



Analytical Report

Ukrainian Labour Migration to the EU State of Play, Challenges and Solutions

Lesia Dubenko
Pavlo Kravchuk

March 2021



ABOUT THE AUTHORS

Lesia Dubenko is an analyst at the Kyiv-based think tank Europe Without Barriers. She is a graduate of Lund University (Sweden), holding a Master's degree in European Affairs. She has published various analytical pieces.

Pavlo Kravchuk is a migration and border management expert at Europe Without Barriers. His work examines policy on migration and cross-border mobility in Ukraine, the EU, and the Eastern Partnership countries, as well as related practices.

The analysis contained in this report is the result of a collective effort within Europe Without Barriers..

Prague Process Secretariat
International Centre for Migration Policy Development (ICMPD) Gonzagagasse 1
A-1010 Vienna
Austria
www.pragueprocess.eu

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This publication was produced in the framework of the 'Prague Process: Dialogue, Analyses and Training in Action' initiative, a component of the Mobility Partnership Facility II project, with the assistance of the European Union.

The contents of this publication are the sole responsibility of the authors and the 'Prague Process: Dialogue, Analyses and Training in Action' initiative, and do not represent the views of the European Union.

ABSTRACT

Since 2014, the number of Ukrainian labour migrants moving to the European Union (EU) has increased significantly. In 2019 alone, Ukrainian nationals received 660,000 residence permits for remunerated activities across the member states – the largest external labour force in the EU. The reliance of member state economies on workers from Ukraine has thus reached significant levels, as exemplified by the labour shortage seen during the COVID-19 crisis that forced the EU to shut down its borders.

While Ukrainian labour migration to the EU produces economic benefits on both sides, the exchange is beset by multiple challenges. These include limited protection of Ukrainian labour migrants, circumvention of work permit rules, and attempts by unscrupulous actors to lure Ukrainians into accepting precarious or non-existent jobs. This report assesses these challenges and their implications, before providing a set of targeted solutions, ranked according to a Feasibility Score. The proposed solutions range from establishing a ‘one-stop-shop’ for information provision and a joint employment database for non-EU nationals, to launching negotiations on amending the legislation on work permits.

INTRODUCTION

In 2014, Ukraine concluded the landmark Association Agreement with the European Union. This step initiated the country's distancing from Russia, which had been the main destination for Ukrainian goods and migrant workers for several decades. As a result, many Ukrainians seeking employment abroad began looking to the West, especially after the outbreak of the armed conflict in eastern Ukraine. During the period 2014-2019, some 3,446,793 Ukrainian nationals received first-time residence permits for the EU-28. Of these permits, 83 per cent (2,847,830) were issued for remunerated activities.

Despite the consensus that Ukrainian labour migration to the EU boasts economic benefits for both sides, various challenges remain outstanding, including the precarious work conditions often borne by migrants, the continuing activities of unscrupulous intermediaries and human traffickers, and xenophobic attitudes encountered within the Union. Whereas some labour migrants are ultimately deported, others lack access to social security due to their circumventing of the relevant work permit rules.

While the COVID-19 outbreak has forced large numbers of Ukrainian labour migrants to return home, it is also evident that many are ready to move back to the EU – be it in a regular or irregular manner.¹ Despite the pandemic, by June 2020 the number of Ukrainians leaving the country again exceeded the number returning, reversing the trend seen during the previous three months.² The EU demand for additional workforce in critical sectors such as agriculture and transport, and the fragile condition of Ukraine's economy, may further increase the flow of migrants into the bloc. Considering this outlook, it is crucial to address the challenges identified in this report.

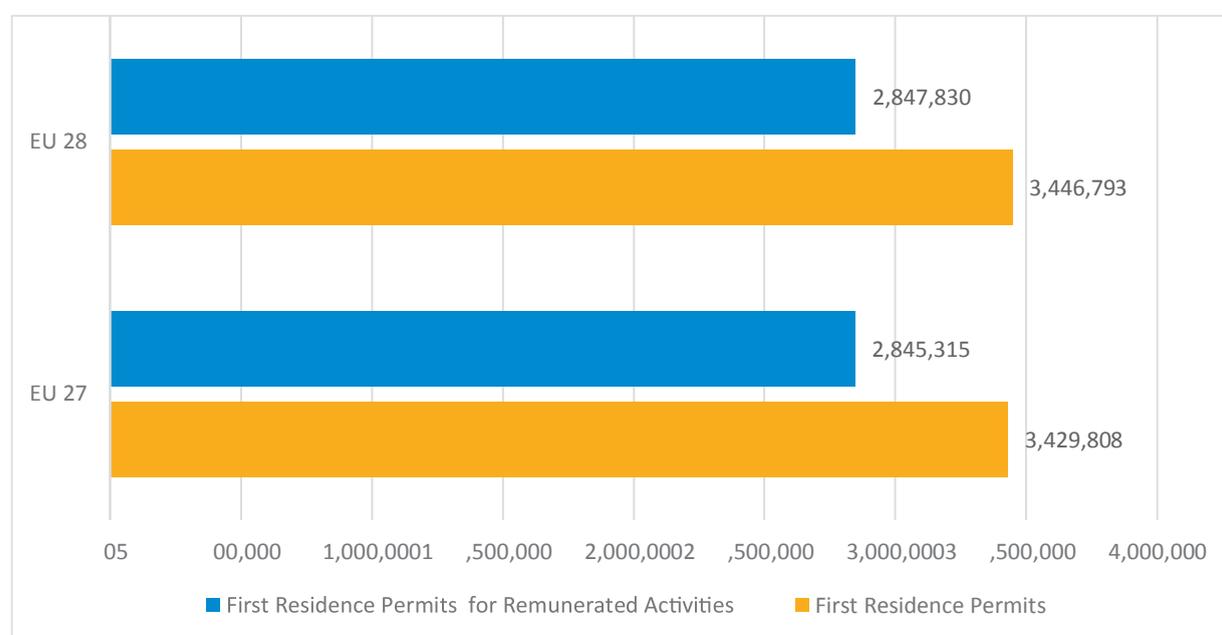
1. UKRAINIAN LABOUR MIGRATION TO THE EU: STATE OF PLAY

1.1 KEY NUMBERS AND MAIN DESTINATIONS (2014-2019)

Ukrainian labour migrants moving to the EU may be motivated by various factors – improved living standards, higher wages, or the ongoing economic turmoil in their home country. The close proximity of the EU naturally also plays a role in the choice of destination. Ukraine shares land borders with four EU member states – Poland, Hungary, Slovakia and Romania. As a result, Ukrainians enjoy a wide choice of cross-border transport connections, from low-cost flights to shuttle buses. However, the land border between Ukraine and the Schengen area remains the main gateway for Ukrainian labour migrants; it is known for its high levels of congestion and substandard condition.

