

REFUGEE COUNCIL BERLIN e.V.

Human rights know no borders



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[This text as PDF](#)

Informations on the Berlin Senate decision of August 16, 2022 on war refugee status for third-country nationals from Ukraine. The wording of the Senate resolution on war refugee status for third-country nationals from Ukraine and explanations of the case groups and the application procedure at the authorities in Berlin:
pdf: www.fluechtlingsrat-berlin.de/infoseite_ukraine_drittstaater
html: www.fluechtlingsrat-berlin.de/news_termine/ukr_drittstaater

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1. War refugee status: Who is a war refugee and who has a right to residence?

With the [Implementation Decision \(EU\) 2022/382](#) from 04.03.2022, the European Union (EU) adopted a **regulation for accepting war refugees from Ukraine**.

The decision is available in [German](#) and [English](#), as well as other EU languages, but not in Ukrainian or Russian. The most important part of the EU decision, which is binding for all EU member states and thus also for Germany, can be found in Chapters 20 and 21 of this text.

On March 21, the EU published additional **guidelines** for the [implementation of the Regulation 2022/383](#) in [German](#) and [English](#), as well as [other EU languages](#).

The residence status of war refugees is governed by [Directive 2001/55 EC](#) concerning the minimum standards for assuring temporary protection in the event of a mass influx of displaced persons, also known as the "Mass Influx of Displaced Persons." The directive emerged after the Balkan wars of the 1990s but had never been applied since. War refugees are granted a **residence permit** for temporary protection under § 24 Residence Act (*§ 24 AufenthG*) without an asylum procedure, including an **unrestricted right to work**. In Germany, this residence permit is initially issued for two years.

Entitlement to social benefits from the social welfare office under the **Asylum-Seeker Benefits Act** (§ 1(1) *AsylbLG*) was available to those in need until May 31, 2022. Since June 1, 2022, those in need are either entitled to **unemployment benefits II** (*Arbeitslosengeld II*) according to *SGB II* from the **Job-center** or to **basic income for reduced earning capacity and old age** (*Grundsicherung bei Erwerbsminderung und im Alter*) according to *SGB XII* from the **social welfare office (Sozialamt)**. **Medical care** is also provided by a public health insurance provider as part of social benefits. For more detailed information, see Chapter 15 of this text.

War refugees are **allocated evenly across** all German federal states and municipalities according to the "[Königstein Schlüssel](#)" in a similar way to asylum seekers. People who are given private accommodations are exempt from this as per the Federal Ministry of the Interior (BMI) [decision of 5.03.2022](#). Berlin authorities (*LEA* or *LAF*) require either proof that your residence is registered at the **Citizens' Office (Bürgeramt)**, or a rental (sublease) contract, or a certificate of housing (*Wohnungsgeberbescheinigung*). For this and other possibilities to get an allocation to Berlin (*Berlin-zuweisung*), see Chapter 7 of this text.

A **residence requirement (Wohnsitzauflage)** is issued to a German federal state or the municipality in accordance with the regulations applicable to persons with refugee protection (*§ 12a AufenthG*). Only at this location can social benefits be claimed according to *AsylbLG* or *SGB II/XII*.

According to the [Ukraine Residence Transition Regulation \(Ukraine Aufenthalts-Übergangsverordnung\)](#) of 7.3.2022, war refugees (including third-country nationals) from Ukraine may enter

Germany legally without a visa until 31.08.2022 (the Ordinance [was extended accordingly](#)) and may stay in Germany legally without a residence permit.

Applying for a residence permit is a prerequisite for legally starting to **work** and receiving **social benefits**. Since 1.6.2022, this is only possible in Berlin if you have previously registered at the Ukraine Arrival Center in former Tegel Airport (*UA-TXL*) and have received an "**allocation to Berlin**" (*Berlinzuweisung*) after showing proof of an apartment, a job offer, or certain relatives in Berlin, or else given health concerns. See Chapter 7 of this text for more details.

War refugees from Ukraine can also try to find a place of residence by traveling on their own – e.g., with the Ukraine ticket of Deutsche Bahn – to their desired location and registering there first. However, this will only work if – unlike Berlin – fewer refugees are arriving there according to the "*Königstein Schlüsse*" than they have to accept, or if you can prove that you have an apartment or job there. Otherwise, you may be allocated to another city from there.

Unlike asylum seekers, war refugees from Ukraine are not obliged to live in refugee camps. However, refugees without accommodation – like every homeless person in Germany – are **entitled to accommodation** from the relevant social welfare authority, which may be, for example, at an emergency accommodation, a hostel, or a refugee camp.

In Berlin, refugees without accommodation may also be directed to report to the **Arrival Center at Tegel Airport (UA TXL)** and from there may be allocated to another city for accommodations. This does not apply if they have already received an "**allocation to Berlin**" (*Berlinzuweisung*).

We advise war refugees (usually third-country nationals as well) not to **apply for asylum** because it entails a ban on employment, the obligation to live in a refugee camp, and involves considerable disadvantages in terms of residence law if the application is rejected (§ 10 *AufenthG*). See Chapter 12 of this text.

2. War refugee status for third-country nationals with a residence permit from Ukraine

Third-country nationals (*Drittstaatsangehörige*) are war refugees from Ukraine who are neither EU citizens nor Ukrainian citizens. If they were previously living in Ukraine with a residence permit, then they qualify as a war refugee under the following conditions. Also see the [Regulation](#) adopted by the EU at the end of this document!

Third-country nationals with Ukrainian family members

Article 2 of the EU [Regulation](#) concerns the war refugee status for third-country nationals who have **Ukrainian family members**.

War refugee status is granted to third-country nationals who are **married** to a Ukrainian citizen or who are the **non-adult child** of a Ukrainian. War refugee status is also granted to third-country nationals who are dependent on their Ukrainian family financially or for their care, for example, a financially dependent adult child living in the household.

War refugee status is also granted to third-country nationals who are in a partnership with a **Ukrainian although they are unmarried, including same-sex partnerships**. With regard to evidence of a permanent relationship between unmarried partners including partners of the same sex, the Federal Ministry of the Interior (BMI) refers to [Section 3.1.5.3 of the application notes of the BMI](#) on a similar regulation in the Act of the General Freedom of Movement for EU Citizens (*FreizügG/EU*) from 2021. It needs to be a permanent partnership similar to a marriage. What can be helpful in this regard

is, for example, proof of a shared apartment in Ukraine, statements of witnesses, but also a declaration of both partners.

