



Mass influx of people from Ukraine: social entitlements and access to the labour market

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Mass influx of people from Ukraine: social entitlements and access to the labour market: Lithuania.

Daiva Petrylaite* - Vida Petrylaite**

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1. General framework.

The main legal instrument regulating the legal status of foreigners in Lithuania is the Law on the Legal Status of Foreigners¹ (*Lietuvos Respublikos užsieniečių teisinės padėties įstatymas*; hereinafter – the Law). The Law covers all the issues fundamental for the legal status of foreigners: the procedure of entry and departure, stay and residence, granting of asylum and temporary protection in the Republic of Lithuania, the procedure of integration and lodging of appeals against decisions concerning the legal status of foreigners, etc. This Law is also the main instrument for the implementation of European Union (hereinafter – EU) legislation, including Directive 2001/55/EC.²

According to the provisions of the Law (Article 92), where the Council of the European Union takes a decision that there is a mass influx of foreigners into the European Union or that there is a risk of such influx, a resolution on temporary protection shall be taken by the Government of the Republic of Lithuania (hereinafter – the Government) on a recommendation of the Minister of the Interior. At the same time, the Government shall, by adopting the above-referred resolution, designate and confer specific powers to the state

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¹ Official Journal, 30/04/2004, No. 73-2539.

² 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, Official Journal of the European Communities, L 212/12-23, later on as: Directive 2001/55.

authorities and institutions responsible for the management of the process for granting and implementing temporary protection.

Considering Directive 2001/55 and the relevant provisions of the Law, the Government passed Resolution No. 224 on granting temporary protection to foreigners in the Republic of Lithuania³ on 16 March 2022 (*Lietuvos Respublikos Vyriausybės nutarimas Nr. 224 "Dėl laikinosios apsaugos Lietuvos Respublikoje užsieniečiams suteikimo"*; hereinafter – the Government Resolution) (entered into force on 17 March 2022). This legal act has acknowledged that there is an influx of displaced persons from Ukraine and introduced temporary protection (under Directive 2001/55) to displaced persons in this context.

According to the data of the Operational Data Portal as of 31 March 2023, 76.309 persons from Ukraine under temporary protection (or the corresponding status under national law) have been officially registered in Lithuania.⁴ According to the data of the Migration Department of Lithuania, on 4 April 2023, the number of registered war migrants from Ukraine was 76.020 (irrespective of the status granted).⁵ It should be noted that, according to the data of the Migration Department of Lithuania, some of these persons came to Lithuania for a short period of time and were unwilling to benefit from temporary protection, some received temporary protection and later applied for residence permits on other grounds, while others simply left Lithuania.⁶ Thus, the total number of registered war migrants is not so much a reflection of their actual number in Lithuania, but rather an indication of the intensity of the migration flow and the load that the state authorities and other organisations involved in supporting war migrants have to cope with, both in the short and in the longer term.

According to the State Data Agency of Lithuania,⁷ the vast majority of war migrants were aged between 18 and 64 (46.228 persons), followed by persons aged between 6 and 17 (19.744 persons), children under the age of 6 accounting for just over 6.000 persons, and war migrants aged 65 and over were the smallest group (3.865 persons).

Looking at the gender distribution of war migrants, it is clear that the majority of them are women. In the age group between 19 and 80 years, the proportion of women is between 60 and 80%. A more or less equal gender distribution is in the age group of children and adolescents, i.e. persons under the age of 18. In the older age group (from around 85 years of age), the proportion of women also decreases, although it still represents a significant share of around 50%.

An analysis of the statistics presented above makes it clear that a distinction can be made of two (overlapping) groups of people for whom the issues of temporary protection measures are most relevant – mostly women of working age. In addition, some of them came with their minor children, whose care and, potentially, also maintenance falls on the mothers who arrived alone. It should be noted that, even among the native Lithuanian

³ Register of Legal Acts, 16/03/2022, No. 4886.

⁴ <https://data.unhcr.org/en/situations/ukraine> (accessed 14 April 2023).

⁵ <https://migracija.lrv.lt/en/> (accessed 14 April 2023).

⁶ Revised number of Ukrainian war refugees in Lithuania, 23 March 2023: <https://migracija.lrv.lt/lt/naujienos/patikslintas-lietuvoje-esanciu-ukrainos-karo-pabegeliu-skaicius> (accessed 14 April 2023).

⁷ *War refugees from Ukraine*, 23 March 2023, <https://osp.stat.gov.lt/ukraine-dashboards> (accessed 14 April 2023).

population, these groups are generally considered to be the most vulnerable and in need of social assistance. Thus, the scope of guarantees for beneficiaries of temporary protection is also very important and significant.

The general rules on the duration of temporary protection are laid down in the Law (Article 92(3), (4) and (5)), which essentially reiterates the provisions of Directive 2001/55. Temporary protection is granted for one year from the date the relevant decision of the Council of the European Union enters into force.⁸ If the Council of the European Union has not taken a decision to terminate the temporary protection, the temporary protection may be extended twice for 6 months each by a decision of the Government. At the end of this period, the Government may extend the period of temporary protection, but for no longer than one year, provided that the decision to extend the period of temporary protection is taken by the Council of the European Union. The period of temporary protection comes to an end at the expiry of the set period of temporary protection or if the Council of the European Union decides to withdraw the temporary protection.

