

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

Country Fiche – Malta
February 2023

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Information provided in this fiche considers legal and policy developments up to 31 January 2023.

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1.0 Legal and institutional framework

1.1 Legal framework

1.1.1 List of the legal framework

- I. Legislation implementing the Temporary Protection Directive (TPD or the Directive)¹ and Council Implementing Decision (EU) 2022/382²

- ▶ [Laws of Malta Ch 420](#): Refugee Act (ACT XX of 2000, as amended by Act VIII of 2004 and Legal Notice 40 of 2005).
- ▶ The Temporary Protection Directive (TPD) was transposed in national legislation through [Subsidiary Legislation 420.05](#) as of 6 May 2005.
- ▶ [Legal Notice 188 of 2022](#) of 21 June 2022 transposes Article 27 of the TPD.

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

No Ukraine-specific measures have been enacted and the Ukraine situation is being handled like all situations involving third-country nationals seeking to settle in Malta. However, the provisions of [Subsidiary Legislation 420.05](#) referred to above apply.

Access to employment

- ▶ No specific legislation for persons enjoying temporary protection from Ukraine has been enacted. The procedures are identical to any other third-country national enjoying the same status. These are regulated by [Subsidiary legislation 217.17](#), effective as of 16 May 2014. It is to be noted that persons who have temporary protection (see below TP) do not need to apply for a single permit to access employment.

Social security

- ▶ No specific legislation for persons enjoying temporary protection from Ukraine has been enacted. Social security benefits are regulated by the [Social Security Act](#), enacted as of 1 January 1987, but with many amendments since. All amendments are clearly identifiable on the right-hand side of the online Act.

Social welfare

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

¹ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7 August 2001, p. 12-23, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055>.

² Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4 March 2022, p. 1-6, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382>.

1.1.2 Beneficiaries (persons covered by temporary protection)

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
Ukrainian nationals <ul style="list-style-type: none"> ▶ residing in Ukraine ▶ displaced from 24 February 2022 	Yes
Family members <ul style="list-style-type: none"> ▶ of a Ukrainian national present or residing in Ukraine before 24 February 2022 and displaced from Ukraine on or after 24 February 2022 ▶ of third-country nationals and stateless persons, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and were displaced from Ukraine on or after 24 February 2022 	Yes
Third-country nationals and stateless persons beneficiaries of international or equivalent national protection in Ukraine until 24 February 2022	Yes
Stateless persons and nationals of third countries, legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent resident permit and unable to return in safe and durable conditions to their country or region of origin	Yes
Other persons who are displaced for the same reasons and from the same country or region of origin (Article 7(1) of TPD), including <ul style="list-style-type: none"> ▶ stateless persons and ▶ nationals of third countries other than Ukraine, who are residing legally in Ukraine and who are unable to return in safe and durable	No

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
conditions to their country or region of origin (Article 2(3) Council Decision).	
Any additional category of beneficiaries (i.e. persons who arrived from Ukraine before 24 February 2022)	No

1.2 Institutional framework

- a) National competent authority(ies) providing assistance to the persons enjoying temporary (or adequate) protection coming from Ukraine.

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
General (including status change in Section 2)	AWAS: Agency for the Welfare of Asylum Seekers	AWAS: <i>Agenzija għall-Benessri ta' Dawk li Jfittxu Ażil</i>	https://homeaffairs.gov.mt/en/MHAS-Departments/awas/Pages/Administration.aspx
Employment rights	DIER Department for Industrial & Employment Relations Malta Qualifications Recognition Information Centre (MQRIC)	DIER: <i>Dipartiment għar-Relazzjonijiet Industrijali u x-Xogħol</i>	https://dier.gov.mt/en/pages/home.aspx
Social welfare and social security rights	Ministry for Social Justice and Solidarity, The Family and Children's Rights	<i>Ministeru għall-Ġustizzja Soċjali, għas-Solidarjeta, għall-Familja u għad-Drittijiet tat-Tfal</i>	https://meae.gov.mt/en/public_consultations/mfs/pages/home.aspx

- b) Existence of a mechanism in place to coordinate the work of these national authorities with respect to persons enjoying temporary (or adequate) protection coming from Ukraine.

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

2.0 Possibility of changing the status

- a) Difference between temporary protection status and other forms of adequate protection³ under national law, in respect of third country nationals and stateless persons coming from Ukraine.