There are various estimates for the number of Ukrainian labour migrants inside the EU. According to Ukraine’s Ministry of Social Policy, 3.2 million work permanently outside the country.³ The Eurostat data shows that between 2014 and 2019, 3,446,793 Ukrainians received first-time residence permits in the EU 28, with 82.6% (2,847,830) issued for remunerated activities.⁴

Figure 1: First-time EU residence permits for remunerated activities vs. First-time EU residence permits (2014-2019)



Source: Eurostat, own estimations

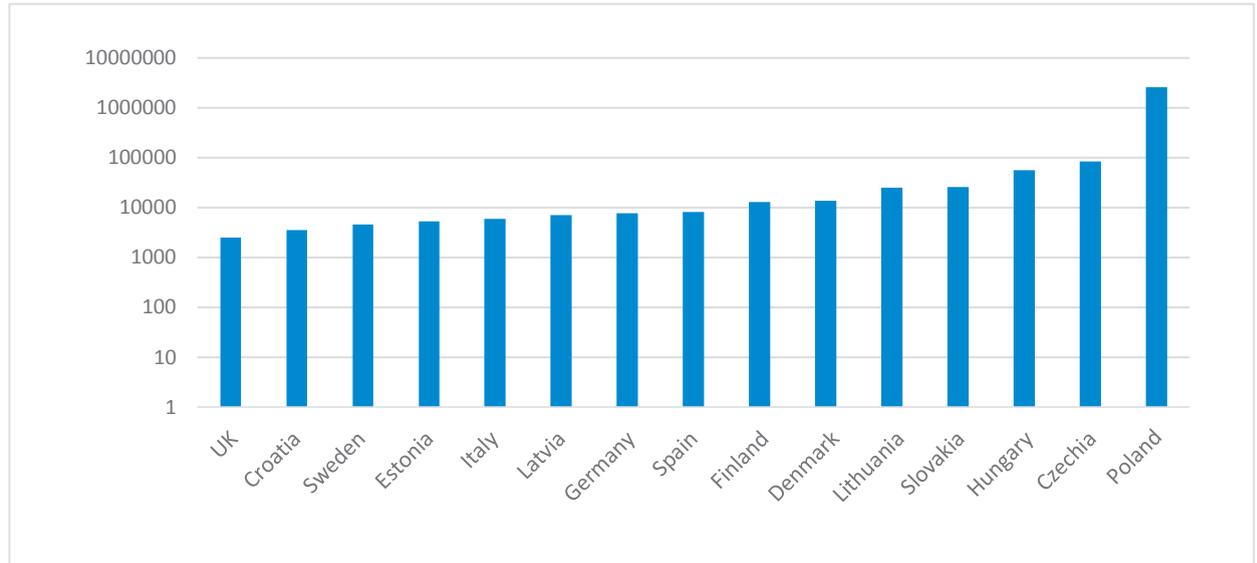
The validity of permits for remunerated activities issued by EU member states ranges from 3-5 months, to 6-11 months and 12-12+ months. During the period 2014-2019, Poland, Czechia, Hungary, Slovakia and Lithuania were the top EU destinations issuing all three types of permits (Figure 2). The most frequently issued permits were those valid for 3-5 or 6-11 months (Figure 3), meaning that Ukrainian labour migration to the EU is both circular and seasonal. Some states, such as Finland and Poland, require mostly seasonal workforce from Ukraine.

The Effects of COVID-19

The COVID-19 pandemic has exacerbated the reliance of EU member state economies on Ukrainian labour migrants, who have found themselves effectively locked out of the EU. This holds especially true for Poland and Finland, which formally permitted the entry of Ukrainian labour migrants, particularly seasonal workers, in early May 2020. The transportation of these workers required the chartering of flights, arranged according to specific conditions. For example, the Polish government obliged employers to transport the foreign workers to worksites within 24 hours, submit lists of those subject to quarantine measures, and ensure isolation for two weeks.

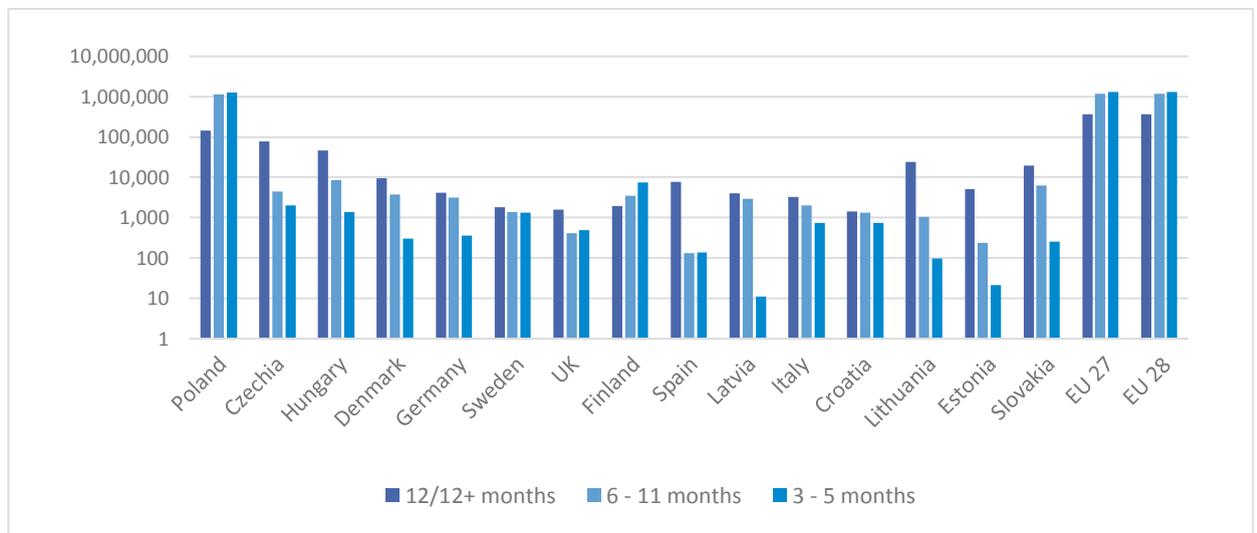
In parallel, high-skilled immigration is also taking place, with the number of work permits valid for 12 months or longer, mostly issued for higher-ranking positions, on the rise during recent years. For example, Czechia, Hungary, Lithuania, Slovakia and Denmark issued more permits for 12 months or longer than for 3-5 months and 6-11 months respectively. It is therefore clear that the Ukrainian workforce in the EU is not employed solely in low- or medium-paid positions.

Figure 2: Top EU member states issuing work permits to Ukrainian nationals (2014-2019)



Source: Eurostat, own estimations

Figure 3: Top EU member states issuing work permits to Ukrainian nationals (2014-2019)



Source: Eurostat, authors' estimations

The actual number of Ukrainian labour migrants in the EU is believed to be much higher than official figures suggest. There are several reasons for this, ranging from the lack of a systematic population census and effective incentives to register displacements, to the unwillingness of those remaining in Ukraine to admit that family members work abroad. Moreover, a substantial number of labour migrants from Ukraine work in the informal economy, with the country continuing to lead the rankings as regards the 'entry refusal' and 'illegal stay' indicators employed. In 2019, a total 39,600 Ukrainians were found to be illegally staying in the EU, with 19,600 of these cases detected in Poland.⁷

1.2 TYPES OF EMPLOYMENT AND ECONOMIC CONTRIBUTION

The majority of Ukrainian labour migrants engaging in employment in the EU take up low-paid, menial jobs, often involving manual labour and unsafe working conditions. Most of these labour migrants are men aged 26-35, working predominantly in administrative and support services, manufacturing and construction, or in the industrial, logistics, agriculture, hospitality or gastronomy sectors. These jobs – ranging from driver, berry picker, and waitress to receptionist – are predominantly carried out on work and residence permits of 3-5 months or 6-11 months in duration. Some countries, such as Italy, for example, attract a specific type of workforce: three out of four Ukrainians working in Italy are women employed as housekeepers, caregivers or babysitters.⁸

As noted, high-skilled labour immigration, albeit in much smaller volumes, is also taking place. The high number of permits issued for 12 months or more in EU member states like Denmark and Germany, for example, suggests that Ukrainian nationals are possibly employed as high-skilled workers, including as doctors, nurses, engineers, data analysts, and IT specialists - all professions which are in high demand in the EU. It is also possible that permits issued for 6-11 months also include a certain proportion of high-skilled workers; with their shorter duration explained in part by the fact that renewal of work permits in certain EU member states must be done on the spot.

