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ENSURING ACCESS TO EDUCATION FOR CHILDREN FROM MIGRANT BACKGROUNDS UNDER COUNCIL DIRECTIVE 77/486/EEC: CHALLENGES AND PRACTICAL SOLUTIONS

Abstract. This article examines Ukraine's alignment with Council Directive 77/486/EEC on the education of migrant workers' children in the context of the EU accession process. The aim of the article is to evaluate Ukraine's readiness to fulfill its obligations as a future host Member State, with a focus on the regulatory mechanisms required to ensure effective language integration and mother-tongue support for the children of EU workers arriving in Ukraine. In this context, the aforementioned Directive remains an important EU legal instrument guaranteeing access to free education, host-country language instruction, and support for the mother tongue and culture of origin, while Ukraine is currently taking consistent steps to implement its provisions within the national education system. The analysis identifies key challenges, including gaps in secondary legislation, insufficient teacher training, and the absence of standardized language assessment mechanisms. To address these shortcomings, the article proposes a three-pillar strategic framework focused on establishing a coordinated national approach, strengthening institutional systems and human capacity, and ensuring quality assurance and sustainability. It is emphasized that a combination of targeted legislative action, soft policy measures, and capacity-building is essential for Ukraine to achieve full compliance with the Directive upon EU accession and to ensure the effective educational integration of children of migrant workers.

Keywords: EU acquis, Council Directive 77/486/EEC, education of migrant workers' children, language instruction, EU accession, education policy.

JEL classification: I28, K39.

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The expansion of population mobility and the deepening of European integration strengthen the role of education policy in responding to migration processes, particularly in ensuring access to education for children from migrant backgrounds who require targeted lin-

guistic, pedagogical, and institutional support. For candidate countries seeking accession to the European Union, this issue has not only social but also strategic significance, as it is directly linked to fulfilling obligations under the EU acquis. In this context, Council Direc-

tive 77/486/EEC establishes the basic standards for safeguarding the educational rights of the children of migrant workers, combining the principle of non-discrimination with requirements for linguistic and cultural integration.

The primary EU *acquis* analyzed in this article is Council Directive 77/486/EEC (hereinafter, the Directive) [1]. As an instrument supporting the free movement of workers, the Directive establishes the obligation of EU Member States to ensure access to education for the children of migrant workers by providing free tuition for their initial reception, including instruction in the language of the host country, as well as support for teaching the mother tongue and culture of the country of origin. Adopted in 1977 to support the free movement of workers, the Directive set important standards for educational inclusion within the EU. However, its practical implementation remains uneven across Member States, creating a range of practical challenges that persist today [2].

Despite its adoption date of 25 July 1977, the Directive remains fully in force. It remains the sole binding EU legal instrument guaranteeing free tuition and language support for migrant children, serving as the critical baseline for enforcing educational rights. Accordingly, candidate countries are obliged to take appropriate measures to implement the Directive, while retaining the discretion to choose the form and methods of implementation, even if they are primarily "exporters" of workers to other Member States rather than "importers".

For Ukraine, the relevance of the Directive has grown significantly in the context of its EU accession process. The necessity of alignment is underlined by

the European Commission's Ukraine 2025 Report, which specifies: "The EU and the Member States must also prevent discrimination and ensure quality education for children of migrant workers, including those from disadvantaged backgrounds" [3], establishing this as a key action priority for the Ministry of Education and Science (hereinafter, the MoES).

According to Ukraine's negotiation position under Chapter 26 "Education and Culture", Ukraine is partially aligned with the provisions of the Directive on ensuring access to education of the children of migrant workers. The country commits to fully transpose Directive provisions on ensuring that children of migrant workers receive suitable education, language instruction, and cultural support to national legal order by the end of 2027.

