



# Legal Alert

not only in the field of labour law

March 17, 2022

## Weinhold Legal

### „Lex Ukraine“

On March 17, 2022, the Senate approved and the President signed a package of three government bills in connection with the armed conflict in Ukraine caused by the Russian military invasion and the influx of displaced people from Ukraine, collectively referred to in the media as "**Lex Ukraine**". "Lex Ukraine" varies current residency related legislation and sets out the conditions for granting temporary protection to foreigners (especially citizens of Ukraine). It further confirms the right of these persons to freely enter the Czech labour market and secures certain rights in the field of social security, education and health care. All laws of the "Lex Ukraine" package are scheduled to take effect **on the day they are published in the Collection of Laws**, and are due to expire on March 31, 2023, whereupon the prior legal regime shall resume, save in respect of the exception from the knowledge of Czech language for teachers, which expires on August 31, 2022.

Lex Ukraine applies to foreigners who:

- ▶ were granted so-called temporary protection in the Czech Republic following Council Decision (EU) 2022/382 of 4 March 2022, which introduces temporary protection for displaced persons from Ukraine;
- ▶ were issued with a visa for a stay of more than 90 days was issued prior to the entry into force of the above legislation, – i.e. a special long-term tolerance visa issued from 24 February 2022 ("**tolerance visa**"). Foreigners with a tolerance visa will be considered as foreigners having been granted temporary protection.

### Authorization to stay in the Czech Republic for the purpose of temporary protection and health insurance

Temporary protection will be granted by the Ministry of the Interior or the Police of the Czech Republic to the following persons:

- ▶ Ukrainian citizens residing in Ukraine before 24 February 2022 and their family members,
- ▶ Stateless persons and citizens of third countries other than Ukraine who have been granted international protection or equivalent national protection in Ukraine before 24 February 2022 and their family members,
- ▶ who prove that **on 24 February 2022** they were in possession of a valid Ukraine permanent residence permit and their travel to the State of which he is a citizen or part of its territory, or in the case of a stateless person to the State or part of its territory of his last permanent residence before entering the territory of Ukraine is not possible due to the threat of real danger.

Temporary protection cannot be granted if one of the conditions granted above is not met or if it is requested by an foreigner who has applied for temporary protection in another EU Member State or who has been granted temporary protection in another EU Member State.

For the purposes of the Act on the Residence of Foreigners in the Czech Republic, a person granted temporary protection under this Act is considered to be a holder of a visa for a stay of more than 90 days for the purpose of enduring a stay in the Czech Republic.

The granting of temporary protection is indicated by a foreigner's visa sticker in the travel document. If this cannot be done, a record of the granting of temporary protection may be made on or off the travel document.

#### Health insurance

The residence permit for the purpose of temporary protection will enable these foreigners to receive health care in the territory of the Czech Republic, as they will become insured under the Public Health Insurance Act. The health care provided in the territory of the Czech Republic will be reimbursed to them as participants in Czech public insurance even if this service was provided



# Legal Alert

not only in the field of labour law

March 17, 2022

## Weinhold Legal

in the period of 30 days before the date of granting temporary protection. The same applies to persons who have been provided with medical services in our country since 24 February 2022 and who have been issued a tolerance visa. Premiums for these groups of foreigners will be paid by the state if these persons do not have income from employment or business.

### Free access to labour market

For the purposes of the Employment Act, a foreigner who has been granted temporary protection in the Czech Republic (or obtained a tolerance visa) is considered to be a foreigner with permanent residence. As a result, these foreigners will not be required to obtain a work permit, blue card or employment card that foreigners would otherwise need to enter the labour market. It will not be necessary to register a job for which foreigners with temporary protection will be accepted at the Labour Office of the Czech Republic as a vacancy.

However, employers will remain obliged to inform the relevant regional branch of the Labor Office of the Czech Republic about the entry of these foreigners into employment and to keep their records to the extent prescribed by the Employment Act. Employers can be advised that employees negotiate a fixed-term employment relationship for a period of "temporary protection" or visa validity for the purpose of tolerance and agree on the information obligations of foreign employees in relation to their residence status.