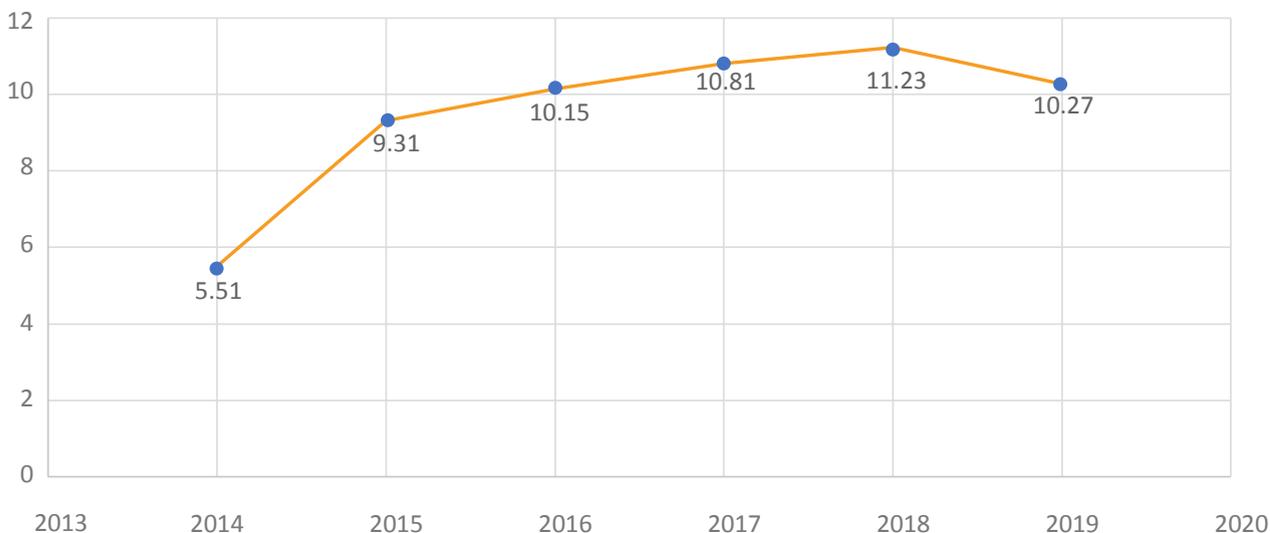
Sizeable economic impact

The impact of Ukrainian workers on the economy of Ukraine and EU member states is sizeable. During the period 2014-2019, Ukraine received US\$ 67.914 billion in remittances, with this source of income accounting, on average, for 9.5% of annual GDP (Figure 3). Attempts have been made to gauge the contribution of Ukrainian workers to the economy of EU member states. For example, the Polish National Bank estimates that Ukrainian workers contributed 13% of Poland's annual GDP growth during the period 2013-2018.⁹

Figure 4 shows the estimated contribution of Ukrainian labour migrants to EU member state economies, based on the amount of personal income tax paid between 2014 and 2019.¹⁰ During this period, Ukrainian workers are believed to have contributed between US\$ 956 million and US\$ 1.06 billion (permits issued for 3-5 months), US\$ 2.65 billion and US\$ 5.4 billion (6-11 months), and at least US\$ 207 million (12/12+ months). As regards the economic benefit to individual countries, Poland (all three permit groups), Denmark (6-11, 12-12+ months), Finland (3-5, 6-11 months), Sweden (3-5 months) and Czechia (12-12+ months) are estimated to have received high volumes of personal income tax from Ukrainian workforce.

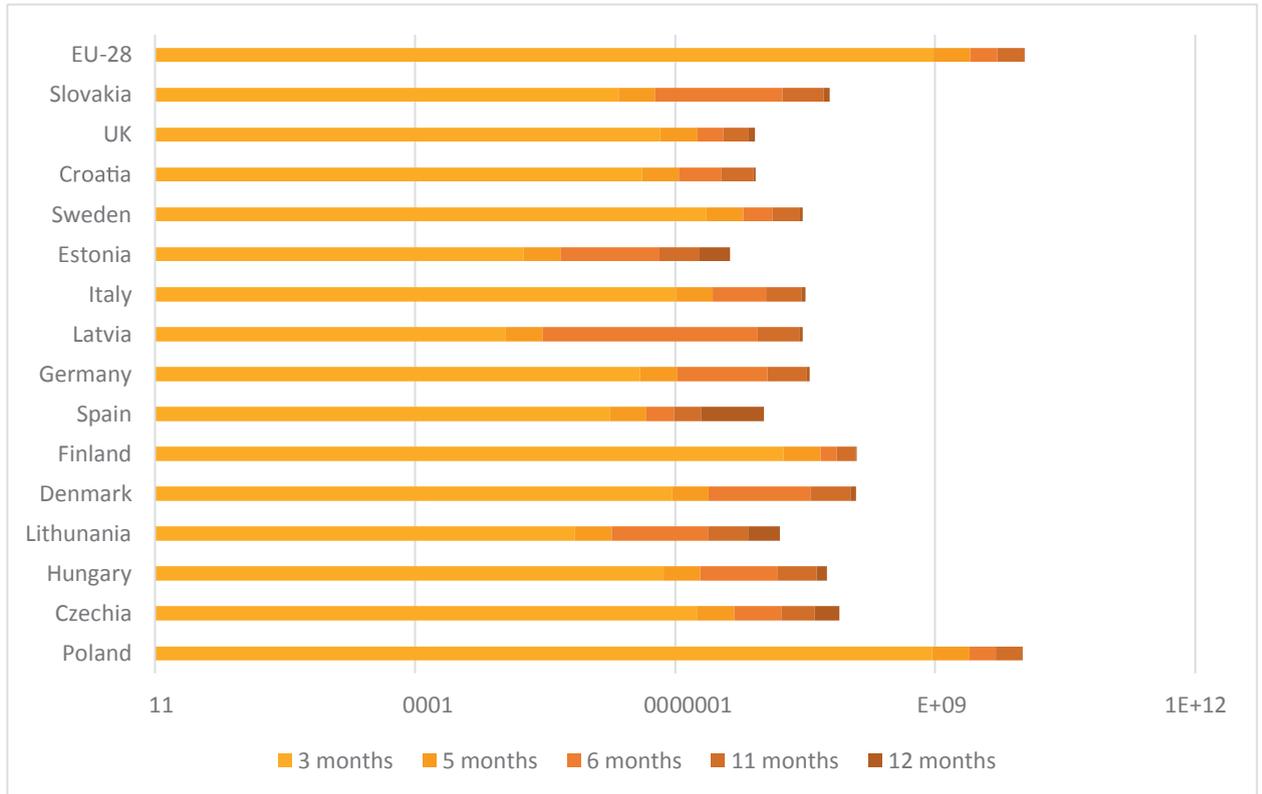
These estimates, however, reflect just part of the overall contribution of Ukrainian workers to the economy of the EU and its individual member states. If the full picture of this input is to be painted, it would be necessary to factor in, inter alia, payroll taxes and other types of social contributions; the amounts spent by Ukrainian workers on goods and services in country; the types of accommodation engaged; and indeed, the added value brought to those EU products and services Ukrainian workforce helps to produce

Figure 4: Personal remittances received, by % of Ukrainian GDP (2014-2019)



Source: World Bank

Figure 5: Personal income tax paid by Ukrainian workforce in the EU, by average salary and tax rate (2014-2019)



Source: OECD (average salary)¹¹ and PWC (tax rate), authors' estimations

1.3 THE LABOUR MIGRATION REGULATORY FRAMEWORK

Labour migration to the EU from Ukraine is regulated by various legal frameworks, including those operational within the Ukrainian territory, in the particular EU member state, and at the EU level. The key legislative documents are listed below.