The duration of temporary protection has been detailed in the Resolution of the Government. According to this legal act, temporary protection applies from 4 March 2022 until 4 March 2024. As can be seen, the Government Resolution establishes an extended period of temporary protection, while leaving two legal options: to terminate the period of temporary protection before that date (if the Council of the European Union adopts a decision to this effect) or to extend the period of temporary protection (also subject to a decision by the Council of the European Union).

2. Personal scope of applicable support measures.

The Government Resolution identifies specific groups of persons who are covered by the statutory guarantee of temporary protection.

Firstly, temporary protection applies to persons who fled (were displaced from) Ukraine on or after 24 February 2022 as a result of the military aggression of Russia, who are:

- (a) Ukrainian nationals residing in Ukraine before 24 February 2022; or
- (b) stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; or
- (c) family members of the persons referred to in points (a) and (b), as defined in Article 2(4) of Decision 2022/382; or
- (d) stateless persons or nationals of third countries other than Ukraine who had legal permanent residence in Ukraine with a valid permanent residence permit until 24 February 2022 and who cannot be returned safely and permanently to the country of their origin or to the any other receiving state.

⁸ 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, Official Journal of the European Union L 71/1-6, later on as: Decision 2022/382.

Secondly, protection also applies to persons who have temporarily left Ukraine and were legally present in the territory of the European Union or another third country no earlier than 24 February 2022, provided that they entered the Republic of Lithuania before 1 May 2022.

Thirdly, protection also applies to children born to the persons referred to in this Resolution after 24 February 2022 outside Ukraine or during the period of residence of these persons in the Republic of Lithuania.

For all the above-referred persons, a temporary residence permit in the Republic of Lithuania shall be issued on the basis of Article 40(1)(10) of the Law (a special provision on the application of temporary protection) for the period until 4 March 2024, and, if technically feasible, a digital document shall be issued, which shall confer the right to temporary residence in the Republic of Lithuania and, accordingly, shall confirm the temporary protection granted for the above-referred period (this document is available from 5 March 2023). For foreigners who have been granted temporary protection but are still present on the territory of a foreign state, the Migration Department of Lithuania (hereinafter – the Migration Department) issues a travel document of the required form for entry into the Republic of Lithuania.

Persons may submit an application for confirmation of the temporary residence permit in Lithuania electronically via the information system of the Migration Department (using e-mail data). However, newly arrived war migrants who have not yet registered with the Migration Department must not only apply for a digital temporary residence permit via the information system, but also visit the customer service division of their choice at the Migration Department at least once. There are thirteen such divisions in Lithuania (in ten major cities and three additional municipalities). At the time of registration, the person must present a personal identity document such as a passport, ID card (internal passport), or, if he or she does not have these documents, other documents for example, a driving license, birth certificate, etc., may be provided. All services for changing and issuing permits on the basis of temporary protection are free of charge for Ukrainian war migrants.

It should be noted that both the submission of relevant documents and the requirement to appear at least once in person at the place of registration are directly linked to the identification of the person's status, situation and relevant circumstances. Taking into consideration the data collected about the person, the Migration Department may carry out an investigation to determine whether there are grounds to exclude a displaced person from temporary protection.

A foreigner shall be excluded from temporary protection if there are serious grounds for considering that:

(a) the foreigner has committed a crime against peace, a crime against humanity or a war crime, as defined in laws of the Republic of Lithuania, international treaties or other sources of international law, instigated or otherwise participated in committing such;

(b) the foreigner has committed a serious non-political crime outside the Republic of Lithuania prior to his or her entry into the Republic of Lithuania as a person enjoying temporary protection;

(c) the foreigner is accused of acts contrary to the purposes and principles of the United Nations;

(d) his or her stay in the Republic of Lithuania is a threat to national security or he or she has been held guilty of a very serious crime by a final judgment and constitutes a threat to the community.

A decision to exclude a foreigner from temporary protection is taken by the Migration Department. If necessary, information available from other public authorities (e.g. the State Security Department) is also taken into account. Such a foreigner shall be refused entry into the Republic of Lithuania or, in case he or she already is present in the territory of the Republic of Lithuania, shall be expelled from the Republic of Lithuania.

It should be noted that if the above-referred circumstances are identified after the person has been recognized as a beneficiary of the temporary protection, it is revoked by a decision of the Migration Department. The effects of such decision are the same, i.e. refusal of entry or obligation to leave the territory of the Republic of Lithuania.

Moreover, the temporary protection in Lithuania is also terminated if the foreigner leaves to live in a foreign country and, as mentioned above, if the Council of the European Union adopts a decision to terminate the temporary protection.

The person who meets the requirements for temporary protection gets a document issued by the Migration Department with the following personal data: name, surname, date of birth, number of the foreigner with interests in Lithuania (ILTU) and electronic health record (ESI) number.

