

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

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1. Preliminary remarks and general framework.

The Council Implementing Decision of 4 March 2022¹ applied temporary protection measures arising from Directive 2001/55/EC to Member States of the European Union.² The United Kingdom has been a non-EU member states since 31 January 2020, and although certain aspects of EU refugee law have been retained,³ the Decision 2022/382 does not apply to the UK. The treatment of war migrants⁴ from Ukraine is fundamentally different from the approach taken in the EU, since it requires a visa to be held before travelling to the UK for any purpose,⁵ and is regulated by the Home Office's Immigration Rules. Two new categories of visa were created to provide protection for a three-year period to those with a family member in the UK ("Ukraine Family Scheme") or an offer of sponsorship ("Ukraine

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¹ 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 (later on as: Decision 2022/382), Articles 2-3.

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.

³ Yeo C., *The Impact of Brexit on UK Asylum Law: Part One*, in *Free Movement*, 27 December 2017, <https://freemovement.org.uk/impact-brexit-uk-asylum-law-part-one/> (last accessed 12 January 2023).

⁴ The term "war migrants" has been explained earlier in the book in Chapter 1 - Introduction. It is used in this collection to denote the fact that these are individuals fleeing a situation of war who have not received refugee status. Its use is not intended to suggest they lack a valid claim to refugee status.

⁵ Gower M., *Ukraine: UK Immigration Concessions*, Briefing Paper 9473, House of Commons Library, 11 March 2022, 4.

Sponsorship Scheme”). By 12 September 2023, the total number of arrivals of Ukraine Scheme visa holders was 240,000⁶ - a relatively low number in the context of the mass displacement caused by Russia’s war,⁷ which had seen over 8 million war migrants recorded by May 2023.⁸ In addition, the government provided for certain concessions and extension opportunities for Ukrainians already in the UK, including the “Ukraine Extension Scheme”. This chapter will address the scope and limitations of these schemes in more depth, before analysing the outcome of social policy measures for Ukrainians.

2. Personal scope of applicable support measures.

The three schemes comprise two new types of visa and a new route to extensions that give Ukrainian nationals and particular family members the right to stay in the UK for a period of three years and to work, study and claim benefits.⁹ Applicants through these schemes are classified as separate from asylum seekers and refugees, receiving a distinct temporary protection status.¹⁰ The relevant conditions, which vary between the schemes, are contained in the Immigration Rules Appendix for the Ukraine Scheme,¹¹ hereafter “UKR”, and other Home Office policy documents.

First, the Ukraine Family Scheme applies to applicants who are Ukrainian nationals or part of a family group that includes an immediate family member of a UK-based sponsor who is a Ukrainian national (UKR 7.1). To qualify, the individual must be a family member of a British citizen or of a person settled with permission in the UK, for example as a refugee or under the EU settlement scheme, who acts as the sponsor (UKR 6.1). “Family member” is defined in UKR 6.2 to include a pre-defined set of relationships, grouped into categories of “immediate family member” such as partner, child, or parent of a child under 18, “extended family member” such as parent of an adult, grandparent, sibling, aunt, uncle, cousin, nephew or niece, and “immediate family member of an extended family member.” The scheme was initially narrower, only applying to those with immediate family members in the UK,¹² with eligibility and duration of leave to remain widened somewhat after criticism

⁶ Home Office and UK Visas and Immigration, *Transparency data. Ukraine Family Scheme, Ukraine Sponsorship Scheme (Homes for Ukraine) and Ukraine Extension Scheme visa data*, last updated 14 September 2023, available at <https://www.gov.uk/government/publications/ukraine-family-scheme-application-data/ukraine-family-scheme-and-ukraine-sponsorship-scheme-homes-for-ukraine-visa-data--2> (last accessed 19 September 2023).

⁷ “War” here refers to the situation since the full-scale Russian invasion of February 2022, recognising that there had previously been an occupation of Crimea.

⁸ Walsh P.W., Sumption M., *Ukrainian Migration to the UK*, in *The Migration Observatory at the University of Oxford*, 8 August 2023, <https://migrationobservatory.ox.ac.uk/resources/briefings/ukrainian-migration-to-the-uk/> (last accessed 20 September 2023).

⁹ Nicol D-O., Sehic A., *Six months on. The UK’s response to the humanitarian crisis in Ukraine, and how the government can better protect refugees*, Work Rights Centre, 27 September 2022, 3.

¹⁰ Walsh P.W., Sumption M., *O&A: The UK and the Ukraine refugee situation*, in *The Migration Observatory at the University of Oxford*, 24 August 2022.

¹¹ Home Office, *Immigration Rules Appendix Ukraine Scheme*, last updated 30 January 2023, <https://www.gov.uk/guidance/immigration-rules/updates> (last accessed 16 February 2023).

¹² Gower M., nt. (5), 9.

from refugee advocacy groups and cross-party politicians.¹³ By 12 September 2023, the total number of visas issued under the Family Scheme was 70,200, while 12,000 applications had been withdrawn, the Home Office had refused 20,200 and 500 were awaiting conclusion, of a total of 102,900 applications.¹⁴ This indicates a success rate of 68% (where success rate means the percentage granted to date out of the total applications).

