

Immigration options for those impacted by the situation in Ukraine

With closures of air space and exit controls in operation, and exit controls in place for males aged 18-60, cross-border movement is currently possible by land, initially into Poland, Slovakia, Hungary, Romania and Moldova.

Authorities in these bordering countries have rapidly streamlining processes to admit people, with the ability to regularise stay once in country, obtain work, residence rights and access healthcare and education.

If moving from those locations, impacted individuals will need to consider the best onward options for their circumstances. Those with family overseas or in the UK, may look to options to join those family members, for example.

1. **All nationals can seek protection under the 1951 Refugee Convention and its 1967 Protocol.** The Convention and its Protocol define the term 'refugee' and outlines the rights of refugees, as well as the legal obligations of States to protect them. There are 149 State parties to either or both. The core principle is non-refoulement, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. Further information on the Convention can be found [here](#).
2. **The EU has triggered Temporary Protection Council Directive 2001/55.** The Directive is being implemented across Member States and allows for:
 - Temporary protection, which does not prejudice recognition of refugee status under Geneva Convention
 - 1 year residence (with further extensions up to 3 years in total, in 1-year increments, subject to changing circumstances)
 - Applicants will receive a temporary residence permit and application processes will be kept simple, and formalities will be reduced to a minimum
 - Temporary protection status is only valid in 1 Member State
 - Persons enjoying temporary protection will be authorized to work as an employee or a self-employed with certain restrictions. Labour market restrictions may vary by country
 - Those granted Temporary Protection will be given access to suitable accommodation, social welfare and medical care, and minors will have access to education
 - Family members will typically include: an applicant's spouse, unmarried partner in a stable relationship, minor unmarried children of the applicant or his/her spouse, and close relatives that were dependent of the applicant and part of the close family unit in the home country
 - Denmark has opted out of this Directive, and Switzerland is not covered, but both have indicated that they will introduce similar temporary humanitarian protections

The status of the Directive in each EU Member State can be found [here](#) and further information on the scope of protection [here](#).

3. **Dual nationals** can repatriate to their alternative country of citizenship and, as a citizen, will be able to work, access education, healthcare and social welfare.
4. **EU/EFTA nationals** can typically enter their EU/EFTA country, or any other EU/EFTA country subject to local requirements, but in some cases registration will be requested.

5. **Non-EU/EFTA family members of EU/EFTA nationals**, will typically be able to enter their EU/EFTA family member's country, and in many cases the rest of the EU (where their family member is exercising a Treaty right there). There may be regularisation processes to follow.
6. **Ukrainian nationals (and nationals of 61 other third countries) have a right to access the Schengen Zone.** Usually stay would be limited to 90 in 180 days. However, many countries have by now announced that **for Ukrainian nationals and legal residents of Ukraine** they will do any or all of:
 - Allow stay beyond the usual 90 days
 - Dispense with the need for standard immigration documents (even passports in some cases)
 - Allow switching to a long-term status such as a work permit **if access to local labour market requirements are met**

This means that their status will normally be protected, whilst they consider their most appropriate mid-term option, which may be in that same country, or elsewhere as discussed here.

7. **For those not yet covered by the above options 3-6, in principle other countries normally require a visa prior to departure.** Many are rapidly changing their laws to allow visa-free entry (so far this includes Ireland, but not the UK so far – for the UK, Ukrainian nationals must hold leave to enter the UK prior to departure for the UK).
8. **Those with family members in the conflict zones** should consider all of the above options 1-7. It is likely that at least one of these will provide an option to depart to a safe country, in the first instance. If they do not, reach out to local authorities in their country of residence will often lead to available exceptional policies introduced in response to the situation, which may allow family members to be granted immediate status / be allowed to enter in that location as a dependant, and make applications once safely there.
9. **Those with siblings, overage dependants, parents** should consider if the options above may apply to them. They can, for example, apply in their own right under the Directive. Those in this group are not typically classed as 'dependants' in other countries, but there are some exemptions (see below UK for example)
10. **Ukrainian nationals who are in the UK**, even as visitors, may switch without fee into an existing Points-Based or family route. Ukrainians already in the UK with a visa will be able to extend their stay by extending their visa or switching to another immigration route, where eligible, even if their visa does not normally allow them to do so. Details can be found [here](#).
11. **Those with family members who have visa applications pending in a conflict area** should be aware that these are now unlikely to be processed in the standard way. Most physical offices in conflict zones will have closed. Reach out to the office where the application was submitted, or the helpline established to deal with the crisis, and they will guide on next steps. Follow the options above for family members. Note that many immigration authorities have adopted flexible policies on documents, but these vary greatly by country.
12. **Those with their own / family members have documents held in now closed embassies or application centres** in a conflict area, should contact established helplines above. Many countries will allow entry without a passport e.g. with a national ID card (even outside of the Refugee Convention).

13. **In addition to the Refugee Convention and the EU Temporary Protection Directive, countries are also establishing their own humanitarian protection programs** that grant protected interim status, at least to certain nationals: these are currently open in the [US](#), [Canada](#), Estonia, [Australia](#), [Brazil](#) and Argentina. More countries are expected to follow suit.
14. **The position for family members of those resident in the UK is set out in an accompanying FAQ.**

DISCLAIMER

This factsheet is for informative purposes only. We are not able to provide individual support, but the Law Societies for England and Wales, Scotland and Northern Ireland publishes a list of immigration solicitors at:

England & Wales: [Find a Solicitor - The Law Society](#)

Scotland: [Find a Solicitor | Law Society of Scotland \(lawscot.org.uk\)](#),

Northern Ireland: [Solicitor Directory | The Law Society of Northern Ireland \(lawsoc-ni.org\)](#)

Please note that this information is correct as at 10 March 2022. Whilst this information will be updated regularly, given how rapidly this situation is changing it may not be up to date at all times. For another frequently updated source of information please consult <https://www.gov.uk/guidance/support-for-family-members-of-british-nationals-in-ukraine-and-ukrainian-nationals-in-ukraine-and-the-uk>