UKRAINE

Law on External Labour Migration and Strategy of the State Migration Policy¹²

These pieces of legislation cover a wide range of issues: governmental, social and legal protection of labour migrants and their family members; cooperation with those governmental agencies and NGOs dealing with external migration; limiting illegal migration; creating conditions for reintegration of labour migrants into Ukrainian society; carrying out informational campaigns, data collection, etc. The Ministry for the Development of the Economy, Trade and Agriculture officially oversees issues related to external migration.

EU MEMBER STATES

Work Permit Rules, Labour Laws and Social Protection Laws

Migration, labour and social protection issues are governed mainly by the individual EU member state. The corresponding laws vary significantly across the 27 EU member states, with some more complex and cumbersome than others. Poland, Czechia and Hungary give certain third-country nationals, including Ukrainians, the most simplified access to their labour markets. For example, Poland and Hungary allow Ukrainians nationals to use EU visa waiver rules to seek employment on the spot and subsequently apply for a work visa inside the country, should their stay exceed 90 days. In Czechia, a specialised programme launched in 2016, "Project Ukraine", aims to attract Ukrainian labour migrants via a quota system.

Other EU member states employ a more stringent approach to hiring workers from abroad. Sweden, for example, requires a set of checks by the Swedish Migration Agency and institutions such as the Swedish Trade Union Confederation and the Swedish Municipal Workers' Union, for all types of employment. In the Netherlands, employers looking to import external workforce for seasonal work, for example, have to meet a wide set of criteria, while prospective seasonal workers are required to undergo a tuberculosis test.

The extent of labour and social protection laws is also a factor explaining the various national approaches to external labour. The levels of social protection, for instance, in countries like Sweden or Denmark, both in terms of financial expenditure and job preservation, is significantly higher than those seen in Poland or Hungary.

EU LAWS AND DIRECTIVES

*Treaty on the Functioning of the European Union and Charter of Fundamental Rights*¹³

In these key sources of primary law, two articles are relevant for third-country nationals. Article 79 of the Treaty states the need to develop a common immigration policy and develop the rights of third-country nationals residing in the EU, while Articles 151-153 lay out the basic principles of fair employment, complementing Articles 27-38 of the Charter (Title IV: Solidarity).

Single Permit Directive

This is a relatively new piece of legislation that provides for a single application procedure for third-country nationals to reside and work in EU Member States and a common set of rights for legally residing workers. The document indicates a set of rights granting third-country workers equal treatment with national workers. It also mandates a single application procedure for issuing a single permit for third-country nationals to reside for the purpose of work in the territory of an EU member state.

Seasonal Workers Directive

This Directive on the conditions of entry and stay for third-country nationals for the purpose of employment as seasonal workers is applicable to those third-country nationals who come to work in the EU for a limited period of time during a certain season, for either less than or more than 90 days. It lays out the basic rules for employing third-country nationals, and the basic protection of their rights (remuneration, accommodation, etc). In response to the COVID-19 outbreak, in the summer of 2020 the European Commission produced guidelines that call on national authorities to provide seasonal workers, both EU and non-EU nationals, with greater protection and boost cooperation among EU member states, social partners, the European Agency for Safety and Health at Work and the European Labour Authority.

Posted Workers Directive

This Directive on the posting of workers in the framework of the provision of services allows one EU member state to post workers to another EU member state for a limited period of time, using the A1 Certificate, an official document recognised throughout the European Union. This certificate is submitted to the relevant authority in the EU member state posting the worker.

If the worker is a third-country national, they must fill out a "Information about the Third National Legality of Living" form and provide supporting documents, such as proof of valid stay and tax residence.¹⁴ The same set of conditions applies to the so-called 'Van der Elst visa', another legal pathway to working in an EU member state without an actual work permit.¹⁵

Legal Requirements for Receiving an A1 Certificate in Poland

- ▶ Possession of a long-term EU residence permit, a permanent residence permit, or a temporary residence or work permit.
- ▶ Possession of a Schengen or national visa that was issued on the grounds of:
 - work that does not 1) exceed 6 months within any 12-month period, based on the statement on entrusting work to a foreigner entered in the register;
 - performing 2) work for a period not exceeding 9 months in a calendar year; or
 - performing work other than that specified in either 1) or 2)

1.4 NEW DESTINATIONS FOR UKRAINIAN LABOUR MIGRANTS

Although Poland remains the top destination for Ukrainian labour migrants to the EU, there is mounting evidence that more Ukrainians are choosing other member states as their destination.¹⁶ This increasing tendency may be explained by worker dissatisfaction with the Polish labour market “in terms of stability and security”,¹⁷ and the working and living conditions available in that country.¹⁸

One of the primary new destinations is Germany, which relaxed its work permit rules in 2020. For the past number of years,¹⁹ the number of Ukrainian nationals receiving work permits for Germany has been on the rise, with the country featuring in the top 10 countries issuing work permits to Ukrainian nationals during the period 2014-2019 (Figure 2).

Germany’s Skilled Immigration Act introduced in 2020 is likely to attract even more Ukrainian workers, not least because of the high levels of income seen in the country. The average gross salary in Germany now amounts to EUR 3,994 a month,²⁰ compared to EUR 1,000 in Poland.²¹ Besides this economic pull factor stands Germany’s efforts to actively attract a wide array of workers, including highly qualified workers. The government-funded website [Make-it-in-Germany.com](https://www.make-it-in-germany.com) lists vacancies in social sciences, arts, linguistics, engineering, programming, to name a few areas. These career opportunities may prove highly attractive to Ukrainian labour migrants currently engaged in the Polish labour market, 77% of whom occupy positions below their qualification level.²²

Despite police in Germany reporting in September 2020 an increase in the number of Ukrainian labour migrants arriving,²³ it is too early to speak of an exodus of labour migrants to that country. After all, the Skilled Immigration Act only recently came into force, at a time when COVID-19 is still impeding free movement.

2. CHALLENGES

2.1 PRECARIOUS WORKING CONDITIONS

Many Ukrainian labour migrants employed in the EU take low-paid, menial jobs that are often unsafe and considered precarious. Usually, these types of jobs entail poor working and living conditions, a lack of upward mobility via promotion, and risks in the workplace and place of residence, as well as uncertainty in terms of duration of employment, social protection, salary and benefits.

A recent study confirmed that a great number of Ukrainian labour migrants in Poland face these challenges,²⁴ lacking access to local labour law and regulation, often due to the language barrier.²⁵ A further study has found that Ukrainian labour migrants are often subjected to substandard working and living conditions not just in Poland, but also in Italy and the Netherlands. The data collected for this report confirms these findings.²⁶

Other instances of precarious work are linked to an opaque chain of predatory intermediaries operating both within Ukraine and the EU.²⁷ Because of recruitment activities carried out with the intent of profiting from worker exploitation, Ukrainian nationals can find themselves applying for non-existent jobs and falling into debt bondage, i.e. owing money to intermediaries who may seize the worker's personal documents and inflict abuse. Investigations have shown that some agencies that issue declarations of intent to employ foreign workers as mere fallacies, which in reality do not exist.²⁸ Given that regular labour migrants face such challenges, migrants working irregularly are likely to face an even higher level of precariousness.

2.2 CIRCUMVENTION OF EU WORK PERMIT RULES

The number of Ukrainian posted workers to the EU has been growing. While there are no exact estimates due to the lack of reliable data on the posting mechanism,²⁹ multiple authorities in the area have emphasised a high number of attempts to circumvent EU member state work permit rules by using the Posted Workers Directive.

