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Separated

The Ukraine Schemes changes and their impact on Ukrainian families

ILPA

WoRC
Work Rights Centre

ABOUT THIS PUBLICATION

On 24 February 2022, Russia launched a full-scale invasion of Ukraine, triggering the largest humanitarian crisis in Europe since World War II. Millions of Ukrainians fled to safety, including to the UK. This report is the third in a series of publications which document the UK's response to the humanitarian crisis in Ukraine. Focusing on the changes to Ukraine Schemes introduced in February 2024 with little warning or public consultation, this report captures the impact on Ukrainian families split between the UK and Ukraine.

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ABOUT WORK RIGHTS CENTRE

Work Rights Centre is a registered charity dedicated to supporting migrants and disadvantaged British residents to access employment justice and improve their social mobility. We do this by providing free and confidential advice, and by campaigning to address the systemic causes of labour and social injustice.

ABOUT ILPA

The Immigration Law Practitioners' Association (ILPA) is a professional association and registered charity, the majority of whose members are barristers, solicitors, and advocates practising in all aspects of immigration, asylum, and nationality law. ILPA exists to promote and improve advice and representation in immigration, asylum, and nationality law; to act as an information and knowledge resource for members of the immigration law profession; and to help ensure a fair and human rights-based immigration and asylum system.

ACKNOWLEDGEMENTS

We are grateful to the more than 200 Ukrainians who completed our survey and shared their experiences with our team.

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1. Summary

Shortly before the two-year anniversary of Russia's devastating invasion of Ukraine, on 19 February 2024 the Home Office announced several major changes to the visa schemes introduced to support Ukrainians affected by the ensuing humanitarian crisis.¹

Without public consultation or warning, the changes:

- Closed the Ukraine Family Scheme (UFS) with immediate effect.
- Restricted sponsor eligibility under the Homes for Ukraine Sponsorship Scheme (HFUSS) to only British or Irish citizens or persons settled in the UK, effectively preventing Ukrainians with status under the schemes from sponsoring their own family. Leave granted under the scheme was also halved, from 36 months to 18 months.
- Announced the closure of the Ukraine Extension Scheme (UES) from 16 May 2024, with an exception for UK-born children.

This report analyses the impact of these changes. Drawing on policy analysis and a survey of over 200 Ukrainians, we find that contrary to the then Government's argument that Ukraine is no longer in an active migration crisis, and that people who need sanctuary in the UK would still be eligible to obtain it, the changes had a profoundly negative impact on the Ukrainian community.

FINDINGS. Findings from our survey, the largest of its kind, indicate that:

- The need for sanctuary remains urgent and widespread. As many as 87% of respondents (191 people) reported needing to bring a close family member to safety or find sanctuary for themselves.
- Securing a sponsor who meets the stricter eligibility criteria announced in February 2024 is impractical, with 90% of respondents finding it difficult, or very difficult.
- The lack of legal routes to safety is splitting families apart and causing Ukrainians real harm. As many as 93% of Ukrainians who responded to the survey reported an effect on their mental health, and 43% struggled to integrate as a result.

RECOMMENDATIONS. To mitigate these risks, the Home Office needs to urgently reverse the changes to the Ukraine Schemes, recognise the continued humanitarian pressure generated by the war, and give Ukrainians accessible legal routes to sanctuary in the UK. Particular attention should be paid to safeguarding children and the elderly, who bear the brunt of the changes.

2. The UK's humanitarian response to the Russian invasion of Ukraine

Russia's full-scale invasion of Ukraine has triggered the largest humanitarian crisis seen in Europe since the outbreak of WWII.² From the start of the invasion on 24 February 2022 to June 2024, the UNHCR recorded almost 6 million Ukrainian refugees in Europe, most of whom were registered in Germany (1.1 million) and Poland (0.9 million), followed at some considerable distance by the Czech Republic (0.3 million) and other countries across the continent. Approximately 0.2 million refugees were recorded in the UK.³

In response, the UK Government implemented three bespoke visa schemes which supported eligible Ukrainians and their family members to find safety in the UK. The three routes granted eligible applicants 36 months of leave, the unrestricted to right to work, and access to public funds, but have left them without a route to settlement in the UK.

- **The Ukraine Family Scheme (UFS)** was introduced on 30 March 2022, allowing Ukrainians or certain third country nationals resident in Ukraine to join family in the UK. The route was open to applicants whose UK-based family member was a British or Irish citizen, settled in the UK, or holding either refugee status, humanitarian protection or pre-settled EUSS status, and who met certain relationship criteria. Notably, these criteria included immediate and extended family members.
- **The Homes for Ukraine Sponsorship Scheme (HFUSS)** was launched on 14 March 2022, allowing people who were living in the UK to sponsor Ukrainian nationals and their family members to live in the UK with them. Anyone could become a sponsor provided they had at least six months of leave in the UK and met certain accommodation and personal suitability criteria. Crucially, this enabled individuals who arrived in the UK under one of the Ukraine Schemes to act as sponsors themselves, giving back to their community without placing further reliance on the settled population. To support implementation, the Government awarded local authorities a £10,000 stipend for every HFUSS arrival in their area and gave sponsors monthly £350 thank you payments. While implementation suffered from some issues,⁴ this was by far the most popular of the three schemes.
- **The Ukraine Extension Scheme (UES)** was opened on 03 May 2022 to ensure that individuals who previously had permission to stay in the UK could continue to stay. This included individuals who were in the UK on a Seasonal Worker Visa and who would not otherwise have been able to switch to another in-country route.