In accordance with the provisions of Article 140¹ of the Law, the decision of the Migration Department to refuse or revoke temporary protection may be appealed against to the Vilnius Regional Administrative Court within 14 calendar days from the date of service of the decision to the person. The case concerning the refusal or termination of temporary protection must be disposed of and a court's decision must be given within 2 months from the date of receipt of the appeal. A decision of Vilnius Regional Administrative Court may be appealed against to the Supreme Administrative Court of Lithuania within 14 calendar days from the date of publication of the decision. An appeal must be heard under the appeal procedure no later than within 2 months from the date of admission of the appeal. It should be noted that a decision of the Supreme Administrative Court of Lithuania is final and not subject to appeal.

3. Social policy measures for Ukrainians: financial support for housing, access to healthcare and education.

First of all, it should be noted that Lithuanian legislation provides for a two-tier system of legal and social security for foreigners entitled to temporary protection. The first category of security guarantees (rights) applies to persons who meet the conditions for temporary protection and have registered with the national authority before the decision on granting temporary protection status. The second set of guarantees (mostly social) is available after temporary protection has been granted.

Thus, foreigners who are eligible for temporary protection enjoy the following fundamental rights until the decision to recognize/refuse temporary protection is taken, but no longer than during the period of temporary protection:

(a) to apply for asylum in the Republic of Lithuania under the procedure laid down by legal acts of the Republic of Lithuania;

(b) to live free of charge in accommodation facilities provided by state and municipal authorities/institutions, as well as in accommodation places voluntarily offered by natural persons or legal entities;

(c) to get all the necessary information regarding their legal status in the Republic of Lithuania in their mother tongue or in a language they understand;

(d) to take up employment and be exempt from the obligation to obtain a work permit, also the right to engage self-employed activities;

(e) to receive state-guaranteed (free) healthcare, as provided for in the legal acts regulating the healthcare system, and, subject to the availability of the state budget, get prescription medicines in the cases, under the conditions and procedure set out by the Minister of Health;

(f) to get social services under the conditions and financing procedure set out by the Minister of Social Security and Labour;

(g) to access the labour market services and employment support measures provided for in the legislation regulating the employment system;

(h) other rights guaranteed to them under international treaties, laws and other legal acts of the Republic of Lithuania. It should be noted that Lithuania and Ukraine concluded a bilateral agreement on social security on 23 April 2001;⁹ its provisions are based on the principle of coordination of the social security systems, that is, they lay down the rules for determining the applicable law and the provisions on the granting and payment of individual social security benefits.

Minors entitled to temporary protection also have the right to study under general education or vocational training programmes in accordance with the procedure set out by the Minister of Education, Science and Sport.

In addition to the rights mentioned above, the persons who have already been granted temporary protection are also entitled to additional social benefits:

(a) the right to social support for low-income persons, which consists of direct cash benefits and compensations (e.g. for housing heating costs), which is a means-tested type of support;

(b) the right to child benefits, which are part of the universal social support and are granted if at least one person (parent, adoptive parent, guardian or child) has been offered temporary protection;

(c) the right to social assistance pensions (universal support benefits to ensure minimum income, payable as an alternative to old-age, disability or orphan pensions) and the right to targeted compensations for nursing and care, which are allocated for family members being cared for at home;

⁹ Official Journal, 07/11/2001, No. 93-3261.

(d) the right to apply to the national disability identification and assessment authority with a request to determine the level of disability (or decide on its equivalence to the level already determined by the Ukrainian authorities);

(e) the right to get special support from the state for the purchase or rent of housing in accordance with national legislation.

The application and practical implementation of the statutory and additional benefits has also been revised by the Government Resolution. The following list includes the measures aimed specifically at ensuring the social security of persons who apply for the confirmation of the temporary protection or have been granted it.

First of all, the persons who meet the conditions in order to get temporary protection are entitled to get free of charge catering services and hygiene products after 33 calendar days from the date of registration with the Migration Department until the date of adoption of the decision to grant (or refuse) temporary protection confirmation. Such temporary assistance is organised by individual municipalities, with the help of NGOs where necessary. It should be noted that this assistance is minimal and is intended to provide minimum social protection for individuals until decisions are taken on other long-term social protection measures. One such universally applied and supported initiatives is the provision of **food cards to displaced Ukrainians, implemented by the Charity and Support Funds “Food Bank”**.¹⁰ Under this programme, each person (who enjoys temporary protection) is entitled to get a food card worth EUR 20¹¹ per week until a permit for residence in Lithuania is granted. The card can be exchanged for food products at any of the major Lithuanian supermarkets.

One of the long-term areas of social support is social services. Ukrainian displaced persons who are covered by temporary protection in Lithuania have the right to a full package of social services, as provided for by Lithuanian legislation:

(a) special-purpose compensations for special needs or actual provision of technical aids (wheelchairs, walkers, beds, etc.);

(b) general social services, which can be provided even if an individual need for social services has not been determined (without an individual assessment): information, counselling, mediation and representation, meal arrangements, provision of clothing and footwear, transport arrangements, socio-cultural services, arrangements for personal hygiene and care services, etc.;

(c) special social services, which are provided if general social services in the person’s home or in a social services institution are not sufficient. These services are of two types: social welfare and social care services. Social welfare and care services are provided according to the established need for social services. For example, home care, development of social skills, support and recovery, day, short-term or long-term social care, and temporary respite for relatives.