Secondly, another option for those without family links in the UK is the Ukraine Sponsorship Scheme (“Homes for Ukraine”), which has been the most popular scheme.¹⁵ Again, this is limited to Ukrainian nationals or immediate family members (UKR 17.1 and 18.1). It requires the applicant to have an Approved Sponsor (UKR 15.1), who can provide accommodation for at least six months and pass checks regarding their background and the suitability of the accommodation.¹⁶ Previously, the Scottish and Welsh governments could also act as sponsors, but these schemes are paused at the time of writing.¹⁷ Under the Homes for Ukraine scheme, of 208,800 applications the Home Office granted 168,800 visas, with 24,800 withdrawn, 7,500 refused, and 6,700 awaiting a conclusion¹⁸ - a success rate of 81%.

Thirdly, the government has widened the routes to extend visas for Ukrainians who were already in the UK. Previously, some categories of visa holder including those on a “Skilled Worker” visa – reserved for certain higher paying and / or formally qualified roles – already had options to apply for extensions.¹⁹ However, there was no such opportunity for those in the UK under the Seasonal Worker Visa (SWV) for agricultural work. The SWV, which is valid for a period of no more than six months in any 12-month period and cannot be extended, had been granted to 6,105 Ukrainians in 2022, 19,894 in 2021 and 6,297 in 2020.²⁰ Without concessions, the many thousands of Ukrainians on this scheme thus faced the stark prospect of return.

The Home Office made an initial set of concessions to the Immigration rules on 25 February 2022, providing for flexibility in the type of documentation needed for a visa application and / or for switching routes without leaving the country as would normally be required, for Ukrainian nationals or their dependent partners or children on certain visa

¹³ Refugee Council, *Government announcement re support for Ukrainian refugees – Refugee Council response*, 27 February 2022, <https://www.refugeecouncil.org.uk/latest/news/government-announcement-re-support-for-ukrainian-refugees-refugee-council-response/> (last accessed 12 January 2023); Tolhurst A., *Senior Tory Says UK’s Ukrainian Refugee Policy “Doesn’t Cut It” As Crisis Escalates*, in *Politics Home*, 3 March 2022, <https://www.politicshome.com/news/article/damian-green-ukraine-refugee-policy-russia-crisis-home-office-visa-waiver> (last accessed 23 February 2023); Da Lomba S., *Refugees from Ukraine: towards more humane asylum policies in the EU and the UK?*, University of Strathclyde, Glasgow, 8 March 2022, <https://www.strath.ac.uk/humanities/lawschool/blog/refugeesfromukrainetowardsmorehumaneasylumpoliciesintheeuandtheuk/> (last accessed 12 January 2023).

¹⁴ Home Office and UK Visas and Immigration, nt. (6).

¹⁵ Vicol D-O., Sehic A., nt. (9), 10.

¹⁶ *Ibidem*, 9. Home Office and UK Visas and Immigration, *Guidance - Apply for a visa under the Ukraine Sponsorship Scheme (Homes for Ukraine)*, 18 March 2022, <https://www.gov.uk/guidance/apply-for-a-visa-under-the-ukraine-sponsorship-scheme> (last accessed 19 September 2023).

¹⁷ Home Office and UK Visas and Immigration, *ibidem*.

¹⁸ Home Office and UK Visas and Immigration, nt. (6).

¹⁹ Gower M., nt. (5), 21.

²⁰ McKinney C.J., Coe S., Stewart I., *Seasonal Worker visas and UK Agriculture*, Briefing Paper CBP-9665, House of Commons Library, 26 June 2023, 27; Home Office, nt. (11).

routes.²¹ The list of eligible routes included many work and study visas, but excluded agricultural workers on a SWV.²² This latter group were subjected to a separate and more restrictive concession, which allowed an extension until 31 December 2022 provided they continued working in a job permitted by the scheme and for the same “scheme operator” that was originally responsible for recruiting and sponsoring them.²³

The Ukraine Extension Scheme was subsequently introduced on 3 May 2022²⁴ and applies to Ukrainians and specified family members who had permission to be in the UK between some of the period from 18 March 2022 and 16 May 2023, who previously held permission that expired on or after 1 January 2022, or to children of those with such permission (UKR 21.4 and 23.1). Where granted, it allows the individual to stay in the UK for up to three years. It represents a positive step for protecting Ukrainians who are in the country as agricultural workers as well as those in higher earning roles since, unlike the earlier concessions, it includes those on the SWV visa.²⁵ However, concerns remain about the lack of an extension route for those that had lost their permission to remain in the UK before 1 January 2022.²⁶

The schemes are more generous than the harsh regimes imposed on most asylum seekers in the UK,²⁷ and have provided protection to more people in less than six months than under the general asylum and refugee resettlement routes between 2016 and 2021.²⁸ Yet they also have crucial limitations, including the need to apply for a visa in order to obtain protection as a displaced person, which contrasts sharply with the EU’s visa-free entry system.²⁹ The visa requirement appears to increase the risk of exploitation among those fleeing, as long waiting times and confusion push some Ukrainians into more dangerous situations and routes.³⁰ While the Home Office has taken certain measures to accelerate processing of applications,³¹ the schemes continue to be beset by delays. In a reported example, a woman and two children that had been sheltering in a basement while waiting nearly eight months for a visa had their application declined when the British host died suddenly.³² Furthermore, there is no general route to seek protection in the UK for someone outside the UK that does

²¹ Home Office, *Ukrainian Nationals on Work and Study Routes: Concessions to the Immigration Rules - Version 1.0*, 25 February 2022, 6-9.

