

What you need to know about your rights and options as a Ukrainian Seasonal Worker

Because of the conflict in Ukraine, the UK government has introduced new visa schemes for Ukrainians to come and/or stay in the UK. This includes new visas for people from Ukraine who have been or are still seasonal workers in the UK.

The Home Office is in charge of processing applications to these schemes.

These visa schemes have different names:

- Ukraine Extension Scheme
- Homes for Ukraine Sponsorship Scheme
- Seasonal Worker Visa (Tier 5 Visa) – Automatic Extension

The best visa scheme for you will depend on your own circumstances. Therefore, it is important to know and understand your options and rights.

This factsheet has some basic but important information that may help you decide what is the best visa scheme for you. We have included flowcharts about each scheme and a table that gives brief information on the different rights of each scheme. We have also included answers to frequently asked questions about the schemes. We will continue to update these questions and answers.

The Worker Support Centre is also here to provide you with advice and help in this area. We can provide free interpretation. You can contact us in many different ways:

- By e-mail to wsc@justrightscotland.org.uk
- By calling us on our free phone number **0800 0581633** which will be staffed
 - **Monday – Wednesday 5pm-8pm and**
 - **Thursday to Saturday 10am to 4pm**
- By contacting our outreach workers:
 - **Margarita 07554286715 (Monday to Wednesday 5pm-8pm and Thursday and Friday 9am to 5pm)**
 - **Iryna - 07900174435 (Friday and Saturday 10am-4pm)**
- By reaching out to us on Facebook at **@WorkerSupportCentre** (Please note we cannot provide advice through social media)