Ukrainian labour migrants are primarily being posted from Poland, to: Czechia, Sweden, Finland and Estonia, all of which have stringent employment procedures concerning the employment of third-country nationals and, as a rule, higher taxes, especially in Sweden and Finland.³⁰ To save time and cut costs by avoiding inspections and complex ways of hiring migrants,³¹ certain employers resort to posting workers, with or without an A1 Certificate. This practice has been flagged by both the Swedish police and the media on multiple occasions. Ukrainian labour migrants have been stopped in the Swedish ports of Karlskrona and Trelleborg³² and found illegally working at a local rubber factory following a concerted labour inspection.³³ At the current time, there are no official estimates of the number of undocumented Ukrainian workers in Sweden.³⁴

In Finland, Estonia, and Czechia,³⁵ Ukrainian posted workers navigate difficulties and precariousness beyond those faced by intra-EU posted workers.³⁶ Ukrainian nationals may be forced to cope with being deprived of access to social security, not receiving wages, or a lack of occupational safety.³⁷ Even in cases where the attractive salaries promised by intermediaries exist, some posted workers end up without any funds or social protection, as their recruitment agencies pay neither tax nor social contributions.

Reporting the data for 2019, the Head of the Human Trafficking Counselling Service at the Estonian Social Insurance Board indicated that cases relating to Ukrainian, Moldovan or Belarusian nationals made up the majority of the 600 calls received by the agency.³⁸ To tackle these challenges, the Estonian Labour Inspectorate, the authority implementing the Posting of Workers Directive and the Enforcement Directive, has concluded cooperation agreements with Finland, Latvia, Lithuania and Poland.³⁹

Unscrupulous intermediaries

Ukrainian posted workers often end up in such disturbing circumstances not least because unscrupulous intermediaries do not fully inform these migrants about the particular dynamics of the EU labour market, the applicable work permit rules, and other requirements related to the posting procedure. Some of the Ukrainian workers posted elsewhere do realise that the practice is somewhat of a grey area of EU law, let alone those migrants who lack the A1 Certificate, describing the practice as 'illegal'⁴⁰ or 'semi-legal'.⁴¹

Others are uninformed as to EU posting rules, the A1 Certificate, and indeed the overall concept of posting, according to data collected for this report.⁴²

This lack of practical guidelines and rules regarding posting for third-country nationals alongside a dedicated database of jobs in the EU and the continuing activities of unscrupulous intermediaries represent serious issues for both institutional stakeholders and the Ukrainian migrants bearing their brunt. A Ukrainian national seeking employment in Germany or Sweden with a Polish permit can do so by using search engines on the internet. The query “work in Sweden/Germany with a Polish permit” will typically generate multiple ads, where recruitment agencies offer the possibility to work in Sweden, Germany or Finland on an A1 Certificate you will purportedly receive within 10 days of arriving in Poland.

Finally, by posting Ukrainian workers to countries with higher taxation rates and better social protection, employers deepen the problem of tax circumvention and social dumping. This means that the EU member states that constitute the primary destinations for posted workers lose out on a substantial amount of tax revenue, which Ukrainian workers pay in high volume (Figure 4).

2.3 INCREASING COMPETITION AND XENOPHOBIC SENTIMENT

As a result of the 2016 Brexit vote, intra-EU labour migration patterns have changed. Nationals of EU-8⁴³ countries, foremost the Poles, have returned home or moved on to other countries such as Germany or Sweden. In 2019, the Swedish Work Environment Authority⁴⁴ recorded the highest influx of temporary foreign workers since 2013; about four out of ten construction workers, approximately 46,400 persons, arrived from Poland – with Lithuania and Latvia sending 7,000 workers each.

The fact that EU-8 nationals and Ukrainian labour migrants tend to choose the same destinations for all employment durations (Figure 2) suggests that competition for jobs, both menial and qualified, is likely to increase. This is especially likely in the case of Germany looking to attract more external workforce and offering to provide subsidised language training in country. Competition of this kind could nurture xenophobic sentiment towards third-country nationals already present in EU member states, with Ukrainian labour migrants among those targeted. Compared to 2013, the level of sympathy towards Ukrainians among Poles, for example, has decreased by 20%.⁴⁵ Indeed, 2019 saw a staggering increase in the number of xenophobic attacks against Ukrainians in Poland, from 30 to 1,906.⁴⁶ In Hungary and, most recently, Romania, the situation is also worsening in this regard, with instances of xenophobia towards third-country nationals reported.

2.4 COVID-19 IMPLICATIONS

The outbreak of the COVID-19 pandemic has exacerbated the problems facing many Ukrainian labour migrants in the EU. In particular, the pandemic has exposed the danger that health crises pose to those living in shared, often cramped accommodation and working in hazardous environments. In June 2020, the German authorities introduced a regional lockdown in Gütersloh after 1,500 of the 7,000 employees at a slaughterhouse facility employing workers from eastern Europe tested positive for coronavirus.⁴⁷

The ongoing crisis has also shown how uncoordinated EU member states’ actions are in terms of intra-movement and migration policy. When the EU and its member states introduced restrictive measures aimed at curbing the spread of COVID-19, Ukrainian citizens were banned from entering the Schengen zone without valid cause (for example, being in possession of a permit to live, work or study in the Union). However, some EU member states such as Germany and Lithuania also refused entry to Ukrainian citizens with valid work permits and/or valid reason to work in an EU member state other than the issuing state.⁴⁸

Moreover, the outbreak has once again highlighted the poor condition of the land borders between Ukraine and the EU, most prominently the Ukraine-Poland border. In March 2020, long queues were observed at crossing points such as Shehyni, close to the Polish city of Przemyśl, with thousands of Ukrainian nationals, including labour migrants, lacking an adequate space in which to wait or access to basic hygiene facilities.⁴⁹

Finally, the pandemic has fuelled racism, hate speech and violence against minority groups, both in the EU⁵⁰ and Ukraine, where several instances of hate crime towards labour migrants returning from the EU have been recorded. The economic and societal fallout from the pandemic, as well as the ramifications for other spheres of life, are likely to only bring further cases of anti-migrant sentiment and crime.

3. CONCLUSIONS AND POLICY RECOMMENDATIONS

The outlined challenges faced by Ukrainian labour migrants in the EU pertain to three areas: human rights, labour rights, and security. Below we provide specific recommendations on how to tackle each of the areas, with the ultimate aim of alleviating the burden borne by migrant workers. Each recommendation is ranked using a Feasibility Score (FS) of one to three. **Feasibility Score 1** indicates that the recommendation would likely prove relatively easy to implement, and could be rapidly accomplished. **Feasibility Score 2** suggests that implementing the recommendation would demand a greater investment of time and human resources. **Feasibility Score 3** indicates that for the recommendation to be implemented and embedded as a norm in the migrant labour landscape, broad political consensus would first have to be achieved – and/or financial or other major input secured.

The majority of the recommendations would, at least in theory, be relatively easy and inexpensive to implement. If ignored, however, even issues that could at this point be addressed with minimal cost may ultimately force both the EU member states and Ukraine to deal with more serious issues further down the line. Among these long-term implications stand potential human rights abuse, illicit labour trafficking, tax avoidance and xenophobic sentiment; none of which are beneficial to either the Union or the Ukrainian labour migrants working within its borders.

CREATE PRACTICAL GUIDELINES FOR UKRAINIANS SEEKING EMPLOYMENT IN THE EU

It is pivotal for the EU and Ukraine to launch a multi-level communication campaign to inform both prospective job seekers in Ukraine and employers in the EU on the overarching design of the EU labour market and work permit rules. To date, no such comprehensive go-to source, e.g. a detailed guide that presents this vital information in a concise and practical manner, is available for Ukrainians seeking employment in the EU. Instead, scattered, often inaccurate, information is attained by the individual online and used as the basis for making a life decision. It is no surprise then that many Ukrainian nationals are unaware of their rights; as evidenced by cases such as that involving the so-called *'buono spesa'*, a special voucher for meals and other essentials issued in Italy.⁵¹

The guidelines should **provide detailed explanation, in the Ukrainian language, on the work permit rules and labour law provisions of specific EU member states**, as well as the relevant provisions at EU level. However, the guide will only be able to make a positive impact if its distribution channels have been well thought through and it does ultimately reach the target audience (in a timely fashion). One method of ensuring better outreach would be to place in public areas posters containing QR codes, providing the information digitally, and particularly targeting border crossing points (BCPs) and airports. This option would also help with gauging the impact of outreach information and thus assessing the distribution rates achieved.

