

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

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## 1. Preliminary remarks.

Latvia, together with other two Baltic countries, Lithuania and Estonia, is among the top five European countries in terms of the number of Ukrainian war migrants it has admitted per thousand inhabitants.<sup>1</sup> Although Latvia does not have a direct border with Ukraine, the two countries have a somewhat similar Soviet past and there is a historically entrenched Ukrainian community in Latvia (Ukrainians constitute about 2.5 per cent of the Latvian population), together with relatively broadly available educational and labour market opportunities in the Russian language. According to United Nations High Commissioner for Refugees data, on 11 April 2023, 47 080 people from Ukraine were registered for temporary protection or a similar national protection scheme in Latvia, along with 32 380 displaced persons.<sup>2</sup> For a nation of fewer than 2 million inhabitants, these are significant numbers.

In terms of destination country profiles, Latvia presents a multifaceted picture. As I show below, the monetary support for Ukrainian war migrants cannot be considered generous. At the same time, other characteristics of the country – the overall support for the Ukrainian cause within the Latvian population, the resolute opposition to the Russian military

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All views expressed in this publication are personal.

<sup>1</sup> Statista, *Number of Ukrainian refugees by country per capita*, 2022, available at: <https://www.statista.com/statistics/1342702/ukrainian-refugees-per-thousand-inhabitants-by-country/> (accessed 2 May 2023).

<sup>2</sup> Operational Data Portal, *Ukraine Refugee Situation on 11 April 2023*: <https://data.unhcr.org/en/situations/ukraine> (accessed 2 May 2023).

aggression, the pre-existing support structures for Ukrainians,<sup>3</sup> together with the easy accessibility of public services in Russian and also English and relatively barrier-free access to the labour market – make it a relatively desirable destination.

Indeed, the current legal framework, construed specifically for Ukrainian war migrants at the beginning of the war, and local support should be seen in the broader context of the existing support structures. These include a Ukrainian secondary school in Riga and the availability of both childcare and also education (including secondary) in the Russian language, alongside a very active Ukrainian diaspora, existing access to the Latvian labour market for Ukrainian workers, and the Agreement between the Republic of Latvia and Ukraine on Cooperation in the Field of Social Security with the possibility to transfer social security entitlements between the two countries. This, together with the historically shared social experience and probably a deeper level of understanding for the Ukrainian plight than many other regions of Europe, has created a comparatively favourable environment for acceptance and integration of Ukrainian war migrants.

## 2. General framework.

In Latvia, Directive 2001/55/EC<sup>4</sup> was implemented in the Asylum Law,<sup>5</sup> the Administrative Procedure Law<sup>6</sup> and a series of secondary governmental regulations.<sup>7</sup> Council Decision 2022/382,<sup>8</sup> however, was implemented not through the general Asylum Law procedures but via a special law adopted in March 2022, the Law on Assistance to Ukrainian Civilians (LAUC).<sup>9</sup> Hence, the focus in this chapter will be primarily on the coverage and content of this *lex specialis* adopted for the mass influx from Ukraine starting in February 2022.

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<sup>3</sup> Vārpiņa Z., Fredheim K., *Ukrainian asylum seekers in Latvia: the circumstances of destination choice*, in *Migration letters*, 19, 6, 2022, 821.

<sup>4</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, Official Journal of the European Communities, L 212/12–23 later on as: Directive 2001/55).

<sup>5</sup> Asylum Law (Patvēruma likums), Latvijas Vēstnesis (2), 5 January 2016, available at: <https://likumi.lv/ta/en/en/id/278986-asylum-law> (accessed 2 May 2023).

<sup>6</sup> Administrative Procedure Law (Administratīvā procesa likums), Latvijas Vēstnesis 164, 14 November 2001, available at <https://likumi.lv/ta/en/en/id/55567-administrative-procedure-law> (accessed 2 May 2023).

<sup>7</sup> Zaudējis spēku - Grozījumi Ministru kabineta 2004.gada 20.janvāra noteikumos Nr.44 ‘Noteikumi par darba atļaujām ārzemniekiem’ (likumi.lv) (last viewed 2 May 2023); Zaudējis spēku - Noteikumi par darba atļaujām ārzemniekiem (likumi.lv), Ministru kabineta noteikumi Nr. 553 (last viewed 2 May 2023); Noteikumi par ārzemnieku nodarbināšanu (likumi.lv), Ministru kabineta noteikumi Nr.55; Zaudējis spēku - Kārtība, kādā Latvijas Republikā notiek bēgļa, alternatīvo statusu vai pagaidu aizsardzību ieguvušās personas ģimenes atkalapvienošana (likumi.lv), Ministru kabineta noteikumi Nr.74; Noteikumi par pārvietošanas dokumentu personai, kurai piešķirta pagaidu aizsardzība (likumi.lv), Ministru kabineta noteikumi Nr.74.