²² *Ibidem*, 4-5.

²³ *Ibidem*, 10-11.

²⁴ Home Office, *Guidance - Ukraine Extension Scheme: caseworker guidance (accessible)*, updated 15 September 2022, <https://www.gov.uk/government/publications/ukraine-extension-scheme-caseworker-guidance/ukraine-extension-scheme-caseworker-guidance-accessible> (last accessed 23 February 2023).

²⁵ Roberts K., *Filling the gaps: preventing increased risks of exploitation for Ukrainian workers on the Seasonal Worker Visa*, in *Focus on Labour Exploitation*, 8 April 2022, <https://labourexploitation.org/news/filling-the-gaps-preventing-increased-risks-of-exploitation-for-ukrainian-workers-on-the-seasonal-worker-visa/> (last accessed 3 January 2023).

²⁶ Cockbain E., Sidebottom A., *The war in Ukraine and associated risks of human trafficking and exploitation. Insights from an evidence-gathering roundtable*, Office of the Independent Anti-Slavery Commissioner, London, 29 April 2022, 32.

²⁷ Da Lomba S., nt. (13).

²⁸ Walsh P.W., Sumption M., nt. (8).

²⁹ *Ibidem*.

³⁰ Cockbain E., Sidebottom A., nt. (26).

³¹ HC Deb 8 March 2022 Vol 710 Col 197.

³² Dugan E., *‘It’s too cruel’: family stuck in Ukraine after UK host dies suddenly*, in *The Guardian*, 12 February 2023, <https://www.theguardian.com/uk-news/2023/feb/12/family-stuck-in-ukraine-after-uk-host-dies-suddenly> (last accessed 13 February 2023).

not have a relevant family relationship with a UK resident or successfully “match” with a willing host.

Finally, the schemes exclude third country nationals (TCNs) that had been living in Ukraine but do not have either Ukrainian citizenship or a relevant family relationship.³³ In 2020, around 300,000 TCNs with permanent residence status lived in Ukraine, plus a further 150,000 with temporary residence, many of whom were foreign students from countries including India, Morocco, Turkmenistan, Azerbaijan and Nigeria.³⁴ Those excluded from visa schemes by nationality or by lacking the requisite family relationship or sponsorship are highly unlikely to be able to claim asylum, since this is only possible from within the UK.³⁵ Travelling to the UK irregularly to claim asylum is physically dangerous and would also lead to any asylum claim being deemed inadmissible under the Illegal Migration Act 2023 once in force.³⁶ On balance, therefore, the schemes are *ad hoc* and fail to provide comprehensive routes of protection for persons in Ukraine affected by Russia’s war.

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

Those on the Ukraine Family Scheme, Homes for Ukraine, and Ukraine Extension Scheme are all entitled to claim mainstream welfare benefits, which contrasts favourably with the situation for asylum seekers and most migrants in the UK.³⁷ However, criticisms have been raised about inconsistency in government support between the schemes. Under “Homes for Ukraine,” the host has the option of receiving a £350 per month payment for up to 12 months, and £500 per month for another year after that.³⁸ There is no increase in this figure if hosting more than one person, while the amounts paid have not kept up with soaring inflation, and late payments have been reported.³⁹ However, under the Family and Extension Schemes, no equivalent payments are made to households, nor is additional local authority funding allocated.⁴⁰ The disparity is problematic because individuals on the Ukraine Family Scheme may have greater needs, especially where family members have only sponsored them but are not hosting.⁴¹ A group of parliamentarians highlighted these matters and their consequences in a letter to the Housing and Homelessness Minister, which called

³³ Vicol D-O., Sehic A., nt. (9), 7.

³⁴ Bathke B., *IOM takes stance against discrimination of non-Ukrainian refugees*, in *InfoMigrants*, 12 April 2022, <https://www.infomigrants.net/en/post/39741/iom-takes-stance-against-discrimination-of-nonukrainian-refugees> (last accessed 19 January 2023).

³⁵ Walsh P.W., Sumption M., nt. (8).

³⁶ See Refugee Council, *What is the Illegal Migration Act?*, available at <https://www.refugeecouncil.org.uk/information/what-is-the-illegal-migration-bill/> (last accessed 19 September 2023).

³⁷ Woolley A., *Access Denied: The cost of the ‘no recourse to public funds’ policy*, The Unity Project, June 2019. Most migrants are subjected to the “No recourse to Public Fund” policy.

³⁸ Vicol D-O., Sehic A., nt. (9), 10; Department for Levelling Up, Housing and Communities, *Guidance - Becoming a sponsor: Homes for Ukraine*, 16 January 2023 (last accessed 16 February 2023).

³⁹ Vicol D-O., Sehic A., nt. (9), 12.

⁴⁰ *Ibidem*, 7; Cockbain E., Sidebottom A., nt. (26), 28.

