



Federal Office  
for Migration  
and Refugees



# The Application of the Temporary Protection Directive to Refugees from Ukraine in Germany

## Best Practices and Challenges

Study by the German National Contact Point for  
the European Migration Network (EMN)

EMN Germany Paper 1/2024

Philipp Heiermann / Kaan Atanisev



Research



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# The European Migration Network

The European Migration Network (EMN) was established in 2003 by the European Commission on behalf of the European Council in order to fulfil the need for a regular exchange of reliable information in the field of migration and asylum at European level. Since 2008, Council Decision 2008/381/EC has formed the permanent legal basis of the EMN. The EMN is made up of the national contact points in the Member States of the European Union (with the exception of Denmark) and observer states (Norway, Armenia, Georgia, Moldova, Montenegro, Serbia, Ukraine), the European Commission and the EMN Service Provider (ICF).

The EMN's task is to provide the European Union institutions, national institutions and authorities as well as the public with up-to-date, objective, reliable and comparable information on migration and asylum with a view to supporting policy in this area. The German National Contact Point is located at the Federal Office for Migration and Refugees (BAMF) in Nuremberg. One of the main tasks of the National Contact Point is the implementation of the annual EMN work programme. This includes producing the annual policy report 'Migration, Integration, Asylum', preparing up to four topic-specific studies, responding to ad hoc enquiries submitted to the network and providing information in various forums, e. g. by organising its own conferences and participating in conferences in Germany and abroad. In addition, the national contact points set up national networks of organisations, institutions and individuals active in the field of migration and asylum.

As a rule, no primary research is conducted as part of the EMN; instead, existing data and information is processed and analysed; only if necessary is this supple-

mented by independent data and information collection. National EMN studies are prepared according to standardised specifications in order to achieve comparable results within the network. In order to ensure comparability of terminology, a glossary has been compiled and is available on the national and international EMN websites.

Once the national studies have been completed, a comparative EMN study is produced, summarising the most important results of the individual national studies and thus providing a European overview. In addition, there are topic-specific information sheets (EMN-Informs), which present selected topics in a concise manner. The EMN Bulletin provides quarterly information on current developments in the EU and its member states. There is also the Return Expert Group (REG) working group, which deals with aspects of voluntary return, reintegration and repatriation.

All EMN publications are available on the website of the European Commission's Directorate-General for Migration and Home Affairs. The national studies of the German National Contact Point as well as the comparative EMN studies, informs and the glossary can also be found on the national website: [www.emn-deutschland.de](http://www.emn-deutschland.de).

**EMN**  
European Migration Network



# Summary

This study is Germany's contribution to the EMN study 'Application of the Temporary Protection: Challenges and Good Practices in 2023'. The aim of the national study is to gain insights into the application of Directive 2001/55/EC and its implementation in German law to identify best practices and challenges. The study will be conducted in all participating EU Member States and Norway according to common guidelines. The results of the national study will subsequently feed into a comparative EMN study, which will provide a pan-European overview of the implementation of the Temporary Protection Directive for refugees from Ukraine.

## **Arrival: Registration, Distribution and Issuing of a Residence Permit**

In addition to tried and tested practices, such as registration using so-called PIK stations, new measures such as the FREE distribution platform are also being used for the first time. The latter enables the personalised registration of refugees and improved distribution procedures, as integration-relevant aspects such as available housing and existing social ties can now also be taken into account. FREE has been described as a successful tool by all users.

## **Protection of Vulnerable Groups: Protection of Minors, Protection against Human Trafficking and Exploitation**

Many minors arrive unaccompanied by their parents as part of the flight from Ukraine. The majority are accompanied by adult carers, often relatives or foster families. The main challenge for the responsible government agencies is to clarify existing Ukrainian custody relationships and to recognise them under German law after examining them from the point of view of the best interests of the child.

There has not been a significant increase in the number of known cases of human trafficking. The actors involved at federal and state levels attribute this to the secure and easy-to-obtain legal status within the framework of temporary protection and the extensive awareness campaigns.

## **Mobility of Ukrainian Refugees**

The Temporary Protection Registration Platform (TPP) is used to ensure the freedom of movement of refugees and to prevent the abuse of benefits through double claiming. It was set up a few months after the Directive was activated. Nevertheless, there are still unclear areas due to gaps in data exchange between the authorities involved and the fact that only movements within the EU, but not to Ukraine or third countries, are recorded. In order to close gaps in the exchange of data between authorities, the German Federal Ministry of the Interior and Community has presented a draft law to improve the exchange of data between the benefits and immigration authorities.

## **Accommodation for and Housing Situation of Ukrainian Refugees**

In principle, Ukrainian refugees who receive a residence permit in accordance with Section 24 (1) of the Residence Act (AufenthG) are subject to a residence regulation in accordance with Section 12a AufenthG, which, depending on the federal state, may also involve specific allocations to a particular place of residence. However, there are exceptions for people who do not receive social benefits and are able to provide for their own accommodation. In these cases, free residence is possible.

Since the beginning of the war in February 2022 and the resulting admission of Ukrainian refugees, private accommodation for refugees has played a central role in the housing supply. This private commitment is supported by the state through the provision of housing exchanges and similar online platforms, which can serve as a central point of contact for private landlords and those seeking accommodation in Ukraine. Despite the current tight housing market, around 79 % of Ukrainian refugees are housed in private accommodation.

## **Labour Market Participation and Access to Social Benefits**

Persons entitled to protection from Ukraine have full access to the labour market. In addition, with the change in legal status from 1 June 2022, they are entitled to benefits under the Second and Twelfth Book

of the German Social Code (SGB II and SGB XII) if they are in need of assistance and do not receive benefits under the Asylum Seekers Benefits Act as before. In the summer of 2023, the employment rate of Ukrainian refugees was around 19 % compared to 14.6 % in 2022, which indicates increasing labour market integration. At the same time, many refugees are still attending integration courses; around 335,000 Ukrainians have taken part in a course since spring 2022. Measures such as the 'Turbo for labour market integration' action plan announced in October 2023 aim to integrate integration course graduates into the labour market more quickly.

### **Access to the Education System**

As of September 2023, there are over 210,000 Ukrainian pupils in German schools. Many federal states are relying on the established system of 'welcome and arrival classes'. In addition to integration into the regular school system in Germany, the integration of Ukrainian teachers and Ukrainian school materials is also being practised, as is online participation in Ukrainian remote learning. This ensures the further schooling of Ukrainian pupils in the event of a possible return to Ukraine. Access to the higher education system is made easier for refugee students from Ukraine. Ukrainian school graduates and students can take up university studies in Germany even if they do not have all the necessary educational qualifications.

### **Change to Other Residence Permits**

Despite the increasing participation in the labour market and the progressive integration of refugees from Ukraine, very few people have made the transition to other residence permits so far. As the Directive expires in March 2025, but there are currently no transitional or successor regulations in place, the question arises as to how such a transition should be organised. A transition should be organised at an early stage in order to remain predictable for all those involved. Even as the integration of refugees progresses, a significant share will still have difficulties in fulfilling the requirements for a residence permit, for example for employment purposes, by spring 2025.

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# 1 Introduction

The Russian war of aggression against Ukraine began on 24 February 2022 and triggered the largest refugee movement in Europe since the Second World War. The United Nations High Commissioner for Refugees (UNHCR) estimates that around 5,828,000 people found refuge within Europe (including the Russian Federation) and a further 369,000 outside Europe by September 2023.<sup>1</sup> Additionally, there are 5,088,000 people who have sought protection within Ukraine.<sup>2</sup> So far, around a third of the Ukrainian population has fled the fighting. In October 2023, the number of refugees registered in Germany was 1,105,208.<sup>3</sup> This makes Germany the country with the highest number of admissions from Ukraine within the European Union. According to Eurostat, Germany accounts for around 28 % of admissions, Poland for 24 % and the Czech Republic for 9 %.<sup>4</sup>

The 'Temporary Protection Directive' (2001/55/EC)<sup>5</sup> was adopted 2001. It was formulated primarily with a view to the experiences of the wars in the Western Balkans in the 1990s and the resulting refugee movements. The aim of the Directive is to provide collective protection in the event of an exceptional mass influx. This wording also explains why the Directive was primarily known as the Mass Influx Directive until 2022. The aim of the Directive is not least to relieve the burden on national asylum systems by eliminating the need for time-consuming individual decisions and guaranteeing minimum standards for access to social benefits, the healthcare system and the labour market. The Directive also provides for the possibility of distributing refugees within the EU.

The application of the Directive requires a unanimous decision by the European Council.<sup>6</sup>

On 4 March 2022, the European Council unanimously activated the 'Temporary Protection Directive' for the first time at the proposal of the European Commission. Subsequently, the application of the Directive was extended twice by one year each time, most recently by decision of the Home Affairs Ministers on 28 September 2023 until 4 March 2025.<sup>7</sup> By this time at the latest, another solution will have to be found for those affected if the war continues.

In German law, the Temporary Protection Directive is primarily implemented by Section 24 (1) of the Residence Act (AufenthG). Accordingly, persons entitled to protection receive a residence permit for the duration of the Directive.<sup>8</sup> It was fully transposed into national law in the course of 2022, particularly regarding the adjustments to social law and the requirements for data exchange between authorities. The Ukraine Residence Transitional Ordinance (UkraineAufenthÜV) of 7 March 2022<sup>9</sup> legalised the residence of refugees from Ukraine for a period of 90 days, including for the purpose of permanent residence. This ought to be highlighted here, as this ordinance gives them the opportunity to apply for protection in Germany on the basis of the Directive. Concomitantly, comprehensive information and counselling services were set up for refugees from Ukraine. Under the responsibility of the Federal Ministry of the Interior and Community (BMI) and the Federal Office for Migration and Refugees (BAMF), the German government set up a nationwide information and service portal for Ukrainian refugees - germany4ukraine.de.

1 See also: [https://data.unhcr.org/en/situations/ukraine\(06/05/2024\)](https://data.unhcr.org/en/situations/ukraine(06/05/2024)).

2 See also: [https://data2.unhcr.org/en/country/ukr\(06/05/2024\)](https://data2.unhcr.org/en/country/ukr(06/05/2024)).

3 As of 11 October 2023, source AZR.

4 See also: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Temporary\\_protection\\_for\\_persons\\_fleeing\\_Ukraine\\_-\\_monthly\\_statistics#Where\\_in\\_the\\_EU\\_did\\_people\\_fleeing\\_Ukraine\\_go.3F\(06/05/2024\)](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Temporary_protection_for_persons_fleeing_Ukraine_-_monthly_statistics#Where_in_the_EU_did_people_fleeing_Ukraine_go.3F(06/05/2024)).

5 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

6 See: [https://www.consilium.europa.eu/de/policies/eu-migration-policy/refugee-inflow-from-ukraine/#:~:text=Am%204.,und%20dem%20Kosovo%20gef%C3%BChrt%20hatten\(19/10/2023\)](https://www.consilium.europa.eu/de/policies/eu-migration-policy/refugee-inflow-from-ukraine/#:~:text=Am%204.,und%20dem%20Kosovo%20gef%C3%BChrt%20hatten(19/10/2023)).

7 See also: [https://www.consilium.europa.eu/de/meetings/jha/2023/09/28/\(06/05/2024\)](https://www.consilium.europa.eu/de/meetings/jha/2023/09/28/(06/05/2024)).

8 See section 2.3 below.

9 Ordinance on the temporary exemption from the requirement of a residence title for persons entering Ukraine on the occasion of the war (Ukraine Transitional Residence Ordinance), of 7 March 2022 (BAnz AT 08.03.2022 V1), last amended by Article 1 of the Ordinance of 24 May 2023 (Federal Law Gazette 2023 I No. 138). See [https://www.gesetze-im-internet.de/ukraineaufenth\\_v/BJNR606700022.html\(06/05/2024\)](https://www.gesetze-im-internet.de/ukraineaufenth_v/BJNR606700022.html(06/05/2024)).

In addition to the legal and administrative implementation of the Directive in Germany, this study analyses access to the rights granted under the Directive and sheds light on how state actors deal with the challenges of refugees from Ukraine.<sup>10</sup> The study is based on analyses of research reports, publicly available sources such as legal texts, federal printed materials and press articles, as well as written and oral interviews with administrative actors at federal, state, and municipal level. Ten of the requested federal states provided feedback (see table in the appendix). Furthermore, the information provided by the Federal Ministry of Labour and Social Affairs (BMAS), the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (BMFSFJ) and the BMI at the request of the BAMF Research Centre is also included in the study. This study constitutes the German contribution to the ongoing EMN study, in which the practices and experiences of the EMN member and observer states are analysed comparatively.

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10 The EMN has already shed light on these issues over the past two years with various ad hoc queries and information. These include the Informs 'Arrangements for accommodation and housing for beneficiaries of temporary protection', 'Secondary movements of beneficiaries of international protection' and 'Application of the Temporary Protection Directive for displaced persons'. All EMN products are available on the EMN website: [https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-publications\\_en](https://home-affairs.ec.europa.eu/networks/european-migration-network-emn/emn-publications_en); publications of the German National Contact Point are available at <https://www.bamf.de/EN/Themen/EMN/Publikationen/publikationen-node.html>.

# 2 Arrival: Registration, Distribution and Access to Residence Status

## 2.1 Visa Exemption

Ukrainian citizens have enjoyed visa-free travel to the EU since June 2017 for short stays of up to 90 days, provided they are in possession of a biometric passport.<sup>11</sup> The legal basis for this is the amendment to Regulation 539/2001, which removed Ukraine from Annex 1 of the Regulation (countries whose citizens require a visa) and added it to Annex 2 (countries whose citizens are exempt from the visa requirement).<sup>12</sup>

This makes it easier for all Ukrainian refugees to enter the European Union. Section 2 UkraineAufenthÜV also exempts Ukrainian nationals from the requirement of a residence permit for 90 days, even if they intend to stay permanently. War refugees are thereby given the opportunity and the time necessary to apply for a residence permit for permanent residence, e. g. in accordance with Section 24 (1) of the Residence Act as individuals entitled to protection under the Temporary Protection Directive. Without such an amendment, entry for the purpose of permanent residence would be unlawful under the visa-free regime and would lead to illegal residence unless the immigration authorities waive the visa requirement as part of a discretionary decision under Section 5 (2) sentence 2 AufenthG. The regulation has been repeatedly extended in its original form, most recently until the end of 2 June 2024.<sup>13</sup> Due to the extension of the duration of temporary protection on the basis of the Temporary Protection Directive until 2025, a corresponding follow-up regulation has also been drawn up (UkraineAufenthFGV), which regulates the continued validity of residence permits in accordance with Section 24 (1) AufenthG until 4 March 2025.

11 See also: <https://kiew.diplo.de/ua-de/service/05-VisaEinreise/visafreiheit/1254326> (06/05/2024).

12 Regulation (EU) 2017/850 of the European Parliament and of the Council of 17 May 2017 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Ukraine).

13 See in this regard: Federal Law Gazette I No. 138 of 31 May 2023.

## 2.2 Registration and Distribution via the FREE Application

The application for temporary protection also triggers a procedure for distributing the persons to the federal states in accordance with Section 24 (3) AufenthG. The BAMF is responsible for registration management and distribution in accordance with Section 91a AufenthG; the obligation to keep a register arises from Art. 11 of the Directive. For this purpose, the specialist application for registration management, recording and initial distribution for temporary protection (FREE) was introduced on 2 May 2022.<sup>14</sup>

Ukrainian refugees are only distributed via FREE in case they are in immediate need of accommodation and dependent on state benefits (see Chapter 7). The distribution procedure serves to equalise the burdens of the federal states. On the one hand, the FREE application uses the Königstein Key, which is also used for the initial distribution of asylum seekers.<sup>15</sup> On the other hand, it offers the possibility of considering aspects relevant to integration such as family ties. FREE is used at state level by the responsible immigration authorities and reception centres, while the BAMF provides the specialist IT application, hosts it and develops it further.<sup>16</sup> Section 91a para. 2 AufenthG regulates the scope of the data collected in the FREE register. Section 91a (3) AufenthG standardises a reporting obligation of the immigration authorities to the BAMF.