These foreigners will also be able to register with the Labour Office of the Czech Republic as candidates or job seekers, participate in retraining or perform self-employed activities, as follows from the Act on Temporary Protection of Foreigners.

### Humanitarian benefit and allowance for solidarity households

Foreigners with temporary protection are entitled to a **humanita-**

**rian benefit of CZK 5,000** in the month in which they were granted temporary protection. If it follows from the income, social and property conditions of the foreigner, this benefit may be provided repeatedly, for a period of five calendar months immediately following the calendar month in which he was granted temporary protection. These benefits will be paid by the Labor Office of the Czech Republic.

**A solidarity household allowance** is also introduced, which can be obtained by a natural person who has provided accommodation **free of charge** to a foreigner with temporary protection. The condition is that it is not accommodation in an accommodation facility and the accommodation was provided continuously for a period, the minimum length of which is determined by the government by regulation. The applicant will have to provide the following information in the application

- ▶ identification of the applicant,
- ▶ the address of the property in which the accommodation is provided and the legal title on the basis of which the applicant uses the property,
- ▶ identification of accommodated persons,
- ▶ details of the time of accommodation, as well as a solemn declaration by the applicant that
- ▶ the accommodation has been provided free of charge,
- ▶ the accommodated person is provided with sufficient space for rest, food preparation, space for personal hygiene and toilet and access to drinking water must be provided

The amount of this contribution will be determined by a government decree, which should also set the maximum number of guests in one household. It is expected that the contribution could amount to CZK 3,000 per refugee per month, but a maximum of CZK 9,000 per household, as follows from [press release of Ministry of labour and social affairs](#).

### Children's groups

The care of the child in the children's group is also regulated. A

# Legal Alert

not only in the field of labour law

March 17, 2022

## Weinhold Legal

childcare service provider in a children's group may also provide this service to the parent of a child who is a foreigner with temporary protection, even if he or she is not the employer of the child's parent. In addition, it will be possible to apply for a contribution for the operation of a children's group from the state budget, even if the person caring for the child does not work, study or do not run a business.

Newly, foreigners with temporary protection are allowed to perform child care in a children's group. This foreigner must meet the following conditions:

- ▶ is an adult and an independent legal person,
- ▶ has a pedagogical, social or health education or has a secondary education with a school-leaving examination, if he has gained experience in the field of childcare from 6 months to the start of compulsory schooling for at least 5 years, if he is an innocent person (was not convicted of an intentional criminal offense or a criminal offense committed through negligence in connection with the performance of childcare activities or activities comparable thereto)
- ▶ the activity will be performed only in the presence of a carer person who meets the requirements of the Children's Group Act.

© 2022 Weinhold Legal  
All Rights Reserved

The information contained in this bulletin is presented to the best of our knowledge and belief at the time of going to press. However, specific information related to the topics covered in this bulletin should be consulted before any decision is made. The information contained in this bulletin should not be construed as an exhaustive description of the relevant issues and any possible consequences, and should not be fully relied on in any decision-making processes or treated as a substitute for specific legal advice, which would be relevant to particular circumstances. Neither Weinhold Legal, v.o.s. advokátní kancelář nor any individual lawyer listed as an author of the information accepts any responsibility for any detriment which may arise from reliance on information published here. Furthermore, it should be noted that there may be various legal opinions on some of the issues raised in this bulletin due to the ambiguity of the relevant provisions and an interpretation other than the one we give us may prevail in the future.

For further information, please contact the partner / manager you are usually connected to.



Anna Bartůňková  
Managing Attorney  
[Anna.Bartunkova@weinholdlegal.com](mailto:Anna.Bartunkova@weinholdlegal.com)



Eva Procházková  
Attorney  
[Eva.Prochazkova@weinholdlegal.com](mailto:Eva.Prochazkova@weinholdlegal.com)



Daša Aradská  
Attorney  
[Dasa.Aradska@weinholdlegal.com](mailto:Dasa.Aradska@weinholdlegal.com)