⁴¹ Cockbain E., Sidebottom A., nt. (26), 28-29.

for financial support to become more flexible in order to cover Ukrainians on the Family Scheme and under lodging arrangements no longer covered by Homes for Ukraine.⁴²

Relatedly, broader concerns exist about the schemes' limitations as regards the housing situation of Ukrainians. "Homes for Ukraine" requires the host to commit for a six-month period, which is significantly less than the three years the scheme runs for, leading to a risk of homelessness.⁴³ Even before the expiry of the six month period, and as early as April 2022, some Ukrainian families were seeking homelessness support following relationship breakdown with hosts.⁴⁴ It is extremely difficult to find rented housing on the private sector, with barriers including high rents and upfront deposits, the need for an employment history or a guarantor in the UK, lack of savings, difficulty finding suitable work, particularly for single mothers with childcare commitments, and prejudice against benefit claimants.⁴⁵ A survey of visa holders on the Ukraine humanitarian schemes in autumn 2022 found only 17% were renting from a private landlord, with around 45% reporting barriers to doing so, most commonly a lack of guarantor or references, or inability to afford the rent, deposit or other upfront payments.⁴⁶ Another study found similar difficulties in securing guarantors and paying deposits after leaving "Homes for Ukraine" sponsors, leaving a total of 4,630 Ukrainian war migrants households classified as homeless.⁴⁷

With a severe lack of social housing available, many local authorities have placed Ukrainian war migrants in temporary housing – with figures from early 2023 showing at least 668 households or 1,618 people placed into hotels in England since March 2022, and a further 406 households in other temporary accommodation.⁴⁸ In Wales and Scotland, at least another 4,107 people are being placed in hotels and spending many months there, often while waiting to be matched with a host family.⁴⁹ This is a deeply unsatisfactory housing situation that can leave individuals without cooking facilities or proper privacy as well as being costly.⁵⁰ In other examples, families have been placed in large houses shared with other households.⁵¹ Furthermore, the ordinary rules for checking suitability of private accommodation have been relaxed in respect of those arriving in the UK in the last two years.⁵² While intended to open

⁴² The letter is available at https://www.crisis.org.uk/media/248993/appgeh-letter-to-minister-buchan.pdf?fbclid=IwAR3QeQrt6uRespnF8oqGOth5AVDhHT2IzZ0IkhN0LRW8yMR_d-zUT7g6Lc (last accessed 2 March 2023).

⁴³ *Briefing - Ukrainian refugees struggling to find accommodation after leaving UK sponsors*, Focus on Labour Exploitation, London, November 2022, 10.

⁴⁴ Cockbain E., Sidebottom A., nt. (26), 28.

⁴⁵ Vicol D-O., Sehic A., nt. (9), 14-15 and 24-26.

⁴⁶ Office for National Statistics, *Visa holders entering the UK under the Ukraine Humanitarian Schemes – Follow-up survey: 17 October to 7 November 2022*, 22 November 2022, 8-9.

⁴⁷ Gentleman A., *Ukrainian refugees struggling to find accommodation after leaving UK sponsors*, in *The Guardian*, 17 March 2023, available at <https://www.theguardian.com/world/2023/mar/17/ukrainian-refugees-struggling-to-find-accommodation-after-leaving-uk-sponsors> (last accessed 3 April 2023).

⁴⁸ Bancroft H., *Thousands of Ukrainian refugees living in hotels as councils struggle to deal with rising homelessness*, in *The Independent*, 7 January 2023, <https://www.independent.co.uk/news/uk/home-news/ukraine-refugees-visa-home-office-hotels-b2256853.html> (last accessed 12 January 2023).

⁴⁹ *Ibidem*.

⁵⁰ *Ibidem*.

⁵¹ Gentleman A., nt. (47).

⁵² Homelessness (Suitability of Accommodation) (Amendment) (England) Order 2022/521.

up a greater supply,⁵³ it also consigns war migrants, including children, to a lower standard of accommodation than other people.⁵⁴ The overall housing situation for Ukrainians is preferable to that of asylum seekers from other countries, who are often held indefinitely in de facto detention at hotel-type accommodation where their freedom of movement and basic liberties are restricted.⁵⁵ Nonetheless, there are areas of significant concern particularly for those Ukrainians left homeless and provided with unsuitable accommodation.

Turning to healthcare access, changes introduced on 17 March 2022 have meant that Ukrainians fleeing the war are given free access to the National Health Service (NHS), including at hospitals and General Practitioners, covering treatment that began on or after 24 February.⁵⁶ This is preferable to the “Immigration Health Surcharge” of £675 per year⁵⁷ payable as part of the visa application for most individuals on visas staying in the UK for six months,⁵⁸ including those resettled under the Hong Kong British National Overseas visa.⁵⁹ Nonetheless, there may be practical barriers to healthcare access. Other Central and Eastern Europeans migrating to the UK have sometimes delayed registering with or presenting to health services, with clinical approaches such as short and / or phone-based consultations and the broader issue of long waiting times for specialist appointments causing difficulties.⁶⁰ One response is to ensure expectations are managed carefully,⁶¹ but the situation also arguably demonstrates how the over-stretched NHS lacks resources to address all healthcare needs properly.⁶² While materials exist to help medical professionals in primary care identify and respond to the needs of those arriving from Ukraine, including advice on culture, religion, and mental health issues,⁶³ this does not directly address issues such as long waiting lists. Indeed, there have been reports of some Ukrainian war migrants travelling home rather than awaiting NHS treatment.⁶⁴

⁵³ *Temporary easement of suitability obligations on England's local authorities to open up greater supply of temporary accommodation for people fleeing Ukraine and Afghanistan humanitarian crises*, in RightsNet, 11 May 2022, <https://www.rightsnet.org.uk/housing/news/item/temporary-easement-of-suitability-obligations-on-englands-local-authorities> (last accessed 2 March 2023).