<sup>8</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, Official Journal of the European Union L 71/1-6, later on as: Decision 2022/382.

<sup>9</sup> Law on Assistance to Ukrainian Civilians (Ukrainas civiliedzīvotāju atbalsta likums), Latvijas Vēstnesis 45A, 4 March 2022, available at <https://likumi.lv/ta/en/en/id/330546-law-on-assistance-to-ukrainian-civilians> (accessed 2 May 2023).

The primary objective of the LAUC was to determine who does what to support Ukrainian civilians and population in general in the context of the war between Russia and Ukraine, as well as to introduce specific rules for dealing with the mass influx expected as a result of Russian invasion. At the same time, the Annotation of the law reveals that this measure to a very large extent was also aimed at regulating Ukrainian war migrants' labour market access, even introducing specific rules for employment in certain sectors.<sup>10</sup> This is unusual for a law aimed primarily at the protection of refugees.<sup>11</sup> Also, in contrast to this approach taken in the response to the Ukrainian influx, the national rules that originally implemented Directive 2001/55 were not focused on labour market access at all (Article 61 Asylum Law). In the manner in which Directive 2001/55 was implemented in Latvia the national rules did not foresee labour market access as one of the elements of temporary protection (Section XI Asylum Law). This might have been one of the reasons why a special law was deemed necessary as part of the response to the war in Ukraine.

Indeed, the Annotation of the LAUC proposed 'the essential need to provide the right to freely access the Latvian labour market for Ukrainians that have fled the war and have entered Latvian territory' as the primary solution to the situation that had arisen.<sup>12</sup> It is also interesting that the Annotation explicitly recognises that by introducing special rules for the employment of Ukrainians in the education and health-care sectors, the LAUC both ensures Ukrainians' economic interests and reduces the labour shortage in these two sectors. All in all, it is clear from the rules introduced in response to the war in Ukraine that labour market needs, together with the protection of Ukrainians fleeing the war were the top priorities for the Latvian legislators when introducing this special temporary protection regime.

Directive 2001/55 applies to Ukrainians who were residing in Ukraine before 24 February 2022 (para 1), but the LAUC is not so exact in terms of its *ratione temporis*. It prescribed temporary protection for Ukrainian civilians 'who leave Ukraine or who cannot return to Ukraine due to the armed conflict [...]' in the Republic of Latvia within the meaning of the Asylum Law (Article 1<sup>1</sup>). Hence it can be applied also to Ukrainians who left (shortly) before 24 February 2022 or were in Latvia or even elsewhere when the war started. At the same time, the transitional provisions declare that the Latvian state will pay for assistance laid out in the LAUC and healthcare services provided to Ukrainian civilians starting from 24 February 2022 (para 1); 24 February was therefore the first day on which they had the right to receive support.

The LAUC also does not have a specific end-date and the general approach is that the law is likely to be revoked or changed when the war ends. This is in contrast to the regular prolongation of the Decision 2022/382 at the EU level, whereby protection was extended until March 2024 and can be further extended until 2025. However, the temporary protection regime provides, for those who received this status in 2022 (until 31 December 2022), that

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<sup>10</sup> Annotation of the Law on Assistance to Ukrainian Civilians, 2022, available at <https://titania.saeima.lv/LIVS13/SaeimaLIVS13.nsf/0/877EDC3DAD423E20C22587F9002447CD?OpenDocument> (accessed 2 May 2023).

<sup>11</sup> Rasnača Z., *Patvēruma meklētāju aizsardzības tiesiskais ietvars*, in Austers A., Beitnere-Le Galla D., Rasnača Z. (eds), *Patvēruma meklētāju problēma un tās risinājumi Eiropas Savienībā un Latvijā*, LU Akadēmiskais apgāds, 2019, 183–184.

<sup>12</sup> Annotation of the Law on Assistance to Ukrainian Civilians, nt. (9).

their initial visas and permits will be valid until 4 March 2024, and for those who arrived in Latvia after 31 December 2022 that they will receive the initial permits for a period of two years. In addition, for certain rights or matters, some end-dates are laid down in national law but it remains to be seen whether the legislator decides to change them closer to their expiry date. For example, expired travel documents issued in Ukraine are considered valid in Latvia until 28 February 2024 (Article 4); and full compensation for medical products or medical devices is available until 30 June 2023 (para 10 of the transitional provisions). Hence the timeframe could be seen as more flexible than the one offered by the EU framework; however, and notably, not all protective measures that were implemented at national level (beyond what was required by Decision 2022/382 and Directive 2001/55) are being continued in line with the extended deadlines at European level.

