1 July 2022 are reimbursable via this Regulation, as explained in the [government Q&A for healthcare providers regarding medical care for displaced persons from Ukraine](#). No contribution will be required from displaced persons for necessary medical care covered by the Regulation.

As per 1 July 2022, displaced persons from Ukraine that have been registered at the municipality and received a citizen's service number, receive medical insurance coverage on the basis of a new Regulation on Medical Care for Displaced Persons from Ukraine. The Dutch government has not yet published the text of the Regulation, but it has published a [Q&A](#) and a [Factsheet](#), in which the government provides detailed information about the new regulation. The regulation simplifies the manner in which medical care is reimbursed to displaced persons from Ukraine. Medical care to which displaced persons from Ukraine are entitled comprises the same entitlements as what asylum seekers are entitled to on the basis of the existing [Regulation on Medical Care for Asylum seekers](#), however, since reception of displaced persons from Ukraine is not arranged via the 'regular' reception centres but via municipalities, a new system of reimbursements had to be set up as explained by the [Dutch Government](#). Under the new Regulation, displaced persons from Ukraine receive medically necessary care from the same basic care package as Dutch citizens, and some additional reimbursable services such as certain dental care, anticonception and abortion care, glasses, hearing devices and certain medicines. This special medical care insurance for displaced persons from Ukraine applies to working and non-working refugees from Ukraine, therefore displaced persons from Ukraine that take up employment no longer need to take out their own regular health insurance and are automatically covered by the medical care coverage under the Regulation when they receive their citizen's service number upon registration in the Netherlands, as explained [here](#). Displaced persons do not need to pay a health care premium or an 'own risk' amount for health costs under the new Regulation and the new system simplifies the administrative steps required to obtain reimbursement for healthcare costs for displaced persons from Ukraine.

Reimbursements via the Subsidy Fund described in the previous paragraph will continue for displaced persons from Ukraine which have not yet been able to complete the registration at the municipality and therefore have not yet received a citizen's service number. Displaced persons in this situation may submit costs for medical care for reimbursement to the CAK ('*Centraal Administratie Kantoor*' or 'Central Administration Office'), on the basis of the Regulation Medically Necessary Care for the Uninsured, which will continue to be reimbursed via this Regulation as it was done for all displaced persons from Ukraine before 1 July 2022, as explained in the first paragraph above.

II. Eligibility conditions

Rules for eligibility for social insurances are the same for nationals as for third country nationals with a right of (temporary) residence in the Netherlands. As a matter of principle, if a person is insured by virtue of being employed; the person resides legally in the Netherlands (which is the case for persons benefitting from temporary protection); and other legal conditions for eligibility for social benefits are complied with, the person has a right to social benefits. Following the [Note](#) of the Secretary of State of Social Affairs and Employment to the Parliament in 2004, the calculation of the allowance is performed on the basis of the Dutch rules, which for

risk insurances means that the insured person has a right to provision regardless of the duration of the insurance.

The rights regarding access to social welfare listed above are available to persons enjoying temporary protection.

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

Persons who possess a legal residency status in the Netherlands are only insured for social benefits as long as they perform 'work' in line with the definition and conditions in the Aliens Employment Act. For economic migrants from whom their residence permit is based on employment, receiving certain allowances such as unemployment benefits may lead to revocation of the residency permit or the non-prolongation of a residency permit, however this does not apply to displaced persons from Ukraine enjoying temporary protection. 'Regular' asylum seekers which have received legal residency under an asylum status and have been allocated a place of residence, have the same rights to social welfare as Dutch citizens, as indicated on the [website](#) of the Dutch Council for Refugees.

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 website [Refugeehelp.nl](https://www.refugeehelp.nl) has been set up, which is meant as the online starting point for displaced persons from Ukraine in the Netherlands providing information on a range of topics including housing, healthcare, education, legal aid, travel, food, clothes and employment. The website is also a platform for everyone who wants to help displaced persons from Ukraine, to match displaced persons from Ukraine to the help and facilities offered. Under the chapter 'work and income', it offers ample information on access to work, websites or platforms helping displaced persons find work or internships, the notification obligation of employers, rights and working conditions, allowances, insurance, trainings, internships and competent authorities.
- ▶ The public Employee Insurance Agency (UWV) has its own 'Work Company', which offers services to match demand of employers with supply of employees and provides an online portal accessible to all jobseekers: [werk.nl](https://www.werk.nl). The website for example provides information and advice on working in the Netherlands, finding a job and entitlement to unemployment benefits. The UWV also provides a lot of [information](#) about working in the Netherlands, illness during work or entitlement to benefits on its website, which can be accessed in English.
- ▶ The SER (Social and Economic Council) advises the Dutch Government and Parliament on social and economic policy. The SER has a special [website](#) with information on (volunteering) work, training, and language, which also contains information on regulations regarding work for displaced persons and refugees.
- ▶ There are various communities, networks, platforms and organisations bringing together employees and job seekers with a refugee background, including [Refugee Start Force](#) (a community and recruitment network that helps displaced persons looking for work to get in touch with employers), [Refugee Talent Hub](#) (brings together employers and job seekers with a refugee background and organises activities that optimise

chances on the labour market for displaced persons), the [UAF](#) (a foundation dedicated to the development of refugee students and professionals, and their integration into the Dutch labour market), and [Vluchtelingenwerk](#) (providing on its website a Q&A with helpful information for and about displaced persons from Ukraine, regarding procedures and regulations, providing shelter and how to offer help).

- ▶ The employment agency [Heroyam](#) was founded at the beginning of 2022 specifically with a view to help displaced persons from Ukraine find a job in the Netherlands. The agency donates their profits to good causes in Ukraine.