The schemes were enthusiastically taken up by Ukrainians and their family members. According to Home Office statistics, by the end of 2023 the Government granted over 280,000 applications, including 80,100 grants under the UFS, 179,400 grants under the HFUSS, and another 23,100 grants under the UES (Figure 1).⁵

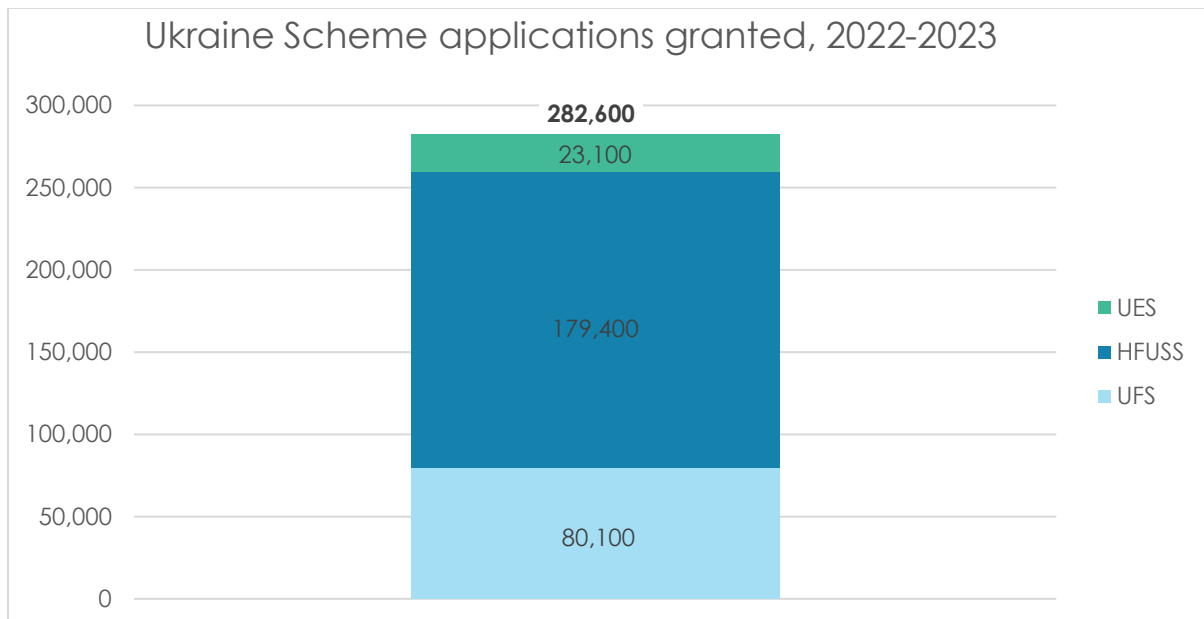


Figure 1: Number of Ukraine Scheme applications granted, 2022-2023. Source: Home Office Immigration system statistics quarterly release, Entry Clearance and Extensions Data Tables, Q4 2023

As of 31 March 2024, two thirds of arrivals on the UFS and HFUSS were working-age adults (aged 18-64), while 28% were children and 6% were those aged 65+. Largely due to the imposition of martial law in Ukraine, which prevented most men of fighting age from leaving the country, 65% of working-age, adult arrivals under the Ukraine schemes were female.⁶ Age and gender distributions were similar between the HFUSS and UFS (Figure 2).

Ukraine Scheme arrivals, by gender and age, 31 March 2024

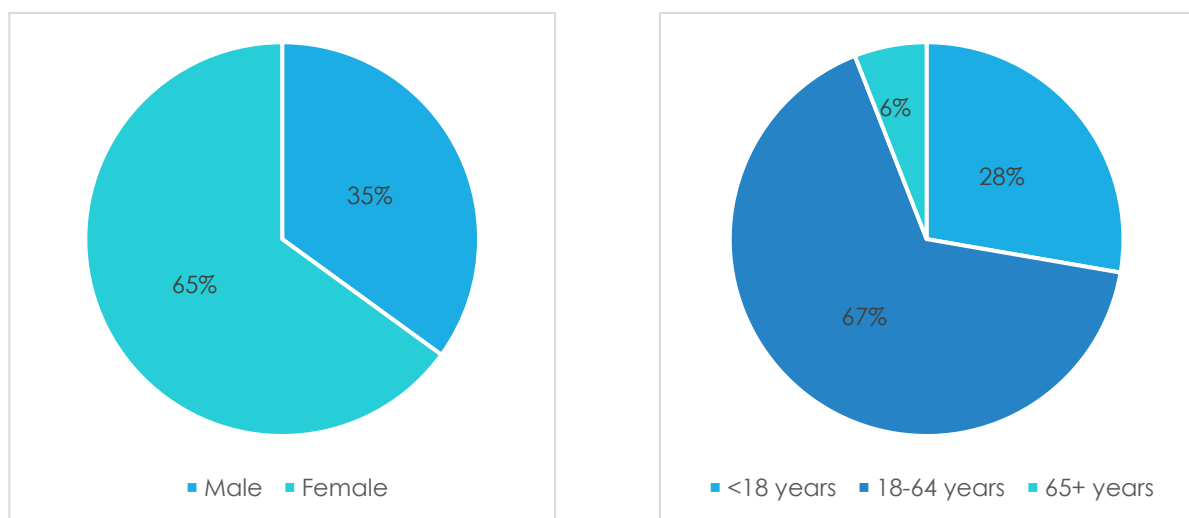


Figure 2: Number of Ukraine Scheme arrivals by gender and age, 31 March 2024. Source: Home Office Immigration system statistics quarterly release, Ukraine Visa schemes Data Tables, Q1 2024

2.1. Early limitations

Commentators welcomed the rapid mobilisation of the UK response and relatively prompt processing of applications.^{7,8} If the Home Office took an average of just under two years to make an initial decision on asylum applications,⁹ under the HFUSS the Home Office aimed to decide on applications 'as quickly as possible' at the time the scheme was launched, and within just 3 weeks at the time this report was published.¹⁰

Despite the many positives, experts flagged some early limitations of the Ukraine Schemes. Leading refugee organisations warned that in adopting visa-based schemes, rather than granting Ukrainians refugee status, the UK Government was in effect prioritising control of migration over a humanitarian response,¹¹ providing Ukrainians with fewer protections than they would receive under the Refugee Convention, and inevitably excluding some people who would be affected by the war, but ineligible to apply. In the Work Rights Centre's first analysis of the UK's response to the humanitarian crisis in Ukraine, we pointed out that the schemes excluded people who ordinarily resided in Ukraine, but lacked a familial relationship with a Ukrainian citizen.¹² They also excluded Ukrainians who were already living in the UK, but who were undocumented. The Immigration Rules which govern the Ukraine Schemes explicitly required in-country applicants to have had an immigration status that was valid on or after 01 January 2022.¹³ Even though the guidance for Home Office caseworkers allowed for some flexibility,¹⁴ this ambiguity left undocumented Ukrainians uncertain about the prospects of their applications' success.¹⁵