¹⁰ <https://www.maistobankas.lt/ukraina/> (accessed 17 April 2023).

¹¹ Here and further in the article, the amounts of support in euros valid at the time of the preparation of the publication - in 2023.

Ukrainians who are covered by temporary protection in Lithuania, as mentioned above, are also entitled to receive social assistance benefits in cash. The main measures of such assistance include:

(a) social assistance monetary social allowance, which is granted if the average monthly income per person does not exceed EUR 161.7. The maximum amount of such cash benefit for a person who has no income is initially EUR 205 (for the first 6 months) and then EUR 176 (from 7 to 12 months). If the social assistance benefit is paid longer than 12 months, it is EUR 162. In addition, each municipality responsible for the allocation of this benefit has the right, even if the person's income exceeds the threshold for this social benefit (EUR 161.7), to grant the social assistance monetary social allowance by way of exception, after verifying living conditions;

(b) depending on the individual situation of a person, Ukrainians may be provided with one-off targeted periodic conditional social benefits or other social support (e.g. payment of debts for housing maintenance) from the municipality's own budget under the procedure laid down by each municipality. It should be noted that the rules for granting such targeted individual support may vary in different municipalities of Lithuania. In any case, municipalities must be guided by the principles of equality, justice and fairness when establishing the rules for the granting of such support and when taking decisions on its allocation;

(c) child benefits (according to the Law on Benefits for Children)¹² of the following main types: periodic monthly benefits for each child in the family, a lump-sum childbirth benefit, and a lump-sum benefit for a pregnant woman (if she does not qualify for the relevant maternity benefits under the social insurance);

(d) for Ukrainian children who start attending school in Lithuania – free school meals (pre-schoolers, first and second year pupils receive free lunches without means-testing) and support for purchasing school supplies at the start of the school year;

(e) social assistance old-age pensions, which are available to persons who have reached the old-age pension age specified in Lithuania (64 years and 4 months for men and 63 years and 8 months for women)¹³ or the relevant social assistance pensions available to persons with disabilities or to orphans. The amount of the social assistance pensions may vary depending on the person's status (e.g. level of disability), however, the basic amount of such benefits is EUR 173. The attention should be drawn to the fact that these benefits are universal and are not means-tested. In addition to these benefits, means-tested social benefits may be allocated if necessary (based on the person's income). Moreover, child benefits (point (c) above) are granted irrespective of other benefits received and/or their amount.

Another social policy measure that has had to be tailored specifically for displaced Ukrainians is housing. In this case, two types of guarantees are foreseen and defined in Lithuania.

¹² *Lietuvos Respublikos išmokų vaikams įstatymas*; Register of Legal Acts, 18/12/2017, No. 20326.

¹³ The retirement age applies in 2023.

Firstly, accommodation for Ukrainians can be provided free of charge in the housing managed (owned or held under the right of trust) by state or municipal institutions/organisations. In this case, such institutions/organisations are reimbursed for the actual maintenance costs of the housing with the funds of the state: costs of hot water preparation and housing heating; electricity for lighting, heating and other needs; drinking water and sewage treatment costs; costs for municipal waste disposal; gas supply costs. It should be noted that the above costs are reimbursed to the institutions/organisations that manage the premises rather than directly to the persons who use the premises. The condition applicable in this case is that the housing users do not cover such costs on their own.

The second measure relating to the housing of Ukrainians is aimed at and applies to private natural persons or legal entities who voluntarily provide free housing for Ukrainians. Such persons get a special compensation for the provision of housing. If housing is provided to one registered foreigner, the lender receives EUR 150 per month, and if the same housing is provided to every other registered foreigner, additional EUR 50 per month are paid for each additional registered foreigner. Currently, the period of payment of the compensation may not be longer than 31 December 2023 and may not exceed the duration of the agreement on the lending of housing. It should be noted that, in this case, no additional compensations for housing maintenance costs has been foreseen. These costs are covered on the basis of agreements made by the persons concerning the lending of housing (they can be paid by the persons who use the housing or by the owners of the housing on their own, or by a mixed/partial mechanism to cover the costs is possible).

In addition to the above-discussed customary social assistance measures provided for in the Lithuanian legislation, special targeted assistance instruments are also available to Ukrainians. The Refugee Reception Centre¹⁴ runs a special project for personal assistant (mentor) services as one of its main activities. A personal assistant can assess social needs, provide assistance in finding housing and employment, enrol children in the education system – school and pre-school education, provide the required information of interest on social issues, accompany during shopping for food, hygiene products, clothes, to medical treatment facilities, provide all the assistance necessary according to needs.

As far as the rights of persons entitled to temporary protection (or enjoying temporary protection) to healthcare services are concerned, several levels of social security can be singled out. First of all, the general rule is that, both before and after the granting of temporary protection status, any person is guaranteed the right to state-guaranteed (free) healthcare as laid down in the Law on the Health system of the Republic of Lithuania.¹⁵ According to this Law, such healthcare includes emergency medical care and other necessary personal healthcare services, which, if not provided, would be likely to lead to a deterioration of the patient's state of health to such an extent that he or she would require emergency medical care. In the case of Ukrainians, healthcare services also include specific additional services: immunoprophylaxis against COVID-19, pregnancy care, tuberculosis screening; the services of the institution that determines disability and mobile nursing services. In

¹⁴ <https://rppc.lt/> (accessed 17 April 2023).