In the international educational research landscape, access to education for children from migrant backgrounds has been extensively examined through the lenses of social inclusion, language acquisition, and equal opportunities [4–6]. Comparative studies by Crul and Schneider [7], as well as Heath et al. [8], demonstrate that institutional arrangements, early language support, and targeted educational measures significantly influence the educational trajectories and outcomes of children from migrant backgrounds. Studies conducted within the EU and OECD contexts emphasize the critical role of host-country language instruction, targeted pedagogical support, and institutional coordination in ensuring successful educational integration of migrant children [4–5]. In parallel, sociolinguistic research by G. Extra and D. Gorter [9] highlights the importance of maintaining a ba-

lance between language integration and the preservation of the mother tongue, which is increasingly recognized as a factor contributing to academic achievement and social cohesion [10].

The actuality of this study is underscored by the prospective large-scale involvement of specialists from EU Member States in Ukraine's post-war reconstruction. As Ukraine prepares to host a significant number of European engineers, architects, and infrastructure experts, the state faces the strategic imperative to guarantee appropriate educational conditions for their accompanying children. In this scenario, the proper implementation of the Directive serves as a prerequisite for making the Ukrainian labor market competitive and attractive to high-skilled European personnel. Therefore, the aim of this article is to evaluate Ukraine's readiness to fulfill its obligations as a future host Member State, analyzing the regulatory mechanisms needed to provide effective language integration and mother-tongue support for the children of EU workers arriving in Ukraine.

The legal and regulatory framework of Ukraine relevant for the Directive includes the Constitution of Ukraine, the Law of Ukraine "On Education", and the Law of Ukraine "On Complete General Secondary Education". Implementation is further guided by the Law "On Supporting the Functioning of the Ukrainian Language as the State Language", the State Standards of Education (for Primary, Basic Secondary, Specialized Secondary Education), the Strategy of the State Migration Policy of Ukraine for the Period up to 2025, and specialized orders of the MoES regarding the procedure for the upbringing and education of children of foreigners and stateless persons

granted temporary protection and setting up individual forms of general secondary education. Ukrainian legislation is currently not fully compliant with the Directive's operational requirements. The alignment remains partial.

An effective implementation of the Directive in practice requires following measures: development of a unified educational curriculum for migrant children, setting-up an assessment mechanisms for this population group, ensuring adequate training of teachers, development of the necessary methodological materials for migrant children, and establishing a system for assessing migrant children's knowledge of the Ukrainian language and laying down an educational program according to the child's age.

Due to the limited number of children of EU migrant workers currently, Ukraine's institutional framework for implementing this Directive is assessed as adequate. The Directive does not require the creation of new structures or additional training of personnel within the responsible government authorities. The implementation will not create risks related to functional overlap or duplication among government bodies.

While Ukraine has made significant strides in education reform, several challenges remain in aligning its education system with EU standards for integrating children of migrant workers, particularly in the context of the Directive. Although the Directive permits Member States to adapt measures to their national circumstances, Ukraine currently lacks a unified approach for organizing education for children of migrant workers, which complicates efforts to implement a coherent and coordinated approach across the country.

Moreover, the effective implementation of the Directive requires specially trained teaching staff. Without adequate investment in professional development and specialized training of educators, the provision of customized education remains largely theoretical, resulting in significant delays to the academic integration of migrant children.

The identified challenges arise from a combination of structural and systemic factors within Ukraine. While the legal and regulatory framework does not fully incorporate obligations similar to those outlined in the Directive, there is still a lack of detailed secondary legislation that clearly defines roles, responsibilities, and procedures for language integration. Limitations in human capacity also contribute, as current teacher training programs provide only limited preparation for working with non-native speakers. Financial constraints further limit the ability of schools and local authorities to invest in specialized staff, language materials, and targeted support programs. Finally, historically low levels of immigration have meant that Ukraine has limited institutional experience in managing a growing population of migrant children.