Perhaps the largest limitation of the schemes' setup was the stark discrepancy in the financial support the Government offered. While the Government provided stipends to local authorities and monthly thank you payments to sponsors under the HFUSS, this funding was never replicated for the other schemes. Despite similar needs, those with status under the UFS or UES received no tailored financial support from the Government, in a decision that left Ukrainians, third-sector organisations, and local councils frustrated and overwhelmed.^{16,17}

Research conducted by the Work Rights Centre with local authorities uncovered that this discrepancy in funding from central government put councils in the difficult position of having to either reject Ukrainians with status under the UFS from accessing their dedicated support services, or pay for their inclusion themselves.¹⁸ Notably, it limited their ability to exit what for many was already a precarious housing situation. In a previous survey of 191 Ukrainians, we found that 1 in 2 people with status under the UFS were living in overcrowded conditions, compared to 1 in 10 of those with status under the HFUSS.¹⁹ Similarly, those with status under the UFS were more likely to experience eviction threats. Data from the former Department for Levelling Up, Housing and Communities (DLUHC) echoes this. According to DHLUC, in 2022 people on the UFS were 1.5 times more likely to have been owed homelessness prevention or relief duty by their council, relative to HFUSS leave holders.²⁰

The housing precarity of individuals with status under the UFS can be explained to a large extent by the different eligibility criteria which applied to the schemes. People

who wished to register as sponsors under the HFUSS had to meet a suitability criterion which entailed demonstrating to the local authority that their accommodation was both large enough and equipped to safely host guests for a minimum period of six months. No such criteria applied under the UFS. Paradoxically, the Government offered financial support to sponsors who had already shown a level of accommodation stability, but decided to neither assess, nor financially support, the living conditions of others.

The risk of homelessness is a serious issue in the context of an overwhelmed social housing stock and reports of councils struggling to fulfil their statutory duties, particularly in the Greater Southeast.^{21,22} The pressure to find safety quickly and for thousands of people escaping a war is equally significant, presenting the Government with a momentous challenge. And yet, while a level of uncertainty was understandable in the wake of the war, when the Government was under pressure to formulate a response rapidly, the decision to continue excluding UFS holders and their hosts from financial support made little sense.

Regrettably, the latest changes to the Ukraine Schemes add to that paradox. As we show in the next section, they separate families and deprive Ukrainians of an accessible route to safety in the UK, while doing little to address the risks of precarious housing.

3. February 2024 changes to the schemes

On 19 February 2024, the Home Office amended the Immigration Rules via a Statement of Changes.²³ The statement included substantial changes to the Ukraine Schemes.

The changes meant, among other things, that the UK:

- Closed the UFS with immediate effect.
- Restricted sponsor eligibility under HFUSS, through guidance,²⁴ to only British or Irish citizens or persons settled in the UK, and halved the grants of leave from 36 months to 18 months.
- Closed the Ukraine Extension Scheme from 16 May 2024, with an exception for UK-born children of parents with status under the Ukraine Schemes.

The cumulative impact of these changes has been to bar family members of Ukrainians who are not British, Irish or settled from applying to join them in the UK. Their eligibility to enter the UK is instead contingent on finding a British, Irish or settled sponsor who meets the Home Office's requirements.

3.1. The Government's rationale

According to the Economic Note²⁵ published with the Statement of Changes, the Government's rationale for closing the UFS included, among other reasons, a desire to:

- 'mitigate the risk of homelessness resulting from accommodation being unsuitable or unavailable';
- 'ensure that Ukrainian arrivals are protected from harm';
- address 'criticism of the fact that the UFS does not attract the same financial incentives as HFU';
- cut administrative costs, in light of declining application numbers and grant rates; and
- reduce the risk of litigation.

Remarkably, the only stated issue the change to HFUSS sponsor criteria was intended to address was:

- an inconsistency between the HFUSS and Appendix FM, the part of the Immigration Rules that governs most family migration, and where UK-based sponsors must normally hold British or Irish citizenship, settled or pre-settled status, or protection status. 'Continuing to operate the HFU[SS] with a different policy for sponsor eligibility', the Economic Note added, 'exposes the Home Office to additional risk of legal challenge'.

This justification was robustly challenged by parliamentarians and experts supporting Ukrainians and their family members.

3.2. The unintended policy implications

Shortly after the announcement, opposition parliamentarians critiqued the changes to the schemes. In a House of Commons debate on 20 February,²⁶ Labour MP Yvette Cooper, then Shadow Home Secretary, addressed the then Minister for Legal Migration, Tom Pursglove and the House:

"Instead of getting a grip, what is the Minister's response? It is just to sack the border inspector and sit on his reports, as well as changing the rules to stop Ukrainian family members from coming here. What message of solidarity does that send to a country we are supposed to be supporting in the face of Russian aggression?"

Days later in response to media coverage which documented the stories of separated families, a Labour spokesperson told Matt Dathan, Home Affairs Correspondent at The Times:²⁷

“Labour raised serious concerns when the rules were suddenly changed at a time of ongoing threat. The numbers for the scheme are now much smaller than they were, but war in Ukraine is still continuing, the Ukrainian people are still having to deal with desperate and devastating circumstances, and we need to ensure that Ukrainian families aren't left facing even greater hardship or heartbreak because of the way the system is working.

*If Labour forms a government, **we will urgently review the functioning and operation of the scheme** to ensure that Britain continues to stand with and support the people of Ukraine.”*

The Immigration Law Practitioners' Association (ILPA) and Work Rights Centre echoed the concerns raised by Labour and other opposition parliamentarians. In a joint evidence submission to the Secondary Legislation Scrutiny Committee sent on 22 February 2024,²⁸ we showed that the changes posed several substantial risks to Ukrainians and their family members, to the UK's policy objectives and, thanks to the non-consultative approach adopted by the Government, to democracy at large. Key points of our submission are summarised below.