¹⁵ *Lietuvos Respublikos sveikatos sistemos įstatymas*, Official Journal, 23/12/1998, No. 112-3099.

addition, free medical rehabilitation services are guaranteed for persons injured during the military operations in Ukraine.

The above-discussed healthcare guarantees are a minimum package of services that apply as a general rule. In addition, a distinction can be made of two categories of persons who are fully covered by the Lithuanian healthcare system and receive health services under the same procedure as permanent residents of Lithuania. The first group is the persons who get employed under employment contracts or become self-employed in Lithuania. In this case, based on the general provisions of the Law on Health Insurance of the Republic of Lithuania,¹⁶ individuals are compulsorily covered by the state health insurance, and a fixed amount of health insurance contributions is paid from their salaries or other income, which guarantees comprehensive national healthcare. The second group of persons who are also covered by comprehensive national health insurance are the persons (who have been granted temporary protection) covered by state-funded health insurance, i.e. children (persons under 18 years of age) and persons receiving old-age or disability pensions in Lithuania or in the country from which they arrived (Ukraine).

Another relevant social area is the access of minors who have the right (or have been granted) temporary protection to national general education or vocational training programmes. This right is guaranteed by Lithuanian legislation and the procedure for its implementation is established and controlled by the responsible authority – the Ministry of Education, Science and Sport of Lithuania.

The Law on Education of the Republic of Lithuania¹⁷ stipulates that state-guaranteed education under primary, basic and secondary education programmes is also provided to foreigners who have the right of temporary residence in the Republic of Lithuania, including persons with temporary protection status. The admission of these persons to educational establishments is carried out in accordance with the general procedure, with special exceptions. First of all, it should be noted that the lack of knowledge of the Lithuanian language cannot be an obstacle to the admission of the above-referred persons to education. Secondly, a preliminary period of adaptation is provided before the pupil starts studying at school. During the adaptation period, the individual progress and achievements of pupils are observed. The period of adaptation of each pupil is individual, and the school determines the end of the adaptation time based on how well the child adapts. It is understood that the biggest practical barrier to learning in Lithuanian schools for Ukrainian children is the knowledge of the Lithuanian language. In this case, schools may, according to the methodologies approved by the Ministry, choose alternative methods: organise the learning of the pupil together with other peers in a designated classroom, with appropriate individual learning and other educational support (e.g. by formulating assignments and presenting materials in a language that the pupil understands); organise learning in groups or in other forms; organise intensive training courses of the Lithuanian language, with the use of other forms of learning; organise the teaching of part of subjects in a school in Lithuania, and part of the subjects remotely in a school in Ukraine.

¹⁶ *Lietuvos Respublikos sveikatos draudimo įstatymas*, Official Journal, 24/12/2002, No. 123-5512.

¹⁷ *Lietuvos Respublikos švietimo įstatymas*, Official Journal, 31/03/2011, No. 38-1804.

Another option that Lithuanian schools are obliged to make available under the legislation is to provide the possibility of distance learning for Ukrainian children in Ukrainian schools. If a pupil or his or her parents (guardians) express their wish to study under the Ukrainian curricula by distance learning in a school operating in Ukraine, the pupil must also be assigned to a school operating in Lithuania. The school operating in Lithuania must have a written confirmation from the school in Ukraine that the pupil is studying there remotely. The pupil must be provided with Lithuanian language learning in Lithuania in the manner offered by the school, and may be offered to participate in non-formal education activities (clubs) or other school activities that ensure communication with peers in Lithuania.

A very important guarantee ensured by Lithuanian legislation is the possibility for Ukrainian children who attend Lithuanian schools to learn Ukrainian. If a pupil displaced from Ukraine chooses to study the Ukrainian language, he or she will be given at least 5 lessons (classes) per week for this subject (which can be combined with other subjects, such as Ukrainian history), where possible.

It is understood that the choice of individual educational instruments in practice is determined by both subjective (the choice of pupils and/or their parents) and objective (the resources and possibilities available to schools) factors. The statement of the Ministry of Education, Science and Sport of the Republic of Lithuania of 22 June 2022 “On the organisation of the general education of pupils who came to the Republic of Lithuania from Ukraine due to the military actions of the Russian Federation in Ukraine”¹⁸ indicates that Lithuanian schools use various methods of teaching Ukrainian children. The biggest challenges facing Lithuanian schools are the lack of specialists of the Ukrainian language. Some schools are addressing this problem by using shared online resources that provide learning materials in Ukrainian, as well as by combining the presentation of materials in several languages (e.g. Lithuanian, Russian, English, Ukrainian). In addition, some schools rely on use and employ teachers from Ukraine as educational assistance specialists.