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

- ▶ **asylum seeker** with a right to work and limited right to social security, children's education and access to medical services. Access to healthcare is limited to emergency services, and essential treatment of illness and serious mental disorder. Access to the labour market is given 9 months from the date of lodging of an application for international protection. Any access to the labour market granted before this timeframe is at the sole discretion of JobsPlus and subject to change according to the policy in place.
- ▶ **refugee status** which enjoy freedom of movement (including residence permit), travel document, employment, social welfare, medical care, education and training, and medical care.
- ▶ Apart from refugee status there is also **subsidiary protection (SP)** status. *Definition:* A third country national or a stateless person who has been granted subsidiary protection in line with Article 15 of Directive 2011/95/EU. In terms of rights these are practically the same as the ones listed under refugee status, but in respect of social benefits, these are entitled to the core benefits. *Documents:* In possession of a subsidiary protection card (valid for three years) issued by the Office of the Refugee Commissioner stating that the person has been granted subsidiary protection status in Malta, and a residence permit issued by Identify Malta also valid for three years. *Rights regarding health entitlement:* Persons granted subsidiary protection status are entitled to receive State medical care.
- ▶ **temporary humanitarian protection (THP)** beneficiaries whose rights include residence permit, access to the labour market and accommodation, social and welfare assistance, medical care, and access to education for children and teenagers. Ukrainians are being accorded temporary protection in Malta. *Definition:* A third country national or a stateless person who is found not be eligible for recognition as a refugee or a beneficiaries of a subsidiary protection, but who are nonetheless considered to be in need of protection due to special humanitarian reasons. *Documents:* In possession of a (THP) protection card (valid for one year) issued by the Office of the Refugee Commissioner and a residence permit issued by Identity Malta also valid for one year. *Rights regarding health entitlement:* Persons granted Temporary Humanitarian Protection status are entitled to receive State medical care.

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.

► **long-term residents:** with access to paid and unpaid employment, education, recognition of professional status, social security, tax benefits, access to procedures for obtaining housing, freedom of association, and medical care. It is important to note that this status is not a form of protection.

It is important to note that under national Maltese law there is no provision for an adequate form of protection. This is why holders of a Ukrainian permanent residence permit are granted TP provided that they are deemed to be eligible for this form of protection.

Persons who are not eligible for TP may instead decide to apply for international protection, which is a different legal regime. It should also be noted that someone who is eligible for TP, or is a beneficiary of TP, can also apply for international protection.

However, TP cannot be enjoyed concurrently with the status of an asylum seeker.

- b) Possibility to file status change inside the territory without the requirement for the person to first leave the country or return to Ukraine from temporary protection or other forms of adequate protection to employment-based residence permit during the temporary protection regime and at the end of this regime (e.g. single permit for work, EU Blue Card for highly-qualified workers, seasonal workers, family reunification).

Yes, the possibility to file status change inside the territory without the requirement for the person to first leave the country or return to Ukraine from temporary protection to family reunification exists *during* the temporary protection regime.

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

Status change from temporary protection to family reunification:

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

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

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

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

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

Any alteration of rights with respect to

residence:

employment rights:

social welfare and social security rights:

<p>The length of permit is the same length as the person whom the family member is joining in Malta.</p>	<p>This depends on the status of the family member being joined in Malta. If the family member being joined has recognised refugee status, the employment rights would not change.</p>	<p>The family member also has access to social security rights.</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](#)).

Displaced persons from Ukraine can apply for temporary protection in Malta but have to inform the country where they had protection to delist them. If displaced persons apply for temporary protection elsewhere, they are delisted. If they, however, travel anywhere else (even outside the EU) for a brief period, this does not have any effect on the temporary protection status.

Eligibility covers these categories of persons:

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

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

A Temporary Protection Registration Platform has been developed at an EU level wherein Member States are regularly uploading data pertaining to beneficiaries of TP. Thanks to this platform, in case someone requests TP in multiple Member States, the system will generate a hit, thus avoiding a situation where someone enjoys TP concurrently in different Member States (e.g. Mr. X is granted TP in Member State A but he subsequently travels to Member State B, where he also requests TP. As soon as this data is uploaded on the registration platform by Member State B, the system will generate a hit with Member State A. Member State B will inform Member State A that Mr. X has been granted TP in Member State B so that Member State A can withdraw the status and residence permit of Mr. X).

