



Policy Brief

Irregular Status in Migration Policy: Why It Matters in Ukraine Now

Authors: Iryna Sushko, Yevheniia Hryhorieva, Pavlo Kravchuk, Olha Kovalenko (Europe Without Barriers)



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Migration governance and irregularity risks in Ukraine

In March 2025 Europe Without Barriers, in partnership with the DignityFIRM project, organized an expert discussion on **migration governance and irregular status in Ukraine**. The event focused on migrants staying in Ukraine without legal residence, especially those who lost protection, failed to complete legalization, or are working informally.

The discussion brought together government officials, EU experts, and researchers to **explore the scale and implications of irregularity in Ukraine**. Participants highlighted **systemic legal and institutional gaps, such as the absence of legal pathways for those who lost employer support, legal uncertainty**

around forced labor, and weak state capacity to support vulnerable migrants.

These challenges increase the risk of exploitation and hinder Ukraine's ability to manage migration effectively during its path towards EU accession.

The full-scale war in Ukraine has **significantly increased the number of people in vulnerable situations**, including those who lose access to legal employment or social protection.

The disruption of administrative processes, internal displacement, and weakening oversight mechanisms **further contribute to the emergence and persistence of irregular status in Ukraine**.



Systemic gaps and institutional limitations

Challenges related to irregular status

The discussion revealed that under **large-scale migration and the temporary protection mechanism, the risk of losing formal status increases for many people, both migrants arriving in Ukraine and Ukrainian nationals in the EU.** Government officials, experts, and international partners highlighted several key challenges associated with the lack of effective mechanisms to prevent or address irregularity:

Limited pathways to (re)establish regular status. It was emphasized that in cases where, after arriving in Ukraine, a migrant cannot sign a contract due to changing circumstances, there is no “job search” permit or alternative form of temporary legal stay. Moreover, unlike some EU countries, Ukraine lacks flexible individual regularisation mechanisms. Currently, there are no legal pathways to obtain residence permits based on employment or education. This leaves migrants without viable options for legal integration when their circumstances change.

Only criminal liability for forced labour. Although forced labour is criminalized in

Ukrainian legislation, the Labour Code of Ukraine does not contain a clear definition of forced labor, which complicates the identification and documentation of such cases within the labour law framework. There is no administrative liability specifically established for forced labour, which limits the ability of authorities to respond promptly through non-judicial procedures.

Weak monitoring and informal labour matching increase risks. Participants emphasized that monitoring of abuses remains weak, and that labour demand and supply matching in the farm-to-fork (F2F) sector — particularly in agriculture, food production, and delivery services — largely happens informally, increasing the risks of irregular employment and labour exploitation.

Lack of institutional outreach capacity increases migrant vulnerability. Labour authorities and employment services lack sufficient instruments and outreach strategies to identify and assist migrants at risk of losing status, especially in informal or seasonal sectors. Moreover, Ukraine is

not yet a full participant in European programmes such as EURES, and participation in joint initiatives is limited. This complicates technical integration into the EU labour market.

Risks of undeclared work and exploitation. Lack of legal status increases the likelihood that migrants will be drawn into the shadow economy and creates preconditions for labour exploitation, especially in vulnerable sectors. In addition, the full-scale war has disrupted institutional operations and administrative procedures in Ukraine. Constant displacement, destruction of infrastructure, and overstretched social services limit the state's ability to identify and assist migrants at risk of irregularity. The war context also increases the number of people who lose access to legal employment or fall into informal work arrangements.

Why addressing irregular status matters for Ukraine

Participants emphasized that with growing migration flows, Ukraine is likely to face a **rise in the number of people remaining in**

the country with irregular status, either due to loss of formal grounds for legal residence or inability to meet the current legalization criteria. **Gaps in the legal and institutional framework** create risks of **losing control over labour migration**, increasing migrants' vulnerability, and **fueling informality in the labor market**. Participants agreed that without a coherent policy response, **the number of migrants in irregular situations is likely to grow**, which would both undermine the protection of human rights and **create systemic distortions in the functioning of the labour market**.

Irregularity, exploitation, and the missing protections



Figure 1. From Legal Entry to Exploitation Risks: How Irregular Status Emerges in Ukraine

This figure outlines how migrants can transition from a regular to an irregular situation due to gaps in Ukraine's migration system. Starting from legal entry, they may lose formal status if employment is not secured or is interrupted. The absence of flexible legal stay options and individual regularisation mechanisms leaves people without protection, increasing their vulnerability to labour exploitation and exclusion from the formal labour market.

Strategic priorities for addressing irregular migration in Ukraine

Policy Recommendations

The recommendations below address urgent issues in migration governance, labour protection, and institutional response in Ukraine. They are based on expert discussions. Measures are addressed to the Government of Ukraine, EU institutions, and international partners involved in supporting Ukraine's integration and institutional development.

1. Migration policy and legal status

Establish mechanisms for individual regularisation. Consider introducing permits based on employment or long-term residence in Ukraine for migrants who lack status.

Enable legal stay after loss of employer contact. Introduce a temporary residence permit for job search to ensure continuity of legal stay.

2. Labor rights and anti-exploitation measures

Amend labor legislation to define forced labour. Include the definition in the Labor Code and provide for administrative sanctions against employers.

Align with EU standards. Reference EU legal acts such as Directive 2024/1712 and Directive 2009/52/EC to harmonize national practices with EU norms.

3. Institutional and interagency capacity

Strengthen state capacity. Support training and hiring of staff in migration, labour inspection and employment services.

Improve coordination. Develop an interagency mechanism involving the Ministry of Economy, Ministry of Internal Affairs, Ministry of Social Policy, State Employment Service, State Migration Service, State Labour Service, and local authorities to respond effectively to irregular migration.

Towards inclusive and responsible migration policy

Conclusions

The exchange with stakeholders showed that the problem of irregular migrant status in Ukraine is already systemic, and ignoring it creates risks for both human rights and the functioning of the labour market. The lack of legalization instruments, legal gaps on forced labour, and limited administrative resources complicate the protection of migrants and reduce the state's ability to manage labour migration.

At the same time, Ukraine has already accumulated an understanding of the issue at the level of think tanks, relevant agencies, and international partners. This

creates the potential for developing an integrated policy that includes:

- **updating the legal framework;**
- **creating new statuses for legal stay;**
- **expanding access to social protection;**
- **preventing exploitation.**

Ukraine has an opportunity to adapt EU approaches to its context and implement mechanisms that reduce undeclared employment, protect vulnerable groups of migrants, and ensure transparency in labour relations.

Deliverable information

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About DignityFIRM

Towards becoming sustainable and resilient societies we must address the structural contradictions between our societies' exclusion of migrant workers and their substantive role in producing our food.

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