

Briefing on UK government neglecting the rights of thousands of Ukrainian temporary workers in the UK, especially in the Seasonal Worker Scheme, with key ask that all such temporary workers are moved immediately by the UK government into its Ukraine Family Scheme, with its rights.

1. We estimate there are between 3,000-6,000 workers from Ukraine on temporary 6month visas in the UK. Nearly all of these temporary visas are T5 Seasonal Work Scheme visas. They were given to workers – prior to April 2019, from EU countries, esp., Bulgaria, Romania and the Baltic states, and since then it has been non-EU workers and, overwhelmingly it is Ukrainians that have been in the Seasonal Worker scheme, to such an extent *it is basically the (Ukrainian) Seasonal Worker Scheme*.

2. Of the 29,631 T5 Seasonal Work Scheme visas issued in January to December 2021, 19,920 (67%) were to Ukrainian nationals, 2,698 of which as issued in the last three months of 2021, will still be valid, on top of those issued in January and February this year. These visas are tied to work in the “edible horticultural”, (dominant) part of the Seasonal Worker Scheme. That is farms for the purpose of fruit and vegetable picking. Between October to December last year, [555](#) were also in poultry and butchery work. These figures are from the most recent Immigration statistics, published in February 2022, especially at [Entry-clearance-visa-outcomes-datasets-dec-2021 - Seasonal worker T5 visa](#).

3. Despite the unprecedented forced displacement and refugee flows within and from Ukraine, with [3.5million refugees](#) and [6.5million internally displaced](#). Plus escalating levels of generalised and indiscriminate violence by the Putin regime against Ukrainian civilians, towns and cities; all that the UK government have done for Ukrainians on Seasonal work visas stuck on farms, worried sick for family in Ukraine, has been to give them a *mere extension* to their visa until December this year. Nothing more. That visa is only valid as long as there is work at the farm, or they are placed elsewhere by one of the [four sponsor employment agencies](#) operating the Seasonal Worker Scheme but only in this same type of “edible horticulture” work. *This is just not adequate to this crisis*.

4. There have been reports of the line between minimum standards, and labour exploitation as sometimes rubbed out in practice, such as documented in: [Weed Out Exploitation](#) and in Scotland, concerns raised in [New report highlights risks of human trafficking on UK Seasonal Workers Pilot](#). For Ukrainians here in Seasonal work, they are still not being given adequate support by the UK government, commensurate to their predicament. They would seem, basically *left in farms alone worried sick about their families whom they cannot, presently, bring over due to [visa restrictions](#)*.

5. Many of these workers will have parents, siblings, cousins, friends and memories in Ukraine. Yet the current temporary visa they are on, means they *cannot* apply for *any* member of their families to join them in the UK. They are *all* subject to No Recourse to Public Funds. We spoke with a Ukrainian man in Seasonal work in a Scottish fruit-farm who cannot bring his mother or teenage sister to safety in the UK, from a city in the south of Ukraine. Similarly, we are aware of cases of workers leaving farms in the UK and falling into destitution, due to the NRPF and other restrictions on their visa. *So, basically this man and many others on Seasonal work visas are, de facto, stuck: on a farm, in a (shared) caravan, on minimum wage, working long hours, and doubtless looking at their phones worried sick about their families and country under invasion from Putin’s regime. Either that, or as was the case with the woman, they fall into destitution due to lack of work, or feeling exploited or breaking down due to the mental torment of being stuck on this visa unable to help their families*.

6. Ukrainians on Seasonal work visas are highly likely to be de facto entitled to refugee or at the least, humanitarian protection. That entitlement stems from the drastic and grim change in Ukraine from a safe to an unsafe country. There are significant [delays](#) in the asylum system. At the end of 2021, there were 105,000 applications waiting for just an initial decision (100,000 {62,000 waiting 6months or more}) or waiting further review (5,000). The UK government have not done anything to

inform Ukrainians on Seasonal work visa, or indeed all on temporary visas, of their latent entitlement to refugee or humanitarian protection. This *silence from UK government on these rights is concerning*. We will try more to advocate to fill this gap, especially via partners' legal services.

7. Given this silence and the chronic delays in the UK asylum system, plus the imperative for families to be safe and reunited here. What should happen right now is all Ukrainian temporary visa holders, including and especially those with Seasonal work visas, should be moved into the UK government's Ukraine Family Scheme. That would entitle them to: (a) have 3years leave to remain; (b) to bring immediate and wider family to join them in the UK; (c) to have freedom of movement and work in the UK (and not be tied to the four sponsor employment agencies); (d) to have full access to public funds and services, with all NRPF conditions lifted; and (e) most importantly *and the bottom line* that they can start - with their families - to be able to rebuild shattered lives in the UK. **The UK government must now put Ukrainians with temporary and Seasonal work visas onto the Ukraine Family Scheme. Alternatively, they must invite and grant refugee or humanitarian protection, as expedited policy, to Ukrainians on temporary and Seasonal work visas, who wish that status.**

8. We understand that there are current labour force challenges and shortages for farmers in the "edible horticulture" sector, in the Seasonal worker scheme, and generally. We further recognise that an (overdue) recognition by the UK government of this new de facto protection status of Ukrainians on Seasonal work visas in the UK, may exacerbate these challenges. This is in particular in so far as these workers, rightly, seek to access protection status either (a) through the asylum system or, as we recommend above for practical reasons, ideally via (b) the UK government doing the decent thing now, by bringing such Seasonal workers into the scope of the Ukraine Family Scheme. We are confident that the overwhelming public consensus is that the interests of Ukrainian people, workers and their families, inside and outside the UK *are absolutely paramount at this time*.

9. The UK government should do the right thing and simply include Seasonal workers in the Ukraine Family Scheme. Then it should work out a contingency plan with the farmers and the four sponsor employment agencies. The farmers should not be left in the lurch by the UK government, but that is properly a government responsibility. It is not ok that Ukrainian nationals on temporary visas and especially those on Seasonal visas are left on that scheme, meaning they continue to only be able to work and be accommodated on farms. And, are unable to do anything to help with their families or themselves due to: (a) restrictions on their visas; (b) an unethical exclusion from the Ukrainian Family Scheme; and (c) as they have no accommodation of their own or the means to have such plus they are subject to NRPF, then they cannot even be sponsors in the Homes for Ukraine scheme.

10. Politicians and trade unions, and most of all people in the Ukrainian community are aware of this and they in particular are very concerned about it. However, we regard the UK government's lack of action commensurate with what Ukrainian Seasonal workers are enduring at this traumatic time *as a scandal in plain sight*. This scandal has not yet got the traction it needs. We really hope that this Committee can help on that. For background, we at Scottish Refugee Council have briefed directly to politicians and UK government officials that this is a gap and a forgotten population by the UK government and that mere extension of the current temporary visa is simply not good enough. **Ukrainians here in the UK who are on temporary, especially the Seasonal work visas need to be moved immediately onto the Ukrainian Family Scheme, for the reasons described in this briefing.**

Graham O'Neill
Policy Manager
Scottish Refugee Council
Graham.O'Neill@scottishrefugeecouncil.org.uk
07799600545