All in all, the Latvian national framework seems to go beyond what the EU level measures require and is more flexible in terms of its temporary scope. Furthermore, a key characteristic of the Latvian approach to tackling the arrival of Ukrainian war migrants is the strong emphasis on labour market access. This is somewhat mirrored in the early data on why Ukrainian war migrants chose Latvia as their country of destination: labour market opportunities were among the key factors mentioned as the reason to come to Latvia.<sup>13</sup>

### **3. Personal scope of applicable support measures.**

Article 2 of Decision 2022/382 sets out the personal scope of the measure. It states that those covered include Ukrainian nationals residing in Ukraine before 24 February 2022, and stateless or third-country nationals who benefitted from international protection in Ukraine and family members (Article 2(1) Decision 2022/382). Family members include spouses or partners in a stable relationship, if such partnerships are recognised in the Member State in question, minor unmarried children and other close relatives who live together as a family unit (Article 2(4)). The Member States also have to apply either Decision 2022/382 or ‘adequate protection’ to stateless persons or third-country nationals who were residing legally in Ukraine before 24 February 2022, with a valid permanent residence permit (Article 2(2)). Finally, Member States were free to extend Decision 2022/382 also to those who were legally residing in Ukraine and were unable to return to their country of origin under safe and durable conditions (Article 2(3)).

The Latvian approach to personal scope differed slightly from the one in Decision 2022/382. The Latvian implementing law (LAUC) applies to ‘Ukrainian civilians who leave Ukraine or who cannot return to Ukraine due to the armed conflict caused by the Russian Federation during the course of such armed conflict’. The definition of ‘Ukrainian civilians’ offered by LAUC in Article 1(1) is as follows:

*Citizens of Ukraine and their family members, and also persons who have received a permanent residence permit in Ukraine and cannot return to the country of their citizenship,*

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<sup>13</sup> Vārpiņa Z., Fredheim K., nt. (3).

*[and persons who have] the status of stateless persons, or the status of international protection in Ukraine and their family members.*

It is thus, on one hand, potentially slightly broader than that of Decision 2022/382 because it does not explicitly require people to have been eligible for residence in Ukraine prior to 24 February 2022. In other words, also those Ukrainians who had resided outside of Ukraine can be covered; indeed, all Ukrainian civilians who either leave or cannot return to Ukraine because of to the military conflict are covered within the personal scope.

On the other hand, the definition of ‘Ukrainian civilian’ is narrower than what one might normally associate with the term ‘civilian’. In its ordinary meaning in Latvian the word ‘civilian’ refers to any person living in the country who is not considered to be military or police personnel.<sup>14</sup> It thus would seem to cover everyone except for those directly participating in the military conflict. As the clarifying definition explains, however, only citizens of Ukraine and their family members, persons with permanent residence in Ukraine, and persons given stateless or international protection status under Ukrainian law are covered by this special law. Accordingly, Latvia did not exercise the option to extend the protection to those legally residing in Ukraine and unable to return to their country of origin in line with Article 2(3) Decision 2022/382.

LAUC also does not seem to cover in its personal scope, at least explicitly, family members of stateless persons and those enjoying international protection under Ukrainian law in contrast to what Article 1(1)(b) and (c), read together with (4) of Decision 2022/382 seem to require. At the same time, the Latvian rules can still be considered to be in line with EU requirements. Simply, instead of the comparatively generous framework created by the LAUC, such persons have to rely on the temporary protection regime, as implemented in the Asylum law.<sup>15</sup> All things considered, the personal scope of the special protective regime created in order to help deal with the mass influx of people from Ukraine is in part broader than that required by EU rules, and in part narrower, necessitating a fallback to the general asylum regime and temporary protection regime as it has been implemented there for some categories of persons who have fled or cannot return to Ukrainian territory.

Moreover, LAUC also states that the Office of Citizenship and Migration Affairs (OCMA), the State Border Guard or any Latvian diplomatic and consular missions abroad can issue a long-term visa with the right to employment without restrictions for a period up to one year, without fulfilling the requirements of the Immigration Law (Articles 4(1), 3 and 5), and without any fee for examining the documents, for those Ukrainian civilians who do not have the right to remain in Latvia, or who have the right to remain but no right to employment, if they have a valid travel document. This also further extends the range of people who can benefit from the right to remain in Latvia and access the Latvian labour market.

Regarding the process, for those who fall under the definition of ‘Ukrainian civilian’ as explained above, the Office of Citizenship and Migration Affairs<sup>16</sup> issues a temporary

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<sup>14</sup> Tezaurs, *Civiliedzīvotājs*, 2023, available at <https://tezaurs.lv/civiliedz%C4%ABvot%C4%81js:1> (accessed 2 May 2023).