⁵⁴ Vicol D-O., Sehic A., nt. (9), 19.

⁵⁵ Refugee Action, *Hostile accommodation - How the Asylum Housing System is Cruel by Design*, March 2023.

⁵⁶ Department of Health and Social Care, Home Office, The Rt Hon Sajid Javid MP, and The Rt Hon Priti Patel MP, *Ukrainians fleeing war granted free access to NHS healthcare*, 17 March 2022, <https://www.gov.uk/government/news/ukrainians-fleeing-war-granted-free-access-to-nhs-healthcare> (last accessed 2 March 2023).

⁵⁷ Or £470 for those on student or Youth Mobility Scheme visas, or who are under 18 at the time of applying. See UK Government, *Pay for UK healthcare as part of your immigration application*, <https://www.gov.uk/healthcare-immigration-application/how-much-pay> (last accessed 2 March 2023).

⁵⁸ Waite L., *Asylum Seekers and the Labour Market: Spaces of Discomfort and Hostility*, in *Social Policy & Society*, 16, 4, 2017, 669 and 675.

⁵⁹ Walsh P.W., Sumption M., nt. (8).

⁶⁰ Poppleton A., Ougrin D., Maksymets Y., *Providing responsive primary care for Ukrainian refugees*, in *British Journal of General Practice*, 72, 719, 2022, 274.

⁶¹ *Ibidem*.

⁶² British Medical Association, *An NHS under pressure*, <https://www.bma.org.uk/advice-and-support/nhs-delivery-and-workforce/pressures/an-nhs-under-pressure> (last accessed 3 April 2023).

⁶³ UK Health Security Agency, *Guidance - Arrivals from Ukraine: advice for primary care*, 12 December 2022, <https://www.gov.uk/government/publications/arrivals-from-ukraine-advice-for-primary-care/arrivals-from-ukraine-advice-for-primary-care> (last accessed 2 March 2023).

⁶⁴ Parsley D., *Ukrainian Refugees Give up on Crisis-Hit NHS and Travel Home to War Zone for Medical Treatment*, in *inews.co.uk*, 13 January 2023, <https://inews.co.uk/news/ukrainian-refugees-nhs-crisis-travel-home-war-zone-treatment-2083233> (last accessed 2 March 2023).

On education, the Department for Education (DfE) has told local authorities to work with Ukrainian families to facilitate children attending schools as soon as possible.⁶⁵ Ideally this should be offered in the local area, failing which local authorities can use an “in-year-fair-access” procedure allowing schools to accept vulnerable children even where they are full. It has provided explanatory materials on the education system in Ukrainian and English, alongside English language resources.⁶⁶ By June 2022, 11,400 pupils from Ukraine had applied for school places and 9,900 had been offered a place.⁶⁷ By February 2023 the DfE stated that local authorities were “continuing work with families to make sure every Ukrainian child gets a suitable school place offer as soon as possible.”⁶⁸ However, the shortfall is challenging, with significant numbers of children not yet given a school place. Surveyed in October to November 2022, respondents cited a number of difficulties including arriving mid-school year, and not knowing if their children were allowed to go to school in the UK or how to register them.⁶⁹ The Homes for Ukraine education and childcare grant can allocate funds under s14 Education Act 2002 for local authorities in England to spend on providing services for children aged 2 – 18 who entered via Homes for Ukraine – to include travel, specialist services, free school meals and uniforms as well as school places.⁷⁰ While an important means of support, similar provision is not made for those on the Family Scheme.

As to university students, those given leave under Ukraine schemes are entitled to “home fee status” (i.e. not to pay the more expensive fees usually charged to international students) where their course and higher education provider are approved.⁷¹ Depending on their circumstances and which nation of the UK they are in, they may be eligible for other support such as loans, grants and bursaries, although with certain exceptions full-time students cannot claim welfare benefits.⁷² The Office for Students have distributed more than £4 million to universities for the benefit of Ukrainian students facing financial hardship, with many higher education providers having set up scholarships for this group, and some existing scholarships for asylum-seeking or refugee students being available to Ukrainians.⁷³

⁶⁵ Department for Education, *The Education Hub - One year on from Russia invading Ukraine: school places*, 23 February 2023, <https://educationhub.blog.gov.uk/2023/02/23/one-year-russia-invading-ukraine-school-places/> (last accessed 2 March 2023).

⁶⁶ Department for Education, *Guidance - Resources to help support children and young people arriving from Ukraine*, 28 September 2022, available at <https://www.gov.uk/government/publications/helping-ukrainian-students-in-schools/resources-to-help-support-children-and-young-people-arriving-from-ukraine> (last accessed 2 March 2023).