- **Undermining the policy objective of showing solidarity to Ukraine.** Having frequently stated that it stands shoulder to shoulder with Ukraine, including in its January 2024 Report on safe and legal routes,²⁹ just one month later the Government indicated an abrupt departure from the message of solidarity. This not only goes against UK policy goals, but also against public opinion. In a June 2023 poll conducted by YouGov, most people thought that we should either maintain (45%) or increase (24%) support for Ukraine. Only 12% of those polled thought support should be reduced.³⁰
- **Poor consultation.** There has been no public consultation on the policy changes. The Explanatory Memorandum published with the changes made this clear: ‘the changes in this Statement have not been the subject of a formal public consultation’.³¹ Remarkably, this was ‘to protect the integrity of the schemes and prevent a rush of applications’ – a cruel reason. The only consultation conducted was with the Ukrainian Embassy in London, the devolved administration, and three groups working with and on behalf of Ukrainians, namely the International Organisation for Migration, British Red Cross, and the Sanctuary Foundation. It is unclear if stakeholders were consulted on *whether* the changes should be introduced, or merely consulted on how to respond to the aftermath.

- **Risks to people in Ukraine.** The abrupt closure of the UFS means that Ukrainians and their relatives have significantly fewer options to travel to safety in the UK. Similarly, the restriction of sponsor eligibility criteria under the HFUSS means that none of the people who arrived in the UK after the Russian invasion through Ukraine Schemes are eligible to bring anyone else to safety. In the absence of publicly available data, the Work Rights Centre submitted a Freedom of Information (FOI) request to find out how many sponsors under the HFUSS had an immigration status no longer eligible under the Rules.³² Regrettably, this request was refused. Even if one did find an eligible sponsor, Ukrainians applying after the February changes could only bring their Ukrainian relatives, with limited concessions for relatives of a different nationality. After the changes, third country nationals are only eligible to obtain a HFUSS visa if they are immediate family members of a main Ukrainian applicant (partner, fiancé(e), or proposed civil partner, child under 18, or parent of a child under 18). This leaves out most parents, grandparents, grandchildren, adult children, and siblings, who are seen as extended family and excluded from the scheme.
- **Risks to Ukrainians in the UK.** The UES was established to give sanctuary to Ukrainians who were already in the UK with other statuses (students, seasonal workers, or skilled workers). Its closure in February was premature. The Russian invasion continues, and the situation remains extremely volatile. Closing the UES will create a cohort of individuals who can neither safely return to Ukraine, nor extend their leave or remain in the UK. As they are without a route to settlement, once their current temporary leave comes to an end they have three choices: (1) face the hostile environment; (2) return to face ongoing hostilities between Russia and Ukraine; or (3) apply for asylum, adding to an already strained and backlogged system.
- **Unintended consequences on homelessness.** While the government ostensibly adopted those changes to prevent homelessness, the changes are likely to exacerbate, not alleviate, that risk. Restricting HFUSS sponsor eligibility criteria effectively gives local authorities a smaller pool of sponsors to re-match homeless Ukrainians with, increasing the housing precarity of refugees and the pressures on local authorities. This is compounded by the reduction of leave under the HFUSS from 36 months to just 18 months. Risk-averse employers may reject candidates who only have a right to work for a short period of time. This, in turn, is likely to make it harder for Ukrainians to get permanent jobs and long-term accommodation.
- **Risks of human trafficking and labour exploitation.** Just weeks after the changes were introduced, the Work Rights Centre was contacted by a group of eight Ukrainian nationals who had been misled by a large Ukrainian agency into paying for what they thought were legitimate HFUSS visas connected to real UK-based sponsors. As instructed by the agency, they entered the UK via Northern Ireland using travel letters, then arrived at a farm in Norfolk. It later

transpired that the visas were fake, and that they had been financially exploited and left in irregularity. This is just one example of how, in the absence of accessible safe routes set down in law, criminals will prey on those who are desperate to find sanctuary.

Despite these and other warnings,^{33,34} the Conservative Government pressed on with the changes. While it is disturbing that the expertise of legal and other professionals was ignored, and that it would take suffering families to show why scheme changes must be reversed, we have since collected that evidence.

4. Methods

Between 22 May and 31 May 2024 Work Rights Centre conducted an online survey of Ukrainian nationals and their family members. We wanted to understand the scale and nature of the impact of these changes, on Ukrainians who were already living in the UK or looking to find safety in the UK.

SAMPLE. With 218 responses, this survey is the largest of its kind, and the third research project focused on Ukrainians by the Work Rights Centre. An overwhelming majority (194 respondents) of the sample were Ukrainian nationals resident in the UK. A further 20 respondents were Ukrainian nationals who wanted to come to the UK, and 4 respondents were non-Ukrainian nationals living in the UK, who had left Ukraine following the full-scale invasion. Remarkably, 110 respondents also left us open-ended comments, adding deeply moving human stories to the structured data.

Of the respondents who needed to find a sponsor for themselves or a family member, 74% identified as female, 25% as male, and 1% as gender non-binary. Nearly three quarters of respondents (73%) were between 30 and 49 years of age, with the remainder being younger than 30 (19%), or older than 49 (9%).

LIMITATIONS. The survey was disseminated through partner organisations, Work Rights Centre's Telegram channels, and Ukrainian community Facebook groups. Due to this sampling method, we recognise that older respondents, as well as respondents with disabilities that reduce their interaction with online content, are underrepresented in the sample.

We also recognise that participation may be biased towards Ukrainian nationals who had experienced difficulties in reuniting with their family members, and who may be more likely to follow the channels the survey was disseminated on. However, the sample size is sufficiently large to make it clear that the changes to the schemes had a real impact on Ukrainians and their families, which cannot be discounted as merely anecdotal. Given our survey represents less than 0.1% of the population of Ukrainians in the UK, it is likely that the stories of family separation, fear for one's safety, and mental health anguish are shared by many more people.

5. Survey findings

The need for sanctuary continues. The vast majority of survey respondents were Ukrainian nationals who needed to either bring their family members to safety in the UK (177), or find sanctuary in the UK for themselves (14). Contrary to the government's Economic Note claiming that Ukraine was "no longer in an active migration crisis and increasingly focusing on reconstruction and recovery",³⁵ a substantial number of people continued to need status under the schemes. Overall, the 191 respondents who needed to find safety in the UK for themselves or their family amounted to 87% of our sample.

