



Guidance for European Companies on Hiring Refugees From Ukraine

March 2023



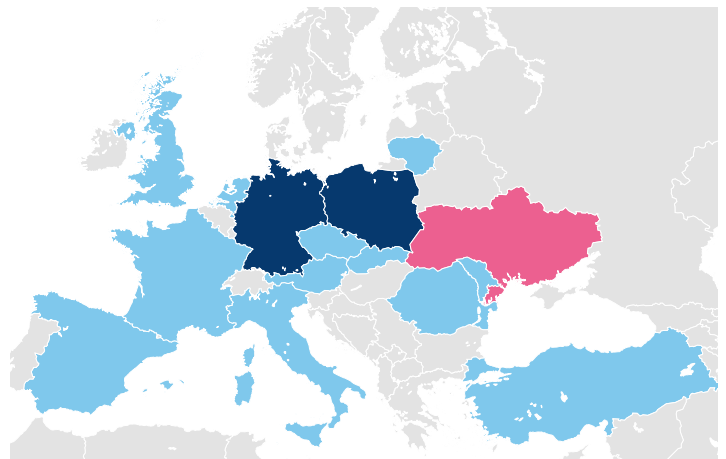
Since Russia's invasion of Ukraine on 24 February 2022, more than 8.1 million refugees from Ukraine have been recorded across Europe.¹ This mass exodus of people is one of the fastest forced displacement crises in history and the largest since the Second World War.²

As of 28 February 2023, millions of refugees from Ukraine have crossed borders into neighbouring countries, with Poland hosting the most people (1.6 million).³

Many other refugees have moved on to western and southern European countries, including Germany, Spain, the UK, France, and the Netherlands.⁴ Recorded refugee numbers ebb and flow as people return to Ukraine either permanently or temporarily to reunite with family, pick up supplies, or because they perceive their home to be safe.

The table below shows the top 15 locations in Europe where refugees from Ukraine have been recorded:⁵

Country	Data date	Refugees from Ukraine recorded in country
Poland	28/02/2023	1,563,386
Germany	31/01/2023	1,055,323
Czech Republic	26/02/2023	494,793
Italy	24/02/2023	171,739
Spain	26/02/2023	168,654
The UK	23/02/2023	163,500
France	31/10/2022	118,994
Romania	26/02/2023	112,575
Slovakia	28/02/2023	110,444
Moldova	06/02/2023	108,885
Turkey	26/01/2023	95,874
Austria	20/02/2023	93,579
The Netherlands	10/02/2023	89,730
Switzerland	24/02/2023	81,436



About the EU's Temporary Protection Directive

To help countries deal with such high numbers of displaced people arriving at their borders, the European Union (EU) activated the Temporary Protection Directive (TPD) on 4 March 2022 to enable EU Member States to move rapidly to offer protection and rights to people fleeing Ukraine. It grants individuals immediate protection, as well as access to housing, employment, medical care, education, and more for up to three years. According to the UN's Refugee Agency (UNHCR), more than 4.8 million refugees from Ukraine have registered for temporary protection across Europe.⁶ The UK, which is no longer an EU Member State, has not adopted the directive, instead implementing alternative national protection schemes.

¹ <https://data.unhcr.org/en/situations/ukraine>

² <https://reporting.unhcr.org/ukraine-situation>

³ <https://data.unhcr.org/en/situations/ukraine>

⁴ <https://data.unhcr.org/en/situations/ukraine>

⁵ <https://data.unhcr.org/en/situations/ukraine>

⁶ <https://data.unhcr.org/en/situations/ukraine>



What educational and professional backgrounds do refugees from Ukraine have?

With Ukraine's general mobilisation order requiring men aged 18 to 60 to stay within the country, UNHCR estimates that 90% of refugees from Ukraine are women and children.⁷

According to UNHCR:

7 in 10 Ukrainian refugees have "completed higher levels of education" (i.e., have a bachelor's degree or higher)

63% were employed or self-employed before leaving Ukraine, with "diverse professional and occupational backgrounds"

The table below shows the top 10 skills backgrounds of refugees from Ukraine:⁸

Skills background*	%
Education	16
Trading	12
Professional services	10
Health and social services	7
Other services	6
Accommodation and food	5
Financial services	5
Personal services	5
Construction	3
Agriculture	3

* Multiple responses were possible



Have refugees from Ukraine successfully integrated into host countries' labour markets?