14 See also: <https://www.bamf.de/SharedDocs/Meldungen/DE/2022/22060x-am-free-bericht-behoerderspiegel.html> (06/05/2024).

15 This is a distribution formula that was originally introduced to determine the funding contributions of the individual federal states for joint research projects. It is now used for many issues relating to burden sharing between the federal states, such as the distribution of first-time asylum applicants. According to the Königstein Key, two thirds of the distribution is based on tax revenue and one third on the population size of the federal states. The key was last recalculated for 2019.

16 See also: <https://www.bamf.de/SharedDocs/Meldungen/DE/2022/22060x-am-free-bericht-behoerderspiegel.html> (06/05/2024).

Sentence 1 is pertinent here, as people from Ukraine can enter the country without a visa.

Ideally, data entry in FREE takes place after registration and recognition service treatment using a so-called PIK station. PIK stands for 'Personalisation Infrastructure Component'. The federal government provides and enables the recording of core personal data including a biometric passport photo and fingerprints. This data is stored in the Central Register of Foreigners (AZR).<sup>17</sup> The AZR data is entered into FREE via a technical interface and can be used to distribute protection seekers. It is also possible to enter data manually in FREE without prior PIK registration. However, this variant is more susceptible to incorrect entries and can potentially lead to problems with the identification of duplicates.

Federal authorities involved and some federal states regard FREE as a successful system that works well in regular operation. Particularly the consideration of personal and family circumstances as a distribution criterion was met with approval.<sup>18</sup> Some federal states

refer problems with the technical reliability of the registration process. Experts point out that poor connectivity to the local network in particular can lead to data transmission not always working on a registration date and new appointments having to be scheduled (responses from ST, TH, BW).

To obtain a residence permit, Ukrainian refugees must apply for temporary protection in person or online via the website [Germany4ukraine.de](https://www.germany4ukraine.de). As a rule, a fictional certificate is initially issued for the duration of the application processing in accordance with Section 81 (3) AufenthG. By the end of 2023, around 897,000 Ukrainian nationals had been issued a residence permit in accordance with Section 24 (1) AufenthG and 74,000 of them had been issued a fictional certificate (see Table 1). In order to render the arrival process more efficient, staff from the benefits department are present during registration in the federal state of Thuringia, for example. Refugees who remain in the federal state apply for temporary protection immediately upon registration and receive a fictional certificate for the duration of the application processing. At the same time, they register with social insurance and are given cheques to receive social benefits (response TH).

<sup>17</sup> See also: <https://www.bamf.de/EN/Themen/AsylFluechtlingsschutz/AblaufAsylverfahrens/AnkunftRegistrierung/ankunftregistrierung-node.html> (06/05/2024).

<sup>18</sup> Feedback from BMI, BAMF, TH, SL, BB.

**Table 1: Number of Refugees from Ukraine by Nationality and Residence Status**

			Anzahl
Ukrainian nationals	Arrived in Germany since 24 February 2022		1.094.555
	Of which	Section 24 AufenthG granted*	897.589
		Fictional certificate issued	74.753
		Application for Section 24 AufenthG filed	33.298
		Request for protection filed	52.875
		No application for protection and grant of title	36.040
			<b>Anzahl</b>
Non-Ukrainian nationals	Arrived in Germany since 24 February 2022		39.058
	Of which	Section 24 AufenthG granted*	27.463
		Fictional certificate issued	6.046
		Application for Section 24 AufenthG filed	702
		Request for protection filed	4.847
		No application for protection and grant of title	-

Source: AZR, as at 02/01/2024

\* Note: If persons have both submitted an application for protection or have already received a fictional certificate and have already received a residence permit under Section 24 AufenthG, they are only counted under the residence permits issued. Double counting is excluded. The same procedure applies to the lists below

Once a decision has been made on the application, a residence permit is issued in the form of an electronic residence permit (eAT) in accordance with Section 24 Para. 1 AufenthG. This electronic residence permit is issued as a plastic card with a chip on which personal data, biometric features and ancillary conditions, such as particular requirements, are stored. In addition, an online ID function enables the digital use of government services and commercial online services. As part of its application notes in March 2022, the BMI advised the federal states to issue residence permits with a duration until 4 March 2024 and retroactive to the date of entry, but no earlier than 4 March 2022 (BMI, 2022a, p. 9). In this letter, the BMI also recommended that eATs should be issued for a period of two years to reduce the administrative burden on the immigration authorities. An extension of the eATs or a new issue will apply until 4 March 2025 due to the maximum duration of temporary protection under the Directive. Any extension beyond this date would require an amendment to the Directive itself.

The relatively short duration of residence permits in accordance with Section 24 (1) AufenthG and the need to renew them due to the current Council decision lead to administrative challenges for the federal states. On 5 September 2022 the BMI gave the federal states the option of deciding to use residence permits in the form of adhesive labels based on their own assessment of the situation, to reduce the administrative burden. These labels are stuck onto the passport of the person concerned. Such use is permitted in exceptional cases in accordance with Section 78a AufenthG.

The federal state of Hamburg states that the renewal of over 31,000 residence permits issued in Hamburg can no longer be carried out using the usual procedure. When re-issuing eATs, two visits are required, namely for the renewed recording of biometric data and ordering from the Federal Print Service (Bundesdruckerei) and for issuing, where the eAT must be activated and checked. The federal state therefore plans to make use of the option granted by the BMI circular of 5 September 2022 to issue residence permits in label form in the event of a further extension (answer HH).

The German County Assembly (DLT) has expressed a similar view, describing the use of adhesive labels, especially when the Bundesdruckerei has delivery problems with the eAT, as good practice that significantly shortens processing times. However, this practice means that the advantages of the eAT, both for the holders of the residence permits (e. g. digital access to

certain administrative services) and for the authorities (forgery protection, protection against misuse), are forfeited (DLT response).

Overall, the renewal of residence permits for Ukrainian refugees is effortful for the federal states. The same effort is also likely to be required for any follow-up solution after the Directive expires. It would be particularly important to grant sufficient transitional periods here.

## 2.3 The Legal Residence Situation of Third-Country Nationals who have fled Ukraine

In addition to Ukrainian nationals, third-country nationals, i. e. individuals who are neither Ukrainian nationals nor nationals of an EU member state, can also receive protection under the Directive. All third-country nationals who were in Ukraine at the start of the war were initially given the opportunity under the transitional regulation to enter and stay in Germany to clarify whether they were entitled to protection under the Directive. A further stay in Germany was largely dependent on whether the person in question fell under the protection of the Directive or whether the requirements for another residence permit were met. In October 2023, there were almost 39,000 third-country nationals from Ukraine in Germany (see Table 1).

The question of the scope of protection for third-country nationals was partly left to the member states as part of the EU Council decision of 4 March 2022 to activate the Temporary Protection Directive.

Based on the Council's decision, the Directive also covers

- Stateless persons and third-country nationals who enjoyed international protection or equivalent protection of a national nature in Ukraine before 24 February 2022.
- Family members of Ukrainian nationals and the aforementioned group, even if they do not have Ukrainian citizenship. According to this, family members are spouses, unmarried partners living in a long-term relationship with a person entitled to

protection, underage children of the person entitled to protection or their partner, whether natural or adopted, as well as close relatives who are wholly or largely dependent on the person entitled to protection or the spouse/life partner and who were part of the family unit. A further requirement is that the family association already existed before the event that triggered the flight, i. e. 24 February 2022.

- Third-country nationals and stateless persons who can prove that they resided legally in Ukraine before 24 February 2022 on the basis of an indefinite residence permit issued under Ukrainian law and who are unable to return safely and permanently to their country or region of origin (BMI, 2022a, p. 5 et seq.)

Furthermore, according to Art. 2 No. 3 of the Council Decision, other groups can be included in the protection under the Directive. Germany has therefore also granted protection to third-country nationals who were legally residing in Ukraine on 24 February 2022, who cannot safely and permanently return to their country or region of origin and who were not only in Ukraine for a temporary short stay. This group primarily includes students and people who have stayed in Ukraine for the purpose of gainful employment, provided they were not only there for a short period of time. However, stateless persons and people who were in Ukraine for short-term visits (tourists, family visits, business trips, etc.) are not included.

The granting of protection for third-country nationals in accordance with Section 24 (1) AufenthG therefore depends on whether they have the option of returning to their country of origin. The decision on this is the responsibility of the immigration authorities. If the immigration authorities cannot decide on the basis of its own expertise, the BAMF can be consulted as part of a consultation procedure. The consultation procedure with the BAMF is also intended to cover cases in which the prohibitions on deportation under Section 60 (5) and (7) AufenthG may apply. These are constellations in which persons must expect considerable health consequences upon return to their country of origin or in which the necessary subsistence level cannot be guaranteed upon return.<sup>19</sup> Both the BMI and the BAMF also assume that nationals from Syria, Afghanistan and Eritrea generally cannot be expected to return (BMI, 2022c, p. 9).

If protection is not granted in accordance with Section 24 (1) AufenthG, those seeking protection must be informed of other options under residence law (BMI, 2022c, p. 8). If a change is made to another residence permit, for example for work or study purposes, the BMI states that a visa procedure, which would require the person to travel to Ukraine or their country of origin, should generally not be carried out. The federal states make use of this option as a general rule (responses from NI, BY, BB, ST, BW, SL).

If circumstances are presented during the immigration procedure that may fulfil the requirements for an application for asylum or international protection in accordance with Article 13 AsylG, the person concerned should be referred to the possibility of submitting an application to the responsible BAMF. According to information from several federal states, third-country nationals do make use of the option to apply for asylum (responses from NI, BY, BB, ST, BW, SL). Persons who are not granted residence in Germany or who require assistance with voluntary return to their country of origin can make use of the relevant return programmes such as REAG/GARP, Starthilfe Plus or Joint Reintegration Services (JRS).<sup>20</sup>

Practical experience of changing to a residence permit exists in the federal states, particularly with regard to people who have the prospect of gaining access to a university in Germany. However, according to the federal states, a change to a residence permit for study purposes often fails due to the requirements. Providing proof of livelihood, proof of the necessary language skills and the fulfilment of other application requirements for taking up training or studying pose particular challenges (responses BY, NI, BE, HH, DLT). In some cases, attempts are made in cooperation with universities and civil society to nevertheless fulfil the requirements for a stay in Germany for study purposes (responses NI, HH, BE).

The responses from the federal states and local authorities show that the treatment of third-country nationals who have fled Ukraine is not handled in a standardised manner. Those in favour of allowing them to stay in the country point out that, in addition to the plight of those affected, the departure of often highly qualified people would be counterproductive in view of the shortage of skilled workers. However, those in favour of forcing people to leave argue that such a privileged treatment of third-country nationals

<sup>19</sup> Source: BAMF (internal supply).

<sup>20</sup> See also: <https://www.returningfromgermany.de/en/06/05/2024>.

who have previously resided in Ukraine compared to a comparable person who is seeking to immigrate to Germany from their country of origin can only be justified to a limited extent, especially if the latter group of people have better German language skills (responses NI, SN).

# 3 Particularly Vulnerable Groups: Protection of Minors, Protection against Human Trafficking and Exploitation

Many of the people who have fled Ukraine are considered to be particularly vulnerable, which also means that they have special protection needs. One of these groups are children, who make up around a third of the refugees at just under 346,000 people.<sup>21</sup> Some of them travelled with one or both parents, others as unaccompanied minors (UM). A further group consists of minors who travelled with an escort, but for whom it was not immediately clear, at least from a legal perspective, whether the person accompanying them had custody of them. This group is also referred to below as accompanied unaccompanied minors (accompanied UM).<sup>22</sup>

## 3.1 Unaccompanied Minors

The admission procedure and taking into care of UMs from Ukraine does not differ from the procedure used for other refugees. This is evident from the feedback from both the BMFSFJ and the federal states surveyed, such as Hamburg, Bavaria and Saxony-Anhalt. By September 2023, the youth welfare offices had reported 4,980 UMs from Ukraine to the Federal Office of Administration (BVA).<sup>23</sup> However, the actual number of UMs from Ukraine residing in Germany is likely to be lower, as neither departures and onward journeys are recorded nor are adjustments made when UMs are

reunited with relatives. In relation to the total number of refugees from Ukraine, the share of UMs is significantly lower than the share of UMs among asylum applicants, for example.<sup>24</sup>

According to the BMFSFJ, the procedure for taking a child into care involves a temporary placement with the local youth welfare office, which takes over custody of the child. In a subsequent clearing phase, the youth welfare office checks whether a person with custody is already in Germany. It will also check whether a transfer to another federal state is possible or not necessary in the best interests of the child, considering existing ties and the presumed or actually known wishes of the legal guardians.

If a distribution can take place, this is done via the BVA using the Königstein Key; siblings and social relations must also be considered here so that a distribution can take place together if necessary. As a rule, the distribution is followed by the taking into care of the responsible youth welfare office, which then appoints a guardian for the UM.

## 3.2 Accompanied Unaccompanied Minors

Numerous minors from Ukraine entered the country accompanied by adults who cannot be clearly identified as custodians. A similar constellation exists when minors enter the country unaccompanied but immediately go to a relative or other caregiver who does not have custody. For many of these minors, however, a quick solution can be found, also in view of the primary goal of child and youth welfare, namely the best interests of the child, by taking over the presumed

21 See also: <https://mediendienst-integration.de/english/facts-figures.html> (06/05/2024).

22 For the definition, see Baumgärtner et al. (2023, p. 4), online at: <https://b-umf.de/src/wp-content/uploads/2023/08/ecpat-bumf-policypaper-unterbringungminderjahriger.pdf> (06/05/2024).

23 In the procedure for the distribution of unaccompanied foreign children and adolescents, the Federal Office of Administration determines the respective country obliged to accept them, thereby ensuring the fair distribution of the UMs to be cared for as intended by the legislator, online at: [https://www.bva.bund.de/SharedDocs/Aufgaben/DE/U/Unbegleitete\\_minderj%C3%A4hrige\\_Ausl%C3%A4nder\\_uma.html](https://www.bva.bund.de/SharedDocs/Aufgaben/DE/U/Unbegleitete_minderj%C3%A4hrige_Ausl%C3%A4nder_uma.html) (06/05/2024).

24 In 2022 alone, 7,277 applications for asylum were made by UM (BAMF, 2022, p. 11, 22).



or proven power of custody from Ukraine and recognising a right of custody under German law in this relationship.

The group of accompanied UMs also includes minors who were evacuated from orphanages in Ukraine to Germany. According to the BVA, a total of 3,136 Ukrainian orphans, including carers, were registered in Germany by the end of August 2023 (BMFSFJ response). According to the BMFSFJ, all evacuations were carried out on private initiative. Furthermore, orphans travelled to Germany with their foster families. The procedure in these cases is similar to the evacuation of orphanages. In the interest of the child's welfare, the refugee community and thus a familiar environment is maintained, so that children are distributed to a federal state as a group with carers or children with their foster parents.

In order to support the reception of orphans from Ukraine, a reporting and coordination centre for the reception of Ukrainian orphanages was set up in spring 2022 under the leadership of the BMFSFJ. It is based on two pillars: A central coordination centre at the BVA and an SOS reporting centre operated by SOS Children's Villages.<sup>25</sup> In addition, there are corresponding state coordination centres in all federal states that work together with the federal level.