⁶⁷ Department for Education, *The Education Hub - How Many Pupils from Ukraine Have Been given School Places in England?*, 9 June 2022, <https://educationhub.blog.gov.uk/2022/06/09/how-many-pupils-from-ukraine-have-been-given-school-places-in-england/> (last accessed 23 March 2023).

⁶⁸ Department for Education, nt. (65).

⁶⁹ Office for National Statistics, nt. (46), 15.

⁷⁰ Department for Levelling Up, Housing & Communities, *Education & Skills Funding Agency, Guidance - Homes for Ukraine education and childcare grant conditions of funding*, 24 February 2023, available at <https://www.gov.uk/government/publications/homes-for-ukraine-education-and-childcare-funding/homes-for-ukraine-education-and-childcare-grant-conditions-of-funding> (last accessed 2 March 2023).

⁷¹ Lewis J., Wilson S., *Constituency casework - Support for students from Ukraine in UK higher education*, House of Commons Library, <https://commonslibrary.parliament.uk/support-for-students-from-ukraine-in-uk-higher-education/> (last accessed 2 March 2023).

⁷² *Ibidem*.

⁷³ *Ibidem*. Office for Students, *Information for providers on the crisis in Ukraine*, 28 April 2022, <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/information-for-providers-on-the-crisis-in-ukraine/funding-to-support-ukrainian-students/> (last accessed 2 March 2023).

However, financial support is not available for those who continue to study their courses in Ukraine remotely, leaving them without a source of finance; attempts by the charity Child Poverty Action Group to resolve this gap have not been successful.⁷⁴

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

As noted above, persons arriving under the Ukraine schemes are entitled to work, but the question of access to employment also encompasses broader areas like integration and support for professional activity. A survey of visa holders under the Ukraine Humanitarian Schemes in autumn 2022 found that 56% were working in the UK, a substantial increase from 19% in June.⁷⁵ Less encouragingly, however, 65% were not working in the same sector as they had done in Ukraine, for reasons including lacking the requisite level of English (50%), taking any job available (43%) and qualifications not being recognised or valid (23%).⁷⁶ A much higher number were working in hospitality, food production, agriculture and farming than had done so in Ukraine, while the number working in financial services, teaching and education, and healthcare was significantly reduced.⁷⁷ The reduction in those working in education and healthcare is particularly significant given the high level of vacancies in the NHS and schools, suggesting vital qualifications and experience are not being fully utilised. For those who had not found work, reasons mirrored those for working in a different sector (lack of English language and non-recognition of qualifications), as well as not finding a suitable job or one that uses their skills, and not being able to find childcare – particularly important as around 45% of adults live with at least one dependent child with whom they travelled from Ukraine.⁷⁸

Childcare costs in the UK have risen by nearly 6% with the annual cost of a full-time nursery place for a child under two averaging £14,836 (around €16,751),⁷⁹ compared with a median income of £33,280 for those in full-time work.⁸⁰ Free childcare provision of 30 hours per week exists only for children aged three to four years; while measures announced in the March 2023 budget are designed to extend the same provision to children aged nine months to three years, they will not fully come into force until September 2025,⁸¹ and may anyway

⁷⁴ *Ukrainian Student Refused UC*, in *RightsNet*, 28 June 2022, available at: <https://www.rightsnet.org.uk/forums/viewthread/18405/#87290> (last accessed 23 March 2023).

⁷⁵ Office for National Statistics, nt. (46), 11.

⁷⁶ *Ibidem*, 11-13.

⁷⁷ *Ibidem*, 13.

⁷⁸ *Ibidem*, 14-15.

⁷⁹ Morris S., *What Does Childcare Cost in the UK Compared to Other Countries?*, in *The Standard*, 9 March 2023, <https://www.standard.co.uk/news/uk/childcare-costs-uk-countries-parents-children-london-b1061671.html> (last accessed 23 March 2023).

⁸⁰ Office for National Statistics, *Employee earnings in the UK: 2022*, 26 October 2022, <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2022> (last accessed 3 April 2023).

⁸¹ HM Treasury, *Policy paper. Spring Budget 2023 factsheet – Labour Market Measures*, 15 March 2023, <https://www.gov.uk/government/publications/spring-budget-2023-labour-market-factsheet/spring-budget-2023-factsheet-labour-market-measures> (last accessed 23 March 2023).

be unworkable without additional funding.⁸² The situation causes pronounced problems for those on lower incomes and for single parents. As a result, many Ukrainians have struggled to take up full-time employment.⁸³

To assist with access to the labour market, the government has provided some guidance to businesses offering work to those coming from Ukraine, including a system for notifying vacancies that are open to Ukrainians as well as reference to other materials on war migrants employment,⁸⁴ and a scheme for employers wishing to offer work.⁸⁵ However, it does not appear to be providing new centrally funded language courses, referring instead to the work provided by local authorities and charities, which vary by location.⁸⁶ It is unclear how viable it will be for Ukrainians to access the kind of advanced level language skills required for employability in professional roles, except where they can fund this privately. While the above statistics relate to the two humanitarian schemes for new entries, there is less information on the outcomes for those that have utilised the extension scheme. For example, **in principle Ukrainians can now carry out agricultural work without an employer's sponsorship**, but there is little information on how frequently this is happening.⁸⁷

