

The British Chambers of Commerce has been working hard to assess how the war in Ukraine will impact Chambers and their member businesses in the coming weeks and months.

As part of this work, we asked London Chamber member, Fragomen – a law firm specialising in immigration, to consider how employers can support staff and their families.

Partners, Louise Haycock and Evangeline Cochrane set out their thoughts below:

The Ukraine crisis is unthinkable and many of the employers we work with want to help workers in Ukraine to find safety or help them to support their families. Here we examine the immigration options available in the UK and, more widely, in Europe.

The UK is certainly an option, but it is one of many. Migration in these circumstances is a complicated and important issue that you have to get right, and this is further complicated by many and frequent policy changes. For instance, visa centres are closing, policy concessions are being created and refugee corridor routes (which are not covered here) will no doubt be opened.

The following sets out the main considerations as a basis for you to work from. You will want to move quickly, but please do seek independent legal advice on the rules in place at the point that you begin any conversations.

1. Not everyone can leave Ukraine. Men aged 18–60 and women in strategically important jobs (for example, doctors) are required by the Ukrainian Government to stay and may be conscripted.

2. Commercial flights from Ukraine were halted in February and most visa application centres are closed. Evacuation is primarily made through a bordering country: Hungary, Moldova, Poland, Slovakia or Romania.

3. Travel to the border is difficult and may be dangerous. Queues are also long, and people may be waiting more than 24 hours to reach border crossing points. Once there, people are expected to hold certain documents to cross the border. This [table](#) should help.

4. Once they are in a neighbouring country, you will want to help them find an onward destination. There are complexities, but in essence:

- In most instances, evacuation has been made to a European Union Member State where Ukrainian citizens are able to enter without a visa. The EU recently announced an expedited temporary residence permit valid for up to one year (renewable for an additional year) and access to the labour market, among other protections, to Ukrainian citizens, third country citizen residents in Ukraine and those with refugee status. The process for the residence permit and access to the labour market will be determined on a [country-by-country](#) basis, with many countries having already announced their measures.
- Immigration will not be the only consideration and you may wish to look outside of the EU. The quickest option is visa-free travel as a visitor. Visa-free options for Ukrainian nationals are shown on this [list](#).
- Most employers can scan the list for visa-free countries where they already have an office and make a short list. Visit entry tends to be limited to 90–180 days so you should explore whether it will be possible for people to move straight into a work (or other) visa. Those

policies are changing over time, so again, independent legal advice is essential.

- If the visa-free list does not match with your list of locations (or even if where it does), you may want to look at nomad visa options that allow skilled people to work remotely, without employment sponsorship. The UAE is among the best, because it allows immediate entry and a switch to a nomad visa afterwards. Nomad visas do have requirements so you need to be sure that specific people will meet the criteria to be able to switch.
- If Ukrainians need a visa to visit your preferred destination it may be best to move straight to a work permit application from that country. That would be true for the UK, where the work permit requires sponsorship, proof of English language, a minimum salary (likely upwards of £25,600) and several other criteria to be met. Some requirements may be waived by the concessions on document flexibility; however this application would be made on discretion and individual merit.

5. You may also want to consider arrangements for the Ukraine-based family members of your workers. There are different rules in different countries, but the UK, will allow family members to enter where the individual(s) meet these criteria:

- are applying to join or accompany their UK-based, immediate or extended family member
- are Ukrainian or the immediate family member of a Ukrainian national who is applying to the scheme
- have been residing in Ukraine prior to 1 January 2022 (including those who have now left Ukraine)

The UK-based family member must be one of the following:

- a British national
- someone settled in the UK – for example, someone with indefinite leave to remain, settled status or proof of permanent residence
- someone who has pre-settled status and started living in the UK before 1 January 2021
- someone with refugee status or humanitarian protection in the UK

Qualifying immediate family members include;

- spouse or civil partner
- unmarried partner (you must have been living together in a relationship for at least two years)
- child who is under 18
- parent (if you are under 18)
- fiancé(e) or proposed civil partner

Extended Family members also include;

- parent (if you are over 18)
- child who is over 18
- grandparent
- grandchild or your partner's grandchild
- brother or sister
- aunt or uncle
- niece or nephew
- cousin

- mother-in-law or father-in-law
- grandparent-in-law
- brother or sister-in-law

The immediate family members of those extended family members can also qualify. The terms of these family relations are taken to mean biological and step.

Other family members will be given a visa in exceptional (but undefined) circumstances.

Ukraine Nationals can make this application in any country and from 15 March, those with a biometric passport will be able to make their applications digitally and without attending an appointment. The Ukraine Family Scheme is free to apply and the immigration health surcharge is not payable to this scheme. If successful the applicant will be granted permission to stay for 36 months and it will allow work and study.

All UK applications (for instance, workers) can apply at a VAC in any country without the usually required long-term permission

6. You may also be asked about employees based in Russia. As at 11th March, visa services were operating in Russia, but some consulates have suspended visa issuance, and general banking sanctions mean they may struggle to pay for their applications. Flights are limited and could also pose problems. The UK authorities will bring forward legislation to slow down or prevent Russian visa applications, but it is not clear when that will happen.

7. To come to the UK, the general rule is that Russian nationals would need work or educational sponsorship, a UK or settled spouse/ long-term partner or to be aged under 18 and entering as the child of a British or settled person. The policies are more complicated and there are some less common options so do seek advice before deciding.

As reiterated at several points above, it is essential to seek independent legal advice before taking any decisions. At the time of drafting, new announcements are swiftly being made or mooted with respect to arrangements for the UK, Europe and the UAE. The broad considerations listed above should remain current for some time, but the detail and most appropriate strategies will be likely to change.

If you would like any help, whether with the UK as a destination, another country or other countries please contact Louise Haycock (Partner) at Fragomen on Lhaycock@Fragomen.com.

Fragomen is closely monitoring the situation, and we fully understand the need for timely action, all of the latest and most relevant updates can be found [here](#).