<sup>15</sup> Asylum Law, nt. (5).

<sup>16</sup> Pilsonības un Migrācijas Lietu Pārvalde, available at <https://www.pmlp.gov.lv/en> (accessed 2 May 2023).

residence permit (ie an identity card for a third-country citizen) for the (initial) time period of two years (Article 3(2)). Applicants can apply for this card and status either to the OCMA, by mail or electronically, or in person at the Special Support Centre for Ukrainians in Riga.<sup>17</sup> In the case of applications by Ukrainian civilians, Article 65(2) Asylum Law, which lays down that people need to hand over all the personal identification documents and travel documents at their disposal and issued in foreign countries, does not apply. Furthermore, the administrative fee normally applicable is not levied (Article 3(4)). If this is the first time a person has received such a personal identification document in Latvia, their identity has to be certified by an interview questionnaire approved by an official from either the Border Guard or the OCMA (Article 3(3)). The official carrying out the registration shall also update the Register of Natural Persons (Article 3(5)). All in all, the procedure involves submitting a questionnaire, together with documents supporting the application, and an in-person interview, if necessary.

In case there are some issues with the documents necessary for a visa or residence permit application (essentially, if a person does not have a valid or even invalid ID card or passport or permanent residence card or another document confirming their right to protection under LAUC) issued by Ukraine,<sup>18</sup> the OCMA can give the person up to one year for the submission of documents confirming their right to special temporary protection. Also, Article 4 LAUC explicitly provides that if a travel document issued in Ukraine has expired, it will be considered valid in Latvia until 28 February 2024. The rules on the personal scope of the special protection regime introduced in response to the Russian war in Ukraine are thus comparatively generous, at least compared with the rules applicable to war migrants from other countries.

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

The general level of support for Ukrainians fleeing the war is certainly higher than it was for refugees in the past. It is also fundamentally different both because those eligible have instant access to the labour market, but also because their access to housing, healthcare and education is significantly eased by the widespread knowledge of the Russian language in Latvia. Because of the broad support of the local population and existing support structures for Ukrainian migrants in Latvia (Ukrainian school, various associations, including cultural heritage organisations), they have been on a different footing in terms of ability to access various services.

In this section, however, I shall not focus on existing support structures, but instead provide an overview of the main elements in terms of financial, housing, healthcare and education support introduced from 24 February 2022 onwards. Nevertheless, for anyone

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<sup>17</sup> Article 5(2) LAUC; for up-to-date information on the relevant process, see *From Ukraine to Latvia*, Information for Ukrainians coming to Latvia, available at <https://www.ukraine-latvia.com/lv#arrival> (accessed 2 May 2023).

<sup>18</sup> This was the case, for example, for some Ukrainians fleeing already occupied territories, such as parts of Donetsk or Crimea.

interested in the question of Ukrainian war migrants' integration in Latvia, it is important to see these specific support measures in their broader context of the available integration resources and also the already existing labour market opportunities for Ukrainians.

Information on the support available has been published online in Latvian, Ukrainian, Russian and English. In addition, an informative phone number is available for consultation and finally many (probably most) municipalities have support centres where Ukrainians can receive help and information about all types of available aid in an accessible language. Generally, Ukrainian civilians have the same right to social services, social assistance and other material assistance provided by local government (municipality) as the citizens of Latvia (Article 7(3) LAUC). Hence in this section I describe mainly additional support where such has been made available.

#### **4.1. Financial support.**

The financial support amounted to a one-off benefit of 272 euros (€) (€190 for a minor) and a monthly benefit of €109 for the first member of the household who arrives in Latvia and €76 for each further member of the same household. Ukrainian civilians also have a right to other material or social support in line with individual needs, although those support measures depend largely on the municipality in which someone settles.

Another line of support involves food and other packages. Ukrainian civilians have the right to receive food packages (two for each person in the household every month), a package of hygiene-related **and household goods, two additional kids' packages if the family has children between 7 and 24 months, and an additional package with hygiene items for kids under 2 years old.** Finally, school-aged kids have a right to a special kit with education materials and items necessary for school. Additional food and other packages have been available over the past year due to inflation. Another type of support which could be considered financial in nature is for transport – Ukrainian civilians have the right to use public transport free of charge.

When it comes to child support, Ukrainian civilians can receive childbirth allowance (€421 for each child), childcare allowance (€171 per month for kids under 1.5 years old and €43 for older kids) and family state allowance (€25 per month for one child; €100 for two children; €225 for three children and €100 for each additional child), with additional benefits and support for children with disabilities (Article 7(11) LAUC). There is also special financial support (€106 per month) for children suffering from coeliac disease.