Third-country nationals who have a **non-adult Ukrainian child** are not mentioned in the EU Decision. However, they do qualify for war refugee status according to the meaning and purpose of the EU Decision. Because the child can claim war refugee status, the parents would be at least exempt from deportation. According to a Federal Ministry of the Interior (BMI) [document from 14.03.2022d](#), the parent will get the war refugee status as well.

According to the wording of the EU decision, it is unclear whether the **Ukrainian family member** that provides war refugee status to the third-country national must reside in Germany. An example would be the **Vietnamese wife** of a **Ukrainian soldier** who is fighting in Ukraine.

However, according to the [guidelines on the implementation of Decision 2022/383](#), this example would count as an ongoing "*meaningful link*" with Ukraine. Because a safe and **permanent return** to the country of their citizenship is unreasonable, they have the right to claim the war refugee status.

Third-country nationals with Ukrainian refugee status

In addition, Article 2 of the EU [Regulation](#) includes the right to claim the war refugee status for third-country nationals who have **been granted a refugee protection** status or a subsidiary refugee protection status **in Ukraine**.

Third-country nationals with obstacles to deportation or who have reasons to be exempt from deportation

In addition, Article 2 of the EU [Regulation](#) includes the right to claim the war refugee status for third-country nationals who hold a **temporary** or **permanent residence permit** from Ukraine and who "*are unable to return in safe and permanent conditions to their country or region of origin.*"

According to a [letter of the Federal Ministry of the Interior](#) (BMI) dated 14.03.2022, the return of third-country nationals to their country of origin is considered unreasonable in case there is an **obstacle to deportation** (*Abschiebehindernis*) according to § 60(5) or § 60(7) of the German Residence Act (*AufenthG*) or in case there is an **exclusion from deportation** (*Duldungsgrund*) according to § 60a *AufenthG*. The factors that must taken into account here include the situation in the country of origin (e.g. war, no possibility of survival, lack of medical care), the practical obstacles to deportation (lack of papers, the country of origin's unwillingness to accept the person being deported), certain health concerns (inability to travel), and family reasons (Article 6 of the German Constitution) (*Artikel 6 Grundgesetz*).

If any of these reasons apply and returning to the country of origin is considered unreasonable, then war refugee status will be granted to third-country nationals with a **residence and work permit** (*Aufenthalts- und Arbeitserlaubnis*) in accordance with § 24 Residence Act (§ 24 *AufenthG*).

Return with dignity – other third-country nationals

The criterion of the EU decision for granting war refugee status to third-country nationals who "*are unable to return in safe and durable to their country of origin*" goes significantly beyond the reasons mention under §§ 60 and 60a Residence Act (§§ 60 und 60a *AufenthG*).

The decisive factors include both how strong **the links to Ukraine** are (length of stay and degree of integration in Ukraine, etc.) and the possibility of a "**return with dignity**" (*Rückkehr in Würde*) to the country of origin (establishing a social existence, access to work, secure living conditions, etc.).

In addition to the possibility of return, continuing "**meaningful links**" to Ukraine must also be taken into account. The guidelines on the [implementation of Decision 2022/383](#) indicate, among other things, that third-country nationals who have fled Ukraine should be granted war refugee status if there have "*more meaningful links with Ukraine than with the country or region of origin and thus Ukraine is their home.*"

On third-country nationals also see the [Federal Ministry of the Interior's \(BMI\) guidance](#) dated April 14, 2022, which will be explained later in this chapter.

Application procedure for third-country nationals

Third-country nationals without Ukrainian citizenship should first try to apply for **war refugee status according to § 24 Residence Act (§ 24 AufenthG)**. To apply in Berlin, they must first register at the Ukraine Arrival Center in former Berlin-Tegel Airport *UA-TXL*. For an "**allocation to Berlin**" (*Berlinzuweisung*) you must prove there you have an apartment, a job offer, a place to study, or relatives in Berlin, or you must prove you have certain health concerns. See Chapter 7 of this text.

With an **allocation to Berlin (*Berlinzuweisung*)**, you can then use the **online application** for war refugees at the **LEA Berlin** (*Landesamt für Einwanderung - Immigration Office*), also called "Ausländerbehörde". See Chapter 4 of this text.

If you do not meet the above-mentioned requirements for war refugee status as a family member of a Ukrainian citizen or as a refugee registered in Ukraine, then the *LEA* must carry out an **individual procedure** to determine the extent of individual's continuing ties to Ukraine and the reasonableness of returning to their country of origin through.

In order to receive **social benefits (*Sozialleistungen*)** in Berlin it is necessary to both register at *UA TXL*, receive an allocation to Berlin (*Berlinzuweisung*), and submit an online application at *LEA*, as long as you did not get a residence permit or a "*Fiktionsbescheinigung*".

Those who are not sure whether they meet the requirements of § 24 Residence Act (§ 24 *AufenthG*) but have sufficient means of subsistence and do not require medical care, could possibly wait to submit their application until the **end of the legal residence** under the [Ukraine Residence Transition Regulation \(*Ukraine-Aufenthalts-ÜbergangsVO*\)](#), which has been [extended until 31.08.2022](#). That is the latest date to submit the application!

It is also possible to apply for a **residence permit for other reasons**, for example, for qualified employment or to study, according to § 24 Residence Act (§ 24 *AufenthG*) or according to § 24 Residence Act (§ 24 *AufenthG*). See Chapter 11 of this text. If your application under § 24 is rejected, it is likely that the only way you can submit a new application is if the legal residence period according to the [Ukraine Residence Transition Regulation \(*Ukraine-Aufenthalts-ÜbergangsVO*\)](#), which has been [extended until 31.08.2022](#) has not run out.

With a residence title according to § 24 Residence Act (§ 24 *AufenthG*), it is also possible to study, seek and do qualified employment, etc. The possibility of returning to the country of origin is not important for a student or employment residence permit. But instead, the applicant must prove their

relevant **professional qualifications**, or that they have been **accepted to study**, or that they have been **offered a job**. Furthermore, they must prove an income which is higher than the respective possible social benefits.

During the **application process** for third-country nationals in accordance with § 24 Residence Act (§ 24 *AufenthG*), the **LEA** must first check family membership and refugee status in Ukraine. See Chapter 1 of this text. If this does not confer a right to residence, the **LEA** must examine in each individual case the individual risks of return, health obstacles to return, and the general situation in the country and region of origin (see the wording of the EU decision in chapter 20/21 of this text!) as well as the **possibility of a social subsistence in the country of origin** ("return with dignity").