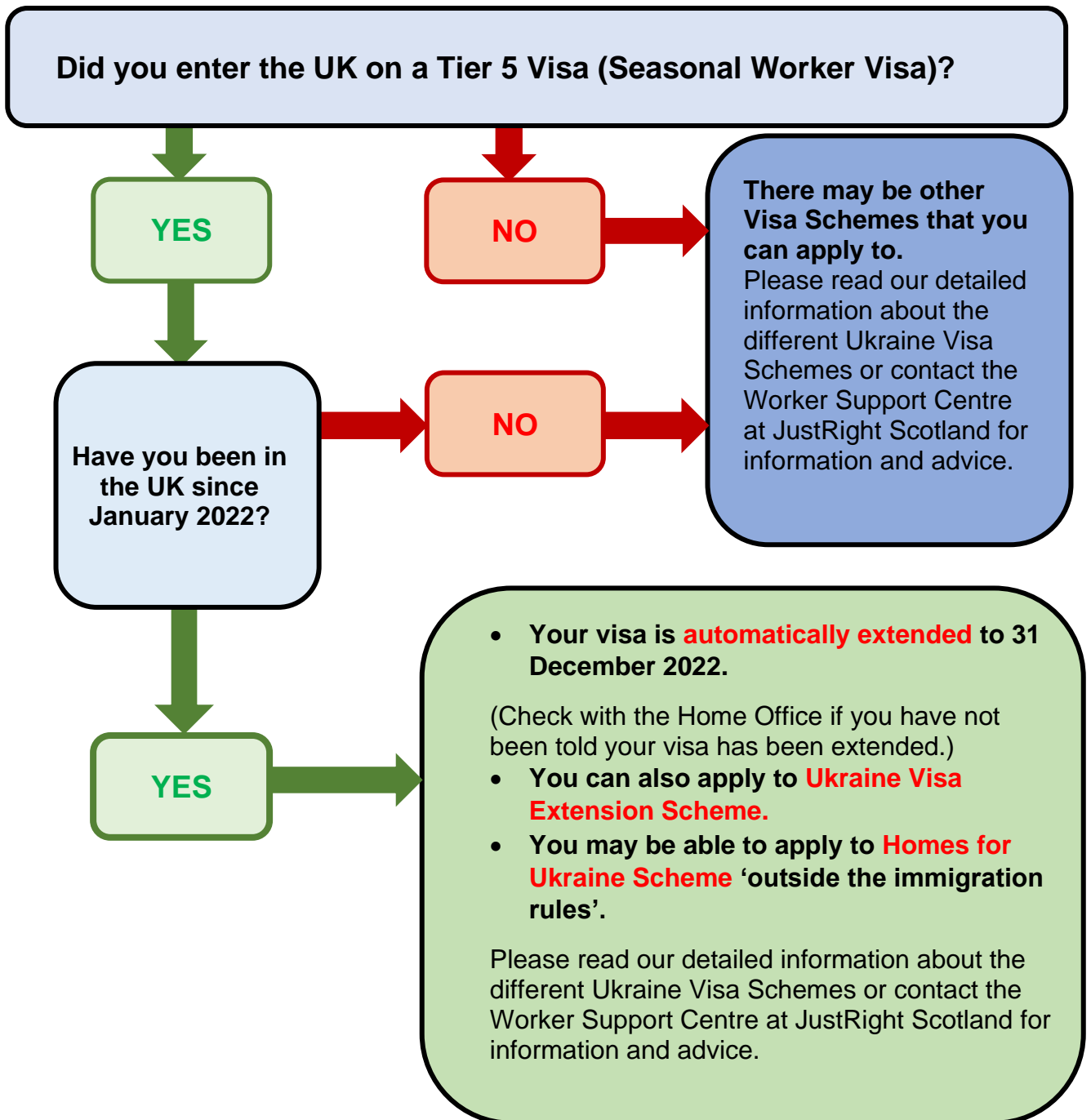
JustRight Scotland

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UK VISA SCHEMES FOR UKRAINIAN NATIONALS IN THE UK



UKRAINE EXTENSION SCHEME

WHO CAN APPLY <ol style="list-style-type: none">1. Ukrainian nationals2. Non-Ukrainian immediate family members of Ukrainian nationals:<ul style="list-style-type: none">• Spouse or civil partner• Unmarried partner (have lived together in a relationship for at least 2 years)• Children under 18• Parent if Ukrainian national is under 18
UK VISA REQUIREMENTS In UK with visa on 18 March 2022 OR UK visa that was valid on 01 January 2022 (Doesn't matter if it is now expired)
RESIDENCE REQUIREMENTS Must be living in the UK
APPLICATION <ul style="list-style-type: none">• No sponsor needed• Online application• No application fees <p>Documents for ALL applicants:</p> <ul style="list-style-type: none">• Valid passport/travel document as proof of identity• Proof of UK visa (even if expired) <p>Additional Documents for Ukrainian national's non-Ukrainian family members:</p> <ul style="list-style-type: none">• Birth certificate for children• Marriage/civil partnership certificate for spouse/civil partner• Proof of living together in a relationship for at least 2 years for unmarried partners
AFTER APPLICATION IS SUBMITTED <ul style="list-style-type: none">• Book and attend biometric enrolment appointment• Wait for decision on visa extension• Receive Biometric Residence Permit (BRP) if visa extension is granted
RIGHTS AND ENTITLEMENTS <ul style="list-style-type: none">• 3-year visa• Right to work and live anywhere in the UK• Access to public funds/public housing/free healthcare• Access to further education

HOMES FOR UKRAINE SPONSORSHIP SCHEME

WHO CAN APPLY
<ol style="list-style-type: none"> 1. Ukrainian nationals 2. Immediate family members of Ukrainian nationals (including non-Ukrainians): <ul style="list-style-type: none"> • Spouse or civil partner • Unmarried partner (must have been living together in a relationship for at least 2 years) • Children under 18 (including Ukrainian nationals applying with or to join parent/guardian) • Parent (if you are under 18) • Fiancé(e) or proposed civil partner.
UK VISA REQUIREMENTS
None
RESIDENCE REQUIREMENTS
<p>Was resident in Ukraine on or immediately before 1 January 2022*</p> <p>(*Ukrainian nationals already in the UK may also apply. Get advice on this)</p>
APPLICATION
<ul style="list-style-type: none"> • Sponsor needed: Individual or Scottish Government • Online application OR in person at a Visa Application Centre (VAC) • No application fees <p>Documents needed:</p> <ul style="list-style-type: none"> • Valid passport or expired passport with extension stamp <p>If no valid or passport or expired passport with extension stamp:</p> <ul style="list-style-type: none"> • Attend Visa Application Centre to apply and give biometric information and other forms of ID if possible e.g. National ID card, photo driving license and birth certificate, Emergency Certificate issued by Ukraine since March 2022. <p>Immediate family members of Ukrainian nationals:</p> <ul style="list-style-type: none"> • Proof of relationship e.g. birth certificate for children, Marriage/civil partnership certificate for spouse/civil partner, Proof of relationship for unmarried partners/ fiancé(e)/proposed civil partner.
AFTER APPLICATION IS SUBMITTED
<ul style="list-style-type: none"> • Wait for decision on visa application – there may be delays • If applied at VAC – collect visa, then travel to the UK • If did not apply at VAC - use 'Permission to Travel Letter' then travel to the UK. • Collect biometric residence permit/Apply for biometric residence permit within 6 months of arriving in the UK as appropriate. (*if made successful application in the UK, book and attend biometric enrolment appointment in UK to receive biometric residence permit).
RIGHTS AND ENTITLEMENTS
<ul style="list-style-type: none"> • 3-year visa • Right to work and live anywhere in the UK • Access to public funds/public housing/free healthcare • Access to further education.