The central coordination centre at the BVA ensures the reliable and fair distribution of children and young people to the federal states. As mentioned above, the coordination centre ensures that the groups remain together and are accommodated together with the carers or foster parents in a way that is in the best interests of the child. The BVA also handles communication with private reception initiatives and, for example, writes letters of invitation to the evacuated children's homes. Without these letters, Ukrainian authorities do not issue exit authorisations.<sup>26</sup> The SOS Registration Office informs institutions, organisations and private individuals who organise the reception of evacuated children from orphanages and orphans from Ukraine about the distribution procedure and refers them to the contact persons in the responsible offices in the federal states.

### 3.3 Challenges and Good Practice in Dealing with Refugee Minors from Ukraine

When dealing with accompanied UMs, challenges arise when there is no agreement between German youth welfare offices and Ukrainian guardians on how best to accommodate the child's best interests. For example, in the event of a return to Ukraine, the child's welfare may be assessed differently by the youth welfare offices than by the accompanying persons. In such a situation, a solution can only be found cooperatively, if necessary with the involvement of the guardianship court. Other constellations can also be challenging. For example, if legal guardians want to return to Ukraine while temporarily leaving the children with host families or relatives, the children are not always adequately protected under welfare and social law (Baumgärtner et al., 2023, p. 5).

Several federal states (responses from NI, HH, BY, BW) point to the general strain on child and youth welfare services, not least due to the influx of unaccompanied minors seeking protection, which has been ongoing for years. The lack of predictability due to the volatile influx makes reception more difficult. Furthermore, according to Saxony, the groups from youth welfare centres and foster families from Ukraine are very heterogeneous, which makes it difficult to provide adequate accommodation while maintaining the association. Baden-Württemberg and Saarland also point to the lack of legal documentation of guardianship relationships on the part of Ukrainian youth welfare offices and homes. The lack of documentation means that it is sometimes unclear whether it is even possible for the authorised third party to apply for a residence permit.

To solve the capacity problems, the youth welfare offices aim to recognise Ukrainian accompanying persons as custodians in Germany, insofar as this is justifiable in terms of the child's welfare. However, this approach should not lead to the youth welfare offices neglecting their duty to check the authorisation of third parties and their suitability as custodians (Baumgärtner et al., 2023, p. 4).

According to Lower Saxony, cooperation with professional associations such as the German Institute for Youth Support and Family Rights (DIJuF) has proven to be helpful in educating host and foster families as

<sup>25</sup> For more details, see online: <https://jugendhilfeportal.de/artikel/aufnahme-ukrainischer-waisenkinder-in-deutschland> (06/05/2024).

<sup>26</sup> For more information, see online: [https://www.bva.bund.de/SharedDocs/Kurzmeldungen/DE/BVA/2022/koordinierungstelle\\_heimkinder\\_ukraine.html](https://www.bva.bund.de/SharedDocs/Kurzmeldungen/DE/BVA/2022/koordinierungstelle_heimkinder_ukraine.html) (06/05/2024).

well as the carers of UM about the complex rights and obligations in the legal guardianship relationship. The DIJuF provides extensive information material for all parties involved, including powers of attorney for custody in various languages.

### 3.4 Vulnerable Refugees from Ukraine at Risk: Human Trafficking and Exploitation

At the beginning of the refugee movement from Ukraine, numerous voices were raised that an increase in the phenomenon of human trafficking and exploitation was to be expected (KOK, 2022, p. 33), due to the demographic composition of the refugees from Ukraine which consists mainly of women with underage children. The risk of human trafficking or exploitation was also recognised by the BMI and BMFSFJ. This is why numerous information and educational programmes were made available, predominantly in Ukrainian and Russian. The Germany4Ukraine portal, which was later developed into an app and launched in March 2022, is noteworthy here. However, other services that focus on human trafficking now also offer counselling in Ukrainian and Russian. One example of this is the 'Violence against women' helpline set up by the Federal Office of Family Affairs and Civil Society Functions (BAFzA) at<sup>27</sup>, which is available around the clock.

In 2022, the Coordination Group against Human Trafficking (KOK), funded by the BMFSFJ, initiated a project to raise awareness and prevention for potential victims of human trafficking and to strengthen cooperation structures specifically with regard to refugees from Ukraine in Germany. At the beginning of the project, the coordination group carried out a status quo analysis of the vulnerability of Ukrainian refugees in order to derive necessary measures and identify further needs. The analysis concludes that the number of cases of human trafficking and exploitation involving Ukraine known to the counselling and prosecution centres is in the low double-digit range and is therefore very low. Nevertheless, one can assume that there is a number of unreported cases. Therefore, the risk situation of Ukrainian refugees cannot be conclusively assessed. In particular, the report calls for comprehen-

sive and well-equipped awareness-raising and counselling services (KOK, 2022, p. 33).

In the view of the BMI and BMFSFJ, a low double-digit number of cases in the area of human trafficking and exploitation indicates the success of the information services already mentioned. The secure legal status of Ukrainian refugees also has a positive effect on legal access to counselling and support, but also on professional and social participation, thus protecting them from human trafficking and exploitation. Furthermore, awareness-raising among helpers at the places of arrival has also improved protection against human trafficking (responses from BMI and BMFSFJ).

Last but not least, full access to all necessary health-care services for refugees with a residence permit in accordance with Section 24 (1) AufenthG is an important framework condition for protection against human trafficking and exploitation. Access to standard medical and psychiatric care is relevant with regard to both possible traumatisation and special treatment needs. Standard healthcare structures are also important points of contact where human trafficking and exploitation can be detected.

In addition to the estimated low level of risk for Ukrainian refugees, the BMFSFJ points to the dynamic nature of the situation. For example, changes in Ukraine (e. g. increasing poverty among the remaining population) and in Germany (changes in the legal or actual conditions of residence) can create new situations of risk (KOK, 2022, p. 33). As Valiant Richey, Special Representative of the Organisation for Security and Cooperation in Europe (OSCE) for Combating Trafficking in Human Beings, reports in a public interview: Experience with refugee movements from the regions of the Crimean peninsula occupied in 2014 and from Luhansk and Donetsk showed that an increase in victims of human trafficking and exploitation from these regions had not been immediately noticeable, but rather emerged several years later.<sup>28</sup> Women are particularly affected regarding sexual exploitation. Protection against human trafficking and exploitation of refugees from Ukraine should therefore remain the focus of government measures even after the Directive expires in March 2025.

27 See also: <https://www.hilfetelefon.de/en.html> (06/05/2024).

28 <https://www.spiegel.de/ausland/menschenhandel-zehnmalmehr-ukraainerinnen-fuer-sexuelle-dienstleistungen-angeboten-a-c3902082-c4a8-4193-a3bb-1abb031229b8> (06/05/2024).

# 4 Mobility of Ukrainian Refugees

## 4.1 Waiving of Distribution Quotas within the EU

A fundamental decision taken by the Council when activating the Temporary Protection Directive was to dispense with a quota-based allocation to the Member States and, as a result, to determine responsibility for the reception of war refugees from Ukraine. Such a provision on responsibility is provided for in principle in Art. 11 of the Directive. A further article (Art. 25) standardises a solidarity mechanism that is similar to the admission programmes in the area of humanitarian admission and resettlement, namely in the form of admission quotas (pledges) to be registered and a distribution based on these quotas. Both mechanisms under Art. 11 and Art. 25 were not activated in 2022. The waiving was intended to enable refugees to seek refuge where they wished, in particular, for example, where family members were already living who could provide assistance (Angenendt et al., 2022, p. 2).<sup>29</sup>

To avoid multiple registrations and double receipt of social benefits in the EU member states, the Temporary Protection Registration Platform (TPP) was created and launched on 31 May 2022.<sup>30</sup> The TPP was developed by the European Commission with the support of contractual partners from the private sector. The majority of member states now participate in data exchange via the TPP.

The legal basis for the establishment of the platform can be found in Art. 10 of the Directive. Pursuant to Art. 27 (1), Member States are obliged to designate a national contact point for the exchange of information under the Directive; in Germany, this is the BAMF. The scope of the data to be collected for the TPP is set out in the reference in Art. 10 to Annex IIa of the Directive:

- Personal data relating to the person concerned (name, nationality, date and place of birth, marital status, family relationship)
- Identity and travel documents of the person concerned
- Documents proving family ties (marriage, birth, adoption certificates)
- Other information essential for establishing the identity of the person or their family ties
- Decisions taken by the Member State regarding the person concerned to grant or refuse a residence permit
- Visas issued by the Member State to the person concerned and documents on which that decision is based
- Applications submitted by the person concerned for a residence permit or visa which have not yet been decided on in the Member State and the status of their processing

Biometric data or photos are not collected. The data is transferred from the AZR. The immigration authorities are obliged to notify the BAMF on the basis of Section 91a (3) AufenthG when issuing a residence permit.

In German law, the collection and forwarding of data is based on Section 91a of the Residence Act. The initial problem was that this legal basis did not sufficiently allow for data to be transferred to other member states. For this reason, the standard was amended with effect from 1 June 2022 by the Act regulating an immediate supplement and a one-off payment in the minimum social security systems and amending the Financial Equalisation Act and other laws (Immediate

<sup>29</sup> See also: <https://www.consilium.europa.eu/en/policies/eu-migration-policy/refugee-inflow-from-ukraine/> (06/05/2024).

<sup>30</sup> See also: [https://neighbourhood-enlargement.ec.europa.eu/news/solidarity-ukraine-commission-launches-eu-platform-registration-people-enjoying-temporary-protection-2022-05-31\\_en](https://neighbourhood-enlargement.ec.europa.eu/news/solidarity-ukraine-commission-launches-eu-platform-registration-people-enjoying-temporary-protection-2022-05-31_en) (06/05/2024).

Supplement and One-off Payment Act)<sup>31</sup> by inserting paragraph 5 sentence 2.

The TPP enables users to recognise by automatic comparison whether a person registered in Germany who receives or applies for temporary protection already receives temporary protection in another Member State that uses the platform. In this case, a so-called hit is generated. According to the circular from the BMI to the federal states, two constellations are conceivable:

- After registering a refugee, the data is forwarded to the TPP and the comparison shows that the person has already been registered in another country. A hit notification is generated, which is sent to both the German national contact point and the Member State concerned.
- A person already registered in Germany is registered in another member state. In this case too, a hit report is generated and sent to both countries concerned (BMI, 2022b, p. 2 et seq.)

The national contact point at the BAMF immediately forwards all matches to the relevant immigration authority. In the first constellation mentioned above, a residence permit must be issued in accordance with Section 24 (1) AufenthG if all requirements are met. This is because the persons protected by the Directive enjoy freedom of movement within the EU due to the waiver of a jurisdiction rule when the Directive was triggered.<sup>32</sup> The country of departure must therefore ensure that no double receipt of benefits occurs. In the event of a hit when registering in another Member State while already registered in Germany, the immigration authorities are responsible for checking whether the conditions for the continued existence of the residence permit are still met. Moving abroad constitutes a reason for cancellation in accordance with Section 51 (1) No. 6 AufenthG; the renewed application for protection in another Member State documented by the hit report is a clear indication of the person's intention to leave (BMI, 2022b, p. 3 et seq.). The experts at federal level interviewed as part of the study disagree as to whether a hit is sufficient for a cancellation. In the event of a TPP hit, immigration au-

thorities generally contact the person seeking protection several times. Only if these contacts are unsuccessful is the person considered to have moved to an unknown address. If the residence permit is cancelled, the benefit authorities are also informed in accordance with Section 90 (1) No. 2 AufenthG. In principle, however, it is possible for a person who has fled Ukraine to enjoy temporary protection in several member states, even if they can only assert the resulting claims in one member state.<sup>33</sup>

The establishment of a TPP has been met with approval in the EU member states and other countries such as Switzerland and Denmark<sup>34</sup> have expressed interest in participating in the platform. At the same time, however, users of the platform point out that the quality of the data collected needs improvement (responses from BAMF, BW). The main sources of error they cite are, for example, the failure to record passport numbers and the resulting false hits, different spellings of names and the fact that the parents' data is often recorded for minors. This also leads to incorrect multiple hits. Ultimately, therefore, hit reports do not exempt from a manual check as to whether there is an actual match. This check is carried out by the contact point at the BAMF or the immigration authorities. According to the contact point, the number of matches relating to Germany is 77,557, of which 66,290 matches relate to immigration to Germany and 11,267 to emigration from Germany.<sup>35</sup>

In addition, the experts from the federal states would like the platform to be accompanied by more precise instructions on how states should handle the residence documents of other member states. Another suggestion for improvement is to include biometric data in the data synchronisation process in order to increase the accuracy of matches. Such an approach is already being implemented in the Eurodac system as

31 For further information: [https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger\\_BGBl&start=//\\*\\*%5b@attr\\_id=%27bgbl122s0760.pdf%27%5d#\\_\\_bgbl\\_\\_%2F%2F\\*%5B%40attr\\_id%3D%27bgbl122s0760.pdf%27%5D\\_\\_1700147456238](https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&start=//**%5b@attr_id=%27bgbl122s0760.pdf%27%5d#__bgbl__%2F%2F*%5B%40attr_id%3D%27bgbl122s0760.pdf%27%5D__1700147456238) (06/05/2024).

32 See: [https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:52022XC0321\(03\),p.5](https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:52022XC0321(03),p.5) (27/09/2023).

33 See recital 16 of Council Implementing Decision (EU) 2022/382 of 4 March 2022: "[...] Once a Member State has issued a residence title under Directive 2001/55/EC, the person enjoying temporary protection has the right to travel within the Union for 90 days within a period of 180 days, but should only be able to exercise the rights deriving from temporary protection in the Member State that issued the residence title. This should not deprive a Member State of the possibility to decide to grant a residence title at any time to persons enjoying temporary protection under this Decision."

34 Denmark has an opt-out in various areas of the European legal framework, including the area of home affairs and justice, which also includes migration law, for more information see <https://eur-lex.europa.eu/EN/legal-content/summary/denmark-emu-opt-out-clause.html> (06/05/2024).

35 Source BAMF, status 08/01/2024.

part of the asylum procedure.<sup>36</sup> However, various requirements would have to be met for the TPP to be extended to include such data. Firstly, the legal bases need to be extended accordingly, and such an extension necessitates a consideration of whether the greater depth of interference with the rights of the persons concerned through the processing and transmission of biometric data would be proportionate at all, especially if the milder means, namely the TPP in its current form, already fulfils the task to everyone's satisfaction. Even if the proportionality of this measure were to be affirmed, a standardisation of data collection at European level would then be necessary in order to ensure the comparability of the data (BMI response). This includes aspects such as the type of fingerprinting, the type of camera used to take the biometric images, the type of background and other modalities. However, such standardisation is not an insurmountable barrier, as similar standards in the Eurodac system and also in the international passport system show.

The BAMF also acts as a national contact point in cases where applicants may have the nationality of a Member State.

## 4.2 Temporary and Permanent Return to Ukraine

In March 2022, four research institutions - the Institute for Employment Research (IAB), the Federal Institute for Population Research (BIB) and its Family Demographic Panel FReDA, the Socio-Economic Panel (SOEP) at the German Institute for Economic Research (DIW Berlin) and the BAMF Research Centre - launched a representative repeat survey of refugees from Ukraine in Germany.<sup>37</sup> According to the results of this IAB-BiB/FReDA-BAMF-SOEP survey, 29 % of Ukrainians surveyed at the beginning of 2023 plan to stay in Germany forever, 15 % say they want to stay in Germany for a few more years, 31 % want to wait for the end of the war before returning and 23 % are still undecided about their intention to stay. A mere two percent want to only stay in Germany for a maximum

of one year (Brücker et al., 2023, p. 383). The majority of respondents are therefore planning to stay in Germany for at least several years. Many people who intend to return state that they still want to maintain a strong connection to Germany (Brücker et al., 2023, p. 383).