In addition to the possibility of return, what is decisive for determining the reasonableness of a return is the duration of the stay in Ukraine and the extent of the **"meaningful link" to Ukraine** (see above). This decision must take into account those relatives remaining in Ukraine and the establishment of a sustainable economic existence in Ukraine.

With the help of a local university, students who are still enrolled in Ukraine should also try to apply for a student permit in Germany as a **guest or part-time student (*Gast- or Nebenhörer*)**. We have submitted [proposals](#) to the Berlin Senate on the residence and higher education regulations for **international students** who have fled Ukraine.

The criteria for the right of third-country nationals to stay are not listed in the online application of the **LEA** (Immigration Office) (*Ausländerbehörde Berlin*). Therefore, in order to make a decision, the **LEA** must first have a **"hearing" (*Anhörung*)** with the third-country national applicant. It is possible that the **LEA** will only grant the opportunity to submit this in a **written form**. Currently, the **LEA** processes applications from Ukrainian citizens first and leaves applications from third-country nationals for later processing.

If possible, the determination of an **obstacle to deportation (*Abschiebehindernis*)** in order to obtain the war refugee status should not be carried out in an asylum procedure, but instead this should be the responsibility of the **LEA**. According to § 72 Residence Act (§ 72 *AufenthG*), the **LEA** must obtain an opinion from the Federal Office for Migration and Refugees (**BAMF**) before making a negative decision, however, the **BAMF**'s opinion is not binding for **LEA**. **In addition** to **BAMF**'s review of the protection against deportation, **LEA** must also examine the above-mentioned criteria.

If an application for temporary protection status as a war refugee according to § 24 Residence Act (§ 24 *AufenthG*) is **rejected**, it is possible to **file an appeal with the administrative court (*Verwaltungsgericht*)**. There are no **reduced deadlines** for this, unlike with asylum procedures. The regular deadline is one month.

Filing an appeal against the denial of a residence permit does not have the **effect of delaying deportation**. Therefore, in addition an **urgent appeal (*Eilantrag*)** against the denial has to be filed with the **administrative court (*Verwaltungsgericht*)** as well. As long as the legal residence is still valid according to the [Ukraine Residence Transition Regulation \(*Ukraine-Aufenthalts-ÜbergangsVO*\)](#), which [has been extended until 31.08.2022](#), denial does not result in an obligation to leave the country. The urgent appeal (*Eilantrag*) should therefore be filed in consultation with a lawyer or counseling center only at the end of legal stay. However, the appeal must always be filed by the deadline.

A letter from the [Federal Ministry of the Interior \(BMI\) dated 14.04.2022](#) to the state governments specifies the following for third-country nationals:

- The Immigration Office (in Berlin the *LEA*) have to **question** third-country nationals to determine whether a permanent and safe return to the country of origin is possible and whether ties to Ukraine remain (page 6 et seq.).
- In the case of third-country nationals who have an **unlimited residence title in Ukraine**, a "prima facie" (without further review) ruling should be made that a return to the **country of origin is unreasonable** (page 5 above).
- If a third-country national states substantial reasons for an **asylum request** (*Asylbegehren*) according to the meaning of the German Asylum-Seeker Benefits Act (*Asylgesetz*), then the procedure is "too complex" for the Immigration Office (in Berlin, the *LEA*) and the **asylum procedure should be initiated** only after **consultation** with the applicant (page 9 above). [*Comment from Refugee Council: If applicable, refugees should first insist on a procedure according to § 24, since the asylum application includes restrictions such as refugee camps, work prohibition, residence requirement, etc. If § 24 is denied, there is still the possibility of applying for asylum. You should always seek legal advice before applying for asylum!*]
- If third-country nationals can "only" claim **protection against deportation** (*Abschiebeschutz*) because they belong to a vulnerable group (single women with children, disabled people) or lack a minimum subsistence level, the *BAMF* should get involved (Section 72 Residence Act) (§ 72 *AufenthG*) and, if applicable, a residence permit under § 24 is possible (page 9 below).
- In the case of people from **Eritrea, Syria, or Afghanistan**, it can generally be assumed that they will not be able to return. They will receive the residence permit according to § 24 **without further review** (page 8 below).

Alternatives for third-country nationals

For more information on submitting an application for a residence permit in Germany during the visa-free period in order to apply a residence permit for a qualified **employment, for studies etc.** and on the asylum procedure, see Chapters 11 and 12 of this text.

Grants for a possible **voluntary return** to the country of origin are available from programs such as *REAG/GARP*, *StarthilfePlus*, and *ERRIN* and can be applied for at the [IOM counseling center in the LEA](#) (Berlin Immigration Office).

3. BMI guidelines on the status of war refugees from 14.03.2022 and 14.04.2022

A letter from the [Federal Ministry of the Interior \(BMI\) dated 14.03.2022](#) to the federal states specifies **important details**, including:

- * Inclusion of **marriage-like partners** from third countries as family members (definition analogous to *FreizügG/EU*, see chapter 2 of this text).
- * Inclusion of **third-country nationals** in case there is a deportation exclusion according to §§ 60 or 60a *AufenthG*.
- * Inclusion of persons who were **absent from Ukraine for a short period of time on the cut-off date of 24.2.2022**, for instance for vacation or work, but whose residence and center of life is in Ukraine.

- * Inclusion of **Ukrainians living in Germany** if their other right of residence (for instance to study) expires.
- * Right to **family reunification** even without proof of means of subsistence.
- * A **change to the reason for residence** is permitted, especially in §§ 16a, 18a, and 18b *AufenthG* (vocational training, employment as a professionally or academically qualified specialist).
- * An electronic **residence permit eAT** (machine readable plastic card – *elektronischer Aufenthaltstitel*) is granted free of charge for **two years** until 24.3.2024, or alternatively as a sticker in passport (special regulation for *LEA* Berlin, because Berlin does not want to use *eAT* due to "work overload").
- * The *BMI* **does not** foresee a **terminating condition** that pertains to the EU decision in terms of an end to the war.
- * Advance issuance of a **temporary residence permit (*Fiktionsbescheinigung*)**, which includes a **work permit** and also the entitlement to child benefits (*Kindergeld*).
- * If applicable, a **travel document for foreigners** will be issued in case they have no passport and their identity has been verified (§ 5 German Residence Ordinance) (§ 5 *Aufenthaltsverordnung*).
- * "**employment permitted**" (*Erwerbstätigkeit erlaubt*) will be entered into the residence permit, meaning employment and self-employment of any kind is generally permitted (in accordance with § 31 *BeschV - Beschäftigungsverordnung*).
- * **Entitlement to social assistance** from the social welfare office according to *AsylbLG* with temporary permit (*Fiktionsbescheinigung*) or with an asylum application for "request for protection" (*Schutzbegehren*) [for social assistance from June 1st 2022 see Chapters 13 of this text].
- * **An asylum procedure should not be initiated as long as no formal asylum application is filed with the BAMF** (page 11 of the *BMI* letter).
- * Access to **integration courses** to the extent that courses are available.