The war in Ukraine has maintained roughly similar intensity since at least November 2022, and the latest UN report shows a continuous increase in the number of civilian casualties throughout 2024.³⁶ The Home Office itself does not consider Ukraine to be a safe country. Between Q1 2023 and Q1 2024, almost every asylum decision (97%) for Ukrainian nationals resulted in grant of humanitarian protection or refugee status.³⁷ The Foreign, Commonwealth and Development Office (FCDO) advises against travel to all but the westernmost part of Ukraine, where it advises against all but essential travel.³⁸ Despite evidence that 'Russian missile and drone strikes have caused significant damage to civilian infrastructure, including residential areas, energy and industrial facilities, injuring and killing civilians',³⁹ the government chose to restrict the schemes.

The lack of safe routes is costing lives. Several survey respondents provided harrowing accounts of family members trapped under shelling, unable to escape. Anna, 22, who came to the UK on the HFUSS, described the situation of her mother who lives under constant bombing in Eastern Ukraine.

"My mum is struggling from anxiety disorder because [...] she lives in the area near the Russian border and they suffer from constant bombings. There are rumours that Sumy region, where my family lives, is going to be invaded soon. Reunion with my family, especially my mum, will help me and them be confident that we are safe, will help my mum's and my mental state to improve and just simply will save lives." **Anna, 22, Homes for Ukraine Scheme**

For other survey respondents, it was too late. Valentyna, 24, who was in the UK with a HFUSS visa, told us that her elderly father had died before she had a chance to help him escape. Her and others' interventions provided a stark reminder that for every day that policy decisions remain under revision, lives are being lost.

"The current circumstances have left me in a state of despair [...] My father had tragically passed away just a few weeks ago due to the explosion of a Russian rocket. He had been counting on my assistance in finding a means of escape, but unfortunately, I was unable to fulfil his wish due to this new law. This situation is slowly but surely consuming me, causing immense anguish and distress."

Valentyna, 24, Homes for Ukraine Scheme

173 people were suddenly separated from their family. Of the 177 people who told us they needed to reunite with family and were either based in the UK already (170) or looking to join someone (7), almost all had their plans ruined with just a few hours' notice. In as many as 173 of these cases, the UK-based family member had limited leave to remain, which excluded them from the stricter HFUSS sponsor eligibility criteria adopted in February 2024. Among them, 164 held status under the Ukraine Schemes, with another 9 holding another ineligible immigration status. Only 4 of the 170 UK-based Ukrainians who filled out the survey were eligible under the new rules.

Iryna, a 39-year-old woman on a HFUSS visa, described how her parents live under daily attack:

"My parents live in Kharkiv. They are shelled every day. I can't learn English, take care of children, or work. I correspond with them on the phone all day long and read the news about the shelling of Kharkiv." **Iryna, 39, Homes for Ukraine Scheme**

Svitlana, 31, shared the impact of family separation on her resolve and ability to integrate.

"In 2 years of living here I integrated, worked, paid taxes, learned the language. And in such a difficult period for Ukrainians, it was possible to hold on morally and spiritually. These changes put life on hold again, made us feel helpless. [...] Many of us have nothing left except our family." **Svitlana, 31, Homes for Ukraine Scheme**

Finding a sponsor is increasingly difficult. Despite the previous Government's assurance that Ukrainians would be able to obtain status under the HFUSS if they needed it, survey respondents had little faith in their ability to find a sponsor who would meet the new HFUSS eligibility criteria. We asked them to rank the difficulty of finding a sponsor on a scale of 1 to 5, where 1 is 'very difficult' and 5 is 'very easy'. Of the 191 people who told us they needed to find a sponsor for either themselves or a family member, two thirds (66%) selected 'very difficult', and a further one quarter (24%)

selected 'difficult'. Only a small minority answered otherwise, indicating that the Government's assurances are not felt in practice.

Liudmyla, 41, who had looked for a sponsor for half a year without success, described the anguish of knowing that her two elderly parents were alone and helpless.

"My parents are elderly people. They need physical and moral support. They are left alone, there are no children, grandchildren, relatives and friends around. It is dangerous to return to my hometown, because there is constant shelling. Parents have lost the meaning of life and are depressed. In recent years, we saw each other twice a year, while we lived together in Ukraine. I have been trying to find sponsors for half a year, but to no avail. Help reunite the family!" **Liudmyla, 41 years old, Homes for Ukraine Scheme**

Nadiia, 35, recounted the frustration of being unable to bring her elderly parents to safety, just as she had secured enough space to host them.

"My parents hesitated until all this time and they agreed to move to the UK now, but unfortunately I can't find sponsors for the couple. If I could be their sponsor it would be wonderful. Because I'm renting the house and we have space for them." **Nadiia, 35, Homes for Ukraine Scheme**

Lone children are facing heightened risk. Finding a new sponsor was particularly difficult for lone children under the age of 18. It is not uncommon for families who face a humanitarian crisis to send one member of the family abroad in search of sanctuary and reunite once it is safe to do so. For example, the mother might be the first to leave Ukraine, find suitable accommodation and attain a level of stability in the UK, then ask the children to join. Children might also have to travel alone if they have no other family to lead the way.

The HFUSS guidance for councils states that, in the case of an unaccompanied minor, the HFUSS sponsor must either be the child's parent or 'should personally know the child's parents or legal guardians (unless there are exceptional circumstances), and they should have known them before the conflict started on 24 February 2022'.⁴⁰

These conditions became incredibly tough to meet after the February 2024 changes. Most parents who left after the invasion now lack the immigration status required by the February HFUSS changes. Even if they found a sponsor with the right status and sufficient accommodation, the changes imply that the child would be put in the extraordinary position of being hosted by a stranger, instead of their own parent. In the Work Rights Centre's casework experience, the Home Office has delayed the

applications of children who applied to the HFUSS sponsored by an eligible person (with settled status in the UK), but declared they would be living with their parent(s) (who could not act as their sponsor due to their immigration status).

Andrii, a 33-year-old-man with status under the UES, described the anguish of being both unable to return to Ukraine, and to find a sponsor for this daughter.

"My 6-year-old daughter is now in Ukraine and I did not have time to act as a sponsor to have her join me. With the new rules, it is almost impossible to take a child, because it is very difficult to find a sponsor. As a result, the child grows up without a father and is in danger as the war continues, and for me as a father it is a great and constant stress." **Andrii, 33, Ukraine Extension Scheme**

Family separation takes a toll. An overwhelming majority of households (77%) needed to reunite with immediate family members - children (12%), parents (57%) and partners (25%), with whom they had strong emotional connections. The sudden change in eligibility criteria left families separated, with serious consequences on people's safety, mental health, social mobility, and even job performance. Among the 171 survey respondents who were based in the UK, 93% highlighted that family reunification affected their mental health, and 42% believed it affected their ability to integrate into society. Another 31% added that this affected their finances, and 28% described an effect on their work performance.