IMMIGRATION SCHEMES FOR UKRAINIANS

RIGHTS/ENTITLEMENTS	UKRAINE EXTENSION SCHEME	HOMES FOR UKRAINE SPONSORSHIP SCHEME	SEASONAL WORKER SCHEME (Automatic Extension)
How long is the visa for?	3 years	3 years	December 2022 (if you have the automatic extension)
Can I access benefits, housing, and other public funds?	Yes	Yes	No -subject to scheme conditions
Can I work/access Further Education?	Yes	Yes	No -subject to scheme conditions
Can I apply to the Ukraine Family Scheme to bring family to UK?	No	No	No

FREQUENTLY ASKED QUESTIONS

1. I have been told that my Seasonal Worker visa will be or has been extended – is this one of the schemes?

No. At the start of the conflict, the UK Government made changes to the UK immigration rules. One of these changes is to ‘automatically’ extend the Seasonal Worker visa to December 2022.

This can be confusing because the word “extension” is used just like in the Ukraine Extension Scheme. However, the rights under the Ukraine Extension Scheme visa are different to the rights under the Seasonal Worker visa which we explain in the table above.

2. My current Seasonal Worker visa has not automatically been extended – can I still apply?

We know that some people have not received paperwork to show their visa has been extended. Because the extension is automatic, the Home Office can confirm your visa has been extended from their records. If you are worried about this or think you won’t have your visa extended for any other reason, please get advice.

3. Can I switch visas?

There are normally rules that apply which can make it difficult to switch visas. The UK government has made it easier to switch visas if you are impacted by the current situation in Ukraine through its different Ukraine schemes.

4. How do I know if I can apply for the different schemes?

Please see the flowcharts about the different schemes that may apply for the:

- Ukraine Extension Scheme
- Homes for Ukraine Sponsorship Scheme

5. What if I/my family don’t meet the rules for the new schemes?

Even if you don’t meet the rules for the Ukraine Schemes, you may still be able to make an application “outside of the rules”. This means that you and/or your family members(s) may have compassionate or exceptional reasons why a visa should be granted to come to the UK or stay in the UK even though all the rules aren’t met. Because of the current situation in Ukraine, compassionate and/or exceptional reasons may apply to your situation and you should get advice about this.

6. I am in the UK – can I apply to the Homes for Ukraine Sponsorship Schemes?

We know that many people have made successful applications to the Homes for Ukraine Sponsorship Scheme when they were already living in the UK. This is because the applications have been accepted “outside of the rules” for compassionate or exceptional reasons. In Scotland, you don’t need to find a sponsor to apply for this Scheme because the Scottish Government can sponsor you.

7. I was born in Ukraine when it was part of the USSR

We know that people may have been born in Ukraine when it was part of the USSR but do not have Ukrainian nationality. When you are taking advice on your situation, please make clear where you were born and other residence permits you may have in addition to your nationality.

8. What documents do I need?

The Home Office understand that it can be difficult to provide documents. The documents they are looking for are:

- Documents to prove your identity and nationality such as your passport, identity card or residence permit.
- Depending on the scheme you are applying to, and who is applying, a document showing your residence in Ukraine or the UK. This could be a visa in your passport if you are in the UK. It could be something that shows your proof of address if you are in Ukraine.
- If your family members are making an application, then they are looking for proof of the family relationship like a birth or marriage certificate.

There are often good reasons why you may not have the documents needed for the application. Depending on the document and the application, there can other ways to provide the information the Home Office need and you should get advice on how to do this. You should also get advice for any application that involves a child applying without a parent.

9. Are the applications free?

There are no fees to make an application to any of the Ukraine schemes.

10. If I have a permit for 3 years what will change?

The Seasonal Worker visa has conditions that control where you can work, the conditions you work under and where you stay. With the Ukraine Extension Scheme or Homes for Ukraine Sponsorship Scheme 3-year visa, you do not have these conditions. This means you can live and work anywhere in the UK and in any job, you are qualified to do.

There are some important points you need to be aware of:

1. Your employment contract may need to be changed because your visa conditions may have changed.
2. With the Seasonal Worker visa scheme, you will either be paid:
 - £10.10 per hour **OR**
 - £9.50 per hour if you entered the UK before 6 April 2022.

This is a condition set by the UK Government. If you have a visa on another scheme and you keep working in agricultural work, then you will be paid a minimum of £9.50 per hour because this is a wage set under Scottish regulations.

3. If your accommodation is provided by a labour provider under the Seasonal Worker scheme, then this accommodation may no longer be available to you. We are not aware of this type of arrangement in Scotland. However, you will have other housing options if this arrangement does apply to you.