A letter from the [Federal Ministry of the Interior \(BMI\)](#) to the federal states dated **14.04.2022** specifies **further details**:

- * **War refugee status** is also granted to persons (**Ukrainians** and **third-country nationals** with a residence title of Ukraine) who left Ukraine no more than **90 days before Feb. 24, 2022** (page 10 above), as well as to Ukrainians whose regular residence title in Germany expires (page 5 below).
- * In a [letter dated June 2, 2022](#), the *BMI* clarified that war refugee status will be recognized for those who departed **up to 90 days** prior to February 24, 2022, even in the event of a **temporary stay in a third country outside the EU**.
- * Residence permits according to § 24 are to be issued to refugees from the entire territory of Ukraine, including **Crimea** and the so-called **Donetsk** and **Luhansk People's Republics**.
- * **Prohibition to entry or stay** according to § 11 *AufenthG* (for instance due to a previous **deportation**) should be revoked and a residence permit should be issued according to § 24, except in the case of terrorism-related offences or prison sentences of two years or more (page 6 above).
- * For procedures and residence criteria under § 24 for **third-country nationals**, see Chapter 2 of this text.

4. Application for residence permit at the Berlin Immigration Office (LEA)

In order to receive **residence permit** for temporary protection according to § 24 Residence Act (§ 24 *AufenthG*) an appointment must first be **made online** at the Berlin Immigration Office *LEA* (*Ausländerbehörde*): <https://service.berlin.de/dienstleistung/330875>

You must provide personal data, a current address in Berlin, and an **email address**.

A few weeks later you will receive an email with an **appointment at the LEA** for the residence permit. Appearing in person at the *LEA* for a residence permit can only be done with an appointment. The online application can be submitted by Ukrainian citizens and third-country nationals who have fled Ukraine. See also Chapter 2 of this text.

We recommend that people who might be able to obtain a right to residence on a different basis (for instance in order to study or as a professional) also register online with the *LEA* for a residence permit in accordance to § 24 Residence Act (§ 24 *AufenthG*). You can still apply later for another residence title in addition to, or instead, of receiving war refugee status.

- **Since 01.06.2022**, the online application at the *LEA* can only be submitted if you have previously registered at the Arrival and Allocation Center *UA-TXL* in the former Berlin-Tegel Airport and have received an **allocation to Berlin** (*Berlinzuweisung*) from the *LAF*.
- The **allocation to Berlin** (*Berlinzuweisung*) can only be obtained if you have presented proof at the *UA-TXL* that you have an apartment, a job, have been accepted to study, or have certain relatives in Berlin, or else that you have certain health concerns (see chapter 7 of this text).
- Those who have submitted an online application to the *LEA* before June 1, 2022 must present at their appointment at *LEA* a proof of **allocation to Berlin** (*Berlinzuweisung*) from the *UA-TXL* or **proof of a regular apartment** (registration at the Citizens' Office (*Bürgeramt*) in a normal apartment or a certificate of housing (*Wohngeberbescheinigung*) for 6 months or an open-ended rental contract based on German civil law (*Mietvertrag* or *Untermietvertrag nach BGB*). A place in a hotel, hostel, camp for refugees or homeless people is not accepted. Instead you can provide a proof of a **job-offer**, a placement for vocational training (*Berufsausbildung*) or studying (more about *Berlinzuweisung* see Chapter 7 of this text!).
- **TIP:** War refugees who have submitted the online application to the *LEA* before 01.06.2022 should also go to the *LAF* Arrival and Allocation Center in the former Tegel Airport (*UA-TXL*) before the **appointment at the LEA** to present proof of an apartment, a job, a place to study, relatives in Berlin, or certain health concerns in order to receive an **allocation to Berlin** there (*Berlinzuweisung*). Registrations at *UA-TXL* are possible Monday through Friday from 8 a.m. - 3 p.m. without appointment.
- Identification verification will then be done at *UA-TXL*. This will save you an additional appointment with the *LAF* for identify verification (see Chapter 5 of this text). **An allocation to Berlin** (*Berlinzuweisung*) **from the UA-TXL is binding for the LEA**.
- **For more about UA-TXL and the criteria for an allocation to Berlin** (*Berlinzuweisung*) see **Chapter 7 of this text**.

Attention: Those who do not present proof of an allocation to Berlin (*Berlinzuweisung*) at the *UA-TXL* may receive a legally binding **allocation to another federal state** there! For those who do not submit in the *LEA* online form an allocation to Berlin (*Berlinzuweisung*) from *LAF* nor proof of an apartment will receive a request from the *LEA* to register at *UA-TXL* first.

- Once you fill out the *LEA* online application, you will get a **PDF confirmation**. Here is a [sample](#). You must **save the PDF** with the *LEA* online confirmation **immediately from the *LEA* website** after filling out the form and, if possible, **print it!** **You will not get a confirmation by email!**
- The *LEA* online confirmation confirms that you have applied to the *LEA* for a residence permit and are **legally allowed to stay and work here** if you meet the requirements of § 24 Residence Act (§ 24 *AufenthG*), have a passport or passport replacement, and an registration from the *UA-TXL* with an allocation to Berlin (*Berlinzuweisung*).
- The *LEA* online confirmation does not confirm that the requirements for war refugee status according to § 24 have been met, especially in the case of third-country nationals. This will not be checked until the interview at the *LEA*.
- After a few weeks, you will receive an email with an **appointment for a personal interview** at the *LEA*. For the appointment, you should complete the documents mentioned on <https://service.berlin.de/dienstleistung/330875> and bring the completed application for a residence title to the appointment. Normally at the appointment, the residence title is then immediately put in the **passport as a sticker**.

Detailed information on the granting of residence permits according to § 24 *AufenthG* can be found in the [notes of the *LEA* Berlin \(VAB\)](#) on § 24 *AufenthG*.