4. Social policy measures for Ukrainians: supporting professional activity.

According to the provisions of the Law and the Government Resolution, a Ukrainian who is eligible to temporary protection has the right to work in Lithuania both before and after the decision to grant temporary protection and is exempted from the obligation to obtain a work permit. Such a person also has the right to engage in self-employed activities in accordance with Lithuanian legislation. Thus, a Lithuanian employer wishing to employ a displaced Ukrainian does not need to carry out any additional procedures, for example, to apply to the relevant state authorities (the Employment Service of Lithuania) for a work permit. Similarly, both employed and self-employed persons do not need to undergo an assessment of their conformity for the needs of the Lithuanian labour market.

¹⁸ <https://smsm.lrv.lt/uploads/smsm/documents/files/aalaikini/> (accessed 17 April 2023).

The only additional procedure that a Lithuanian employer is obliged to carry out when employing a Ukrainian is the submission of a special notification on the foreigner working in Lithuania (LDU) to the Lithuanian national social insurance authority – the Social Insurance Fund Board.¹⁹ This procedure, however, is not limited to the employment of Ukrainians only. This is a common national procedure that requires employers to provide a notification and related information about the employee being employed or posted, regardless of the nationality of the posted or employed employee. This obligation applies both to the employment of persons from third countries and to nationals of EU Member States. A notification is also required in cases where a foreigner is employed in Lithuania (by a company registered in Lithuania) but works abroad remotely on the instruction of the employer.

The same Lithuanian labour law requirements apply to the conclusion and performance of employment contracts, however, there are special provisions for foreigners (again, without distinguishing Ukrainians). According to the Labour Code of the Republic of Lithuania,²⁰ the employer must conclude a written employment contract with the person hired. The contract shall be drawn up in two counterparts. If the employee is a foreigner (who does not know the Lithuanian language), the employment contract must be made in at least two languages – Lithuanian (mandatory language) and another language that the employee understands. All information about the employee's working conditions, the procedure of work at the workplace and occupational health and safety requirements must also be given in two languages. The model form of the employment contract in Lithuanian has been approved by order of the Minister of Social Security and Labour, and the Ukrainian version of this form is available in public on the website of the State Labour Inspectorate of Lithuania.²¹

After signing an employment contract with a Ukrainian, all employment and social security guarantees and obligations come into force. Such a person is covered by all types of social insurance without exception: pension, sickness, maternity, occupational accidents and diseases, unemployment and health insurance. Accordingly, he or she can get social insurance benefits under the general procedure laid down by legal acts. As already mentioned, the bilateral agreement on social security has been concluded between Lithuania and Ukraine, which ensures the conditions for allocating and paying social benefits in accordance with the principles of coordination.

The general provisions on the performance of the employment contract apply to the person employed. In accordance with the provisions of the Labour Code on the posting of foreign nationals from/to Lithuanian companies, they may also be posted and received as posted workers.

Ukrainian citizens may also carry out self-employed commercial, industrial, creative or professional activities in Lithuania. A choice is possible from two forms of self-employed

¹⁹ Order No. V-401 “On the Provision of Information on Foreigners Employed in Lithuania” (*sąkymas Nr. V-401*D / Informacijos apie L ietuvje dirban ius užsienie ius patik imo*) of 27 September 2019, Register of Legal Acts, 30/09.2019, No. 15469.

²⁰ *Lietuvos Respublikos darbo kodeksas*; Register of Legal Acts, 19/09/2016, No. 23709.

²¹ https://www.vdi.lt/Forms/Tekstas1.aspx?Tekstai_ID=3601 (accessed 17 April 2023).

activities: work under self-employment certificate or under business certificate. The two types of self-employment differ in the nature of the activities that can be carried out and in the tax burden. Foreign nationals are subject to the same requirements as Lithuanian nationals – they must register their activities with the State Tax Inspectorate of Lithuania, declare their income, pay taxes (e.g. personal income tax and social security contributions) and comply with other legal requirements for self-employment. It should be noted that the State Tax Inspectorate of Lithuania provides all the essential information about the registration of activity and its requirements in Ukrainian as well, and registration is possible not only electronically (in Lithuanian) but also by telephone or by visiting the customer servicing places where services are available in English, Russian, and, if possible, in Ukrainian.

According to the data of the Employment Service of Lithuania²² (data of 3 April 2023), 24,045 Ukrainians have been employed in Lithuania since the beginning of the war in Ukraine. This represents about half of all Ukrainians of working age who have arrived in Lithuania. Half of the employed persons were employed through the Employment Service of Lithuania, the other half found employment on their own, without intermediation of public authorities.

The aggregate statistics for 2022²³ show that Ukrainians in employment are spread across the whole territory of Lithuania, although the largest number of Ukrainians are in employment in the three largest cities of the country: Vilnius, Kaunas, Klaipėda. The largest number of Ukrainians worked in manufacturing, construction, transport and warehousing, accommodation and food services, wholesale and retail trade. About 24% of Ukrainians worked in low-skilled and unskilled jobs. Most of them worked as office and hotel cleaners, kitchen assistants and packers, agricultural and forestry workers, food preparation and auxiliary workers. The majority of Ukrainians – 68% – worked in medium-skilled jobs. They worked as customer service specialists, salespeople, construction workers, metalworkers, electromechanical and electronic equipment mechanics, stationary equipment and machinery operators, drivers. 8% of Ukrainians worked in highly skilled jobs. They worked in business and administration (logistics and sales managers), health professionals: doctors, nurses, veterinarians, as well as in teaching, IT, physical engineering, law, social and cultural fields.