Any return to Ukraine is always voluntary. If the goal is not a circular or commuter movement, but a permanent return to Ukraine, there is the possibility of participating in so-called return preparation measures (RkVM). As part of the BAMF-funded RkVM, people in Germany who are interested in returning can take part in specialised (online) coaching and workshops that strengthen entrepreneurial skills and prepare them for starting a business after returning to their country of origin. The BAMF is not currently aware of any cases of participation by Ukrainian nationals. In addition to this measure, other national programmes to promote voluntary return and reintegration (REAG/GARP, StarthilfePlus) to Ukraine are currently suspended.

Foreign nationals as well as German citizens are obliged to deregister with the competent registration authority within two weeks of moving abroad in accordance with Section 17 (2) of the Federal Registration Act (BMG). The information service for refugees from Ukraine [Germany4Ukraine.de](http://Germany4Ukraine.de) refers to this obligation. Pursuant to Section 90a (1) sentence 2 no. 2 AufenthG, the immigration authorities are obliged to notify the competent registration authority immediately of a permanent departure abroad. There is also a regular and in many places automated data synchronisation process between the registration authorities and immigration authorities in accordance with Section 90b AufenthG. However, many people who move abroad do not deregister in accordance with the regulations, so that the authorities remain unaware of their departure for a certain period of time or the authorities only find out about the departure at a later date, for example due to undeliverable official letters, and carry out deregistrations ex officio. This practice does not specifically affect Ukrainian nationals, but both German nationals and other foreign nationals who are legally residing in Germany (BMI & BAMF, 2023, p. 16).

In addition to the obligation to deregister, there is an obligation to report and notify the benefit authorities of any changes in personal circumstances in the context of a possible receipt of benefits. However, there is currently no possibility of automated data exchange between benefit authorities and immigration authorities. In a draft bill by the BMI for a law to adapt data transfer regulations in immigration and social law, the exchange of data between immigration and benefits

<sup>36</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 concerning the establishment of Eurodac for the comparison of fingerprints

<sup>37</sup> The first wave of the panel survey took place between August and October 2022 (11,225 respondents) and the second wave between January and March 2023 (6,754 people who had already taken part in the first survey).

authorities is to be improved.<sup>38</sup> Such an improved data exchange should improve the quality of the removal data of foreign nationals as a whole, including Ukrainian refugees (BMI response).

The TPP does not record return journeys to Ukraine, as Ukraine does not participate in the registration platform. A return to Ukraine can therefore only be spotted by the German authorities if the person informs a German registration authority of their departure or if contact with the person is broken off and this is therefore recorded as a departure abroad or to an unknown destination without a hit being triggered via the TPP. The same applies if the person moves on to another country that does not participate in the TPP. Documents such as border crossing certificates are not issued in connection with refugees from Ukraine, so this option of obtaining knowledge of the departure when crossing the border is also omitted.

Overall, there is currently no reliable administrative data, social science data or analyses on the return or commuter mobility of refugees between Germany and Ukraine. UNHCR data on border crossings at the EU's external borders with Ukraine are not significant here, as only entries into and exits from the EU are recorded, without any recording by host country. The federal states point to a significant additional administrative burden in dealing with mobile Ukrainians, as titles must be cancelled and reissued for them in the event of multiple entries if the requirements of Section 51 (1) nos. 6 or 7 AufenthG are met. This applies regardless of whether the individuals return to their original place of residence in Germany or possibly settle in another municipality. In order to be able to better assess this effort, a complete picture of the situation would be desirable. This could be achieved by means of a European approach or in cooperation with the Ukrainian authorities or, if necessary, by using innovative social science methods to measure spatial mobility.

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<sup>38</sup> See also: <https://www.bmi.bund.de/SharedDocs/gesetzgebungsverfahren/DE/DUEV-AnpassG.html> (06/05/2024).

# 5 Change to Other Residence Permits

People who fall under the protection of the Directive receive unrestricted access to the labour market and educational institutions. As mentioned above, in the IAB- BiB/FReDA-BAMF-SOEP study 'Refugees from Ukraine in Germany' in February 2023, around 29 % of respondents expressed the wish to stay in Germany forever, while a further 15 % wanted to stay for a few years (Brücker et al., 2023, p. 383). Compared to the first survey round in late summer 2022, the number of people seeking a long-term future in Germany has risen and it is likely that this number will further increase as the war lasts longer and integration progresses. In light of this and due to the temporary nature of the residence permit in accordance with Section 24 AufenthG, it is likely that many refugees are endeavouring to secure long-term admission prospects. This would require a change to another residence permit that would allow a longer-term stay in Germany. This chapter presents the legal basis and current practical experience with changing to a permanent residence permit.

## 5.1 Legal Basis

Individuals who fall under the protection of the Directive may, in principle, hold another residence permit in addition to the residence permit pursuant to Section 24 (1) AufenthG: In the case that requirements for the issue of an additional residence permit may be met, the immigration authorities are instructed to clarify this. In this context, travelling abroad to apply for a visa is usually unreasonable and therefore unnecessary (see section 3.2). A corresponding note was sent to the federal states in a letter from the BMI dated 5 September 2022. This letter also expressly refers to the possibility of issuing a residence permit for study or work purposes in accordance with Sections 16a, 16b, 16c, 16d, 16e, 16f, 18a, 18b para. 1 or para. 2 or Sections 18d, 18e, 18f or 19e AufenthG (BMI, 2022c, p. 14).<sup>39</sup> In some cases, however, the residence permit must be surrendered in accordance with Section 24 AufenthG in order to obtain a residence permit. A list of blocked residence permits that cannot be issued to

individuals enjoying temporary protection in accordance with Section 24 (1) AufenthG is contained in Section 19F (1) No. 2 AufenthG.<sup>40</sup> It therefore depends on the individual case whether it is possible to hold several residence permits at the same time or whether temporary protection must be given up. However, the title pursuant to Section 24 (1) AufenthG can be re-applied for if the exclusive permit is surrendered or withdrawn.

The requirements for the granting of a further residence permit depend on the intended purpose of residence. As a rule, qualifications including language skills must be proven in a suitable manner, as must the ability to earn a living. Two possible constellations for changing one's residence permit that could be relevant for Ukrainian refugees are briefly described here: Change to a residence permit under Section 16b AufenthG to pursue tertiary education and change to a residence permit for the purpose of employment.

When taking up tertiary education, which is currently open to a beneficiary of protection even without a residence permit under Section 16b AufenthG, proof must be provided under Section 16b AufenthG that the funding has been secured by depositing EUR 11,208 in a blocked account (see Chapter 6.2).<sup>41</sup> In addition, further requirements must be met in order to start studying, such as proof of language skills or a higher education entrance qualification. This is a hurdle for Ukrainian refugees. For example, they may not be able to provide proof of sufficient financial resources for their studies or demonstrate the necessary language skills to start studying. Access to state benefits such as BAföG also changes and actually becomes more difficult under this residence permit. In addition, proof must be provided that the formal requirements for admission to university (higher education entrance qualification, etc.) have been met, which sometimes requires complex recognition procedures. The same is likely to apply to the residence permit to take up training in accordance with Section 16a AufenthG.

<sup>39</sup> This includes residence titles within the framework of the EU Blue Card to take up studies.

<sup>40</sup> A more comprehensive description and discussion of the blocking offences can be found in Schneider, 2024, p. 25.

<sup>41</sup> See also: <https://www.make-it-in-germany.com/en/visa-residence/types/studying> (06/05/2024).

War refugees who are entitled to protection under Section 24 (1) AufenthG and wish to apply for asylum can do so at the BAMF. In this case, the BAMF creates a procedural file and carries out all the measures required for the application. This includes, among other things, the identification procedure, the documentation and review of existing documents and interviews scheduled at this time. If the person is granted protection status in accordance with Section 24 para. 1 AufenthG, the asylum procedure is suspended in accordance with Section 32a para. 1 sentence 1 AsylG and is only continued at the request of the applicant addressed to the BAMF. If the applicant does not notify the BAMF that the asylum procedure is to be continued within one month of the expiry of the residence permit in accordance with Section 24 AufenthG, the asylum application is deemed to have been withdrawn (Section 32a (2) AsylG). Foreign nationals can still submit an asylum application after this, but it will then be processed as a subsequent application in accordance with Section 71 AsylG (BMI, 2022c, p. 21 et seq.).

## 5.2 Practical Experience

Despite an increase of employment among Ukrainian refugees (see Chapter 7), the number of refugees who have now received a residence permit for employment purposes in accordance with Section 18b (1) and (2) AufenthG or as an EU Blue Card (skilled workers with an academic qualification), in accordance with Section 18a AufenthG (skilled workers with vocational training) or in accordance with Section 19c (2) AufenthG in conjunction with Section 6 Employment Ordinance (BeschV) (IT experts without a formal qualification) or Section 6 Employment Ordinance (BeschV) (IT experts without a formal qualification) is low.

According to the AZR, only around 3.4 % of people who have received a residence permit in accordance with Section 24 (1) AufenthG since the beginning of the war and who have neither died nor left the country have changed to another residence permit. Most of these people have applied for a residence permit; analyses of the type of permit applied for are not possible. Residence permits only amount to a few individual cases residence according to Sections 16 et seq. and Sections 18 et seq. AufenthG; and cumulatively, their share is just over 0.1 %. Changing to another residence permit is therefore currently the absolute exception.

This finding is particularly significant in light of the fact that the level of qualification of refugees from Ukraine is comparatively high and therefore the conditions for entering the German labour market are favourable (Brücker et al., 2022, p. 35).

The prerequisite for a residence permit for employment purposes in accordance with Section 18a and b AufenthG is first and foremost the existence of a formal qualification and the entry into employment for which the formal qualification suffices. It is not necessary for the employment to correspond exactly to the qualification; under-qualified employment is also possible. An exception to this is the issuing of the EU Blue Card, where only employment appropriate for the professional qualification level is permitted. Furthermore, if the card is issued for the first time after the age of 45, a minimum salary of at least 55 % of the annual contribution assessment ceiling for pension insurance must be earned (Section 18 Para. 2 No. 5 AufenthG). For an EU Blue Card, the minimum salary must correspond to two thirds of this limit; in the case of shortage occupations, it is sufficient if 52 % of the contribution assessment ceiling is achieved, Section 18b Para. 2 AufenthG. The contribution assessment ceiling is currently EUR 7,300 in the West German federal states and EUR 7,100 in the East German federal states (gross monthly income in each case). In the most favourable case, a monthly salary of EUR 3,692 (new federal states, shortage occupation regulation) is therefore required for a residence permit to be issued on the basis of the aforementioned regulations.<sup>42</sup>

Around half of Ukrainian refugees are employed below their professional qualification level - according to the results of a recent IAB analysis based on data from the IAB- BiB/FReDA-BAMF-SOEP survey (Kosyakova et al., 2023). The analyses by Kosyakova et al. also found that the average gross monthly earnings of Ukrainian refugees in full-time employment are below the average earnings of all full-time employees in Germany at EUR 2,550. Women with children find it particularly difficult to gain a foothold in the labour market and earn a sufficient income. These findings suggest that many Ukrainian refugees do not currently earn the minimum salary required for a residence permit for the purpose of employment.

<sup>42</sup> See: [https://www.bundesregierung.de/breg-de/suche/beitragsbemessungsgrenzen-2023-2133570#:~:text=January%202023%20is%20the%20contribution%20assessment%20limit,\(2022%3A%207,050%20euros\)\(06/05/2024\).](https://www.bundesregierung.de/breg-de/suche/beitragsbemessungsgrenzen-2023-2133570#:~:text=January%202023%20is%20the%20contribution%20assessment%20limit,(2022%3A%207,050%20euros)(06/05/2024).)



The procedures for the formal recognition of training certificates present another likely obstacle. Even though the federal states surveyed as part of the study did not provide any specific information regarding integration into the labour market, the IAB-BIB/FReDA-BAMF-SOEP survey provides evidence for the assumption that the recognition procedures are lengthy and are perceived as complex by refugees. In the survey, almost one in three respondents expressed a need for support with the recognition of qualifications (Brücker et al., 2022, p. 48).

Language skills are a final de facto obstacle to meeting the requirements for the issue of a residence permit in accordance with Sections 18 et seq. AufenthG. The second wave of the IAB- BiB/FReDA-BAMF-SOEP survey of Ukrainian refugees shows that language skills correlate positively with successfully taking up employment and that three quarters of respondents had already attended a German course by the beginning of 2023 (Brücker et al., 2023, p. 385). At the same time, completion of the integration course also removes an obstacle to enter employment (cf. chapter 8). In this respect, the situation of Ukrainian refugees on the German labour market can be expected to improve at this point, which would translate to improved prospects for a change to a residence permit for the purpose of gainful employment.

Therefore, the hurdles for changing to another residence permit are currently still elevated. In particular, the earnings thresholds are likely to be difficult to reach for many refugees with dependants in need of care, be they children or seniors, unless the state provides sufficient assistance, particularly in the area of childcare, to enable them to work full-time. In addition, the earnings thresholds can probably only be achieved if dequalification is avoided. Qualified employment in turn goes hand in hand with the acquisition of language qualifications. In view of the high share of refugees who plan to stay in Germany permanently, complete integration courses and possibly increasingly take advantage of childcare services, the employment rate is likely to increase in the future. However, whether the majority of those in employment will fulfil the requirements for a residence permit in accordance with Section 18 et seq. AufenthG when the protection of the Directive expires on 4 March 2025 cannot be estimated at present. Accordingly, the federal states and immigration authorities report relatively few applications for a further residence permit.

Due to the high requirements for changing to another residence permit and if the war in Ukraine continues, beneficiaries of temporary protection merely have the option of applying for asylum once their temporary protection expires. In view of the high number of Ukrainian refugees in Germany, this would lead to a considerable burden on the authorities, namely the BAMF, the immigration authorities and the benefits administration. In light of this, there is pressure on all those responsible to develop exit or transition scenarios after the expiry of protection status in accordance with Section 24 (1) of the Residence Act.<sup>43</sup>

Germany and other host countries face a potential migration policy dilemma when it comes to granting long-term residence permits. On the one hand, in view of the shortage of skilled workers and the future demand for labour, there is certainly an interest in integrating Ukrainian refugees into the labour market in the long term and strengthening their equitable participation in society. Granting long-term residence permits would promote sustainable integration. On the other hand, EU member states are supporting Ukraine not only with arms supplies but also with investments in reconstruction, which can only succeed to a limited extent without the return of a significant number of its citizens (Schneider, 2024, p. 13). Even if it is unclear how Ukrainians' willingness to return will develop if they stay in Germany on a long-term basis with a permanent residence permit, it is reasonable to assume that they will increasingly consider staying longer as a realistic option.

43 An analysis of future options after the expiry of temporary protection for Ukrainian war refugees in Germany can be found in the study by the Expert Council for Integration and Migration (SVR), see Schneider, 2024.