Official State Migration Service of Ukraine (hereinafter, the SMSU) 2020 statistics [11] show that EU Member States accounted for around 20,000 migrants in Ukraine that year, with the largest numbers coming from Poland, Germany and Lithuania. Given the impact of Russia's full-scale military invasion of Ukraine in 2022, current figures may be lower.

Conducting a thorough legal analysis revealed the necessity of a strategic combination of analytical steps, soft measures, and targeted legislative

actions. This comprehensive mix empowers Ukraine to establish a solid evidence base, deploy flexible pedagogical support through soft measures, and explicitly bridge regulatory gaps through binding MoES orders, such as the adoption of proficiency standard for Ukrainian as a foreign language and methodological guidelines for teachers. The detailed implementation steps are outlined in the Table "Action Plan for the implementation of Council Directive 77/486/EEC on the education of children of migrant workers" below.

To ensure that Ukraine can effectively and comprehensively implement the Directive upon accession to the EU and address the systemic and operational gaps identified, a three-pillar strategic framework is proposed. This approach focuses on: (i) establishing a coordinated national approach, (ii) strengthening institutional systems and human capacity, and (iii) institutionalising mechanisms for quality assurance and sustainability.

First Pillar: Establishing a Coordinated National Approach

Initially, Ukraine should build a solid evidence base and legal framework. This begins with systematically studying the practical experience and diverse models applied in EU Member States for educating children of migrant workers (Step 1.1). The MoES will lead this analysis by Q4 2026, focusing on successful integration strategies in comparable jurisdictions to adapt feasible approaches to the Ukrainian context.

Concurrently, to ensure the financial sustainability of these new measures, an assessment of EU financial instruments to support implementation of the Directive (Step 1.2) will be conducted. This assessment, jointly executed by the

Table

**Action Plan for the Implementation of Council Directive 77/486/EEC
on the Education of Children of Migrant Workers**

No	Step	Timeframe	Key Actors
1. Establishing a Coordinated National Approach			
1.1	Studying the practical experience and diverse models applied in EU Member States for educating children of migrant workers, with a view to adapting feasible approaches to the Ukrainian context	Q 4 2026	Ministry of Education and Science of Ukraine
1.2	Assessment of EU financial instruments to support implementation of Directive 77/486/EEC	Q 4 2026	Ministry of Education and Science of Ukraine; Ministry of Foreign Affairs of Ukraine
1.3	Conduction of a comprehensive collection of statistical data on children of migrant workers	Q 4 2026	State Migration Service of Ukraine; Ministry of Internal Affairs of Ukraine; State Scientific Institution "Institute of Educational Analytics"; local education authorities and schools
1.4	Adoption of an adapted proficiency standard for Ukrainian as a foreign language for school-age children and establishment of the respective testing system	Q 4 2026	Ministry of Education and Science of Ukraine; National commission on state language standards; State Institution "Ukrainian Institute of Education Development"; the Ukrainian Center for Educational Quality Assessment
1.5	Adoption of methodological guidelines for teachers on working with foreign children, including children of migrant workers	Q 4 2027	State Institution "Ukrainian Institute of Education Development"
2. System Establishment and Human Capacity Strengthening			
2.1	Development and deployment of digital tools to support language learning and teacher training	Q 4 2027	Ministry of Education and Science of Ukraine; State Institution "Ukrainian Institute of Education Development"; higher education institutions; in-service teacher training institutes; Ministry of Digital Transformation of Ukraine
2.2	Engagement of interested parties to support language and cultural integration of migrant children through online and institutional resources	Continuous	Ministry of Foreign Affairs of Ukraine; State Institution "Ukrainian Institute of Education Development"; Ministry of Culture of Ukraine; Associations of EU Member States' representatives in Ukraine; NGOs and cultural societies; development partners
3. Quality Assurance and Sustainability			
3.1	Organization of seminars and trainings for teachers on the topic of educating children of migrant workers from the EU Member States	Continuous	Ministry of Education and Science of Ukraine; State Institution "Ukrainian Institute of Education Development"; higher education institutions; in-service teacher training institutes; local education authorities and schools
3.2	Exploration of opportunities to maintain migrant children's connection with their country of origin	Continuous	Ministry of Education and Science of Ukraine; Ministry of Foreign Affairs of Ukraine; Ministry of Culture of Ukraine
3.3	Conducting monitoring and initial quality assurance audits of regional implementation to ensure consistent standards and quality across the country	Continuous	Ministry of Education and Science of Ukraine

Compiled by the authors.