Alongside language skills and childcare, the transferability of qualifications is another potential barrier, which varies between fields. In teaching, those already qualified in Ukraine do not need to retrain, but require teaching skills and experience, criminal and professional safeguarding checks, and a high standard of written and spoken English.⁸⁸ The position is more complex for doctors, who will need to obtain an IELTS (language qualification), pass a test on applying knowledge to patient care, and complete a clinical attachment, after which they can apply to join the General Medical Council (GMC) Register.⁸⁹ Some support is available through the **British Medical Association (BMA)'s Refugee Doctor Initiative** and charities associated with the BMA, while a "Building Bridges" programme to support health professionals has also been set up by the NHS and Refugee Council.⁹⁰ For dentists, there is no separate exam but the IELTS is also required, following which it can take several months

⁸² Savage M., "This Will Be the End of Nurseries": Preschools in England Warn of Closures amid Free Childcare Expansion Plan, in *The Guardian*, 19 March 2023, <https://www.theguardian.com/education/2023/mar/19/this-will-be-the-end-of-nurseries-preschools-in-england-warn-of-closures-amid-free-childcare-expansion-plan> (last accessed 23 March 2023).

⁸³ Vicol D.-O., Sehic A., nt. (9), 17.

⁸⁴ Department for Levelling Up, Housing and Communities, Department for Business and Trade, Home Office, Department for Work and Pensions, and Department for Business, Energy & Industrial Strategy, *Guidance - Guidance for businesses offering work to people coming from Ukraine*, 6 May 2022, available at <https://www.gov.uk/guidance/guidance-for-businesses-offering-work-to-people-coming-from-ukraine> (last accessed 2 February 2023).

⁸⁵ UK Government, *Offer work to people who have come to the UK from Ukraine*, <https://www.gov.uk/offer-work-ukraine> (last accessed 2 March 2023).

⁸⁶ Department for Levelling Up, Housing and Communities, *Learn to Speak, Read and Write English: Homes for Ukraine*, 16 January 2023, <https://www.gov.uk/guidance/learn-to-speak-read-and-write-english-homes-for-ukraine> (last accessed 23 March 2023).

⁸⁷ Walsh P.W., Sumption M., nt. (8).

⁸⁸ Department of Education – Teaching: every lesson shapes a life, *Ukrainian teachers and trainees coming to the UK*, <https://getintoteaching.education.gov.uk/non-uk-teachers/ukraine> (last accessed 2 February 2023).

⁸⁹ Ukrainian Refugee Help, *Qualified Professionals from Ukraine*, 4 October 2022, available at <https://ukrainianrefugeehelp.co.uk/qualified-professionals/> (last accessed 2 February 2023).

⁹⁰ *Ibidem*.

to process an application.⁹¹ Engineers generally face no restrictions on practising in the UK, except in a set of areas that are mainly safety related.⁹²

For lawyers, there are separate systems within the UK's four nations. Ukrainian lawyers relocating to England and Wales can practice under their existing professional title without any separate examination or qualification process, providing services in Ukrainian law, international law, and certain areas of English law including drafting contracts.⁹³ However, this excludes “reserved areas” such as appearing before a court, conducting litigation, land registration, probate, notarial, financial and immigration law.⁹⁴ To be able to gain the title of “solicitor” and practice in reserved areas, it would be necessary to complete the Solicitors Qualification Examination, although the Law Society will consider exemptions from parts based on qualifications and / or work.⁹⁵ The rules for Scotland are similar,⁹⁶ while the Law Society of Northern Ireland page does not contain specific information, suggesting a need to follow its rules on overseas lawyers.⁹⁷

Apart from recognition of qualifications, there is also the question of practical support for finding work. In the legal profession, this has included a Law Society networking event for Ukrainian lawyers, a webinar for Ukrainian lawyers settled in the UK,⁹⁸ and a Ukrainian lawyers matching scheme provided by the Inner Temple (one of the barristers' Inns of Court).⁹⁹ For academics, support is available via the Council for At-Risk Academics, including through the British Academy-led “Researchers at Risk” Programme.¹⁰⁰ In retail, several supermarkets have introduced schemes to assist Ukrainians into jobs, including guaranteed interviews and fast-tracking of applications – although such measures may not be lawful if they are seen to disadvantage groups from other nationalities without adequate justification.¹⁰¹

⁹¹ *Ibidem*.

⁹² *Mobility and Recognition: Engineers from Ukraine*, in *Engineering Council*, <https://www.engc.org.uk/refugees> (last accessed 2 February 2023).

⁹³ *Support for Ukrainian lawyers and firms in England and Wales*, in *The Law Society*, 5 September 2023, <https://www.lawsociety.org.uk/campaigns/international-rule-of-law/tools/support-for-ukrainian-lawyers-and-firms-in-england-and-wales> (last accessed 2 February 2023).

⁹⁴ *Doing Legal Business in England and Wales*, in *The Law Society*, available at <https://www.lawsociety.org.uk/topics/international/doing-legal-business-in-england-and-wales> (last accessed 2 February 2023).