- Normally, the residence permit is issued during the ***LEA* appointment**. However, since June 1st, applicants who have not yet received identity verification (*ED-Behandlung*) at *UA-TXL* are first sent to the ***LAF* for identity verification (*ED-Behandlung*)**. They will receive a second appointment at the *LEA* for the issue of the residence permit then.
- According to a [general ruling of the *BMI* dated 17.03.2022](#) (page 4 in the PDF), an **ID card** is sufficient for Ukrainians. The *LEA* will then issue them a german foreigners travel document (*Reiseausweis für Ausländer*) for two years together with the residence permit (see [VAB](#) on § 24 *AufenthG*). Third-country nationals, on the other hand, are required to make reasonable efforts to obtain a national passport from their embassy first.
- Ukrainian citizens with **expired passports** are issued residence permits in their expired passport. The *LEA* will ask them to contact the Ukrainian Embassy immediately for renewal.
- **Children under the age of 14 who are not registered in their parents' passports** will be issued a residence permit in the passport of one of their parents. Parents are requested to apply to the Embassy as soon as possible in order to register the children in the parent's passport (see [VAB](#) to § 24).
- If the *LEA* can not make an immediate decision, it should issue at least a **[green temporary permit document \(*Fiktionsbescheinigung*\)](#)** with a photo, § 81 Residence Act (§ 81 *AufenthG*). Previously, the *LEA* used forms on white paper, which in some cases could cause problems with other institutions. See Chapter 5 of this text.
- The *LEA* will allocate a **residence requirement in Berlin (*Wohnsitzauflage*)** according to § 12a Residence Act (§ 12a *AufenthG*). You are thereby allowed to travel within Germany and other countries and you are allowed to stay overnight elsewhere, but you may only establish Berlin as your place of residence and e.g. rent a flat.
- It is possible to **change the residence requirement (*Wohnsitzauflage*)** in case of a job offer elsewhere in Germany (as long as the job pays at least 810 euros a month before taxes), a placement

for vocational training or studying, a member of the nuclear family living elsewhere, or in comparable **cases of hardship** (for instance, if a woman needs protection against violence).

- It is sufficient if only **one member of the nuclear family** (parents and non-adult children) meets the requirements to change the residence requirement. See [§ 12a Abs. 5 AufenthG](#).
- Unfortunately, finding an **apartment** elsewhere is not a reason to change the residence requirement, even if it is less expensive than refugee housing.

5. Registration with the Central Register of Aliens (AZR) and identity verification as of 1.6.2022

Since 1.6.2022, it is [required by law](#) that war refugees according to § 24 AufenthG have their **identity verified (ED-Behandlung)**, which involves have fingerprints and photos taken.

Registration in the Central Register of Aliens (*Ausländerzentralregister -AZR*) and identity verification (*ED-Behandlung*) are needed for receiving **higher social benefits** (available since 1.6.2022) from the *Jobcenter* or social welfare office. For war refugees who entered the country before 1.6.2022, identity verification (*ED-Behandlung*) needs to be completed until 31.10. 2022.

- Those who have already received an allocation to Berlin (*Berlinzuweisung*) at *UA-TXL* have already been registered in the *AZR* and their identity verification (*ED-Behandlung*) has already taken place.
- Those who have not yet had their identity verified at *UA-TXL* by the time of the **appointment at the LEA** will first be sent by the *LEA* to the *LAF* in order to have their identity verified. In this case, the residence permit will only be issued during a second appointment at the *LEA*.
- War refugees who already received their **residence permit before June 1** and have not yet had their identity verified will receive a notice from the *LEA* to report to the *LAF* in order to have their identity verified there.
- Identity verification is also required for **children** over 14 years of age, and in some cases for children from 6 to 13 years of age. In Berlin, identity verification is carried with children from 6 to 13 years only if there is doubt that the child is under 14 years and no documents with photo are presented.

Since June 1, 2022, registration in the *AZR* and a **temporary permit (*Fiktionsbescheinigung*) according to § 81 Residence Act (§ 81 AufenthG)** or a **residence permit according to § 24 Residence Act (§ 24 AufenthG)** are a prerequisite for receiving unemployment benefits II (*Arbeitslosengeld 2*) from the *Jobcenter* or basic income for reduced earning capacity and old age (*Grundsicherung bei Erwerbsminderung und im Alter*) from the **social welfare office (*Sozialamt*)** ([§ 74 SGB II/ § 146 SGB XII](#)).

- As proof, the residence permit according to § 24 Residence Act (§ 24 AufenthG) or a green temporary permit (*Fiktionsbescheinigung*) according to § 81 Residence Act (§ 81 AufenthG) must be presented to the **social welfare authority (*Sozialbehörde*)**.
- Anyone who has received a **residence permit (*Aufenthaltstitel*)** or the **green temporary permit (*grüne Fiktionsbescheinigung*)** in accordance with § 81 of the Residence Act (*AufenthG*) with a photo on a form from the [Federal Printing Office \(*Bundesdruckerei*\)](#) can easily receive social benefits in accordance with *SGB II/XII*.

- However, the confirmation of the **online application at the LEA** is not sufficient for social benefits according to *SGB II/XII*, even if you have registered at *UA-TXL* and received an allocation to Berlin (*Berlinzuweisung*). Confirmation of an online application is not recognized by the social authorities as a temporary permit (*Fiktionsbescheinigung*) according to § 81 Residence Act (§ 81 *AufenthG*).
- Those who have visited the *LEA* before June 1 but did not receive either a residence permit (*Aufenthaltstitel*) or a green temporary permit (*grüne Fiktionsbescheinigung*) will receive from *LEA* a **white temporary permit (*weiße Fiktionsbescheinigung*)** issued before June 1 **by mail**. This certificate contains an official seal (round stamp) and an *AZR* number. Here is an [example](#). The Berlin *Jobcenters* and social welfare offices (*Sozialämter*) also accept this certificate as a temporary permit (*Fiktionsbescheinigung*) for social benefits according to *SGB II/XII*.
- Those who have neither a temporary permit (*Fiktionsbescheinigung*) nor a residence permit (*Aufenthaltstitel*) will **at least receive benefits** from the social welfare office according to the *AsylbLG*. However, registering at *UA-TXL* and receiving an allocation to Berlin (*Berlinzuweisung*) is also prerequisite for this.
- **Child allowance (*Kindergeld*)**, parental allowance (*Elterngeld*), allowances for single parents (*Unterhaltsvorschuss*), and *BAföG* are only granted to war refugees if they have a residence permit according to § 24. *BAföG* is also granted to them with temporary permit (*Fiktionsbescheinigung*).

6. Registration at the Ukraine Arrival Center *UA-TXL* of the *LAF*

The **arrival center in the former Berlin-Tegel Airport "UA-TXL"** is open 24 hours a day, seven days a week. At the *UA-TXL*, refugees without accommodation will also be given short-term accommodations in the terminal and will be provided with food and some medical care. The "*UA-TXL*" is also responsible for third-country nationals with a residence permit from Ukraine.