MoES and the Ministry of Foreign Affairs (hereinafter, the MFA) by Q4 2026, will identify specific funding streams – such as the Asylum, Migration and Integration Fund (hereinafter, the AMIF) or other funds – available to support language tuition and teacher training.

Effective policy requires accurate data. Therefore, a comprehensive collection of statistical data on children of migrant workers (Step 1.3) will be implemented by Q4 2026. This effort will involve cross-agency cooperation between the SMSU, Ministry of Internal Affairs (hereinafter, the MoIA), and local education authorities, with the State Scientific Institution "Institute of Educational Analytics" responsible for aggregating data on student numbers, age distribution, and existing language proficiency to inform targeted resource allocation.

Based on this data, the system should address the primary barrier to integration: language. This necessitates the adoption of an adapted proficiency standard for Ukrainian as a foreign language for school-age children and establishment of the respective testing system (Step 1.4). By Q4 2026, the MoES, in collaboration with the National Commission on State Language Standards and the Ukrainian Center for Educational Quality Assessment, will not only approve the new language standards but also operationalize the corresponding testing infrastructure.

Finally, to translate these standards into classroom practice, the Action Plan calls for the adoption of methodological guidelines for teachers on working with foreign children, including children of migrant workers (Step 1.5). By Q4 2027, the State Institution "Ukrainian Institute of Education Development" will develop

and distribute these practical resources. These guidelines will formally establish that the most effective approaches to implementation – covering state language instruction, teacher preparedness, and mother tongue preservation – are the creation of multicultural classrooms with additional state language lessons (or individual educational programs in cases of significant learning gaps), a focus on integration skills in teacher training, and the provision of extracurricular activities to support the native language and culture.

Second Pillar: System Establishment and Human Capacity Strengthening

Building on the regulatory foundation, the second pillar focuses on operational tools and external partnerships. The development and deployment of digital tools to support language learning and teacher training (Step 2.1) is critical for scalability. By Q4 2027, the MoES and the Ministry of Digital Transformation, supported by higher education institutions (HEIs) and institutes of postgraduate pedagogical education, will launch digital platforms that offer accessible language courses for children and professional development modules for teachers, ensuring that even remote schools have access to high-quality resources.

Simultaneously, the system will leverage broader diplomatic and civil society networks through the engagement of interested parties to support language and cultural integration of migrant children through online and institutional resources (Step 2.2). This will be a continuous process led by the MFA and the Ministry of Culture (hereinafter, the MC), involving the Ukrainian Institute and EU Member States' associations, NGOs and cultural societies,

development partners. These stakeholders will curate cultural exchange programs and supplementary learning materials that facilitate both integration into Ukrainian society and the preservation of the child's cultural identity.

Third Pillar: Quality Assurance and Sustainability

The final pillar ensures that these measures are maintained and improved over time. To keep teaching standards high, the organization of seminars and trainings for teachers on the topic of educating children of migrant workers from the EU Member States (Step 3.1) will be conducted on a continuous basis. The MoES, in-service teacher training institutes, HEIs and local education authorities and schools will deliver regular workshops to equip teaching staff with up-to-date intercultural competencies and language teaching methodologies.