Many respondents provided sobering comments which illustrated the pressures derived from separation. Nataliya, 51, shed light on the pressure faced by women who are forced to raise children alone.

"I am a single mother. I am raising two children alone. One child is with me in Great Britain, and the other is in Ukraine, my heart breaks because we are the closest people and we cannot be together. Life is short, and this is the forced separation of families. [...] the war has already brought a lot of trouble." **Nataliya, 51, Homes for Ukraine Scheme**

Another respondent, who chose to remain anonymous, described the anguish of learning she could not bring her elderly parents to safety, just one day before she was due to sign a lease that would have enabled her to sponsor them under the previous HFUSS requirements.

"My home is located in occupied territory; my parents spent a long time under occupation. And we couldn't get them a visa because they didn't have internet, sometimes I couldn't contact my parents for a week, it was terrible.

I haven't seen my parents for more than two years. And here we are, waiting for the lease agreement to be signed, the signing date is 02/20/2024, a house with an extra bedroom, in the hope that it will be possible to invite our parents, but no. On 19 February I find out about the changes and that I will not be able to act as a sponsor. I'm upset, I'm depressed, I don't understand what to do next and how to bring my parents. They are no longer young and they need help. This is killing me." **Anonymous, 33, Homes for Ukraine Scheme**

It is important to note that alongside the many examples of distress and worry for family members, many survey respondents expressed sincere gratitude for the safety they had been able to find in the UK, and the support shown to Ukraine to date. What many of them called on the Government to do, was simply to remember that the war continues. Renewed support could save many more lives, as well as support Ukrainians who were already in the UK to integrate and contribute to society to the best of their abilities.

"Thank you for the hospitality of Great Britain. We Ukrainians are very pleased that they are helping us, but, if Great Britain has agreed to accept Ukrainians, please notify us of all changes in advance. So that people do not feel powerless and disappointed." **Anonymous, 38, Ukraine Extension Scheme**

6. The Ukraine schemes in context

A key argument in the Conservative Government's rationale to close the Ukraine Family Scheme was the declining volume of applications.⁴¹ This, it added, 'is coupled with a falling grant rate of just 29 per cent over the six months covering April 2023 to September 2023', which overall 'makes the UFS costly to run in time and money, thus impacting the wider ability to resource across the rest of the immigration system' [para 13].

A closer look at Home Office statistics indicates that the picture is more complex. Beyond the headline of declining volumes and grant rates, thousands of applications were made under the schemes every quarter, until the Government's changes.

6.1. Applications and grant rates 2022-2024

Across all the schemes, the number of applications was at its highest in 2022, when Russia invaded Ukraine and the humanitarian crisis began. In the first full quarter after the scheme was introduced (Q2 2022), the Home Office granted approximately 27,000 UFS applications, 95,500 HFUSS applications, and 7,600 UES applications (Figure 3). In 2023 by contrast, there was a quarterly average of 2,500 applications granted under the UFS, 8,000 applications granted under the HFUSS, and 2,000 applications granted under the UES.

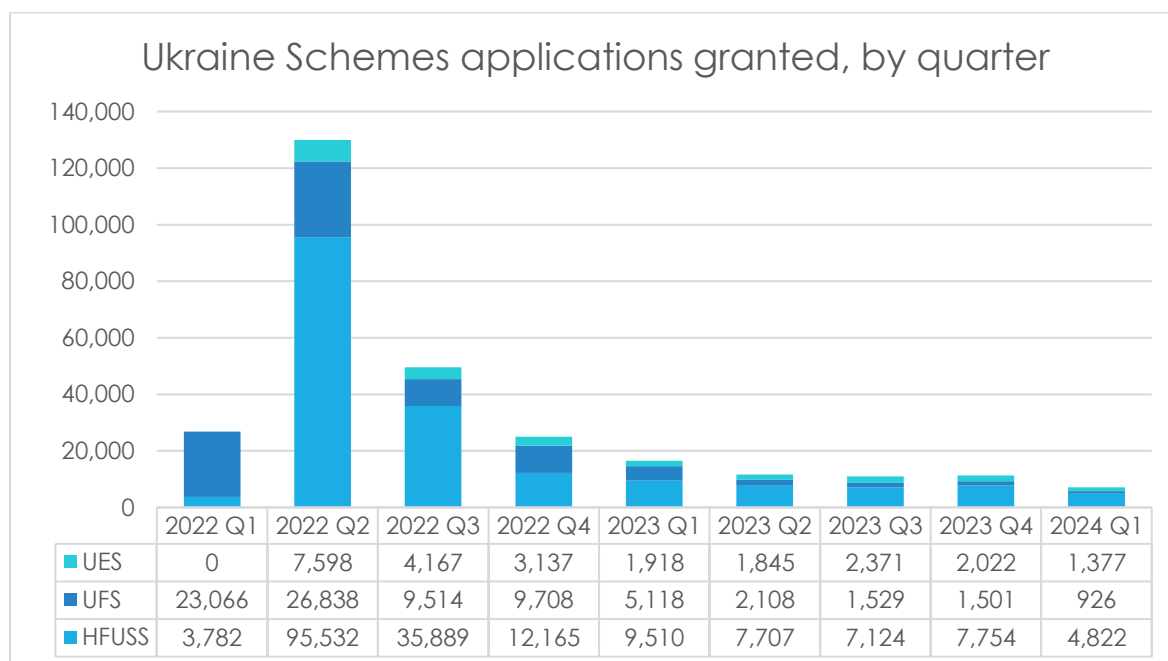


Figure 3: Number of Ukraine Scheme applications granted, 2022-2024. Source: Home Office Immigration system statistics quarterly release, Entry Clearance and Extensions Data Tables, Q1 2024

Entry clearance data points to a sharp difference between the peak number of applications granted in Q2 2022, and the lower figures for 2023 (Figure 3). However, to infer that Ukrainians no longer needed support under the schemes would be a regrettable simplification of the data.