# 6 Accommodation and Housing Situation of Ukrainian Refugees

## 6.1 Legal Residence Restrictions

As explained in Chapter 2.1, people who have fled to Germany from Ukraine due to the war are exempt from the requirement of a residence permit for 90 days. If the refugees from Ukraine do not apply for asylum, they are not obliged to live in initial reception centres. However, if a request for state support is made after entry (e. g. for accommodation, but also for food and medical care) or if a residence permit is applied for in accordance with Section 24 (1) AufenthG, distribution to the federal states is carried out in accordance with Section 24 (3) AufenthG using the Königstein Key. In the distribution process, conditions that favour integration, such as an existing job, available housing or family ties, can be considered as a special reason for distribution when selecting a target federal state. An allocation decision can be issued by the supreme state authority or a body designated by it in accordance with Section 24 (4) sentence 1 AufenthG. Once an allocation decision is in place, the refugees are obliged to take up residence and habitual abode in the place to which they have been allocated.

In cases in which the Ukrainian refugees were able to take up residence freely before registering or applying for a residence permit in accordance with Section 24 (1) AufenthG, e. g. if they have found private accommodation with acquaintances or family members or were able to find accommodation independently, they are usually assigned to the place of residence they have already taken up after registering and applying. As soon as a residence permit is issued in accordance with Section 24 (1) AufenthG, Ukrainian refugees are generally subject to a residence regulation in accordance with Section 12a AufenthG for the respective federal state in which they already reside. Depending on the federal state, this may be accompanied by additional residence restrictions such as allocation to a specific place of residence within the state. Exceptions are provided for under Section 12a (5) AufenthG. For example, employment subject to social insurance contributions at the current place of residence, attendance of an integration course, a vocational language course, a qualification or further training programme are considered. Table 2 provides an overview of the possible constellations of residence restrictions for Ukrainian refugees.

**Table 2: Legal Residence Restrictions for Ukrainian Refugees**

		Before a residence permit is issued in accordance with Article 24 AufenthG	After a residence permit has been issued in accordance with Article 24 AufenthG
No independent housing supply		Distribution to federal states according to Königstein Key and allocation to accommodation	Residence regulation according to Article 12a AufenthG (possibly with assignment to a specific location)
Independent housing provision	With receipt of social benefits	Free choice of residence, limited to the federal state in which the first domicile took place	Residence regulation according to Article 12a AufenthG (possibly with assignment to a specific location)
	Without receipt of social benefits	Free choice of residence	Free choice of residence

Source: Siegert et al., 2023, p. 4 (adapted presentation)

## 6.2 Accommodation and Provision of Living Space

On 1 June 2022, the law regulating an immediate supplement and a one-off payment in the minimum social security systems and amending the Financial Equalisation Act and other laws came into force (so-called 'Immediate Supplement Act').<sup>44</sup> Accordingly, the granting of temporary protection status is accompanied by a so-called 'change of legal status' for Ukrainian refugees, who from now on fall within the scope of the Second and Twelfth Book of the German Social Code (SGB II and SGB XII) if they are in need of assistance and therefore no longer receive benefits under the Asylum Seekers Benefits Act (AsylbLG) as before - i. e. are treated in the same way as recognised asylum seekers. This also has consequences for the accommodation and provision of housing for Ukrainian refugees.

If Ukrainian refugees were still entitled to benefits under the AsylbLG before the change of legal status, the AsylbLG benefits authority could decide on the form of accommodation. This also included accommodation in shared housing, which was covered by the receipt of benefits under the AsylbLG. The regulatory system of SGB II, however, assumes that the recipient of benefits must find their own accommodation; the actual expenses for accommodation and heating are covered if they are reasonable. The change in the legal system sheds light on the fact that Ukrainian refugees who are unable to find accommodation on their own may in principle be at risk of homelessness.

Combating homelessness is a municipal task. Local authorities are obliged to offer homeless people emergency accommodation.<sup>45</sup> This obligation applies to both Ukrainian refugees and other people at risk of homelessness, including German nationals. With the influx of more than one million refugees within a few months, the threat of homelessness suddenly affected an unusually high number of people. In light of the already existing housing shortage, providing for Ukrainian refugees and other refugees in the legal sphere of SGB II or SGB XII is a key challenge for many districts and municipalities (DLT, 2022). Overall, however, the

change in legal status is a sensible measure, as it creates a better financial situation for the refugees and at the same time provides financial relief for the municipalities. This is because SGB benefits are largely borne by the federal government, in contrast to benefits under the AsylbLG (Ünsal & von Oswald, 2022, p. 22).

As part of the participation in this study, several federal states<sup>46</sup> report on difficulties that have arisen in the accommodation of Ukrainian refugees, particularly in the transition from shared accommodation to private flats. Bavaria and Lower Saxony explicitly report on measures that have been taken to relieve the burden on local authorities in terms of accommodation. Lower Saxony, for example, intends to amend the Lower Saxony Reception Act (AufnG) to better regulate the obligation to provide accommodation for districts and independent cities, including for the group of people in accordance with Section 24 (1) AufenthG. This only applies provided that the Ukrainian refugees assert a corresponding need for accommodation. The districts and independent cities should prioritise offering Ukrainian refugees permanent accommodation. Temporary accommodation should only be provided if there is no other option due to a lack of capacity in the municipalities concerned. The state intends to evaluate and reimburse the costs incurred by the municipalities. The idea is to reimburse the costs per person accommodated for the respective district or independent city in order to enable a fluid reimbursement system (response NI).

In Bavaria, an accommodation concept was developed in cooperation with all ministries and the municipal umbrella organisations, which guarantees basic state accommodation for Ukrainian refugees to avoid emergency situations. The concept makes it possible for those entitled to protection who receive benefits in accordance with SGB II/XII to be housed in state accommodation for refugees as so-called 'false occupants'<sup>47</sup>. According to the Bavarian State Ministry of the Interior, Sport and Integration, the need for such state accommodation has risen from 33,000

44 See: [https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger\\_BGBI&start=//\\*\\*%5b@attr\\_id=%27bgbl122s0760.pdf%27%5d#\\_bgbl\\_\\_%2F%2F\\*%5B%40attr\\_id%3D%27bgbl122s0760.pdf%27%5D\\_\\_1700147456238](https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBI&start=//**%5b@attr_id=%27bgbl122s0760.pdf%27%5d#_bgbl__%2F%2F*%5B%40attr_id%3D%27bgbl122s0760.pdf%27%5D__1700147456238) (06/05/2024).

45 In Germany, the local authorities are responsible for the accommodation system based on the respective police and public order laws of the federal states (BMAS, 2022, p. 21).

46 Of the ten federal states involved in this study, Baden-Württemberg, Bavaria, Hamburg, Lower Saxony, Saxony and Thuringia reported challenges in terms of accommodation.

47 'Missing occupants' are usually people who have been recognised as persons entitled to protection and who have to make their own efforts to find accommodation as a result of their recognition, but who are unable to do so despite their efforts immediately following their recognition. In this case, further use of state asylum accommodation may be permitted, for which fees are charged in accordance with the Asylum Implementation Ordinance (DVAsyl). See: [https://www.stmi.bayern.de/mui/asylsozialpolitik/unterbringung\\_versorgung/index.php](https://www.stmi.bayern.de/mui/asylsozialpolitik/unterbringung_versorgung/index.php) (06/05/2024).

people at the beginning of 2022 to around 44,000 at the end of 2022. Since March 2023, the need has remained constant at over 40,000 people, meaning that around a quarter of the Ukrainian refugees registered in Bavaria by August 2023 required state accommodation. In view of the high influx of asylum seekers going through a regular asylum procedure in the same period, the Free State of Bavaria considers it necessary to acquire new properties (answer BY).

On 30 April 2022, the legislator approved the reintroduction of the simplifications in Section 246 of the German Building Code (BauGB), which enables the granting of building permits without land-use planning for accommodation for refugees.<sup>48</sup> This amendment first came into force on 26 November 2014 for a limited period until the end of 2019 in response to the high number of asylum seekers. It was reactivated on 30 April 2022 and extended until 31 December 2030. This basically gives the federal states more room for manoeuvre to react quickly to corresponding accom-

48 See <https://www.bundesregierung.de/breg-de/service/gesetzsvorhaben/fluechtlingsunterkuenfte-2021424> (06/05/2024).

modation requirements, provided they succeed in acquiring new space. However, Brandenburg, Hamburg, Saxony, Saxony-Anhalt and Thuringia report that it is difficult to develop new building land due to the general housing shortage.

In its statement, the German County Assembly points out that many districts have launched housing exchanges and similar platforms in response to the housing needs of Ukrainian refugees. A number of flats that were previously unavailable on the housing market were often made available via these platforms. The communes are responsible for checking the quality and security of the offers and placing Ukrainian refugees in the relevant accommodation. It is particularly important to ensure the safety of the refugees. This support is supplemented by services such as telephone hotlines and functional email addresses for housing offers. Similar nationwide platforms such as #UnterkunftUkraine<sup>49</sup> (#accommodationukraine) and 'Helfende Wände' (helping walls, a play on the world helping hands, see info box) are also

49 See also: <https://www.unterkunft.org/en> (06/05/2024).

### Infobox: Platform 'Helping Walls'

**FOR HOUSING PROVIDERS**  
**OFFER YOUR SPACE**  
Four walls and safety. We take it for granted, but it means the world to people displaced from their homes. Every space, room, and bed can make a huge difference in someone's life. List your space to help a refugee find a peaceful place to stay.  
[Become a host](#)

**FOR REFUGEES**  
**FIND A PLACE TO STAY**  
We understand the importance of having a peaceful place to start rebuilding your life in a new country. Our platform makes it easier to find temporary housing that matches your needs and location.  
[Get started](#)

Image source: <https://www.helfendewaende.de/en>

The 'Helfende Wände' platform was launched on 10 July 2023 in cooperation with the BMI, the non-profit company ProjectTogether and the housing platform 'Wunderflats'. It connects housing providers with Ukrainian refugees. The aim is to make private housing available simply, quickly and securely on the digital platform. To this end, all users are registered and verified on the platform, which can be used free of charge. People looking for accommodation can search the available offers by city and send a booking enquiry if they find a suitable listing.

Further information at: <https://www.helfendewaende.de/en>

a central point of contact for refugees from Ukraine looking for accommodation (DLT response).

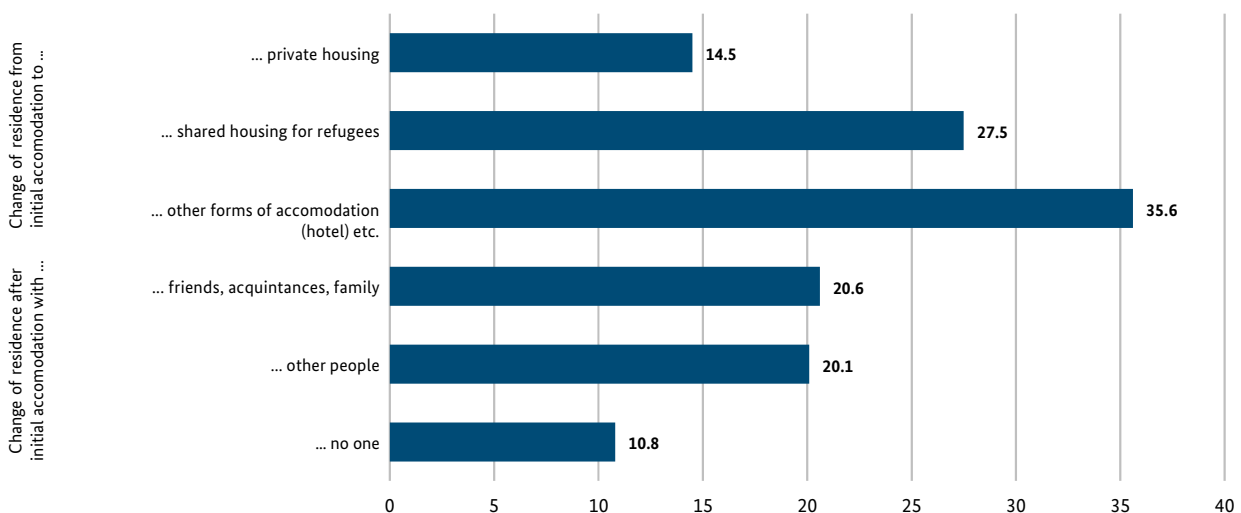
At the beginning of the war in Ukraine, there was a great willingness to support refugees. A survey of 3,251 landlords in summer 2022 showed that around 82 % of landlords replied positively with regards to their experience of providing private accommodation for Ukrainian refugees (Haller et al., 2022, p. 3). In August 2023, three federal states<sup>50</sup> reported a 'fatigue effect' on the private housing market. A nationwide survey conducted in October 2022 among the specialist migration services of welfare organisations also highlights that many advice centres are experiencing excessive demand from private housing providers (BAGFW, 2023, p. 7). Whether or not a fatigue effect has actually occurred cannot be conclusively clarified based on the empirical data available. However, according to the German County Assembly, there are increasing indications in 2023 of an progressively difficult situation when it comes to housing Ukrainian refugees in private accommodation (DLT response).

50 Saxony, Saxony-Anhalt and Thuringia.

## 6.3 Housing Situation of Ukrainian Refugees over Time

Irrespective of the challenges of accommodation and housing supply for Ukrainian refugees (see Chapter 7.1), empirical data shows that their housing situation is improving over time. The IAB-BiB/FReDA-BAMF-SOEP survey of Ukrainian refugees concludes that the share of Ukrainians in private flats or houses increased from 74 % to 79 % within six months, while the share of people in shared accommodation (8 %) or other accommodation (13 %) decreased accordingly (Brücker et al., 2023, p. 385). At 27.5 %, the share of those who stated in 2022 that they had lived in shared accommodation and had moved by the time of the new survey in 2023 is almost twice as high as the share of those who had moved from private accommodation (14.5 %) (see Figure 1). Refugees who lived in a hotel, guest-house or similar accommodation were the most likely to have moved, at 36 %. This indicates that a substantial proportion of Ukrainian refugees have managed to improve their housing situation (Siegert et al., 2023, p. 8).

**Figure 1: Change of Residence by Initial Accommodation\* and Moving in with Other People, shares in per cent**



Source: Siegert et al., 2023, p. 8 (adapted presentation), based on IAB-BiB/FReDA-BAMF-SOEP survey "Refugees from Ukraine in Germany", second wave 2023, weighted values; number of cases "initial accommodation": 6,345; number of cases "initial influx": 4,674

\*Note: Initial accommodation refers to the housing situation at the time of the first wave (August to October 2022): 14.5 % of respondents who lived in private accommodation at the time of the first wave stated that they had changed their place of residence in the second wave of the survey.

The fact that 20.6 % of respondents who had previously lived with friends, acquaintances and family members had moved (in contrast to 10.8 % of respondents who had not moved in with anyone before) could be a sign that the mutual willingness to live in a shared flat or house decreases or the desire of refugees to have their own flat increases as the duration of their stay prolongs.

A decisive factor in whether Ukrainian refugees live in private rather than shared accommodation depends largely on whether Germany was chosen as a destination country because acquaintances, friends or family members already lived there (Siegert et al., 2023, p. 9). This illustrates the importance of private commitment and social contacts for the provision of housing for Ukrainian refugees.

# 7 Labour Market Participation and Access to Social Benefits

## 7.1 Legal Access to the Labour Market and to Social Benefits

Refugees from Ukraine have unrestricted access to the labour market from the moment they apply for a residence permit in accordance with Section 24 (1) AufenthG (provided they are issued a fictional certificate as part of the procedure) and with the permission of the immigration authority. They can enter any employment in Germany, including temporary work, self-employment or training. Once a residence permit has been issued in accordance with Section 24 (1) AufenthG, refugees from Ukraine continue to have full access to the labour market.