Finally, regarding pensions, a Ukrainian civilian who has reached retirement age and is residing in Latvia with a valid long-term visa or residence permit and has resided in Latvia for at least three months, has a right to social security benefit as an advance payment until the Latvian State Social Insurance Agency receives information from the competent Ukrainian authority on the pension granted and received in Ukraine and the amount thereof, which is necessary for the disbursement of state social security benefit in Latvia (in line with the Agreement between the Republic of Latvia and Ukraine on Cooperation in the Field of



Social Security)<sup>19</sup> (Article 7<sup>3</sup> LAUC). Any overpayment after the advance payment will not be recovered from Ukrainian civilians. Furthermore, any Ukrainian civilian already receiving a pension in Ukraine can opt to have that pension disbursed through the intermediation of the Latvian State Social Insurance Agency (Article 7<sup>3</sup>(1) LAUC).

Article 13 Decision 2022/382 requires that Member States ensure necessary assistance in terms of social welfare and means of subsistence. While Latvia has formally complied with this requirement and various financial benefits and benefits in kind exist and have been introduced, their level is rather low. Hence one might question whether the objectives of Decision 2022/382 are fully met. The social support system in Latvia is comparatively weak for everyone, not only asylum seekers,<sup>20</sup> and often does not ensure that people relying on it can live with dignity. At the same time in order to facilitate integration the financial support mechanisms at least for Ukrainian displaced persons who cannot work should be improved further.

#### 4.2. Housing support.

Latvia ensures free accommodation and food for the first 120 days for Ukrainian civilians who started receiving support before 24 May 2022 and accommodation for 120 days and food for 30 days for those who started receiving support from 25 May 2022. Since 20 July 2022 municipalities have been able to reduce the length of accommodation to 60 days if they reach 80% of their capacity. The State Fire and Rescue Service is responsible for coordination between local governments, taking into account their capacity for accommodating Ukrainian civilians and is in charge of directing them to different local governments where accommodation services are still available (Article 2(8) LAUC).

Taking into account the time limits set for free accommodation, one might question whether LAUC is in line with the requirements of Article 13(1) Decision 2022/382. The obligation to provide suitable accommodation for persons enjoying temporary protection or means to obtain housing, as defined there, is rather broad and the Latvian rules are not particularly favourable in this regard beyond the first 120 days following arrival.

There is a further possibility to receive support for longer than 120 days for certain groups of persons who might face special difficulties (eg people with disabilities, people aiding people with disabilities, people of retirement age, minors in education and students, pregnant women, parents with children aged under 2 years or parents with children who cannot attend pre-school for any reason). However, this free extra accommodation support did not continue after 30 June 2023. Overall, there seems to be an attempt to gradually integrate Ukrainian civilians in the general Latvian welfare system. Ukrainians whose expenses for

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<sup>19</sup> Agreement between Latvia and Ukraine about cooperation in the area of social security (Latvijas Republikas un Ukrainas līgums par sadarbību sociālās drošības jomā), Latvijas Vēstnesis 138/141, 19 May 1998, available at <https://likumi.lv/ta/lv/starptautiskie-ligumi/id/867> (accessed 2 May 2023).

<sup>20</sup> On the general approach to social welfare for asylum seekers, see Rasnača Z., *Latvijas intereses patvēruma meklētāju politikas jomā starptautiskajā un Eiropas Savienības līmenī*, and Austers A., *Patvēruma meklētāju politika Latvijā – fakti, programma un integrācijas gaita*, in Austers A., Beitnere-Le Galla D., Rasnača Z. (eds), *Patvēruma meklētāju problēma un tās risinājumi Eiropas Savienībā un Latvijā*, LU Akadēmiskais apgāds, 2019, 38–58, 226–250.



accommodation are greater than their income have a right to receive housing benefit (just like all Latvian permanent residents). A Ukrainian civilian has the right to receive the housing allowance provided for in Section 35, paragraph 1, clause 2 Law on Social Services and Social Assistance, also to cover expenditures related to and contracted for premises that are fit for habitation, lighted, heated, and suitable for long-term human accommodation and for household items (Article 7(3<sup>3</sup>) LAUC).

At the same time, in reality because of the sheer number of Ukrainians who have arrived in Latvia since 24 February 2022, in practice housing support, at least in the period since the invasion, has often fallen on the shoulders of volunteers. Many Latvians have opened their homes to Ukrainian war migrants, most often for free, and continue to do so. This high degree of voluntarism has been internationally recognised.<sup>21</sup> In fact, the public housing possibilities are insufficient and housing continues to be a problematic issue for all refugees in Latvia, including Ukrainians. The information on accommodation possibilities is publicly available online and a centralised database has been created to help match potential landlords with tenants.<sup>22</sup>

To facilitate offers of housing from private individuals, Latvians who offer free accommodation to Ukrainians have been given the right to compensation from the state (€100 for the first person and €50 for each additional person they accommodate; altogether up to €300 per month). Support is also available for legal persons who offer accommodation (after an initial 120 days of state-offered accommodation) for the groups of people under special protection identified above. However, this compensation is time-limited and set to expire on 30 June 2023 (Article 7<sup>1</sup>(1<sup>1</sup>)).