Firstly, conflict tends to trigger a period of acute need for humanitarian protection immediately in its aftermath.⁴² A decline in the number of applications granted relative to the peak, is far from an absolute decline in the need for humanitarian protection to levels that would warrant closing legal routes to safety. Indeed, looking only at Ukraine Scheme applications granted in 2023, it is apparent that for three quarters before the implementation of changes, the number of grants made remained relatively constant (Figure 4). Migration flows do not simply end after the acute phase, but are also determined by factors such as conflict longevity and intensity, as well as the conditions for internally displaced persons (IDPs).⁴³ As many as 3.6 million remain internally displaced in Ukraine,⁴⁴ and likely in need of support.

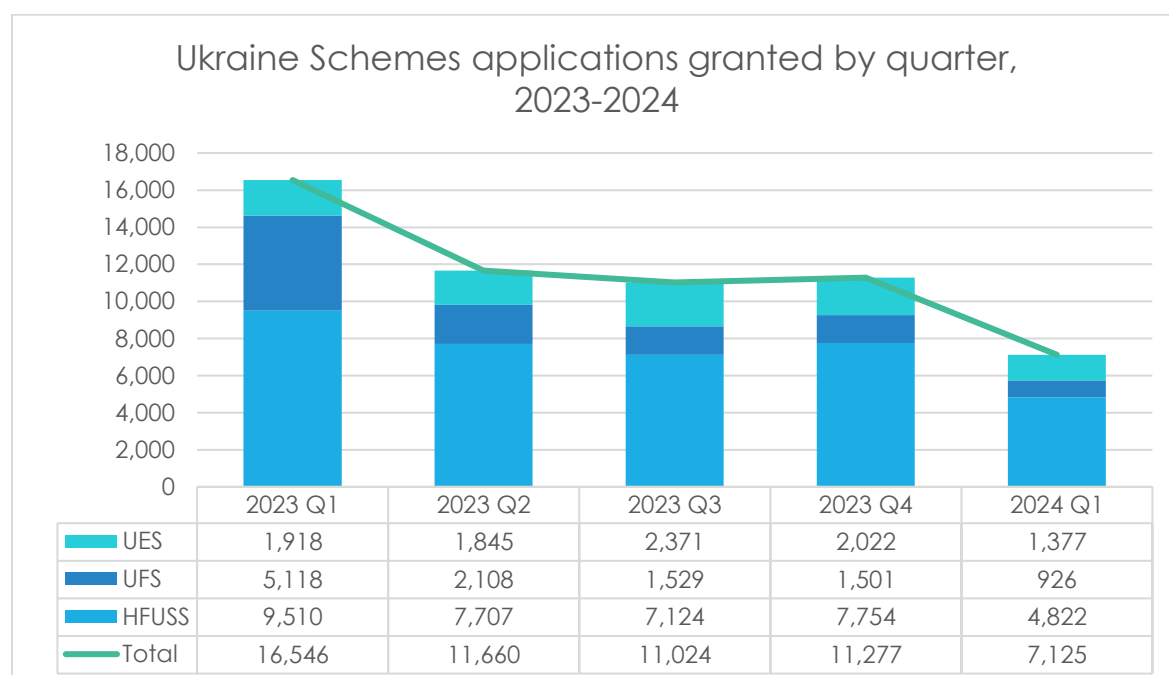


Figure 4: Number of Ukraine applications granted, 2023-2024. Source: Home Office Immigration system statistics quarterly release, Entry Clearance and Extensions Data Tables, Q1 2024

Secondly, the decline in applications granted could be explained by the fact that, over time, fewer Ukrainians were able to secure the support of sponsors. The number of people available and willing to act as HFUSS sponsors was likely greatest at the time the scheme was launched. Subsequently, the pool of sponsors continued to diminish as available offers were taken up, and as the cost-of-living crisis limited households' abilities to host. Even where some existing hosts retained the ability to sponsor, they may have matched with someone already in the country (e.g. via the Opora platform).⁴⁵ By August 2023, 1 in 14 hosts reported hosting someone previously hosted by a different sponsor.⁴⁶

The relationship between the availability of sponsors and the number of applications granted is visible in the figures for Q1 2024 (Figure 4). The number of applications granted under the UFS and HFUSS decreased significantly in 2024, when the Immigration Rules were changed, ending the UFS and restricting sponsor eligibility criteria. Data shows that grants under the UFS dropped by 40%, from 1,500 in Q4 2023, to 900 in Q1 2024. Similarly, grants under the HFUSS dropped by 38%, from 7,700 in Q4 2023, to 4,800 in Q1 2024.

Analysis of refusal rates indicates a majority share of meritorious applications. Contrary to the Government's argument, which hinges on a selection of refusal data (April 2023 to September 2023), overall the Home Office granted more positive decisions than negative across all of the schemes. Taken in context, the marked increase in the rate of refusals to which the Economic Note refers, from a base rate of close to 0% in 2022, to a higher refusal rate in 2023, looks like an anomaly. Under the UFS, the refusal rate declined steadily, from a peak of 72% in Q2 2023, to 39% in Q1 2024. Under the HFUSS, the refusal rate has slightly decreased, from a peak of 31% in Q3 and Q4 2023, to 26% in Q1 2024. For the UES, the rate of refusals dropped from a singular peak of 31% in Q3 2023, to just 3% in Q1 2024. It is also important to note that the data captures the quarters in which refusals were made. The sharp increase in refusals may be due to the Home Office having waited before deciding en masse on Ukraine Scheme applications that did not meet conditions, rather than a sudden influx of unmeritorious applications.