The experience of specialists of the Employment Service of Lithuania²⁴ shows that the most frequent problems in the employment process of Ukrainians are caused by the lack of knowledge of the Lithuanian language. Non-recognition of qualifications (or the lengthy process) is also often an obstacle to finding a skilled job. Other reasons that make it

²² <https://socmin.lrv.lt/lt/veiklos-sritys/socialine-integracija/lietuva-ukrainai/ukrainieciai-lietuvoje-statistika?lang=lt> (accessed 17 April 2023).

²³ Ministry of Social Security and Labour, “Ukrainian employees in Lithuania pay EUR 40 million in taxes in 2022”, 25 January 2023, <https://socmin.lrv.lt/lt/naujienos/lietuvoje-dirbantys-ukrainieciai-pernai-sumokejo-40-mln-euru-mokesciu?lang=lt> (accessed 17 April 2023).

²⁴ Piečytė M., *Ukrainians working in Lithuania: what sectors they work in most often and what salaries they receive*, publication of the daily Lrytas.lt, 8 November 2022, <https://www.lrytas.lt/verslas/rinkos-pulsas/2022/11/08/news/ivertino-lietuvoje-dirbancius-ukrainiecius-kokiuose-sektoriuose-dazniausiai-dirba-ir-kokius-gauna-atlyginimus-25088215> (accessed 17 April 2023).

difficult to find a job include: unsatisfactory working conditions and pay, and too long travel time to/from the workplace. Given that the majority of arrivals are women with minor children, lack of childcare facilities or nursing and care for elderly family members are also identified as difficulties. Some of these problems (e.g. lack of childcare services, nursing for family members) are not related only to the situation of Ukrainians. These problems are addressed on a country-wide basis in Lithuania and require time and relevant resources.

One of the above-referred obstacles can be related not only the lack of knowledge of the Lithuanian language by displaced persons, but also to certain requirements imposed by the state. According to the Law on the State Language of the Republic of Lithuania,²⁵ every resident has the right to communicate, receive services and information in Lithuanian. Accordingly, all foreigners coming to Lithuania to work must pass a Lithuanian language proficiency exam, depending on the position they are employed in. The Resolution of the Government “**On the Approval of the Categories of Proficiency in the State Language and the Description of the Procedure for their Application**”²⁶ states that:

(a) A2 level Lithuanian language proficiency is required for foreigners working in the fields of service provision, manufacturing, trade, transport, and if they need to communicate with clients and fill in standard forms of documents in their work;

(b) B1 level Lithuanian language proficiency is required for foreigners working in the fields of education, culture, healthcare, social security, if they need to communicate with persons on a regular basis and fill in standard forms of document in their work;

(c) B2 level Lithuanian language proficiency is required for heads of state and municipal institutions, bodies, enterprises and organisations, civil servants and public officials, teachers, aviation, maritime and inland waterway transport specialists (air traffic controllers and flight crews, ship captains or at least one of the assistant captains of the ship, etc.).

In 2022, after the outbreak of the war in Ukraine, the Government adopted an amendment to the above-referred Resolution and stipulated that the Lithuanian language proficiency requirements for temporary employment will not apply to foreigners who have been granted temporary protection in Lithuania. It has also been established that this exemption will be applicable no longer than for 2 years (24 months) after temporary protection has been granted to a person. Thus, in principle, this exemption has been introduced for Ukrainian war migrants and they have been given 24 months to learn and pass the Lithuanian language exam. This means that, from March 2024, Ukrainians working in the labour market will either have to have passed the Lithuanian language exam at the appropriate level, or will have to switch to jobs where no knowledge of the official Lithuanian language is required (basically technical, ancillary jobs, where there are no professional competency requirements, no communication with clients, no handling of documents).

There are no official statistics in Lithuania on the number of Ukrainians learning the Lithuanian language. Free Lithuanian language courses for Ukrainians are offered by various

²⁵ *Lietuvos Respublikos valstybinės kalbos įstatymas*; Official Journal, 18/02/1995, No. 15-344.

²⁶ *Lietuvos Respublikos Vyriausybės nutarimas “Dėl valstybinės kalbos mokėjimo kategorijų nustatymo ir jų taikymo tvarkos aprašo patvirtinimo”*; Register of Legal Acts, 29/10/2021, No. 22674.

public organisations, universities, schools and other volunteers. The Government also provides project funding to municipalities that organise Lithuanian language courses for Ukrainians. According to the data of municipalities, around 2,500 Ukrainians were learning Lithuanian in 2022. Lithuanian language courses for employees and unemployed people are also organised by the Employment Service of Lithuania. However, despite all the initiatives, it is publicly stated that there is a lack of places in Lithuania where Ukrainians can learn Lithuanian for free. State authorities and, in particular, the State Language Inspectorate of Lithuania note that Ukrainians do not show sufficient interest and do not seek to acquire the necessary level of knowledge of Lithuanian. The reason for this phenomenon, according to the Inspectorate, is the belief of Ukrainians that the war will soon be over and they will leave Lithuania, while other Ukrainians hope that Russian or English will be enough for them and do not think about the requirement to speak Lithuanian as the state language, which will be applicable to them in less than a year.²⁷ The fact that the Lithuanian language is not cognate to Ukrainian or other Slavic languages (e.g. Russian or Polish) and, therefore, requires extra effort is undoubtedly another reason for the difficulties in learning and mastering Lithuanian to a sufficient level.