### 4.3. Access to healthcare.

In Latvia healthcare is covered by the state (no mandatory insurance payments are necessary). Every Ukrainian who arrives in Latvia or is already residing there has full access to state-covered healthcare and medical services free of charge, including medicines, in the same way as they are available to Latvian residents (Article 7(4) LAUC). Healthcare for children (except perhaps dentistry) is relatively easily accessible and the Children's Clinical University Hospital (BKUS) provides all necessary medical care to children from Ukraine.

At the same time, in reality state-covered free healthcare often involves long waiting times and queues for more serious interventions. Moreover, dentistry is not free for adults. In general, it is much easier and faster to access non-urgent medical assistance with private insurance. Hence, while in theory access to free healthcare is ensured, in practice it might not be easily accessible within a reasonable time period for either Latvian long-term residents or Ukrainians. This, however, potentially creates an especially difficult situation for war migrants who might have suffered injuries or require urgent help, access to which might

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<sup>21</sup> Nordentoft H.M., *UNHCR: Ukrainas begļi – cilvēciņa un tiesiskums iet roku rokā*, 2023, available at <https://www.unhcr.org/neu/lv/94907-unhcr-ukrainas-begli-cilveciba-un-tiesiskums-iet-roku-roka.html> (accessed 2 May 2023).

<sup>22</sup> *Ukrainas civiliedzīvotāju atbalsta sniegšanai nepieciešamās informācijas reģistrs (UCASNIR)*, available at <https://cak.iem.gov.lv/> (accessed 2 May 2023).

entail a long wait. At the same time Article 7(1)(3) requires that the Social Integration State Agency coordinate to ensure 24-hour service for persons in need of social rehabilitation for up to 60 days. Hence, adequate legal obligations have been introduced to protect Ukrainian civilians. The remaining issues, however, are due to the general state of medical care in Latvia.

At the same time, several NGOs and also medical organisations have been active in trying to ensure that the war migrants from Ukraine receive the help they need. Finally, healthcare in Latvia is relatively easily available in Russian and often also the English language, which can be very helpful for Ukrainian war migrants seeking help (especially in comparison to refugees who do not speak Latvian, Russian or English).

#### 4.4. Access to education.

Every child who arrives in Latvia as a war migrant from Ukraine has the right to education (free of charge) in either the state language (Latvian) at all levels of primary and secondary education or a minority language (Ukrainian) at the level of pre-school and primary. This means that for Ukrainian children education is available in Ukrainian up to the ninth grade (around age 15–16). This is extremely important for families with children who fled Ukraine for a relatively short period of time and have already returned or intend to return to Ukraine shortly. They could thus continue their education in Ukrainian. Also Russian language schools are state-funded and widely accessible.

In the interest of long-term integration and secondary education, however, knowledge of the Latvian language is paramount. Hence, many war migrants chose to send their children to Latvian-language schools. At the same time, not all Ukrainian children who have been registered in Latvia are in education. In May 2022, 4 144 children were registered in Latvia, but only just over 3 000 started the school year in September 2022.<sup>23</sup> Education experts explain this by returns to Ukraine, possibilities for continuing education online available to many Ukrainians, and families moving to another EU country.<sup>24</sup>

Access to higher education has also eased somewhat for Ukrainian civilians. After undergoing a special procedure (involving two streams or two different procedures, one available to those who have the necessary education documents from Ukraine and another for those who do not), Ukrainian students have been given a possibility to continue their higher education at a Latvian university without the need to start from the beginning.<sup>25</sup>

Overall, the Latvian social policy support system for Ukrainian civilians is characterised by relatively low financial and other types of support (compared with many western European and Scandinavian countries at least). However, integration in the healthcare and education systems has been fairly direct and straightforward. It is important to remember that there has been a lot of voluntary support via donations and help to Ukrainian war

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<sup>23</sup> LV, *Par ukraiņu pedagogiem Latvijas skolās*, in *LV portāls*, 31 March 2023, available at <https://lvportals.lv/norises/350446-par-ukrainu-pedagogiem-latvijas-skolas-2023> (accessed 2 May 2023).

<sup>24</sup> LV, *ibidem*.