The Ukraine schemes give you the right to apply for other types of work and to get government support with housing or benefits.

If you are worried or unsure about any of these changes then please get advice.

11. Do I have to continue living in accommodation given to me by the Homes for Ukraine Sponsorship Scheme?

No. A visa under the Ukraine schemes has no restrictions on where you live in the UK. You can leave the address given by your sponsor at any time. If the relationship with a host breaks down or you want help to find a new place to live, you can get help from your local council. You can find your local council's website online at:

<https://www.mygov.scot/find-your-local-council>.

Accommodation provided under the Homes for Ukraine Sponsorship Scheme needs to be inspected and meet a certain standard. If you have concerns about your accommodation, then get advice. You do not need to continue to stay in the accommodation you have been given.

A host under this scheme cannot ask you for money for the accommodation they are giving you. Hosts can receive a monthly payment from the UK government for hosting you, but they cannot charge you. Your visa is not linked to your sponsor or host.

12. What are public funds?

A residence permit may say "no access to public funds". This means that you are not allowed to access a variety of government and local authority money and support. However, the new schemes for Ukrainian nationals **allows** access to public funds. This means that you are allowed to access welfare support including job seeking and disability social welfare benefits, housing assistance and other linked funded support. A full list of public funds is available online here:

<https://www.gov.uk/government/publications/public-funds--2/public-funds>.

You can find out more information about the rights Ukrainian nationals have to UK government support, welfare benefits, healthcare, work and study in factsheets produced by JustRight Scotland.

13. What will happen at the end of the 3 years?

It is not yet clear what will happen at the end of this period. At the moment, the Home Office are saying that the Ukraine schemes will not lead to a pathway that would allow you to settle permanently in the UK. For most people on a Seasonal Worker visa, a visa for 3 years under any of these schemes will still be a preferred option but it is important to take advice on any application.

14. Can I bring my family members who are not in the UK?

People who have at least six months leave to remain and can offer the people they sponsor six months' suitable accommodation can sponsor family under the Homes for Ukraine Scheme.

Under the Ukraine Extension Scheme there is no way to sponsor family members who are not in the UK. Some people will also be able to sponsor family under the Ukraine Family Scheme but this scheme is restricted to those with a specific type of residency status in the UK and will not apply to people on Seasonal Worker visas or who have a 3 year Ukraine Scheme visa.

Even if it looks like you cannot sponsor your family because of your current residency or accommodation conditions, you should take advice. This is because there may be a route to sponsoring your family members through the Homes for Ukraine Scheme or we may be able to make an application outside of the rules because there are

exceptional or compassionate reasons. Given the current situation in Ukraine, these may apply to your situation and you should take advice on this.

15. Can I claim asylum and make an application under these visa schemes?

Yes. Some people from Ukraine are making a claim for asylum based on the risk of persecution, for example due to their nationality and/or ethnicity. It is possible to do this alongside an application under one of the Ukraine Schemes because there are a lot of delays in the asylum system at the moment. However, this is more complicated, and you should take legal advice on this.

16. I have more questions - how can I get advice or help?

If you are based in Scotland, you can get free legal advice on your circumstances and options on this from our legal team at the Worker Support Centre at JustRight Scotland. We may be able to assist you with your application or refer you to another lawyer who can help with this.

Further information

The Home Office has produced some information factsheets available in English, Russian and Ukrainian:
<https://homeoffice.brandworkz.com/BMS/albums/?album=2807&lightboxAccessID=DF7212AE-B062-4A32-8756151CA5BADD05>

You may wish to seek individualised legal advice and representation. For people on a low income in Scotland they may be eligible for legal aid. The Law Society of Scotland has a solicitor finding tool on its website:
<https://www.lawscot.org.uk/find-a-solicitor/>.

Other sources of free legal advice include:

- Ukraine Advice Scotland, run by JustRight Scotland:
<https://www.justrightscotland.org.uk/what-we-do/migrant-refugee-rights/ukraine-advice-scotland/>
- Ukraine Advice Project: <https://advice-ukraine.co.uk/>
- DLA funded project for seasonal workers – kt to locate details for this/signposting.
- Here for Good's Ukraine Project: <https://www.hereforgoodlaw.org/ukraine>
- Free advice from Settled: <https://settled.org.uk/ukraine-family-scheme-frequent-asked-questions/>
- Barnardos' Ukraine Family Advice service:
<https://www.barnardos.org.uk/what-we-do/helping-families/ukrainian-helpline>

The Scottish Refugee Council is running free weekly sessions:

<https://www.scottishrefugeecouncil.org.uk/information-for-people-in-scotland-affected-by-the-crisis-in-ukraine/>

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