As a result of the change in legal status described above (see section 7.2.), refugees from Ukraine have been covered by SGB II and SGB XII since 1 June 2022. This means that benefits to secure their livelihood and for integration into the labour market are provided by the Jobcenter (BA, 2023a, p. 16). The entitlement to benefits also applies to people who are unable to return to Ukraine due to Russia's war of aggression (e. g. au pairs). This group of people is treated in the same way as Ukrainian refugees, provided that they have been processed for identification purposes in accordance with Section 49 AufenthG, have applied for a residence permit in accordance with Section 24 (1) AufenthG and have been issued a fictional certificate in accordance with Section 81 (4) in conjunction with (5) AufenthG (BA, 2023a, p. 16). A change of legal status can only take place if registration has already taken place and a fictional certificate has been issued.

In the course of the change of legal system, simplified access to social benefits was also implemented for Ukrainian refugees. For example, Ukrainian refugees who receive benefits under SGB II and SGB XII are no longer required to provide proof of assets (BA, 2023, p. 19 et seq.). This also applies to the examination of eligible income, which should not be subject to excessive requirements, and to the examination of

the presumption of maintenance<sup>51</sup> within a household community. This is particularly relevant in light of the discussion in Chapter 7.3 which highlights that many Ukrainian refugees are accommodated with acquaintances or relatives. This is because in these cases, the host relatives and acquaintances are not categorised as a household community and are therefore obliged to support the Ukrainian refugees they have taken in.

## 7.2 Employment and Transfer of Social Benefits

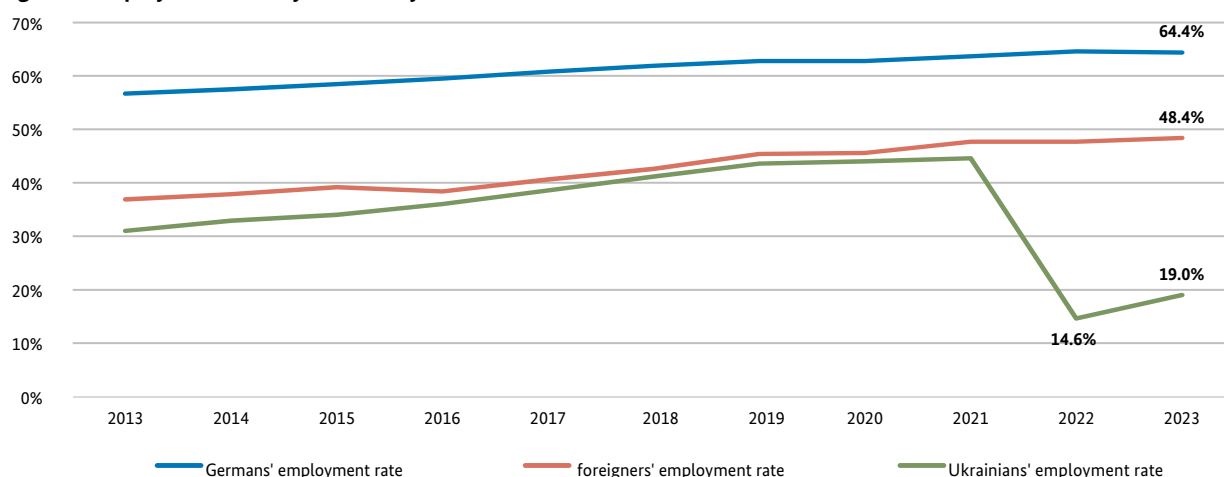
With the activation of the EU Temporary Protection Directive, Ukrainian refugees have direct access to the labour market as well as access to all employment and integration-promoting measures under SGB II. With the entry into force of the Immediate Supplementary Benefits Act on 1 June 2022, the labour market participation of Ukrainian refugees will become visible in the statistics of the Federal Employment Agency (BA).

In June 2023, the employment rate<sup>52</sup> for employees subject to social security contributions (SvB) with Ukrainian citizenship was 19 % (see Figure 2). However, this rate also includes those Ukrainian nationals who were already living and working in Germany before the start of the war. In February 2022, just prior to the start of the war, around 57,000 Ukrainian nationals were employed and subject to social security contributions; around one year and four months later, 152,000 employees subject to social security contributions were registered in June 2023. This increase is largely due to the war refugees (BA, 2023d, p. 9). The increase in the employment rate between June 2022 (14.6 %)

51 The presumption of maintenance is the legal presumption that a person seeking assistance who lives in a household with relatives or in-laws receives benefits for living expenses from them, insofar as this can be expected based on their income and assets (BA, 2023b, p. 7)

52 Share of employees subject to social security contributions in the population aged 15 to under 65. The employment rate expresses the extent to which the working-age population is in employment subject to social security contributions (BA, 2023c, p. 9).

**Figure 2: Employment rates by Nationality for the Period 2013 to 2023**



Source: BA, Migration Monitor (monthly figures) 2013-2023, Table 1.3. For better comparability, the employment rates in June of the respective year were always used.

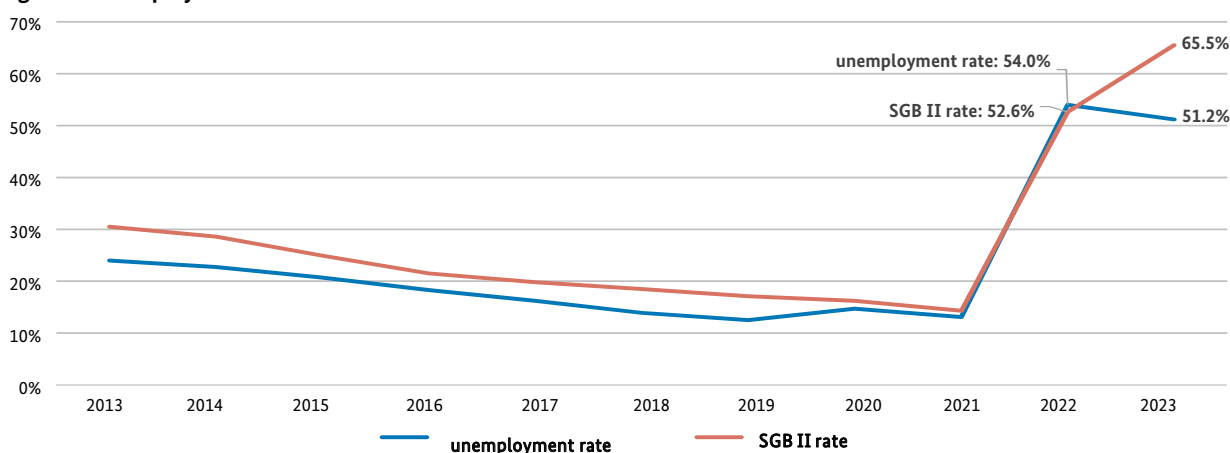
and June 2023 (19 %), coupled with the increasing share of Ukrainian nationals in the German population, is likely due to progressive labour market integration. Labour market participation also increases with the length of stay in Germany and stands at 28 % for Ukrainians who have lived in Germany for more than twelve months (Kosyakova et al., 2023, p. 2)<sup>53</sup>. The change in legal status that took place in June

2022 is reflected in the increase in the SGB II rate<sup>54</sup> for Ukrainian nationals, which was 2.1 % in May 2022 and 52.6 % in the following month. One year later, the SGB II rate increased to 65.5 % in June 2023 (see Figure 3). From June 2022 to June 2023, the unemployment rate also fell from 54 % to 51.2 %. This is mainly due to the fact that more and more Ukrainian asylum seekers are

53 In contrast to the employment rate used in BA statistics, the employment rate used in the IAB-BiB/FReDA-BAMF-SOEP survey of Ukrainian refugees, includes all persons in full-time or part-time employment as well as trainees, interns, marginally employed persons and the self-employed.

54 The SGB II rate is the share of people entitled to benefits under SGB II in the population from 0 to the age limit according to Section 7a SGB II. Beneficiaries are defined as persons in benefit communities who are entitled to benefits to secure their livelihood in accordance with SGB II. See also: [https://www.statistikportal.de/sites/default/files/2020-01/Definition%20SGB%20II%20Quote%2028B2.1%29\\_0.pdf](https://www.statistikportal.de/sites/default/files/2020-01/Definition%20SGB%20II%20Quote%2028B2.1%29_0.pdf) (06/05/2024).

**Figure 3: Unemployment\* and SGB II rate of Ukrainian Nationals in the Period from 2013 to 2023**



Source: BA, Migration Monitor (monthly figures) 2013-2023, Table 1.4. For better comparability, the employment rates in June of the respective year were always used.

\* Note: Restricted reference value only includes labour force for employment subject to social security contributions and exclusively marginal employment as well as unemployed persons aged 15-64. The reference figure is identical to the numerator in terms of period. Due to the changed method of calculating the unemployment rates for foreigners, the rates at federal state and regional directorate level differ from those in other standard reporting publications (e. g. in the labour market reports). See also: BA, Migration Monitor (monthly figures, August 2023).



taking part in integration courses and are therefore not available to the labour market, which is why they are not included in the unemployment statistics (BA, 2023d, p. 8).

### 7.3 Hurdles and Good Practice in Employment Promotion

The data collected as part of the IAB-BiB/FReDA-BAMF-SOEP survey of Ukrainian refugees shows that 70% of non-employed refugees take part in language courses or attend educational institutions (Kosyakova et al., 2023, p. 6). In view of the fact that many Ukrainian refugees have entered the country with little or no knowledge of English, which is also an important prerequisite on the German labour market (Brücker et al., 2023, p. 385), it is important that they participate quickly in integration and vocational language courses and training measures.

The high demand resulting from the inclusion of Ukrainian refugees in the federal government's overall language programme required close coordination between the BAMF, the BMI (responsible for integration courses) and the BMAS (responsible for vocational language courses). For example, far-reaching measures were taken to secure and recruit teaching staff in the short and long term in order to ensure a correspondingly high number of courses on offer. Since the admission of Ukrainian refugees to Germany in spring 2022, around 335,000 Ukrainians had started an integration course by September 2023.<sup>55</sup>

One of the challenges for the swift and successful attendance of integration and vocational language courses as well as qualification measures is the timely and adequate provision of childcare. Since January 2022, the federal programme 'Integration Course with Child: Building Blocks for the Future'<sup>56</sup>, which was initiated by the BMFSFJ in cooperation with the BMI, has been promoting childcare services offered by course providers to accompany integration courses. The programme enables parents with children not yet of school age (who do not yet have access to either a placement of their child in a regular daycare centre or a childminder) to attend an integration class. Never-

theless, the programme cannot cover the entire demand for childcare. The results of a nationwide survey carried out in October 2022 in the specialist migration services of welfare organisations indicate that many Ukrainian refugees, and in particular mothers with under-age children, report problems accessing integration and language courses (BAGFW, 2023, p. 13).

In addition to the language acquisition requirements, there are a number of other structural hurdles in the German labour market that make it difficult for refugees to find employment that is appropriate for their qualifications. Ukrainians are also affected by this, which can lead to the risk of precarious working conditions in the future. A key hurdle is dequalification due to a lack of recognition of vocational and educational qualifications.<sup>57</sup> The results of the second wave of the IAB-BiB/FReDA-BAMF-SOEP survey of Ukrainian refugees indicate such dequalification among Ukrainian refugees: around 49% of refugees from Ukraine who are already in employment work in occupations for which they are formally overqualified, and women are affected by this to an above-average extent (Kosyakova et al., 2023, p. 3). Around 60% of Ukrainian refugees who arrived in Germany by October 2023 are female.<sup>58</sup> Studies on obstacles to integration, especially for female refugees, show that in their countries of origin, these women were more likely than men to work in occupations that require country-specific knowledge and skills. In addition, these are professions for which access in Germany is highly regulated, e. g. in nursing, teaching and education (Kosyakova et al., 2021, p. 4). Practising regulated professions is therefore associated with an additional expenditure of resources and time, e. g. in connection with the acquisition of the German language at a high level or with the recognition of qualifications.

<sup>55</sup> Source: BAMF (internal supply), as at 30/09/2023.

<sup>56</sup> Further information at: <https://www.fruehe-chancen.de/themen/integration-und-inklusion/bundesprogramm-integrationskurs-mit-kind> (06/05/2024).

<sup>57</sup> For further factors that can lead to precarious employment and living conditions, see also Schork et al., 2022, p. 29.

<sup>58</sup> As of 11 October 2023, source AZR.

In principle, the recognition of qualifications acquired abroad is mandatory for access to regulated professions<sup>59</sup>, but can also improve the prospects of finding a job in non-regulated professions. The Federal Ministry of Education and Research (BMBF) is responsible for recognition issues, while the relevant ministries are responsible for individual professions. As part of the 'Key points on the immigration of skilled workers from third countries' adopted by the Cabinet on 30 November 2022<sup>60</sup>, the Federal Government's aim was to speed up and digitalise recognition procedures and standardise the requirements for documents and notifications. The Act on the Further Development of Skilled Immigration<sup>61</sup> was passed on 7 July and will gradually come into force from November 2023.

The Jobcenters currently consider and promote the qualifications of Ukrainian refugees and other migrants and beneficiaries of protection entitled to benefits by referring them to the 'Integration through Qualification' funding programme<sup>62</sup> or corresponding offers by the federal states and by covering the costs of recognition procedures from the placement budget. On 18 October 2023, the BMAS, together with the BA, presented an action plan 'Turbo for the labour market integration of refugees'<sup>63</sup>, which aims to accelerate and sustainably integrate refugees into the labour market. At the presentation of the action plan, particular emphasis was placed on the high number of over 100,000 Ukrainians who have already completed the integration courses and are therefore generally available for the labour market.

In future, graduates of integration courses are to be invited and advised by the Jobcenter for six months with an increased contact density. So-called 'matching campaigns' are also intended to bring refugees and employers together more effectively. Companies are encouraged to employ more refugees, even those without good German language skills, and to provide them with further qualifications while they work. To support the implementation of the Jobturbo for refugees, a special representative of the Federal Government for the labour market integration of refugees<sup>64</sup> will initially be appointed for a limited period until 31 July 2024.

The uncertainty surrounding the residence status of Ukrainian refugees from March 2025 onwards ultimately leads to an obstacle in the integration of Ukrainian refugees into the labour market, as employers have no medium-term planning security when hiring Ukrainian refugees. In addition, after the Directive expires in March 2025, Ukrainian beneficiaries could - if a transition to a longer-term residence permit is not possible for those affected and an asylum application remains the only option - be subject to a renewed change of legal status to the AsylbLG, as a result of which previous social benefits and measures for activation and integration into the labour market are no longer available from the Jobcenter.

59 There is no definition of regulated professions under national law. However, a definition can be found in Art. 3 para. 1a of the EU Directive on the recognition of professional qualifications (Directive 2005/36/EC): A regulated profession is a professional activity or a group of professional activities for which the taking up or pursuit or one of the modes of pursuit is directly or indirectly subject by law, regulation or administrative provision to the possession of specific professional qualifications. One type of practice is, in particular, the use of a professional title which is restricted by legal or administrative provisions to persons who have a specific professional qualification. See also: <https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32005L0036> (06/05/2024).

60 Further information at: <https://www.bmbf.de/SharedDocs/Downloads/de/2022/221130-eckpunkte-feg.pdf> (06/05/2024).

61 See also: <https://www.recht.bund.de/bgbl/1/2023/217/VO.html> (06/05/2024).

62 Further information at: <https://www.bamf.de/DE/Themen/Integration/TraegerLehrFachkraefte/TraegerProjektfoerderung/IntegrationQualifizierung/integration-qualifizierung-node.html> (06/05/2024).

63 See also: <https://www.bmas.de/DE/Service/Presse/Pressemitteilungen/2023/turbo-zur-arbeitsmarktintegration.html> (06/05/2024).

64 Daniel Terzenbach has been the Federal Government's Special Representative for the Labour Market Integration of Refugees since 18/10/2023.