- Attention: Refugees without proof of an apartment, a job or training offer, relatives in Berlin, or certain health concerns will be allocated to another city (*Zuweisungsbescheid*) at *UA-TXL*. **They will immediately be offered a place on a bus on the runway of the airport to be taken to another city.**
- Important: You do not have to board this bus in *UA-TXL* immediately! **There are also buses on the runway of the airport that return 24/7 to Berlin central train station! You have at any time the right to take a bus back to Berlin! Ask the people working there for that bus!**

You can visit *UA-TXL* **without an appointment** at any time. However, the registration staff of the *LAF* only works there from Monday to Friday from 8 a.m. to 4 p.m.

- **We recommend that war refugees with accommodation in Berlin only come to *UA-TXL* in the morning from Monday to Friday!**

The **emergency shelter (*Notunterkunft*)** at *UA-TXL* is run by the **German Red Cross (DRK)** Berlin. Volunteers from the Johanniter, Malteser, and Bundeswehr are also working there.

Registration and allocation are carried out by the *LAF*. In terms of allocations to Berlin (*Berlinzuweisung*), the *BAMF* and the **police** will provide administrative assistance to the *LAF*.

In order to receive an **allocation to Berlin (*Berlinzuweisung*)** from *LAF*, it is necessary to register personally at the *UA-TXL* as a war refugee. An allocation to Berlin (*Berlinzuweisung*) is a prerequisite for social benefits in Berlin and, since June 1, also for an online application for a residence permit at the *LEA* Berlin.

Orientation: [plan of the UA-TXL](#)

- Refugees can reach the *UA-TXL* around the clock with **BVG shuttle buses departing from Berlin central train station**. The buses stop directly on the runway of the airport where the tents of the *LAF*'s registry center are.
- Refugees can also reach *UA-TXL* by **BVG bus 109** every 20 minutes from Berlin Zoologischer Garten via Adenauerplatz, Jungfernheide, and Jakob-Kaiser-Platz or by **BVG bus 128** every 10/20 minutes from Osloer Str. via Kurt-Schumacher-Platz to **General-Ganeval Bridge** (entrance point 300 meters in front of the airport).
- From **General-Ganeval Bridge**, **BVG shuttle buses** drive to the runway for registration and accommodation in the terminal and back.
- There is **parking** in front of the airport in P 4. If necessary, continue by shuttle from the General-Ganeval Bridge.
- **Traveling to and from UA-TXL on foot** is not possible ☹.
- **IMPORTANT: At UA-TXL, no one may be forced to board a bus to another location in Germany! Leaving UA-TXL to go back to Berlin is possible at any time! Ask the volunteers in UA-TXL where the bus leaves to go back to the city!**
- There is a **BVG shuttle stop** on the runway of the airport from where they can either go back to the Berlin central train station or the General-Ganeval Bridge. The *BVG* shuttles that go back to General-Ganeval Bridge or to U/S-Bahn Jungfernheide are located in front of the accommodation in the **terminal**.

7. Allocation to Berlin and allocation to other federal states at *UA-TXL*

An allocation to Berlin (*Berlinzuweisung*) can be received at *UA-TXL* if you meet at least one of the following requirements (see the *UA-TXL* "[self-disclosure](#)" (*Selbstauskunft*) questionnaire and the [Senate resolution dated 5/4/2022](#)):

- If you have already found an **apartment** or a permanent accommodation in Berlin. This must be proven by registering the address with the **Citizens' Office (*Bürgeramt*)** or by showing a **certificate of housing ([Wohnungsgeberbescheinigung](#))** or by providing evidence of a permanent lease or sublease.
- If certain **family members** (domestic partners, parents, siblings, grandparents, children, or grandchildren) already live in Berlin. The children or siblings can also be of adult age.
- If you yourself or a member of your nuclear family (spouse and non-adult children) already have a **job** (at least 810 euros net/month, at least 15 hours/week, and insured socially), a (vocational) **training position**, an **opportunity to study** in Berlin, or a corresponding binding promise, see § 12a Residence Act (§ *12a AufenthG*). This must be proven in writing.
- If you or a member of your nuclear family are **heavily pregnant or have just given birth** (**statutory period of maternity leave (*Mutterschutzfrist*)** is 6 weeks before and 8 weeks after birth and possibly for a longer period in the case of risky births or multiple births).
- If you or a close family member has urgent medical, nursing, or psychological needs and are temporarily or permanently **unable to travel because of certain health concerns**. This will be checked by a doctor at the Arrival Center. If possible, you should bring **medical certificates** with you!

- **Trans persons** will receive an allocation to Berlin (*Berlinzuweisung*) at *UA-TXL*.
- The [Senate resolution of 6.4.2022](#) stipulates that **additional health-related reasons** should be checked at *UA-TXL* to determine if there is a **special need for protection** according to the EU Asylum Reception Directive (*Asylaufnahmerichtlinie*), which should be taken into consideration when allocating to other locations. However, this has not been implemented so far. See Chapter 8 of this text.

Anyone who receives an allocation to Berlin (*Berlinzuweisung*) at *UA-TXL* will also immediately have their **identity verified** there.

Anyone who has received an allocation to Berlin (*Berlinzuweisung*) at the *UA-TXL* must then complete the *LEA*'s **online application** for a residence permit appointment. See Chapter 4 of this text!

ATTENTION: War refugees who do not meet requirements for an allocation to Berlin (*Berlinzuweisung*) are requested to **board a bus directly on the runway of UA-TXL to another location in Germany**. But you cannot be forced to do so immediately, see Chapter 6 of this text!

A decision about the residence permit (*Aufenthaltserlaubnis*) will be made by the authorities at this new location (*Zuweisungsort*) and identification verification will also take place there.

Applying for **allocation at UA-TXL is voluntary** because residence on the basis of the extended [Ukraine Residence Transition Regulation is still legal until August 31, 2022](#). However, legally binding allocation notices (*Zuweisungsbescheide*) will be issued at *UA-TXL* as of 1.6.2022 according to § 24 Residence Act (§ 24 *AufenthG*). Without an allocation to Berlin (*Berlinzuweisung*) from *UA-TXL*, you cannot receive any more social benefits in Berlin.