<sup>25</sup> LSPA, *Admission of Ukrainians students for studies in Latvian higher education institutions*, 2022, available at <https://www.lspa.lv/files/2022/UA%20stud%C4%93jo%C5%A1o%20uz%C5%86em%C5%A1ana%20augstskol%C4%81s%20ENG.pdf> (accessed 2 May 2023).

migrants from the general population. Such support has typically not been available to refugees in the past (with a partial exception in the case of Belarussians fleeing the regime and its increased brutality in the past few years). In addition, as already explained, there were pre-existing support systems in Latvia for Ukrainians and they do not experience the same barriers (not least linguistic ones but also in terms of, for example, racial discrimination) as other refugees in terms of access to support services, healthcare, accommodation and education. This, together with the relatively barrier-free access to the labour market discussed below, has created a relatively favourable integration environment for them.

## **5. Social policy measures for Ukrainians: supporting professional activity.**

The State Employment Agency reports that from 1 March 2022 until 31 December 2022, it provided assistance to 17 452 Ukrainian civilians. In the same period, 4 168 Ukrainians were registered as unemployed. While the exact number of Ukrainians on the Latvian labour market is not clear, according to State Employment Agency data in 2022, 10 303 Ukrainian civilians received the one-off job-start benefit and 79 received the one-off self-employment start-up benefit.<sup>26</sup> These numbers might therefore give an approximate picture of the number of Ukrainian war migrants who have started work in Latvia.

Of course, it is unclear whether some Ukrainian civilians are working undeclared or maybe continue working remotely for their Ukrainian employers or employers abroad (this is an open question, especially in the IT sector). For Ukrainian war migrants who are not tax residents in Latvia special rules were introduced in LAUC. In line with these rules, Ukrainian civilians who are non-residents for tax purposes have the right to apply the minimum non-taxable allowance with personal income tax of €250 per month (Article 8<sup>3</sup>(1) LAUC). They also have the right to tax relief for dependent minor children (Article 8<sup>3</sup>(2) LAUC).

### **5.1. General rules on accessing the Latvia labour market.**

In line with the special Latvian temporary protection regime, Ukrainian civilians have been eligible for long-term visas with the right to access the labour market without any restrictions. According to the amendments in force since 26 March 2022, Ukrainian civilians with a travel document issued by Ukraine (eg passport) have a right to start employment even before obtaining a long-term visa.<sup>27</sup>

When employing third-country nationals, there is typically an obligation to first register the vacancy with the State Employment Agency and to pay them at least the average Latvian wage for the prior year. Also, third-country nationals entering the Latvian labour market for

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<sup>26</sup> Nodarbinātības Valsts Aģentūra, 2022.gadā NVA atbalstu saņēma 17 452 Ukrainas civiliedzīvotāji | Nodarbinātības valsts aģentūra, 23 January 2023, available at <https://www.nva.gov.lv/lv/jaunums/2022gada-nva-atbalstu-sanema-17-452-ukrainas-civiledzivotaji> (accessed 2 May 2023).

<sup>27</sup> They had to apply for such a visa within 10 days of starting work.

the first time typically have to undergo a health check in order to receive a residence permit.<sup>28</sup> However, the employment of Ukrainian civilians was exempted from these rules. Regarding the health check, the legislator adopted an exception that made it possible to employ Ukrainian civilians without a mandatory health check, unless the person in question is to be employed in a high-risk work environment, in line with Cabinet of Ministers Regulation No 219.<sup>29</sup>

To further ease the entry of Ukrainians in the labour market, they were eligible for a one-off job-start benefit at the level of one minimum monthly wage (this benefit is not taxed) (Article 7(7) LAUC). The same level of benefit was also foreseen for Ukrainians who register as self-employed (Article 7(14)). This was meant to support employees and self-employed at the start of work activities. Finally, and importantly, the Latvian legislator permitted the employment of Ukrainian war migrants also without any knowledge of the Latvian language (which is typically mandatory in all public sector jobs and also in the private sector if the job is of a public interest nature or it is necessary to ensure the protection of consumers or clients), insofar as it did not prevent them from exercising their employment obligations.

All these extra facilitation measures illustrate that the Latvian legislator considered speedy employment of Ukrainians to be of the utmost importance. At the same time, the relaxation of the requirement to pay at least the average sectoral wage might create a situation in which wages in certain sectors are pushed downwards and facilitate exploitation of Ukrainian workers on the Latvian labour market. Furthermore, the lack of a compulsory health check might be detrimental to workers' health and safety rights.