# 8 Access to the Education System

As children and adolescents make up a large share of the refugees<sup>65</sup>, the question arises as to whether they have the best possible access to the German education system, even if this may only be temporary and not permanent. This is because adequate access to education not only influences the future labour market opportunities of Ukrainian children and adolescents in Germany, but also after their return to Ukraine. It also has a positive effect on social participation and, accordingly, on the personal development of the children and adolescents (Michlbauer & Mergele, 2023, p. 29).

## 8.1 Compulsory Education and School Attendance of Ukrainian Children and Adolescents

Ukrainian children and adolescents are subject to compulsory schooling. In principle, compulsory schooling is linked to a place of residence and habitual residence in Germany (see, for example, Article 34 SchulG NRW).<sup>66</sup> Therefore, schooling for Ukrainian children and young people before registration and the granting of a residence permit can be difficult (Geis-Thöne, 2022, p. 8 et seq.) In some federal states, there is a transitional period until compulsory schooling begins. In Brandenburg, for example, compulsory schooling for Ukrainian refugees is suspended for three months after admission if they are accommodated in an initial reception centre. In Bavaria and Thuringia, compulsory schooling begins three months after arrival, regardless of accommodation, while in Baden-Württemberg compulsory schooling begins six months after arrival (Weiser, 2016, p. 28).

In the 2021/2022 school year, it was still possible for Ukrainian families to deregister their children so that

they could take part in Ukrainian online lessons. On 23 June 2022, the Standing Conference of the Ministers of Education and Cultural Affairs of the Federal States (KMK) published a resolution on the 'Schooling of children and adolescents from Ukraine seeking protection in the 2022/2023 school year'. In it, the KMK points out that children and adolescents from Ukraine seeking protection are subject to the requirements of the federal states regarding compulsory schooling, that transition and graduation rules apply in the same way as for other pupils and that the integration of Ukrainian online materials in regular lessons can be supplementary and flanking (KMK, 2022). Pupils from Ukraine seeking protection could also take advantage of online learning opportunities in their home country on a private basis and, if necessary, also work towards national qualifications, meaning that exceptions to compulsory schooling would only be possible in individual cases.

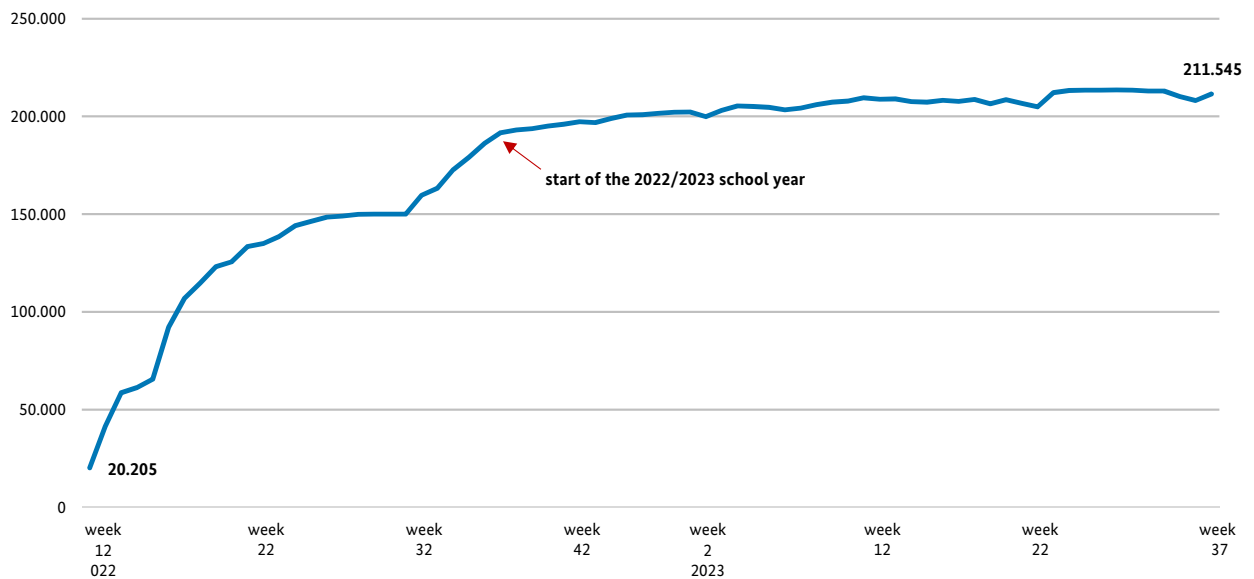
The KMK has regularly published the weekly enrolment figures for Ukrainian children and young people at schools in Germany since March 2022. From March 2022 to September 2023, over 210,000 Ukrainian pupils were admitted to German schools nationwide (see Figure 4). Until the beginning of the 2022/2023 school year, the weekly increase was relatively high and reached its maximum of over 26,000 in the 17th calendar week (KW). Since then, a clear levelling off of the weekly increase has been observed, even though the overall increase is still positive.

Not all federal states are equally affected by the increase. North Rhine-Westphalia (approx. 39,000), Baden-Württemberg (approx. 32,000) and Bavaria (approx. 30,000) have taken in most of Ukrainian pupils. In relation to the existing student body at schools in the respective federal states, however, it can be seen that Mecklenburg-Western Pomerania, for example, was still almost twice as affected by the admission of Ukrainian students to general education and vocational schools as North Rhine-Westphalia in August 2022 (Michlbauer & Mergele, 2022, p. 30). Here, too, the free residency of Ukrainian refugees who were able to get housing independently, as discussed in chapter 7.1, plays a decisive role, leading to regional differences in the burden on schools.

65 Around 31% (346,680 people) of Ukrainian refugees who have entered Germany are under the age of 18 (as of 11 October 2023, source: AZR).

66 See: [https://recht.nrw.de/lmi/owa/br\\_text\\_anzeigen?v\\_id=10000000000000000524](https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=10000000000000000524) (06/05/2024).

**Figure 4: Total Number of Refugee Children and Adolescents from Ukraine admitted to General and Vocational Schools 12th Week 2022 to 37th Week 2023 (21/03/2022 to 17/09/2023)**



Source: <https://www.kmk.org/dokumentation-statistik/statistik/schulstatistik/gefluechtete-kinderjugendliche-aus-der-ukraine.html> (27/09/2023)

As school law and education policy in Germany are a matter for the federal states, the federal government has almost no legislative or administrative powers. In order to coordinate the integration of Ukrainian children at German schools, the federal states set up a joint 'Task Force Ukraine' in March 2022.<sup>67</sup> The task force discusses issues relating to the integration of Ukrainian pupils into the German school system. Other topics such as the possible employment of Ukrainian teachers or educators are also discussed. It should be noted here that Ukrainian teachers require appropriate German language skills, as otherwise linguistic segregation could arise in the school classes (Geis-Thöne, 2022, p. 17). The continuation of Ukrainian schooling, for example through online platforms or the use of digital textbooks and teaching materials, is also one of the task force's topics so that pupils do not lose touch with the Ukrainian education system if they return to Ukraine.

## 8.2 School Integration in Practice

One of the key challenges in connection with the admission of Ukrainian pupils to German schools is the need for additional staff. In May 2022, a study by the Institute of the German Economy in Cologne (IW) estimated that Germany needs 13,500 to 19,400 additional teachers (Geis-Thöne, 2022, p. 11). Some federal states attempted to react to circumstance by recruiting Ukrainian teachers on a temporary and needs-based basis. In Baden-Württemberg<sup>68</sup>, the Substitute Pool Online (VPO)<sup>69</sup> was set up to recruit teachers to teach refugee pupils. Those candidates interested in positions can register there. This includes (retired) teaching and support staff, interpreters and foreign, i. e. also Ukrainian, teachers who have knowledge of the German language. According to a nationwide survey by the German Press Agency, around 2,700 teachers and

<sup>67</sup> See also: <https://www.kmk.org/aktuelles/artikelansicht/kultusministerkonferenz-gefluechtete-aus-der-ukraine-sind-in-der-schule-willkommen.html> (06/05/2024).

<sup>68</sup> Feedback on access to the education system was received from Baden-Württemberg, Bavaria, Brandenburg, Hamburg, Lower Saxony, Saxony and Saxony-Anhalt. Some examples of feedback from the federal states are presented below. For a comprehensive overview of the admission of Ukrainian refugees into the education system of the respective federal states, see also: <https://deutsches-schulportal.de/bildungswesen/ukraine-wie-schulen-gefluechtete-kinder-aufnehmen/> (06/05/2024).

<sup>69</sup> See also: <https://lobw.kultus-bw.de/lobw/Vpo> (06/05/2024).

support staff from Ukraine were working at German schools by mid-September 2022.<sup>70</sup>

To promote the integration of Ukrainian pupils into the German education system, additional preparatory classes or welcome classes have been set up in some federal states. In Baden-Württemberg, the preparatory classes are primarily aimed at refugee children and adolescents with no knowledge of German and are designed to last one to two years (Kuhn, 2022). Children and adolescents with a non-German first language and little knowledge of English attend preparatory classes at general education schools to learn the German language, specialised vocabulary and school techniques and working methods. The aim is to prepare the refugee pupils for lessons and integration into mainstream classes.

In Saxony-Anhalt, for example, integration and the acquisition of the German language for refugee pupils takes place in so-called arrival classes. The school year and type of school to be attended are determined following a school counselling session. As of the 2023/2024 school year, Ukrainian pupils in Saxony-Anhalt are permanently integrated into a regular class, but continue to receive an accompanying language learning programme. The duration of the additional support is generally limited to two years and is determined on a case-by-case basis, considering the pupil's individual learning progress.

In Bavaria, however, there are so-called bridge classes, which were created specifically for the education of Ukrainian refugees. The following objectives are at the centre of the bridge class concept:

- Promotion of language acquisition through intensive lessons in the subject 'German as a second language' (DaZ)
- Orientation in terms of school content through regular participation in subject lessons in mainstream classes and the associated preparation for the transition to mainstream classes
- Flexibility to participate in Ukrainian distance learning and, if applicable, to acquire Ukrainian school-leaving qualifications that can be recognised in Bavaria

Not only in Bavaria, but also in other federal states, such as Brandenburg, the integration of Ukrainian online materials, for example, is planned as a supplementary and flanking measure to regular lessons. In principle, Ukrainian remote learning does not replace compulsory schooling in German (see above). However, in the 2023/2024 school year in Baden-Württemberg, for example, it is possible for pupils to take a leave of absence from attending German school in order to prepare for the final examination for the Ukrainian graduation certificate. The prerequisite for a leave of absence is a written application from the legal guardians of underage pupils. Part of the application is the assurance that a Ukrainian online course will be attended regularly during the leave of absence.

In Saxony-Anhalt, a supplementary heritage language programme (ehA) will also be introduced for Ukrainian children and adolescents from the 2023/2024 school year to teach Ukrainian learning content by Ukrainian teachers. It includes strengthening and developing the Ukrainian language as well as lessons in the subjects of Ukrainian literature and history. The ehA usually comprises three hours for each learning group per week. Participation is not obligatory and the work is not graded. The Ukrainian teachers offer the ehA in regular lessons in learning groups or as a location-independent digital version. The Ukrainian teachers are also deployed across schools, are supervised by the state education authority and are supported by the State Institute for School Quality and Teacher Training. At secondary level, ehA is realised across all year groups or offered online via a network.

As the length of stay of Ukrainian refugees and the transition of Ukrainian pupils into mainstream classes increases, the coming months and years will show how well integration into the mainstream school system works. Studies dealing with the integration of refugee children and adolescents have shown that the type of school where welcome classes are located clearly determines the type of school where the children later transfer to mainstream classes (Michlbauer & Mergele, 2023, p. 33). For example, the BMBF-funded study 'ReGES - Refugees in the German Educational System', which looks at the school situation of refugees who came to Germany in 2015 and 2016, shows that the transition to a mainstream class at gymnasiums<sup>71</sup> is more likely to be successful if such classes are also located at gymnasiums (BMBF,

70 See <https://www.deutschlandfunk.de/ukranische-kinderschule-deutschland-100.html#Schulpflicht> (06/05/2024).

71 Gymnasiums is the German term applied to the strand of the most advanced education schools offered within the secondary education system.

2022a). Furthermore, international data sets such as the PISA study show that the formal qualifications of Ukrainian schoolchildren differ from those of German schoolchildren. In 2018, 15-year-old pupils in Ukraine achieved worse results on average than in Germany and most OECD countries (Schreyer et al., 2022, p. 6).<sup>72</sup> These differences may be exacerbated by the refugee-related interruption to school attendance and affect their integration into regular lessons in Germany.

### 8.3 Continuation or Commencement of University Studies

To ensure financial support for refugee students, a new provision was added to the Federal Act on Individual Support for Education (BAföG) in May 2022 (Section 61 BAföG), which came into force on 1 June 2022. Since then, foreign nationals with a residence permit in accordance with Section 24 (1) AufenthaltG or a corresponding fictional certificate can also receive vocational training support, provided that all other BAföG requirements are met. However, this does not apply if Ukrainian refugees continue their studies at a Ukrainian university online from Germany (BMBF, 2022b).

According to the assessment of the federal states involved in this study, not all Ukrainian refugees who express an interest in studying at a university fulfil the necessary requirements. In addition to issues relating to admissions law that need to be clarified, a lack of knowledge of German and often also English proved to be the main barriers. According to the IAB- BiB/FReDA-BAMF-SOEP survey of Ukrainian refugees at the beginning of 2023, around 64 % of respondents rated their German language skills as very or somewhat poor (Brücker et al., 2023, p. 385 et seq.). However, prospective students with a history of flight who only have incomplete or missing documents can gain access to the German higher education system through individual performance reviews. According to the federal states, the provision of additional funding for language courses, study preparation and emergency aid funding (in particular DAAD, Inte-

gra, Ukraine Emergency Aid Fund, Erasmus+) has been shown to be particularly effective in mitigating the barriers in access to tertiary education.

In addition, the KMK decided on 9 February 2023 that Ukrainian pupils and students must not be disadvantaged when it comes to accessing higher education. This means that educational certificates obtained in Ukraine can be submitted for university admission even if not all of the school or university examinations required to obtain a university entrance qualification can be proven.<sup>73</sup> In this case, the KMK recommends a three-stage verification procedure which, in addition to the personal requirements based on asylum and residence law categories, also provides for a plausibility check of the educational biography in relation to the acquisition of a higher education entrance qualification in the home country as well as proof of the claimed higher education entrance qualification through a quality-guided examination or assessment procedure (BAMF, 2016, p. 27). This assessment procedure takes place directly at a recognised university as part of a university examination procedure.

<sup>72</sup> The PISA study conducted in 2018 was the first in which Ukraine took part. The next PISA study was conducted in 2022 and the results will be published in December 2023. See here: <https://www.oecd.org/pisa/> (06/05/2024).

<sup>73</sup> See also: [https://www.kmk.org/fileadmin/Dateien/pdf/ZAB/Hochschulzugang\\_Beschluesse\\_der\\_KMK/240314\\_KMK\\_Beschluss\\_Hochschulzugang\\_Ukraine.pdf](https://www.kmk.org/fileadmin/Dateien/pdf/ZAB/Hochschulzugang_Beschluesse_der_KMK/240314_KMK_Beschluss_Hochschulzugang_Ukraine.pdf) (06/05/2024).

## 9 Conclusion

Following the activation of Directive 2001/55/EC on minimum standards for giving temporary protection on 4 March 2022, a total of 1,105,208 refugees from Ukraine were registered in Germany by 11 October 2023. The effectiveness of the Directive was last extended on 28 September 2023 until 4 March 2025.