3.0 Access to labour market (Article 12 of the Temporary Protection Directive)

- a) Overview on how equal treatment on the labour market as regards working conditions is ensured for persons enjoying temporary (or adequate) protection from Ukraine.

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

Full details are available [here](#).

b) Conditions applicable to persons enjoying temporary (or adequate) protection from Ukraine, (including the procedure to be followed):

I. The conditions regulating work permits/work authorisation, if required

The procedures are identical to any other third-country national enjoying the same status. It is to be noted, as explained above, that persons enjoying temporary protection do not need to apply for a single permit.

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

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

The single permit does not entitle holders to carry out:

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

II. Recognition of qualifications/diplomas

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

In respect of unregulated professions, the decision depends on the potential employer. Normally interviews are carried out and individuals are tested on the job prior to confirmation.

It is also known that a number of Ukrainian females are working outside the legal system by providing domestic services and care work.

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

No official or specific protocols have been set up to meet the needs of displaced persons from Ukraine. They are assisted by JobsPlus once it is established that they have left Ukraine after the 24 February 2022. Training facilities form part of the Training Pays Scheme, ESF.01.001 – Training for Employment Project and it aims to assist individuals to develop and/or improve their skills by participating in further off-the-job education and

training. The scheme offers assistance in the form of a training grant to aid participants with costs relating to training. This grant will be awarded to the individual (trainee) after successful completion of their training. Details are available [here](#).

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

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

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

No exceptions could be found.

4.0 Social security, social welfare and means of subsistence assistance, as well as medical care (Article 13 of the Temporary Protection Directive)

I. Types of benefits with description and coverage

Social security

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

Social security benefits, which are purely financial, are explained on an ad hoc webpage [Benefits Related to Ukrainian Refugees](#). In summary these benefits, which persons can apply for as soon as they are awarded temporary protection status, are as follows:

- ▶ beneficiaries of temporary protection status receive aid equivalent to the core Social Assistance. This right to core Social Assistance is available as soon as a person is granted the temporary protection certificate;
- ▶ if such persons are the head of their own household and are living on their own, Social Assistance is awarded in that persons' own right. However, if the household consists of other family members, the household is awarded additional Social Assistance, including entitlement to other eligible family members forming part of the household;

- ▶ these benefits can be paid by means of a weekly cheque until the persons are able to open a local bank account;
- ▶ benefits are paid to the persons until they engage in a gainful activity or until the expiry of the validity of that persons' temporary protection status issued by Malta.

In addition, persons who are accorded temporary protection status can work, and apply for compulsory health insurance.

Social welfare

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

II. Eligibility conditions

Social security

When a person engages in work, the wider provisions of the [Social Security Act](#) start to apply. Instead of Social Assistance, the full range of social security benefits become accessible.

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

Social welfare

As soon as a displaced persons from Ukraine land they can apply for Temporary Protection status. Appointments take place practically immediately (currently next day, was a bit longer when the crisis started). Following the appointment and certification of facts, the certificate for Temporary Protection status is issued immediately, same day normally. At that moment the person becomes eligible for social benefits.

- 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.

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

The NGO [SOS Malta](#) provides online counselling through their [online platform](#) and has engaged a Ukrainian psychologist to provide online face to face counselling to co-nationals in Malta and anywhere in the world

including Ukraine. Group therapy sessions are conducted weekly at SOS Malta to Ukrainian women seeking psychological support. The DIER and JobsPlus deal with persons from Ukraine in the same way as they deal with other persons enjoying temporary protection status. The NGOs working in migration are assisting and supporting in every possible way. [Facebook pages](#) transmitting information for displaced persons from Ukraine have been opened.

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

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

An important measure to help Ukrainians settle in Malta is the [agreement](#) signed between the Central Bank of Malta and the National Bank of Ukraine that allows Ukrainians exchange of cash Hryvnias for Euros. The program which started on 1 August 2022 and is likely to operate for a limited period only, allows holders of a valid certificate of temporary protection issued by the Agency for International Protection in Malta to exchange up to 10 000 hryvnia. Unaccompanied minors can obtain the service through persons whose guardianship or representation has been certified by a competent authority in Malta.