TIPS about providing proof of an **apartment** in order to receive an allocation to Berlin (*Berlinzuweisung*): Only the **main tenant** has to sign the registration form (*Anmeldung*) for the Citizens' Office (*Bürgeramt*), not the house owner or landlord of the apartment. The registration is also valid without permission from the landlord to sublet and without a subletting contract. However, the Citizen's Office (*Bürgeramt*) or *LEA* can check whether the main tenant is registered there.

- Main tenants are allowed to have **guests** for up to approximately 6 weeks without the [landlord's permission](#) and, if necessary, probably also register them. They may stay beyond that only with the landlords permission to sublet. Registration and sublease agreements are legally valid even without the landlord's permission. However, the landlord can warn the main tenant or even terminate the main lease contract if they get to know that subletting is taking place without their permission. The landlord can also inquire at the Citizens' Office (*Bürgeramt*) about who is registered in his apartment.
- Applying for **permission to sublet** is advisable, especially if the landlord has knowledge of the day-to-day circumstances in the house. If there is a [legitimate reason](#) to sublet, the tenant is entitled to be allow to sublet. Here you can find our [example application](#).
- A registration or a certificate of housing (*Wohnungsgeberbescheinigung*) from a hostel, hotel, a camp for refugees or homeless people are not sufficient. However, a regular lease agreement with the church, a charitable organization, etc. will be accepted at *UA-TXL* for an allocation to Berlin (*Berlinzuweisung*), just like a lease agreement with a private housing provider!
- If you **lose a promised accommodation** based on an a certificate of housing (*Wohnungsgeberbescheinigung*) for whatever reason, this will not have an impact on your residence permit, if the *LEA* has already issued your residence title (*Aufenthaltstitel*) or a temporary permit (*Fiktionsbescheinigung*) with an allocation to Berlin (*Berlinzuweisung*). The responsible social

welfare office must provide a spot in an accommodation for refugees or homeless people then (*ASOG-Unterkunft*). However, if at that point you have only submitted the online application to the *LEA*, you will be referred to *UA-TXL* and to the nationwide allocation (*bundesweite Verteilung*). See www.berlin.de/ukraine > FAQ > *My housing confirmation hasn't worked out and I no longer have any housing. Does this affect my residence permit?*

- If you are asked to leave an accommodation with a **rental contract** (*Mietvertrag/Untermietvertrag*), you should ask for legal advice first! In Germany the cancellation of a rental contract is possible only under very few certain conditions.

8. Registration and allocation of especially vulnerable persons at *UA-TXL*

On 5.4.2022, the Berlin Senate published the press release: ["Senate decides on procedures to support refugees from Ukraine in need of special protection."](#) The related [draft resolution from the Berlin Senate](#) intends for those in need of special protection to be allocated a suitable place or to Berlin.

In practice, however, the "support" that the Senate resolution is supposed to provide for those in need of special protection due to illness, disability, etc. has at best been limited to a short-term overnight stay in the "**transfer accommodation**" in the terminal of *UA-TXL*, which is completely unsuitable for those in need of special protection. Unsuitable, because it is a crowded accommodation where it is not even possible to close a door for privacy.

Nor has *UA-TXL* shared their findings on the need for protection with the authorities at the place they were allocated to. Nor have they sought a suitable place for allocation, as was mentioned in the Senate resolution.

Contrary to the Senate's decision, exceptions are only made at the allocation center at *UA-TXL* during maternity leave period (*Mutterschutzfrist*), in cases of the inability to travel and for trans persons. For example, the Senate tried with great brutality to allocate a group of [deaf people away from Berlin against their will](#), although they were totally dependent on each other because of their Ukrainian sign language and although some of them had already found housing and work in Berlin.

The allocation practice of the *UA-TXL* blatantly contradicts the [requirements of the Senate resolution of 05.04.2022 for those in need of special protection](#). The resolution states that war refugees in need of special protection will receive an allocation to Berlin (*Berlinzuweisung*) if "*they demonstrate a **need for special protection in accordance with Directive 2013/33/EU on the basis of the overall concept for the integration and participation of refugees or demonstrate an acute need for care that makes it necessary for them to remain in Berlin.***"

A **transfer zone with a qualified waiting area** was supposed to be set up in *UA-TXL* for **initial care and diagnosis** as part of the registration and allocation process of those in need of special protection and/or an acute need for medical, nursing, and/or psychological care. For people and their family members who are not fit to travel, a temporary transitional accommodation was supposed to be provided. Initial care and **pre-screening for needs-oriented onward transfers** to other federal states was also planned as part of the arrival process, in case they were not allocated to Berlin.

In the case of refugees from Ukraine who see themselves as belonging to **LGBTIQ* or other particularly vulnerable groups affected by discrimination**, federal states are supposed to be selected that have correspondingly good counseling and support structures.

What should also be considered during allocation is membership in those **religious communities** that are not represented in every federal state.

These specifications in fact have not yet been implemented at *UA-TXL*. There has been **strong criticism** in the media about how sick and disabled war refugees have been handled at *UA-TXL*. The Tagesspiegel writes: "[Chaos in Berlin refugee Arrival Center: 'Those responsible hide away'](#)" and "[Abuses in the Arrival Center Tegel: Order 'from above' not to talk'](#)".

Security personal patrolled in front of doorless sleeping areas containing bunk beds in the "*transfer zone with qualified waiting area*" for those in need of special protection.

We have reviewed the [UA-TXL operating manual from 22.03. 2022](#). The approach had clearly been copied from the manual for the Berlin Covid vaccination centers. In terms of the needs for special protection, the manual only specifies that unqualified "*attendants*" conduct *visual checks* of travelers before the bus departs to see if they are unfit for the trip.

9. Entry and visa-free residence

People fleeing Ukraine are allowed into the EU even [without a biometric passport](#). According to the *BMI*: "However, a Member State may allow exceptions for entry into its territory for humanitarian reasons." This **visa procedure** is waived [because of the situation in Ukraine](#).

Entry is also granted to **third-country nationals** with residence permits from Ukraine. EU Commissioner Ylva Johansson: "[They must be helped. Moreover, those in need of protection in the EU can also apply for asylum.](#)" [RBB has reported](#) that visiting African students have had intermittent problems at the Polish border. See also [EU directive for border controls when entering the EU from Ukraine](#).

Corona tests or proof of vaccination are not necessary. Ukraine is not a [corona risk area](#).