To fulfill the Directive's requirement regarding the mother tongue, the strategy includes the exploration of opportunities to maintain migrant children's connection with their country of origin (Step 3.2). Through continuous diplomatic dialogue facilitated by the MFA, MoES, and the MCIP, Ukraine will coordinate with EU Member States to facilitate mother tongue instruction, potentially utilizing school premises or external cultural centers as permitted by national circumstances.

Finally, to guarantee compliance and effectiveness, the conducting of monitoring and initial quality assurance audits of regional implementation to ensure consistent standards and quality across the country (Step 3.3) is essential. The MoES will establish a continuous monitoring framework to track the enrollment, attendance, and academic

progress of migrant children, creating a feedback loop that allows for timely policy adjustments and ensures uniform application of the Directive across all Ukrainian regions.

Building on these measures, Ukraine can develop a comprehensive, coherent approach to the education of migrant children, combining legislative alignment, teacher capacity-building, inclusive practices, and digital innovation to ensure a full compliance with the Directive.

Overall, the findings of this study demonstrate that while Ukraine has established a basic institutional and legal foundation for implementing Council Directive 77/486/EEC, significant regulatory and operational gaps remain, particularly in the areas of language assessment, teacher training, and coordination mechanisms. By proposing a structured three-pillar framework, the article contributes a practical policy-oriented roadmap that may support evidence-informed decision-making in the context of Ukraine's EU accession. The proposed approach may also serve as a reference for other candidate countries facing similar challenges in transitioning towards the role of a host Member State.

Ultimately, the full implementation of the Directive transcends technical accession requirements; it constitutes a strategic imperative for Ukraine's post-war recovery. By guaranteeing high-quality, inclusive education for the accompanying children of European specialists – engineers, architects, and infrastructure experts – Ukraine will significantly enhance its competitiveness in attracting the high-skilled human capital necessary for the nation's reconstruction.

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**ЗАБЕЗПЕЧЕННЯ ДОСТУПУ ДО ОСВІТИ ДІТЕЙ
ІЗ МІГРАЦІЙНИМ ПОХОДЖЕННЯМ
ВІДПОВІДНО ДО ДИРЕКТИВИ РАДИ 77/486/ЄС:
ВИКЛИКИ ТА ПРАКТИЧНІ РІШЕННЯ**

Анотація. У статті проаналізовано ступінь узгодження українського законодавства з Директивою Ради 77/486/ЄС про освіту дітей працівників-мігрантів у контексті процесу вступу до Європейського Союзу. Метою статті є оцінка готовності України до виконання зобов'язань як майбутньої держави-члена ЄС, що приймає працівників з інших держав-членів, з акцентом на регуляторних механізмах, необхідних для забезпечення ефективної мовної інтеграції та підтримки рідної мови дітей працівників із держав-членів ЄС, які прибувають в Україну. У цьому контексті зазначена Директива залишається важливим правовим інструментом ЄС, що гарантує доступ до безоплатної освіти, вивчення мови країни перебування, а також підтримку рідної мови та культури походження, водночас Україна робить послідовні кроки щодо імплементації положень Директиви в національну освітню систему. Аналіз дав змогу виявити ключові виклики, як-от: прогалини у вторинному законодавстві, недостатня підготовка вчителів та відсутність стандартизованих механізмів оцінювання мовних компетенцій. Для усунення цих недоліків авторами статті запропоновано трикомпонентну стратегічну рамку, що зосереджена на встановленні скоординованого національного підходу, посиленні інституційних систем і кадрового потенціалу, а також на забезпеченні якості та сталості результатів. Акцентовано на тому, що поєднання цільових законодавчих дій, заходів політики «м'якої сили» та розбудови інституційної спроможності є необхідним для досягнення Україною повної відповідності Директиві на момент вступу до ЄС і забезпечення ефективної освітньої інтеграції дітей працівників-мігрантів.

Ключові слова: *acquis* ЄС, Директива Ради 77/486/ЄС, освіта дітей працівників-мігрантів, мовна підготовка, вступ до ЄС, освітня політика.

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