LAUNCH A SPECIALISED ANONYMOUS HOTLINE SERVICES IN EU MEMBER STATES AND PROVIDE SUPPORT TO HUMAN RIGHTS ORGANISATIONS

To help reduce the prevalence of human rights abuse and trafficking involving Ukrainian labour migrants, EU member states labour authorities and social insurance agencies should create specialised hotline services for third-country migrant workers facing trouble in the EU. Many migrants hesitate to contact the competent authorities (e.g. police or embassies), especially when working irregularly. These hotline services could be made available through various social media outlets (e.g. Facebook, Telegram, WhatsApp).

To further ensure that Ukrainian labour migrants are not subjected to xenophobic attacks or other types of maltreatment, **the Ukrainian authorities should engage in regular exchange with representatives from EU-8 countries on issues negatively affecting Ukrainian migrant workers** hosted in these countries. This should be done at both local and national level. The respective migration patterns should also be closely monitored to allow the pre-empting of potential conflicts between Ukrainian labour migrants and EU-8 nationals.

ESTABLISH AN ONLINE DATABASE OF EU JOB VACANCIES FOR NON-EU NATIONALS

To diminish the role of unscrupulous intermediaries, the European Commission should establish a dedicated **database of job vacancies in all 27 EU member states for non-EU nationals, similar to the EURES**

job mobility portal in place. The recent launch of the [Make-it-in-Germany.com](https://www.make-it-in-germany.com) website could serve as a model for the new portal; it could also be created as a special sub-section of EURES to avoid spending funds on a new platform. Such a database should contain vacancy announcements posted directly by the employers, and cover a wide array of fields, especially agriculture and transport, where Ukrainian nationals are usually employed.

To register in the database, employers would provide their tax details, business licence, address and other key details, all of which should be subsequently screened by a dedicated staff, possibly a unit of EURES. Once approved, the employer would be authorised to post job vacancies regularly and have their requests for workers fast tracked. Migrant workers would have access to the employer's profile and job post record, allowing them to inform themselves about their prospective employer.

To ensure that third-country nationals use it, the portal has to be available in their native languages, including Ukrainian and Russian. The version available in the latter will also make the proposed database available to other nationals from the former USSR countries.

At the same time, it is worth to keep in mind that the creation of a database, which effectively establishes a direct link between an employer and worker, might undermine the *raison d'être* of intermediaries with a proven record of legal compliance in both the EU and outside of it. It is therefore important that the European Commission considers the interests of these actors and seeks beneficial forms of cooperation with companies (Lundi, the talent acquisition marketplace, is one of the many examples of these) that operate in the field.

CARRY OUT REGULAR AND CONCERTED LABOUR INSPECTION

It is vital that the labour authorities of the EU and those of its member states carry out regular inspection of work and accommodation facilities hosting labour migrants; for example, slaughterhouses and agricultural sites. As underlined by the labour inspections in the German town of Gütersloh, strict adherence to routine inspection can reduce the overall human and financial cost of permitting substandard facilities to operate unchecked, doubly so in times of health crises such as the COVID-19 pandemic.

Institutions such as the European Labour Authority should join forces with EU member state actors and the European Platform organisation in Ukraine as soon as possible, pooling their efforts to tackle undeclared work and help protect those Ukrainian and other third-country nationals forced to endure substandard conditions. Regulatory frameworks like the European Agenda on Migration or the Action Plan on the Integration of Third Country Nationals provide readymade sources for successfully achieving this aim.

FACILITATE BORDER CROSSING BETWEEN UKRAINE AND THE EU

Since the number of Ukrainian labour migrants is expected to remain high in the years to come, it is important that Ukraine and Poland further facilitate border crossing. At present, the various border crossing points, which form some of the main gateways between Ukraine and the EU, all lack the infrastructure necessary for processing high volumes of travellers. This puts immense strain on border guards as they attempt to ensure border security while respecting the basic rights of travellers, especially in times of (health) crises, and dealing with congestion.

Rectifying this situation requires that local stakeholders on both sides of the border identify a set of concrete steps to facilitate border crossing. For example, the introduction of additional pedestrian crossing points and the improvement of roads at BCPs like Rava-Rus'ka represent practical actions that can be best achieved through inter-agency cooperation. The recent approval of a loan agreement between Poland and Ukraine bodes well for the rapid achievement of durable solutions in this area, as the corresponding regulatory framework is already in place.⁵²

At the same time, it is critical that the European Commission starts negotiations with the Slovak, Hungarian and Ukrainian government on joint border controls, the launch of which is impeded by the incompatibility of the Constitution of Ukraine and the Schengen Border Code. A compromise is necessary as joint controls would make the border crossing more efficient and secure.

To ensure seamless border crossing with minimal human contact, **the EU and Ukraine should also discuss the use of cutting edge technological means at their shared borders.** While the European Travel Information and Authorisation System (ETIAS) applicable to third-country nationals is expected to make

the border crossing process more efficient, further embracing of new technologies would produce tangible results in this area. The introduction of digital identity blockchain-based solutions, such as Known Digital Travel Identity tested by airlines Air Canada⁵³ and KLM, and the Digital ID Program by Delta and Transportation Security Administration in the US, stand out in this regard. To explore the potential of such solutions and develop pilot projects, the EU could incentivise its dedicated agency, the EU Blockchain Observatory & Forum, to cooperate with the representatives of the highly robust Ukrainian IT community.

CRACK DOWN ON UNSCRUPULOUS INTERMEDIARIES

Both the findings of the previous research produced by agencies working with labour migration issues and academics and the data collected for this report show that predatory intermediaries play a major role in jeopardising the safety of Ukrainian labour migrants in the EU. Therefore, **greater effort should be made to investigate the links between different actors, both within Ukraine and in the EU, who lure Ukrainian labour migrants into taking high-risk or non-existent jobs.**

The circumstances prevailing on the ground require action involving greater cooperation between the state authorities in Ukraine and those in the EU member states and Brussels. Key agencies like Europol should be engaged in the fight against such intermediaries, as there is reason to believe, based on the Estonian experience described above, that some of these agencies might also be involved in other types of illicit activities, such as human trafficking. Regular, targeted investigations and a dedicated database of agencies that offer precarious or non-existent jobs to Ukrainian labour migrants should also be launched.

ENHANCE EU-LEVEL DIALOGUE ON WORK PERMIT RELAXATION AND HARMONISATION

A more ambitious and demanding way of tackling the challenges related to current work permit policy would be to launch EU-level discussions on harmonising the permit rules across each EU member state, which would in fact be in line with the 2011 Directive on a single permit for residence by third-country nationals and a common set of rights.

As described above, the posting of workers within the EU allows circumventing of EU members state work permit rules and tax obligations. To discourage Ukrainian nationals from seeking employment in other EU member states via Poland, **member states must work out simplified and uniform work permit rules and embed a faster application procedure** – in Ukraine directly. Although this recommendation is a challenging one as EU member states oversee their migration policies, it is important to view the problem through the lens of human contributions and rights.