## 5.2. Special rules in certain sectors.

A special exception from mandatory language rules was introduced for medical personal. Healthcare institutions were allowed to employ Ukrainian civilians without a knowledge of the state language if communication can be ensured in some other way (eg by using a translator or in another language, such as English or Russian, if personnel and clients understand it). The same rules were also applied for pharmacists. Furthermore, Ukrainian civilians in healthcare and pharmaceuticals, as well as in education (including secondary, but excluding higher education) were allowed to work without going through the process of recognition of qualifications. In this sense, the influx of Ukrainians was also seen as a way to slightly ease the rather extreme labour shortages in these sectors.

Further rules were adopted to facilitate the entry of Ukrainian civilians into medical and pharmaceutical jobs. The recently introduced amendments provide that they can continue working in the sector for two more years (initially, they were given a permit for one year). Finally, in case they want to stay in Latvia and continue to work in the profession after the end of the war in Ukraine, they will be given access to the diploma recognition and

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<sup>28</sup> VCA, *Veselības pārbaude uzturēšanās atļaujas saņemšanai*, available at <https://www.vca.lv/visi-pakalpojumi-vca/profilakse-veselibas-parbaudes/veselibas-parbaude-uzturesanas-atlaujas-sanemsanai.html> (accessed 2 May 2023).

<sup>29</sup> Regulations of the Cabinet of Ministers No 219, 10 March 2009, Order of the mandatory health check (*Kārtība, kādā veicama obligātā veselības pārbaude*, Latvijas Vēstnesis) 41, 13 March 2009.

equalisation procedure. The materials available online also provide extensive additional guidance and resources (including contact information) for Ukrainian medical professionals.<sup>30</sup> In fact, some hospitals have issued specific calls for workers and invited Ukrainian civilians to contact them if they are seeking employment as doctors, nurses, nursing assistants and other medical personnel.<sup>31</sup>

Exceptions to facilitate the employment of Ukrainians in the construction sector were introduced in the public procurement rules. For the provision of the assistance for Ukrainian civilians specified in this Law, a commissioning party within the meaning of the Public Procurement Law and the Law on the Procurements of Public Service Providers has the right to perform procurements without applying the legal norms governing the relevant procurement sector, and also to make changes in the relevant contracts entered into with suppliers insofar as it is objectively necessary for the provision of assistance to Ukrainian civilians (Article 9 LAUC).

Besides the possibility that the special temporary protection regime available to Ukrainians can come to an end at some point and the need potentially to prolong residence permits, there are no other limits on entrance to the Latvian labour market. Barriers such as language may still create some frictions, but they have been significantly eased by the special rules explained above. Ukrainian civilians working in Latvia also enjoy the same rights as the native workforce in terms of labour mobility (eg posting of workers) and enforcement of their rights. At the same time, the latter might still be indirectly discouraged because Latvian labour law enforcement structures typically operate in the Latvian language.

## 6. Final considerations.

Overall, considered in their historical context, the measures adopted in Latvia are unprecedented in terms of support for this group of war migrants. This lack of precedent is easily explainable, however, in terms of the deep solidarity with Ukrainians felt among the Latvian population and the very well-founded fear of Russian military aggression that pervades Latvian society.

At the same time, support measures are not very generous in financial terms, especially for Ukrainians who cannot or do not wish to enter the labour market immediately or in the foreseeable future. Therefore, short-term integration and adequate living conditions might be difficult to achieve for Ukrainian civilians who do not have substantial own resources. At the same time, there are comparatively decent long-term integration prospects for Ukrainian war migrants in Latvia because they are subject to comparatively fewer barriers and obstacles in terms of their access to the labour market and employment, as well as in terms of their ability to access many public services, including healthcare and education.

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<sup>30</sup> Ministry of Health, *Darba iespējas Ukrainas mediķiem*, 4 March 2022, available at: <https://www.vm.gov.lv/lv/darba-iespejas-ukrainas-medikiem-pracevlashtuvannya-ukrainskikh-likariv> (accessed 2 May 2023).

<sup>31</sup> ASlimnīca, Rīgas Austrumu klīniskā universitātes slimnīca gatava piedāvāt darbu Ukrainas begļiem, 2022, available at <https://aslimnica.lv/jaunumi/zinas/rigas-austrumu-slimnica-ir-gatava-piedavat-darbu-ukrainas-begliem/> (accessed 2 May 2023).

The Latvian approach to integrating and supporting Ukrainian war migrants has thus been unprecedented, especially for a country whose population has been characterised as ‘hostile’<sup>32</sup> towards refugees as such, but hardly unexpected given the general understanding and compassion with the situation in its historical context. It remains to be seen, however, whether this approach will yield any lessons for the integration of other groups of refugees in the future.

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<sup>32</sup> Vārpiņa Z., Fredheim K., nt. (3). See also Murašovs V., *et al.*, *Expecting refugees in Latvia: Negative stereotyping*, in *Economics and Business*, 29, 1, 2016, 56–64.