While 35% of Ukrainian refugees in Europe are currently employed or self-employed (in their host country or remotely), "the majority are employed at a lower level than previously in Ukraine, with a higher prevalence among women than men," according to UNHCR.⁹ An estimated 12% of Ukrainian refugees are engaged in professional training. More than one in five refugees are unemployed and actively looking for work opportunities.¹⁰

Although childcare has been identified by UNHCR as a barrier to accessing employment, "limited knowledge of the local language", "skills mismatches", and "difficulties in skills recognition and lack of decent work opportunities" are more prevalent.¹¹

⁷ <https://reporting.unhcr.org/ukraine-situation>

⁸ <https://reporting.unhcr.org/document/3268>

⁹ <https://data.unhcr.org/en/documents/details/99072>

¹⁰ <https://data.unhcr.org/en/documents/details/99072>

¹¹ <https://data.unhcr.org/en/documents/details/99072>



What role can business play?

Refugees from Ukraine need support to be included in host countries' labour markets. Employment opportunities are key to helping refugees to build lives of dignity, become self-sufficient contributors to the economy and society, and to reduce the risk of them becoming exploited or abused.

Companies can help by hiring refugees from Ukraine, and offering them training and mentorship. More than simply a moral imperative, the business case for doing so is clear and growing:

- Refugees are highly resilient and motivated employees
- Refugee employees are known for lower turnover¹²
- Hiring refugees has been found to strengthen the employer's brand¹³
- Companies with diverse workforces out-innovate and out-perform others¹⁴

What is next for the Ukraine crisis?

Increasing and potentially sudden inflows of refugees from Ukraine into Europe are predicted for 2023, with forecasts ranging from 500,000 to 4 million, according to the International Center for Migration Policy Development. Against a "backdrop of severe war damage, a wounded critical infrastructure, and enormous economic and humanitarian challenges", it says a second large-scale outflow of refugees "cannot be ruled out" for the rest of the year.¹⁵

What this resource is, and who it is for

This resource provides potential employers in Europe with information about the rights that refugees from Ukraine have to work in the following countries: Poland; the Netherlands; Germany; France; and the UK. It includes:

A general overview of the EU's TPD, including the rights it offers, to whom, and for how long

Information on how individual EU Member States have applied the directive, as well as how the UK's alternative national protection schemes work

What employers need to know about the legalities of hiring refugees from Ukraine

More countries will be added to this resource in the near future.



¹² <https://www.tent.org/resources/good-retention-strong-recruitment/>

¹³ <https://www.tent.org/resources/how-hiring-refugees-helps-brands-europe-2023/>

¹⁴ https://coqual.org/wp-content/uploads/2020/09/31_innovationdiversityandmarketgrowth_keyfindings-1.pdf

¹⁵ <https://www.icmpd.org/news/migration-outlook-report-possible-second-wave-of-refugees-from-ukraine-and-further-weaponisation-of-migration>

What is the Temporary Protection Directive?

The TPD was developed by the European Commission (EC) in 2001 in the aftermath of the conflicts in former Yugoslavia. It is a measure that enables EU Member States to move rapidly to offer protection and rights in the event of a mass influx of displaced people, and to avoid overwhelming national asylum systems.

The TPD remained unused for more than 20 years until it was activated for the first time on 4 March 2022 following Russia's invasion of Ukraine on 24 February 2022. Due to a "clear risk that the asylum systems of EU countries would be unable to process applications within the deadlines set", the European Council unanimously adopted the EC's proposal to activate the directive, granting individuals fleeing Ukraine immediate protection.¹⁶

By implementing the TPD, the EU, which was in deadlock for years over common action over asylum, has shown remarkable and resolute support for Ukraine, as well as its citizens and residents displaced by Russia's invasion.

What rights does the directive offer?

The TPD defines the decision-making procedure needed to initiate, extend, or end temporary protection. It also lists the rights for beneficiaries, which are:

- ✓ A residence permit for the entire duration of the protection (which can last from one to three years, although the EC has recommended that EU Member States grant residence permits for two years from the outset)
- ✓ Appropriate information on temporary protection
- ✓ Guarantees for access to the asylum procedure
- ✓ Access to employment, subject to rules applicable to the profession, national labour market policies, and general conditions of employment
- ✓ Access to suitable accommodation or housing
- ✓ Access to social welfare or means of subsistence if necessary
- ✓ Access to medical care
- ✓ Access to the state education system for people under 18 years old
- ✓ Opportunities for families to reunite in certain circumstances
- ✓ Access to banking services (e.g., opening a basic bank account)
- ✓ The ability to move to another EU Member State before the issuance of a residence permit
- ✓ The ability to move freely to other EU countries (other than the Member State of residence) for 90 days within a 180-day period after a residence permit in the host country has been issued

Being a beneficiary of temporary protection does not preclude the possibility of applying for refugee status at any time.