⁹⁵ *Support for Ukrainian lawyers and firms in England and Wales*, in *The Law Society*, available at <https://www.lawsociety.org.uk/campaigns/international-rule-of-law/tools/support-for-ukrainian-lawyers-and-firms-in-england-and-wales> (last accessed 2 February 2023).

⁹⁶ *Standing in Solidarity with Ukraine*, in *The Law Society of Scotland*, 6 April 2022, available at <https://www.lawscot.org.uk/news-and-events/law-society-news/standing-in-solidarity-with-ukraine/> (last accessed 23 March 2023).

⁹⁷ *Overseas Lawyers*, in *The Law Society of Northern Ireland*, available at <https://www.lawsoc-ni.org/solicitor-admitted-overseas> (last accessed 23 March 2023).

⁹⁸ *Support for Ukrainian lawyers and firms in England and Wales*, in *The Law Society*, <https://www.lawsociety.org.uk/campaigns/international-rule-of-law/tools/support-for-ukrainian-lawyers-and-firms-in-england-and-wales> (last accessed 2 February 2023).

⁹⁹ *Ukrainian Lawyers Matching Scheme*, in *The Inner Temple*, available at <https://www.innertemple.org.uk/your-professional-community/international/ukrainian-lawyers-matching-scheme/> (last accessed 23 March 2023).

¹⁰⁰ *Ukraine Crisis*, in *CARA (Council of At-Risk Academics)*, available at <https://www.cara.ngo/what-we-do/ukraine-crisis> (last accessed 23 March 2023).

¹⁰¹ Farrell S., *Are moves to 'fast-track' Ukrainians into supermarket jobs legal?*, in *The Grocer*, 1 April 2022.

Overall, the picture on supporting professional activity is mixed. Having over half of visa holders working within around six months could be seen as impressive, compared with 40% currently employed or self-employed in a study of countries neighbouring Ukraine and other European host countries.¹⁰² However, this must be set against the relatively high educational level of Ukrainians that arrive in the UK as compared to other countries: a June 2022 survey of recent arrivals found that 81% had a tertiary degree.¹⁰³ This makes it more difficult to justify ongoing issues accessing the labour market either at all or in relevant fields.

5. Final considerations.

The overall measures for Ukrainians are at once more favourable than the harsh treatment of other asylum-seeking populations in the UK, and inadequate compared with both the measures needed and the EU's more generous approach. Rather than allowing visa-free entry for all fleeing Ukraine, the UK has designed a set of *ad hoc* visa and extension schemes that leave some applicants waiting for long periods, often while remaining in a precarious situation in Ukraine or neighbouring countries. These measures bypass the ordinary asylum system and entrench the idea that refugee protection in the UK should be strictly confined to those the government has pre-approved for travel. There are specific and heightened issues for particular populations, including third country nationals fleeing Ukraine who are not eligible for protection, and Ukrainian nationals that were previously working under the Seasonal Worker Visa for agriculture and whose visa expired more than a couple of months before the invasion began.

For those Ukrainians and family members who are able to enter and / or stay in the country under the schemes, the picture is mixed. They are entitled to work, study, and claim benefits, and exempted from the Immigration Health Surcharge, which is advantageous. However, the general financial support provided is not evenly extended across visa types, with those on the Family Scheme lacking targeted government financial support. A shortfall in accommodation provision has seen a surge in Ukrainian war migrants classified as homeless, with many placed into unsuitable locations such as hotels. In accessing services like the NHS and education, to which they are entitled, some Ukrainians face practical difficulties including a lack of capacity and difficulty finding school places part way through the year.

Labour market integration for Ukrainians has been reasonably successful, with over half of visa holders under the two bespoke visa schemes by autumn 2022. However, many are not working in the same occupation as they had done in Ukraine, while a significant minority are left without work at all. Obstacles to working at all, or in the same field, include extremely high childcare costs, a lack of advanced English language skills or provision to improve, and difficulties in the recognition of some qualifications.

¹⁰² UNHCR, *Lives on hold: intentions and perspectives of refugees and idps from Ukraine*, Regional Bureau for Europe, Regional Intentions Report, 4, July 2023, 5.

¹⁰³ OECD, *What we know about the skills and early labour market outcomes of refugees from Ukraine*, 6 January 2023, <https://www.oecd.org/ukraine-hub/policy-responses/what-we-know-about-the-skills-and-early-labour-market-outcomes-of-refugees-from-ukraine-c7e694aa/> (last accessed 26 January 2023).

Overall, the situation in the UK indicates an uneasy compromise between an overall climate of hostility to migration and reluctance to expend public resources on one hand, and a will to appear generous to the plight of Ukrainians on the other. Much of this generosity has come from individuals who were already resident in the UK prior to the war, whether fellow Ukrainians who sponsored their family members or other individuals who chose to host and matched with those needing to flee. While the Ukraine schemes and support represent a positive exception to the government's hostility towards other asylum-seeking populations, it remains too limited and narrow to fully meet the substantial needs of those fleeing the war.

The book is dedicated to describing the effects of the massive influx of people from Ukraine, which started from February 2022 due to the ongoing war in Ukraine. The material presented ranges from general issues related to the regulation of the mass influx to studies on national mechanisms supporting displaced persons in terms of social entitlements and access to the labour market.

Italian Labour Law e-Studies is an editorial collection related to the Italian Labour Law e-Journal.

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