Finland, Sweden and Denmark should especially heed these matters as these states are estimated to have derived great benefit from Ukrainian workforce tax contribution during the period 2014–2019 (Figure 4), yet would stand to benefit even further should simplified rules be put in place; with posted workers currently working in these states, both legally and illegally, turned into regular workers. The societal benefit of this action also speaks of its worth, alleviating the plight of these Ukrainian workers posted to Sweden and Finland.

Czechia is another EU member state for which it would make sound economic sense to deploy resources to this end. Even though the country has simplified the work permit issuance for Ukrainian nationals over the years, the process remains too cumbersome for Czech employers⁵⁴ who thus often prefer to simply employ Ukrainian workers through the posting system.

REFERENCES

1. Dubenko, L. (2020). "Ukraine needs a whole new approach to labour migration", UkraineAlert, Atlantic Council, 4 June, <https://www.atlanticcouncil.org/blogs/ukrainealert/ukraine-needs-a-whole-new-approach-to-labor-migration/>.
2. For the period March – May 2020, the number of entries to the country exceeded the number of departures by 450,000. For June and July 2020, departures exceeded returns by 35,000 and 117,000 respectively.
3. Ministry of Social Policy of Ukraine (2018). "For the mass media: the estimate of 12 million Ukrainian labour migrants working abroad is wrong", 12 December, <https://www.msp.gov.ua/news/16528.html>.
4. Eurostat (2020). Asylum and Managed Migration Database. <https://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>.
5. Libanova, E. (2019). "Labour migration from Ukraine: Key features, drivers and impact", Economics and Sociology, 12(1), 313-328, https://www.economics-sociology.eu/files/19_673_Libanova.pdf
6. Kósa, D. (2016). *Ukrainian migration in Hungary*, Foundation of Subjective Values, <https://www.szubjektiv.org/wp-content/uploads/2016/02/migration-report-1.pdf>.
7. Frontex (2020), *Risk Analysis for 2020*, March 2020, https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Annual_Risk_Analysis_2020.pdf.
8. Minich, Ruslan, Kravchuk, Pavlo. (2020). *The Impact of COVID-19 on Ukrainian Labour Migrants in Czechia, Hungary, Poland and Italy*, Prague Process, Policy Brief, April 2020, <https://www.pragueprocess.eu/en/migration-observatory/publications/document?id=212>.
9. Growiec, J., Strzelecki, P. and R. Wyszzyński (2020). *The contribution of immigration from Ukraine to economic growth in Poland*, NBP, NBP Working Paper No. 322, https://www.nbp.pl/publikacje/materialy_i_studia/322_en.pdf.
10. The calculations were performed using the following formula: Number of Permits per group x Average Wage in each country (data from OECD) x Tax Rate per month (data from PWC, crosschecked with other sources). The tax rates were adjusted for each type of permit as the structure of the tax systems employed across EU member states vary greatly. The tax rules for residents and non-residents were also factored in. The results generated using the formula were subsequently adjusted according to permit type, as a person travelling to work for 3-5 months is unlikely to earn the local average wage. Accordingly, the tax contribution of the 3-5 months permit group was reduced by 60%, the 6-month group by 30%, and the 11-month group by 10%, with the group covering permits issued for 12 months or longer being left intact. Please note that these reductions were made based on analysis of publicly available vacancy announcements and the indicated remuneration. Since it is impossible to know the exact wage for each group, the values have been deliberately lowered.
11. OECD Database. Average Wages, <https://data.oecd.org/earnwage/average-wages.htm>
12. Government of Ukraine (2015). Law on External Labour Migration and Strategy of the State Migration Policy, with edits as of 05.12.2019, <https://zakon.rada.gov.ua/laws/show/761-19#Text>
13. EU(2016), Treaty on the Functioning of the European Union and Charter of Fundamental Rights, Consolidated version as of 01.03.2020, https://eur-lex.europa.eu/eli/treaty/tfeu_2016/oj and EU (2012), Charter of Fundamental Rights of the European Union, https://eur-lex.europa.eu/eli/treaty/char_2012/oj
14. Polish Social Security Agency (2020). *How to Obtain an A1 Certificate. A guide*, <https://www.zus.pl/documents/10182/167567/Jak+otrzymać+C4%87+za%C5%9Bwiadczenie+A1.pdf/3d18b0bf-3f4c-41bf-a9d7-72317ea3f733>;
- Polish Social Security Agency (2020). *A1 Certificate*, <https://www.zus.pl/-/zaswiadczenie-a1>.
15. German Embassy in Poland (2019). *Visa for third-country nationals for temporarily rendering services in Germany ("Vander Elst"-Visa)*, August 2019, <https://polen.diplo.de/blob/488744/87b4e90213377d08de2da24d87f1b7ec/vanderelst-eng-data.pdf>.
16. Zymnin, A. (2019). "A Ukrainian Employee: Between Poland and Germany", EWL, 17 June 2019, <https://ewl.com.pl/raport-ewl-s-a-pracownik-z-ukrainy-miedzy-polska-a-niemcami-pdf/>.
17. Filipek, K. and D. Polkowska (2019). "The Latent Precariousness of Migrant Workers: A Study of Ukrainians Legally Employed in Poland", *Journal of International Migration and Integration*, 21, 205-220, <https://link.springer.com/article/10.1007/s12134-019-00708-6>.
18. Foreign Personnel Service (2019). *The Social Profile of a Ukrainian Labour Migrant*, Research Project, <https://www.pol-ukr.com/wp-content/uploads/PUIG-PIZ-Raport-2019.pdf>.
19. German Labour Authority (2019). Labour market for foreigners, monthly numbers.
20. Rudnicka, J. (2020). "Statistics on the average income", Statista, <https://de.statista.com/themen/293/durchschnittseinkommen/>.