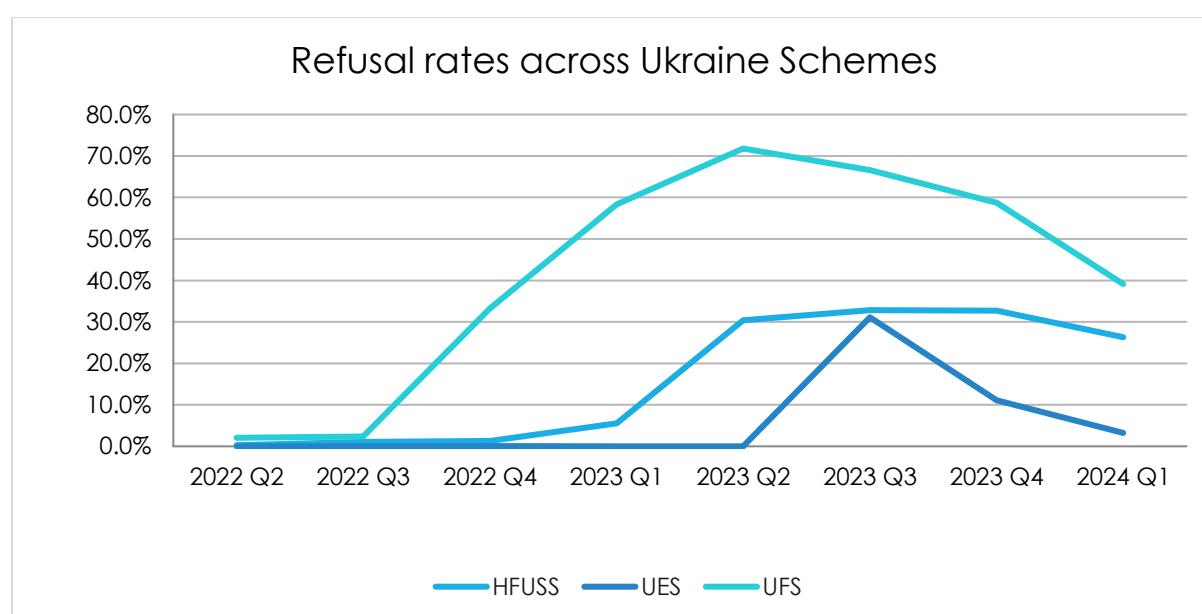


Figure 5: Refusal rates under the Ukraine Visa schemes 2022-2024. Source: Home Office Immigration system statistics quarterly release, Entry Clearance and Extensions Data Tables, Q1 2024

6.2. Legal routes after the changes

For the thousands of Ukrainians who continue to need sanctuary but were made ineligible to apply by the changes to the rules, the options left are sparse. Those who are already in the UK may, depending on their circumstances, make applications for asylum, for leave based on private or family life, or for discretionary leave, pleading with the Home Office to grant them status outside of the rules. For those who are still in Ukraine or overseas, the options are particularly limited.

Finding a sponsor under the HFUSS is extremely difficult, as indicated by survey respondents and our earlier analysis (see previous chapter).

Appendix FM, the section of the Immigration Rules that governs most family migration to the UK, makes people with status under the Ukraine schemes ineligible to bring

relatives. To bring family to the UK under this route, one has to be a British or Irish citizen, have ILR, hold settled or pre-settled status under the EUSS, or have protection status (among other criteria).

Making an application outside of the Immigration Rules, is the only other option for Ukrainians who are still overseas. In one case documented by the Work Rights Centre and The Times, the Home Office reversed a negative decision that had prevented an 11-year-old boy from joining his mother and sister.⁴⁷ The boy was being cared for by elderly grandparents, while his father had been called to the front. As the health of grandparents was deteriorating and the area became more unsafe, the boy's ability to join his family in the UK was becoming a matter of life and death. It was only after weeks of separation, legal and media pressure, that the child was allowed to join his mother and sister in the UK.

This discretionary form of leave can change lives, but it is not a viable solution. In the context of discretionary applications, the time frames for decisions can typically exceed six months, and applications will often require specialist immigration advice to navigate their complexity. This is hardly a suitable response to a humanitarian crisis.

Other options under the Immigration Rules are generally costly and have strict eligibility requirements that exclude most Ukrainians. Examples include Skilled Worker and Global Talent visas, effectively work-based visas that are not an adequate response to a humanitarian crisis.

Overall, the safe routes left open to Ukrainians after February are no match for the scale of support required. In directing Ukrainians towards them, and away from the Ukraine schemes, the Home Office has ended up creating precisely the type of administrative inefficiency it had set out to avoid, increasing pressure on applicants and caseworkers, as well as the risk of litigation. Asylum applications, for example, can take years for a decision to be issued, during which applicants are generally unable to work, claim public funds, and support themselves. This keeps applicants in a state of limbo, reliant on state support. Diverting Ukrainians and their family members to the asylum system would therefore add unnecessary, avoidable costs.

Another risk is that Ukrainians who are deprived of accessible safe and regular routes may opt to enter irregularly, such as via Northern Ireland. Without a right to live, work, rent or claim funds in the UK, this puts people in a precarious position where they are at risk of labour exploitation, destitution, and trafficking.

7. Conclusion and recommendations

The abrupt changes to the Ukraine Visa Schemes in February 2024 came as a shock for Ukrainians, the immigration advice community, and all those supporting Ukrainians in the UK.

At a policy level, this marked a sudden departure from the message of solidarity with Ukraine, and paradoxically increased the very risks the Government was hoping to prevent. Contrary to the stated objective of safeguarding Ukrainians, those who are still abroad and in need of sanctuary now face higher risks of falling prey to human traffickers and being exploited. The other unintended policy consequence is that, after these changes, the Home Office is likely to face more, not less litigation, as well as continued administrative costs as people apply for the more complex immigration options, such as asylum or leave outside of the Immigration Rules.

Beyond policy, the changes to the Ukraine Schemes have a real human cost. Data from our survey has revealed that as the need for sanctuary continues and the war rages on, the restriction of routes to safety in the UK is risking the lives of Ukrainians left behind, and harming the mental health and social mobility of those already in the UK.

RECOMMENDATIONS. The new Government must stand by its commitment and act. The approach that would best address the needs of Ukrainians would be to reverse the rule changes of the outgoing prior Government, and restore the commitment to stand with Ukraine for as long as it takes, by providing safety and support to those in need of it. In particular, we urge the Government to:

Restore the HFUSS sponsor eligibility criteria applicable before the changes, to enable people with status under the Ukraine Schemes to sponsor others, and address the urgent need for sanctuary.

Restore the grants of leave under the HFUSS to 36 months, to enable people with status under this scheme to better integrate, by finding stable jobs and accommodation in the UK.

Reinstate the UFS, to allow eligible sponsors to bring Ukrainian family to safety, without the pressure of accommodation checks.

Extend the 16 May 2024 deadline for UES applications, as done previously, to enable Ukrainians already in the UK on time-limited visas to apply for the UES, while it is still unsafe to return to Ukraine.

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