Procedures for the registration and distribution of Ukrainian refugees have been established to receive and care for this group of people in an organised manner. The arrivals are registered using the so-called PIK stations. This is followed by distribution based on the specialised FREE application developed specifically for this purpose. The FREE application utilises the Königsstein Key, which is used for the initial distribution of asylum seekers (EASY). In addition, thanks to person-specific recording, FREE offers the possibility of taking integration-relevant aspects into account, such as family ties. Users regard FREE as a successful tool for the distribution and allocation of refugees to the federal states.

Minors who have fled and are not accompanied by their parents usually enter the country with foster parents or relatives. Sometimes they also enter the country in groups. In these cases, the authorities must first and foremost clarify whether the accompanying persons can (continue to) exercise care, considering the best interests of the child. Both underage refugees and other persons such as women travelling alone with or without children can become victims of human trafficking due to the uncertain circumstances of their flight. Contrary to concerns, however, there has not been a significant increase in registered cases of human trafficking. The actors involved at federal and state level explain this with a secure legal position within the framework of the Directive, but also with early and comprehensive awareness-raising campaigns.

To ensure free mobility of refugees within the European Union and prevent abuse of benefits, a registration platform - Temporary Protection Registration Platform (TPP) - was introduced a few months after the Directive was activated. The TPP has been and continues to be improved. Concurrently, little to no data is available regarding the temporary and permanent return to Ukraine, which is difficult for the authorities to anticipate. The existing exchange of in-

formation between registration and immigration authorities as well as planned improvements to the exchange between immigration and benefits authorities regarding the registration status of individuals in Germany should improve the data, but will not be able to fully map the mobility of Ukrainian refugees between Germany and Ukraine.

Providing refugees with housing has been a major challenge for local authorities for some time now. The vast majority of Ukrainian refugees appear to have been successfully accommodated in private accommodation. Nevertheless, according to the representative IAB-BiB/FReDA-BAMF-SOEP survey at the beginning of 2023, around a fifth (21 %) of the Ukrainian refugees surveyed were living in shared accommodation or hotels. With more than 1.1 million Ukrainian refugees in Germany, this corresponds to around 230,000 people, which would push the accommodation options of the municipalities to their capacity limits in view of the continued high influx of asylum seekers. Despite financial support from the higher-level state actors and easing of building regulations, the scope for local authorities is limited, as there is a shortage of available flats and building land. Digital housing exchanges and housing placement services launched by the federal government, federal states and municipalities have therefore been a good practice for bundling the support of private and civil society actors in the accommodation of Ukrainian refugees.

Refugees from Ukraine have full access to the labour market once they have been granted a residence permit in accordance with Section 24 (1) AufenthG. Almost a year and a half after the Directive was activated, the employment rate of Ukrainian refugees has risen slightly from 14.6 % in 2022 to 19 % in the autumn of 2023. At the same time, a large number of Ukrainian refugees are currently enrolled in integration and language classes, meaning that a temporary 'lock-in' effect happens, i. e. participants in integration classes are less likely to be employed during their duration than people who are not enrolled in integration classes (Bonin et al., 2021, p. 142). Whether the majority of Ukrainian refugees succeed in entering employment in the long term also largely depends on the further integration of Ukrainian women, who make up around 60 % of Ukrainian refugees residing in Germany.

In the education sector, federal states rely on the established system of welcome or arrival classes. However, the high number of new pupils - by September 2023, more than 210,000 Ukrainian pupils had been admitted to German schools - is coming up against a staff shortage that has existed for some time. An important approach in this context could be the greater involvement of Ukrainian teachers, which is currently being practised in some federal states. The hurdles discussed in the context of labour market participation, such as the recognition of qualifications and diplomas and the acquisition of German language skills, play an important role here. A lack of German language skills among Ukrainian teachers otherwise harbours the risk of linguistic segregation in school classes. While measures that facilitate access to higher education are already focussed on making the educational transition from Ukraine to Germany as smooth as possible for students, a key challenge in the school system is also to ensure that the further schooling of Ukrainian refugees is not hindered if they return to Ukraine. Therefore, the integration of Ukrainian teaching materials at German schools as well as participation in Ukrainian remote learning and Ukrainian graduate examinations are part of the integration practice of many schools. A key finding of this study is that, despite the fact that some refugees from Ukraine have already been integrated into the German labour market, only a few have taken the step to obtain another form of residence permit. This finding is very relevant for all stakeholders and all those affected, especially in light of the fact that the protection provided by the Directive expires in March 2025, as there is currently no clear successor regulation that can be used to organise the stay of those currently protected by the Directive after this date. It is foreseeable that language qualifications, the childcare situation and integration into the labour market will improve as the length of stay increases and that integration into the labour market will therefore progress. However, this also means that the de facto thresholds for obtaining a residence permit to take up employment or study will continue to present an obstacle for many of those affected in March 2025. In this respect, there is a need for action to design and organise transition scenarios swiftly.



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# Appendix

## Responses to the survey conducted as part of this study

Federal ministries	
Ministry	Abbreviation
Federal Ministry of Labour and Social Affairs	BMAS
Federal Ministry for Family Affairs, Senior Citizens, Women and Youth	BMFSFJ
Federal Ministry of the Interior and Community	BMI

State governments		
Federal state	Ministries	Abbreviation
Baden-Württemberg	Ministry of Justice and Migration	BW
Bavaria	State Ministry of the Interior, Sport and Integration, State Ministry for Science and the Arts, State Ministry for Education and Culture, State Ministry of Family, Labour and Social Affairs	BY
Brandenburg		BB
Hamburg	Ministry of the Interior and Sport	HH
Mecklenburg-Western Pomerania	Ministry of Social Affairs, Health and Sport	MV
Lower Saxony	Lower Saxony Ministry of the Interior and Sport	NI
Saarland	Ministry of the Interior, Building and Sport	SL
Saxony	Saxon State Ministry of the Interior	SN
Saxony-Anhalt	Ministry of the Interior and Sport	ST
Thuringia	Ministry for Migration, Justice and Consumer Protection	TH

Municipal umbrella organisations	
German Association of Counties	DLT
German Association of Cities	DST

# List of Abbreviations

AsylbLG	Asylum Seekers Benefits Act
Asylum Act	Asylum Act (formerly Asylum Procedure Act – AsylVfG)
Residence Act	Act on the Residence, Employment and Integration of Foreigners in the Federal Territory (Residence Act)
AufnG	Admission Act
AZR	Central register of foreigners
BA	Federal Employment Agency
BAföG	Federal Training Assistance Act
BAFzA	Federal Office of Family Affairs and Civil Society Functions
BAMF	Federal Office for Migration and Refugees
BAnz	Federal Gazette
BauGB	Building Code
BeschV	Employment Ordinance
BGBI	Federal Law Gazette
BIB	Federal Institute for Population Research
BMAS	Federal Ministry of Labour and Social Affairs
BMBF	Federal Ministry of Education and Research
BMFSFJ	Federal Ministry for Family Affairs, Senior Citizens, Women and Youth
BMG	Federal Registration Act
BMI	Federal Ministry of the Interior and Community and for Home Affairs
BVA	Federal Office of Administration
DaZ	German as a second language
DIJuF	German Institute for Youth Welfare and Family Law e.V.
DIW Berlin	German Institute for Economic Research
DLT	English Association of Counties
eAT	electronic residence permit
EASY	Initial distribution of asylum seekers
EC	European Community
ehA	Supplementary offer in the language of origin
EMN	European Migration Network
EU	European Union
FReDA	Family Research and Demographic Analysis
FREE	Specialist application for register management, recording and initial distribution for temporary protection
IAB	Institute for Labour Market and Occupational Research
IW	Institute of the English Economy
JRS	Joint Reintegration Services
KMK	Standing Conference of Ministers of Education and Cultural Affairs
KOK	Coordination group against human trafficking e.V.

OSCE	Organisation for Security and Cooperation in Europe
PIK	Personalisation infrastructure component
REAG/GARP	Reintegration and Emigration Programme for Asylum-Seekers in Germany/Government Assisted Repatriation Programme
REG	Return Expert Group (EMN expert group for return)
RkVM	Measures to prepare for return
RL	Guideline
SGB	Social Code
SOEP	Socio-economic panel
SvB	Employees subject to social security contributions
SVR	Expert Council for Integration and Migration
TPP	Temporary Protection Registration Platform
UkraineStayFGV	Ukraine residence permit continuation regulation
UkraineAufenthÜV	Ukraine Transitional Residence Regulation
UM	Unaccompanied Minors
UNHCR	United Nations High Commissioner for Refugees
VO	Regulation
VPO	Representation Pool Online

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# Publications by the Research Centre on Migration, Integration and Asylum

## Research Reports

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| <p>FB 49</p> <p>Einbürgerungspotenziale bei Geflüchteten in Deutschland. Nürnberg.<br/>Verfasst von: Niehues, W. &amp; Tanis, K. (2023)<br/><a href="https://doi.org/10.48570/bamf.fz.fb.49.d.2023">https://doi.org/10.48570/bamf.fz.fb.49.d.2023</a>.<br/>einbuengerung.1.0</p>   | <p>FB 44</p> <p>Das Aufnahmeprogramm „Neustart im Team“: Studie zur Programmumsetzung. Abschlussbericht.<br/>Verfasst von: Florian Tissot, Nadja Dumann und Maria Bitterwolf (2024, 1. korrigierte Fassung)<br/><a href="https://doi.org/10.48570/bamf.fz.fb.44.d.2023">https://doi.org/10.48570/bamf.fz.fb.44.d.2023</a>.<br/>nest.1.1</p>   |
| <p>FB 48</p> <p>Diskriminierungserfahrungen von Menschen aus muslimisch geprägten Herkunftsländern. Wahrnehmungen in Bezug auf Alltagssituationen, die Benotung in der Schule, die Arbeits- und die Wohnungssuche.<br/>Verfasst von: Anja Stichs und Katrin Pfündel (2023)<br/><a href="https://doi.org/10.48570/bamf.fz.fb.48.d.2023">https://doi.org/10.48570/bamf.fz.fb.48.d.2023</a>.<br/>mld2020.diskriminierung.1.0</p>  | <p>FB 43</p> <p>COVID-19-Erkrankungen und Impfungen gegen SARS-CoV-2 bei Personen mit und Personen ohne Migrationserfahrung – Ergebnisse aus der RKI-SOEP-2 Studie.<br/>Verfasst von: Laura Goßner (IAB) und Manuel Siegert (BAMF) (2023)<br/><a href="https://doi.org/10.48570/bamf.fz.fb.43.d.2023">https://doi.org/10.48570/bamf.fz.fb.43.d.2023</a>.<br/>rki-ibs.1.0</p>  |
| <p>FB 47</p> <p>Zugehörigkeit und Zusammenleben. Einstellungen in der Bevölkerung mit Migrationshintergrund aus muslimisch geprägten Herkunftsländern.<br/>Verfasst von: Amrei Maddox und Katrin Pfündel (2023)<br/><a href="https://doi.org/10.48570/bamf.fz.fb.47.d.2023">https://doi.org/10.48570/bamf.fz.fb.47.d.2023</a>.<br/>mld2020.einstellungen.1.0</p>   | <p>FB 42</p> <p>Das Leben nach der Rückkehr: Langfristige Reintegration nach der geförderten Ausreise aus Deutschland. Begleitstudie II zum Bundesprogramm StarthilfePlus.<br/>Verfasst von: Christian Kothe, Lukas Otte, Dominique Reischl, Şeyma Uluköylü, Tatjana Baraulina und Franziska Clevers (2023)<br/><a href="https://doi.org/10.48570/bamf.fz.fb.42.d.2023">https://doi.org/10.48570/bamf.fz.fb.42.d.2023</a>.<br/>starthilfeplus2.1.0</p>  |
| <p>FB 46</p> <p>Zwischenbericht III zum Forschungsprojekt „Evaluation der Integrationskurse (EvIk)“. Analysen und Erkenntnisse zu Kursteilnehmenden, Kursspezifika, Lehrkräften und Integrationskursträgern zu Kursbeginn<br/>Verfasst von: Ramona Kay, Christian Babka von Gostomski, Salwan Saif, Pia Homrighausen, Jan Eckhard und Nina Rother (2023)<br/><a href="https://doi.org/10.48570/bamf.fz.fb.46.d.2023">https://doi.org/10.48570/bamf.fz.fb.46.d.2023</a>.<br/>evik.zb3.1.0</p> | <p>FB 41</p> <p>Geflüchtete aus der Ukraine in Deutschland: Ergebnisse der ersten Welle der IAB-BiB/FReDA-BAMF-SOEP-Befragung.<br/>Verfasst von: Herbert Brücker, Andreas Ette, Markus M. Grabka, Yuliya Kosyakova, Wenke Niehues, Nina Rother, C. Katharina Spieß, Sabine Zinn, Martin Bujard, Adriana Cardozo, Jean Philippe Décieux, Amrei Maddox, Nadja Milewski, Robert Naderi, Lenore Sauer, Sophia Schmitz, Silvia Schwanhäuser, Manuel Siegert, Kerstin Tanis und Hans Walter Steinhauer (2023)<br/><a href="https://doi.org/10.48570/bamf.fz.fb.41.d.2023">https://doi.org/10.48570/bamf.fz.fb.41.d.2023</a>.<br/>ukrlangbericht.1.0</p> |
| <p>FB 45</p> <p>Entwicklung der Fachkräftemigration und Auswirkungen des beschleunigten Fachkräfteverfahrens. Begleitforschung zum Fachkräfteeinwanderungsgesetz.<br/>Verfasst von: Eugenie Becker, Johannes Graf, Barbara Heß und Matthias Huber (2023)<br/><a href="https://doi.org/10.48570/bamf.fz.fb.45.d.2023">https://doi.org/10.48570/bamf.fz.fb.45.d.2023</a>.<br/>feg.1.0</p>  | <p>FB 40</p> <p>Eckdaten zur Repräsentativuntersuchung „Ausgewählte Migrantengruppen in Deutschland“ (RAM 2015).<br/>Verfasst von: Christian Babka von Gostomski (2022)</p>   |



- FB 39 Binnenmobilität von Geflüchteten mit Schutzstatus in Deutschland. Eine explorative Analyse auf Basis des Ausländerzentralregisters.  
Verfasst von: Johannes Weber (2022)

## EMN Germany Paper

- 1/2024 Die Anwendung der Richtlinie über den vorübergehenden Schutz auf Geflüchtete aus der Ukraine in Deutschland: Bewährte Praktiken und Herausforderungen  
Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN).  
Verfasst von: Philipp Heiermann und Kaan Atanisev (2024)  
<https://doi.org/10.48570/bamf.z.emndp.01/2024.d.2024.rlschutzkr.1.0>
- 1/2023 Integration von Migrantinnen in Deutschland: Politiken und Maßnahmen.  
Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN).  
Verfasst von: Claudia Lechner & Kaan Atanisev (2023)  
<https://doi.org/10.48570/bamf.fz.emndp.01/2023.d.2023.migrantinnen.1.0>

## Working Paper

- WP 94 Die Bekämpfung von Menschenhandel: Rechtliche Entwicklungen, Schutzverfahren und aktuelle Herausforderungen.  
Studie der deutschen nationalen Kontaktstelle für das Europäische Migrationsnetzwerk (EMN).  
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- WP 93 Unerlaubter Aufenthalt in Deutschland: Perspektiven, Maßnahmen und Herausforderungen.  
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## Brief Analyses

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Verfasst von: Manuel Siegert (BAMF), Kerstin Tanis (BAMF), Andreas Ette (BiB) und Lenore Sauer (BiB)  
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- 01/2023 Wege aus der Ausreisepflicht nach ablehnender Asylentscheidung.  
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