It should be noted that the employer has the obligation to ensure that foreign workers have the required level of knowledge of the Lithuanian language. The Code of Administrative Offences of the Republic of Lithuania²⁸ provides for fines for violations of the use of the state language. Article 499 of the Code provides that the employer and the employee may be subject to an administrative fine from sixty to one hundred and forty euros or a warning for failure to use the state language in the performance of job functions (in the functions where the knowledge of the Lithuanian language at the appropriate level is required). In the event of a repeated offence, the persons concerned shall be subject to a fine from one hundred and forty to three hundred euros.

The exceptions to the Lithuanian language requirement will remain in place until at least March 2024. It is likely that the Government or the Lithuanian Parliament will adopt additional legal decisions during this period to extend the exemption period or to apply other, temporary, exemptions.

Another problem encountered in practice concerns the recognition of the qualifications of those who have arrived. Qualifications of Ukrainian citizens acquired in Ukraine or in another country are recognised under the general procedure laid down by the Law on Recognition of Regulated Professional Qualifications of the Republic of Lithuania.²⁹ A person seeking recognition of a professional qualification must apply to the designated national competent authorities (according to the field of activity) in accordance with the procedure laid down by law. In accordance with the general provisions, the competent

²⁷ Interview with Audrius Valotka, Head of the State Language Inspectorate of Lithuania. From the LRT TV programme “Lietuvos diena”, broadcast on 5 April 2023, 15:20. <https://www.youtube.com/watch?v=iF-Q954zkck> (accessed 17 April 2023).

²⁸ *Lietuvos Respublikos administracinių nusižengimų kodeksas*; Register of Legal Acts, 10/07/2015, No. 11216

²⁹ *Lietuvos Respublikos reglamentuojamų profesinių kvalifikacijų pripažinimo įstatymas*; Official Journal, 24/04/2008, No. 47-1747.

authority shall take its decision and inform the applicant in writing no later than within 3 months from the date of receipt of the application and the documents required.

However, some competent authorities have decided to facilitate recognition procedures for persons coming from Ukraine, to the extent that they are able to determine their internal procedures.

For example, the Ministry of the Environment of the Republic of Lithuania³⁰ applies a more flexible procedure for the recognition of diplomas of architects and construction engineers from Ukraine and have reduced the formalities: only the minimum documents are required and the authenticity of such documents can be certified by the applicant himself/herself (without the need for notarisation or certification by the relevant authority). Translations into the Lithuanian language are required only of the essential documents (e.g. a diploma or other document certifying qualifications). The aim is to shorten the entire decision-making procedure to one month. The relevant faster and simpler procedures have also been introduced by other competent authorities.

5. Final considerations.

Lithuania is not only for the first time facing the need to apply the special instrument of the European Union – temporary protection; it had not yet, in general, faced the phenomenon of a mass influx of refugees or asylum seekers. Therefore, there is no doubt that this period of time will lead to considerable experience and will reveal the potential strengths and weaknesses in the legal regulation and/or practical implementation. This will, in its own turn, allow the legislator or public authorities to take decisions on the improvement of rules and/or procedures. Even the Government Resolution of 16 March 2022, which has activated temporary protection, has been amended and supplemented four times since its adoption with supplements of its text, revisions of certain provisions in the light of the needs that have emerged in the course of its application.

Most of the above-discussed regulations and procedures are measures of temporary nature and will cease to apply once the activation of the temporary protection has come to an end. However, some of the regulatory changes will also have a long-term permanent effect as the relevant provisions will remain in force indefinitely. For example, such changes have been made in the Law on Employment of the Republic of Lithuania, which includes a permanent provision that active labour market measures (including subsidies to employers) shall also apply to persons enjoying temporary protection (without reference to the Ukrainian situation). A positive and effective measure was the digitalisation of the issuance of residence permits to persons enjoying temporary protection, implemented from 2023. The digitalisation of the process enables an efficient and cost-effective confirmation of the

³⁰ Ministry of Environment of the Republic of Lithuania, *The procedure for recognising the professional qualifications of architects and civil engineers from Ukraine will be faster and simpler*, 22 March 2022. <https://am.lrv.lt/lt/naujienos/architektu-ir-statybos-inzineriu-is-ukrainos-profesines-kvalifikacijos-pripazinimo-procedura-bus-greitesne-ir-paprastesne> (accessed 17 April 2023).

status of a Ukrainian and allows the authorities providing services to Ukrainians to get information as quickly as possible.

It can also be noted that the main problems of integration of Ukrainians are not related to their large numbers. Although the number of new arrivals was expected to increase substantially during the winter of 2022-2023, after the mass arrival of Ukrainians to Lithuania in March-May 2022, their number of new arrivals has been steadily decreasing. More problems can be observed at the individual level, where they are pre-determined by the ability of individuals to find a skilled job matching their profession or by the language barrier, which also makes integration processes more difficult.