In June 2022, the EC issued further guidance on how EU Member States can better integrate people under temporary protection into labour markets and support their access to vocational education and training, and adult learning. In particular, it encouraged countries to provide support to employers hiring people fleeing and make allowances for the creation of start-ups.¹⁷

¹⁶ https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system/temporary-protection_en

¹⁷ https://ec.europa.eu/commission/presscorner/detail/en/IP_22_3620

▲ National variations

The purpose of the TPD is to establish minimum standards for giving temporary protection. This means that individual EU Member States can go further than what is set out in the directive – for example, by granting more generous rights or widening the scope of who is eligible.

There are other national variations. The directive does not apply to Denmark, for example, due to its opt-out from EU policies (although it has introduced a similar status via national legislation). Because it is no longer an EU Member State, the UK is also not bound by the TPD. Instead, it has introduced alternative national protection programmes.

▲ Who is eligible for temporary protection?

- Ukrainian nationals residing in Ukraine before 24 February 2022 (the first day of Russia's invasion), and their family members
- Stateless people and nationals of other third countries who benefited from international protection or equivalent protection in Ukraine before 24 February 2022, and their family members
- Non-Ukrainian nationals of third countries and stateless people who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who cannot return in safe and durable conditions to their country of origin. These people are eligible for either temporary protection or adequate national protection, depending on the EU country they are in

The following people shall be considered to be part of a family, so long as the family was already present and residing in Ukraine before 24 February 2022:

- A spouse or unmarried partner in a stable relationship, where the legislation of the EU Member State treats unmarried couples in a way that is comparable to married couples under national immigration laws
- The minor unmarried children of a person or their spouse, without distinction as to whether they were born in or out wedlock, or adopted
- Other close relatives who lived with the family, upon whom they are largely or wholly dependent

The registration procedure for temporary protection varies between countries, but they all require that applicants submit some form of documentation, whether photographic ID, proof of residence, proof of family relationship, and/or something else.

As of October 2023, refugees from Ukraine in Europe who decide to return home will no longer have to de-register from the temporary protection system (which was previously the case). This is to facilitate refugees' possible return to Europe if necessary.

▲ How long is temporary protection valid for?

A person's temporary protection granted by the TPD currently lasts until 4 March 2024.¹⁸ If the reasons for temporary protection remain, the EU Council may vote to extend the directive upon the recommendations of the EC by one more year, until 4 March 2025.

¹⁸ <http://www.informigrants.net/en/post/43937/eu-extends-ukrainian-refugee-protection-to-march-2024>

Since its departure from the EU on 31 January 2020, the UK has had no formal way of adhering to the TPD. Even if it had the means, the country is unlikely to want to apply the directive as is given the current government's focus on having a "different system" to the EU – one that has "checks to make sure we know who is coming in", as then-Prime Minister Boris Johnson said in the weeks following Russia's invasion.³⁰

The country has instead introduced three schemes (the "Schemes") to provide protection to Ukrainians:

- The Ukraine Family Scheme: Ukrainians with family in the UK can apply for a visa to join them if the family member is a UK citizen, has permission to settle (i.e., not a temporary visa), or has refugee status
- The Ukraine Sponsorship Scheme ("Homes for Ukraine"): Ukrainians not currently in the UK can apply for a sponsor, through which they and their families may come to the country to live with the sponsor
- The Ukraine Extension Scheme: Ukrainians currently in the UK (whose permission did not expire before 1 January 2022) are able to extend their current visa or switch to a different visa

The main differences between the UK and EU response are that: (i) the UK requires that the scheme application be completed before entering the country; (ii) the applicant must have lived in Ukraine immediately before 1 January 2022 (including those who have now left Ukraine); and (iii) the applicant must have either a sponsor or a family member in the UK, meaning that, unlike the TPD, not all Ukrainians are automatically eligible for protection.

To enter the UK, refugees from Ukraine must receive a letter from the UK Home Office confirming that they can travel to the country under one of the Schemes. If the application has been successful, the letter will say when and where to collect a Biometric Residence Permit (BRP), which must be collected within 10 days of arrival or by the visa expiry date – whichever is later. This period of residency lasts for three years.

If the application has not yet been decided but the letter has been received, applicants are able to use their passport stamp as evidence of their right to stay in the UK for the first six months. After this point, they must apply for the BRP, which will extend the right of residence to three years.