21. Statistics Poland (2020). Average monthly gross wage and salary in national economy 1950-2017, <https://stat.gov.pl/en/topics/labour-market/working-employed-wages-and-salaries-cost-of-labour/average-monthly-gross-wage-and-salary-in-national-economy-1950-2017,2,1.html>.
22. Foreign Personnel Service (2019). *The Social Profile of a Ukrainian Labour Migrant*, Research Project, <https://www.pol-ukr.com/wp-content/uploads/PUIG-PIZ-Raport-2019.pdf>; Interviewee 2 is a historian and an editor with more than 15 years' work experience.
23. Keim, K. (2020). "More Migrants from the East following Corona Easing", *Bild*, 7 September 2020, <https://www.bild.de/bild-plus/regional/muenchen/muenchen-aktuell/mehr-ost-migranten-wegen-corona-lockerungen-72768330,view=conversionToLogin.bild.html>.
24. Filipek, K. and D. Polkowska (2019). "The Latent Precariousness of Migrant Workers: A Study of Ukrainians Legally Employed in Poland", *Journal of International Migration and Integration*, 21, 205-220, <https://link.springer.com/article/10.1007/s12134-019-00708-6>.
25. Minich, R. and P. Kravchuk (2020). *The Impact of COVID-19 on Ukrainian Labour Migrants in Czechia, Hungary, Poland and Italy*, Prague Process, Policy Brief, April 2020, <https://www.pragueprocess.eu/en/migration-observatory/publications/document?id=212>.
26. In June 2020, a former Ukrainian labour migrant confirmed in an interview that he was forced to share a room with five other workers from Moldova and Ukraine. In September 2020, another Ukrainian currently working in Poland reported abandoning her job at a slaughterhouse due to 'horrendous' working and living conditions.
27. European Union Fundamental Rights Agency (2019). *Protecting migrant workers from exploitation in the EU: workers' perspectives*, <https://fra.europa.eu/en/publication/2019/protecting-migrant-workers-exploitation-eu-workers-perspectives>.
28. Ibid.
29. Surdykowska, B. and D. Owczarek (2018). *Posted workers regulations as a cohesion test in the enlarged European Union: divergent interests of trade unions, employers' organisations and governments*, Friedrich-Ebert-Stiftung, December 2018, <https://library.fes.de/pdf-files/bueros/bratislava/15393.pdf>.
30. Posted workers are exempt from paying taxes in the EU member state where they are posted, unless they work there for more than 183 days within a twelve-month period.
31. Kall, K., Brzozowska, A., Lillie, N., Matuszczyk, K. and J. Salamońska (2020). *Regional Case Study. From Ukraine to Finland and Estonia via Poland: Migration and posting of third country nationals*. Con3Post, Work package 4, June 2020, https://www.researchgate.net/publication/342702424_Regional_Case_Study_From_Ukraine_to_Finland_and_Estonia_via_Poland_Migration_and_posting_of_third_country_nationals.
32. Bengtsson, C. (2019). "Ukrainian berry pickers stopped in Karlskrona and sent home", SVT, 28 June 2020, <https://www.svt.se/nyheter/lokalt/blekinge/18-personer-fran-ukraina-avisades-fran-karlskrona>.
33. Mattisson, O. (2018). "Ukrainians without work permits worked at a rubber factory", Sveriges Radio P4 Jönköping, 29 April 2018, <https://sverigesradio.se/sida/artikel.aspx?programid=91&artikel=6943142>.
34. Email response from the Swedish Migration Board following a request from the authors, June 2020.
35. Trčka, M., Moskvina, Y., Leontiyeva, Y., Lupták, M. and L. Jirka (2018). *Employment of Ukrainian Workers with Polish Visas in the Czech Republic: From the Main Patterns of Labour Exploitation towards Points of Intervention*, Multicultural Center Prague, https://www.solidar.org/system/downloads/attachments/000/000/841/original/Employment_of_Ukrainian_Workers_through_Polish_visas.pdf?1542195590.
36. Kall, K., Brzozowska, A., Lillie, N., Matuszczyk, K., and J Salamońska (2020). *Regional Case Study. From Ukraine to Finland and Estonia via Poland: Migration and posting of third country nationals*. Con3Post, Work package 4, June 2020, https://www.researchgate.net/publication/342702424_Regional_Case_Study_From_Ukraine_to_Finland_and_Estonia_via_Poland_Migration_and_posting_of_third_country_nationals.
37. Andreyev, V., Klymenko, K., and O. Borysov (2018). *The Impact of Ukrainian Labour Migration on Labour Markets in Ukraine and the EU (a Case Study of Construction Workers)*, EU-Ukraine Civil Society Platform, <https://www.civic-synergy.org.ua/wp-content/uploads/2018/04/The-impact-of-Ukrainian-labour-migration-on-labour-markets-in-Ukraine-and-the-EU-a-Case-Study-of-Construction-Workers.pdf>.
38. Roonema, H., Minkova, J., Oganov, O., Kuley, I. and M. Mets (2020). "Toiling in Europe's Grey Zone", OCCRP, Investigations, <https://www.occrp.org/en/investigations/toiling-in-europes-gray-zone>.
39. Kall, K. (2018). *Transnational Monitoring and Enforcement of Posted Work: The Case of Estonia*, Solidar, April 2018, https://www.academia.edu/37648339/Transnational_Monitoring_and_Enforcement_of_Posted_Work_The_Case_of_Estonia?auto=download.
40. A worker posted from Poland to the Czech Republic used the term "illegal"; see Trčka, M., Moskvina, Y., Leontiyeva, Y., Lupták, M. and L. Jirka (2018). *Employment of Ukrainian Workers with Polish Visas in the Czech Republic: From the Main Patterns of Labour Exploitation towards Points of Intervention*, Multicultural Center Prague, https://www.solidar.org/system/downloads/attachments/000/000/841/original/Employment_of_Ukrainian_Workers_through_Polish_visas.pdf?1542195590.

41. A worker posted on a Polish D visa to Estonia described the practice as “semi-legal”, adding that the promised pay was too enticing to refuse; see Roonema, H., Minkova, J., Oganov, O., Kuley, I. and M. Mets (2020). “Toiling in Europe’s Grey Zone”, OCCRP, Investigations, <https://www.occrp.org/en/investigations/toiling-in-europes-gray-zone>
42. Interviewee 4, who was promised a job in Germany on a Polish permit, said that even though she tried searching online to establish whether this is a legal method of employment, the information on the subject was scattered and inaccurate. In response to her question as to whether such employment could lead to deportation, the agency replied “Everyone can be deported, you just need to behave yourself”.
43. ‘EU-8’ refers to the eight continental European countries that entered the Union in May 2004: Czechia, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.
44. Swedish Work Environment Authority (2019). “A continued influx of foreign workforce, mostly from Poland”, Press Release, 14 February 2019, <https://www.av.se/press/fortsatt-okning-av-utlandsk-arbetskraft-framst-fran-polen/>.
45. Kulchytska, K. and R. Minich (Eds.) (2019). *Myths and Facts on Ukrainian Labour Migration to the Visegrad Group*, Europe without Barriers, https://europewb.org.ua/wp-content/uploads/2019/05/Giude-EN-fin.pdf?fbclid=IwAR12qyKOHn6QTbhtDKzqB6Gc_A6xxK--iCr-4be%20IGQna8eF0fOvquwoEW0U.
46. Denysova, L. (2019). Facebook Post, 24 September 2019, <https://www.facebook.com/denisoaombudsman/posts/2997174167021979>.
47. Karnitschnig, M. (2020). “German labour minister pledges to better protect migrant workers”, *POLITICO* 28 July, <https://www.politico.eu/article/german-labor-minister-hubertus-heil-pledges-to-better-protect-migrant-workers-coronavirus/>.
48. Interviewee 1, a representative of the Union of Building Workers of Ukraine, July 2020.
49. European Truth (2020). “Ukrainians Coming Back Home Form Long Queues at the Polish Border”, 27 March 2017, <https://www.eurointegration.com.ua/news/2020/03/27/7108069/>.
50. European Union Agency for Fundamental Rights (2020). *Coronavirus pandemic in the EU - Fundamental Rights Implications*, Bulletin #4, 1 – 30 June 2020, July 2020, <https://fra.europa.eu/en/publication/2020/covid19-rights-impact-july-1>.
51. Minich, R. and P. Kravchuk (2020). *The Impact of COVID-19 on Ukrainian Labour Migrants in Czechia, Hungary, Poland and Italy*, Prague Process, Policy Brief, April 2020, <https://www.pragueprocess.eu/en/migration-observatory/publications/document?id=212>.
52. Government of Ukraine (2015). Agreement between the Government of Ukraine and the Government of the Republic of Poland on granting a loan, envisioning related assistance, Document 616_196, Edition from 3 December 2018, https://zakon.rada.gov.ua/laws/show/616_196?fbclid=IwAR0u-SEeCUheNfQCzxpZwij6lkm6HOL-lfhl7QB92RHhitKrimHRiezhg-c#Text.
53. Dubenko, L. (2020). “Passports, Border and Privacy: Why Blockchain is about to Disrupt the Way We Travel”, Europe without Barriers, 20 January 2020, <https://english.europewb.org.ua/passports-border-and-privacy-why-blockchain-is-about-to-disrupt-the-way-we-travel/>.
54. Kulchytska, K. and R. Minich (Eds.) (2019). *Myths and Facts on Ukrainian Labour Migration to the Visegrad Group*, Europe without Barriers, https://europewb.org.ua/wp-content/uploads/2019/05/Giude-EN-fin.pdf?fbclid=IwAR12qyKOHn6QTbhtDKzqB6Gc_A6xxK--iCr-4be%20IGQna8eF0fOvquwoEW0U.