The BRP cannot be used as a right to work.

▲ Who is eligible to work?

For Ukrainian nationals who have a valid passport, the right to work is acquired automatically if a visa has been obtained under one of the Schemes.

For Ukrainian nationals who do not have a valid passport, proof of biometric information can be attained at a visa application centre, where an entry clearance vignette attached to a "Form for Affixing the Visa" (FAV) should be provided. Individuals can rely on their FAV as proof of their right to work alongside a Positive Verification Notice.

There are other avenues to obtain a work permit in the UK. There is an automatic right to work in the UK if the prospective employee:

- Is a British or Irish citizen with a British or Irish passport (even if expired)
- Has a different passport with a stamp to indicate a "right of abode" in the UK
- Has indefinite leave to remain in the UK and can evidence the relevant indefinite leave stamp, an online share code, or an immigration status document
- Has limited leave to remain in the UK and can evidence the relevant limited leave to remain stamp, or an online share code

There are also work visas that Ukrainian nationals may apply for, which are specific to the type of work or profession – for example, the Skilled Worker Visa³¹ (eligible jobs include police officers, teaching assistants, dental nurses, and chefs) and the Health and Care Worker Visa (eligible jobs include pharmacists, social workers, and midwives).³²

Employers can offer full-time, part-time, and voluntary roles to Ukrainian nationals who are eligible to work in the UK. However, the employer must first carry out a "right to work" check before the individual's employment begins.

³⁰ <https://hansard.parliament.uk/Commons/2022-03-02/debates/336C5C10-5368-4D2E-ACA3-6F639788A6E3/PrimeMinister>

³¹ <https://www.gov.uk/skilled-worker-visa>

³² <https://www.gov.uk/health-care-worker-visa>

Employers can check an applicant's right to work by using the Home Office's online right to work check service³³ (employers will need the job applicant's date of birth and "right to work share code"),³⁴ or by checking the applicant's original documents. Because Ukrainian nationals have a time-limited right to work in the UK, employers will also need to check their documents again before their visa expires.

Failure to conduct these checks, or doing so incorrectly, can result in a fine or criminal prosecution (for more information on right to work checks for Ukrainian nationals and the necessary documents, read the UK government's detailed guidance).³⁵

Individuals who hold professional qualifications may need them to be recognised in the UK if they work in a regulated profession. The UK Centre for Professional Qualifications provides a free service that explains whether a profession is regulated, as well as any entry requirements.³⁶

Individuals arriving from Ukraine are entitled to the same employee rights as everyone else in the UK.

If they choose to, employers can also get help from the Government to share any jobs they are offering to refugees from Ukrainian. To do so, they can download, fill out, and email a form about the positions to the Home Office. Someone from the Department for Work and Pensions (DWP) will then contact the employer to discuss the job offerings. DWP will also share the positions with Jobcentre Plus and the Refugee Employment Network.

▲ Who to contact

Information about employment in the UK can be found through these government and non-governmental bodies:

UK Visas and Immigration

URL: <https://www.gov.uk/contact-ukvi-inside-outside-uk>

Tel: (+44) 808 164 8810

Department for Work and Pensions

URL: <https://www.gov.uk/government/organisations/department-for-work-pensions>

Address: Caxton House, Tothill Street, London, SW1H 9NA, UK

Email: offerwork@homeoffice.gov.uk

The Tent Partnership for Refugees

URL: <https://www.tent.org/>

Email: info@tent.org

Refugee Council

URL: <https://www.refugeecouncil.org.uk/>

Address: PO Box 68614, London, E15 1NS, UK

Email: info@refugeecouncil.org.uk

Tel: (+44) 2073 466 700

Breaking Barriers

URL: <https://breaking-barriers.co.uk/>

Address: WeWork Aldwych, 71-91 Aldwych House, London, WC2B 4HN, UK

Email: enquiries@breaking-barriers.co.uk

Tel: (+44) 2045 410 155

Talent Beyond Boundaries

URL: <https://www.talentbeyondboundaries.org/>

Address: C/- TechSpace, 25 Luke St, London, EC2A 4DS, UK

Email: info@talentbeyondboundaries.org

33 <https://www.gov.uk/view-right-to-work>

34 <https://www.gov.uk/prove-right-to-work>

35 <https://www.gov.uk/government/publications/right-to-work-checks-employers-guide/ukrainian-nationals-and-right-to-work-checks-accessible-version>

36 <https://cpq.ecctis.com/>