- The *BMI* has regulated in the [Ukraine Residence Transition Regulation](#) of 7.3.2022 that **citizens of Ukraine** as well as **third-country nationals** who stayed in Ukraine until 24.02.2022 are exempt from the requirement of a residence permit from 24.02.2022 until 31.08.2022 (the Regulation has been [extended accordingly](#)), may stay legally in Germany **without a visa**, and may also apply for a different types of residence permit during this period without a visa procedure.
- This means that citizens of Ukraine and also third-country nationals who stayed in Ukraine until 24.02. **may legally enter without a visa** and may stay anywhere in Germany until at least 31.08.2022. However, a work permit is valid only after an application for a residence permit has been filed and a corresponding temporary permit has been issued.
- In a [letter dated 18.03.2022](#), the *BMI* clarified that an **exemption from the passport requirement** applies to the Ukrainians and third-country nationals named in the [Ukraine Residence Transition Ordinance](#). They can enter the country legally without a passport and stay here temporarily.
- An **identity card** (ID card) is sufficient for Ukrainians according to a [general ruling of the BMI from 17.03.2022](#) (page 4 in the PDF).

10. Arrival at Berlin central train station and onward journey

- If you already have a **fixed destination** in Germany or **Western Europe**, you should use the free **HelpUkraineTicket** from Deutsche Bahn and travel **on your own** by **train** to your **desired destination**. The HelpUkraineTicket is issued at the Berlin central train station and in Dresden, Munich, or Nuremberg. With a Ukraine ID or as a third-country national with a residence permit of

Ukraine, you can obtain a ticket to your desired destination within Germany and to some countries in Western Europe: www.bahn.de/info/helpukraine

- With a Ukraine ID or residence permit from U, public transport in Berlin could be used free of charge until 15.06.2022, www.bvg.de/de/Ukraine
- For June, August, and September 2022, the [9 euro monthly ticket](#) is an alternative, valid in Berlin and all of Germany nationwide for public transport and on local and regional express trains operated by Deutsche Bahn.
- From the square in front of the Berlin **central train station** you can travel on BVG buses free of charge 24/7 to and from the **UA-TXL** Arrival and Allocation Center in the former Berlin Tegel Airport. See Chapter 6 of this text.

11. Residence permits for employment, training, language courses, and university studies

Until [31.08.2022](#), during the **visa-free period** under the [Ukraine Residence Transition Regulation](#) (the Regulation has been extended accordingly), a residence permit can be applied for other purposes, (such as family reunification with relatives living here, for study, for gainful employment, etc.) directly at the Immigration Office in Germany (in Berlin at the *LEA*) instead of the applying for war refugee status. A prior visa application in the country of origin is not necessary.

Under the Skilled Workers Immigration Act (*Fachkräfteeinwanderungsgesetz*), applications for residence permits are also allowed if you have been **offered an appropriately paid job** that corresponds to your **professional qualifications** as an academic or in a vocational profession which is recognized in Germany.

The right to start working only applies after it has been confirmed by the Immigration Office (in Berlin the *LEA*) in a temporary permit (*Fiktionsbescheinigung*) or residence permit. In order to receive a residence permit for the purpose of either gainful employment, studies, language courses, or in order to apply to study, etc., you must be able to **provide for your own livelihood** (§ 2 Abs. 3, § 5 Abs. 1 *AufenthG*), unlike in the case of a residence permit for war refugee status. For this purpose, one must demonstrate income that is higher than the respective possible social benefits.

Residence permit in order to study, take language courses, or apply for studies

Holders of a residence permit to study cannot receive social benefits according to *BAföG*, nor can they receive social benefits according to *SGB II/XII* – apart from special situations such as pregnancy. Proof that you can provide for your own livelihood includes gainful employment while studying, a scholarship, a declaration from a third party to provide for your livelihood (*Verpflichtungserklärung und Unterhaltszahlungen Dritter*), or money in a frozen bank account sufficient for 12 months according to *BAföG* (currently approximately € 10,000).

An **application to study** requires that you comply with the application requirements and deadlines of the universities you are applying to and there must be sufficient opportunities to study. Only 5% of applicants from non-EU countries are awarded a place in subjects with restricted admissions (*Numerus Clausus - NC*), such as medicine and psychology. In addition, proof of language skills must be demonstrated (usually German C1; there are only a few English-language courses mostly in Master's programs) and relevant academic requirements must also be demonstrated (university entrance

qualification and previous academic achievements, if necessary in a certified translation). Some universities offer preparatory language courses and welcome programs.

We recommend scheduling an **appointment for academic counseling with the general student counseling office** at several suitable universities, even outside of Berlin!

Important: **You can also study if you have a residence permit according § 24 Residence Act (§ 24 AufenthG)! In contrast to a residence permit for studying, a residence permit according to § 24 allows you to also receive social benefits while studying according to BaföG.**

You should also ask at universities about the possibility of pursuing a **dual or minor degree at another university (Zweithörer)**, being a **visiting student (Nebenhörer)**, or a **guest auditor (Gasthörer)**. It might be possible to continue studies in **Ukraine** as part of an **online distance learning program**. If applicable, you should have this confirmed and should try in addition apply to audit courses or to be a secondary or guest student at a German university in order to obtain access to courses, libraries, student ID cards, etc.

In applying for a residence permit under § 24, third-country nationals may be able to argue that their activity at **both universities** is the proof of their **continuing ties to Ukraine** and that this constitutes grounds for the unreasonableness of returning. Or alternatively they could apply for a residence permit under § 25 Abs. 4 Satz 1 AufenthG.

On 15.04., we submitted [proposed solutions](#) to the Senate and to universities regarding the laws on residence, social security, and higher education for **international students** who have fled Ukraine.

Is it prohibited to change the purpose of residence from § 24 to another residence permit?

Even after receiving a **residence permit in accordance with § 24 Residence Act**, it is possible to change to another residence permit. Contrary to what is sometimes claimed, in our interpretation of **§ 19f Residence Act (§ 19f AufenthG)** it is **not prohibited to change the purpose** of the residence permit as it pertains to gainful employment (Blue Card, research, European voluntary service) or studying (language course, application to study, studies) if a residence status as a war refugee has been applied for or exists in Germany.

According to its wording, § 19f Residence Act only refers to refugees who have applied for or have war refugee status "**in a member state.**" In the context of the Residence Act, "*member state*" refers to the other EU states, not to Germany. The purpose of the provision is to prevent secondary migration of refugees within the EU (also Hornung, in Kluth/Hornung/Koch, *Handbuch Zuwanderungsrecht*, 3rd ed. 2020, § 4 Rn 314). Thus, § 19f Residence Act is not applicable to refugees who have only applied for or hold war refugee status in Germany or whose application has been rejected. The [VAB](#) Berlin on § 24 *AufenthG* have been amended accordingly on June 1st.

Also according to a [BMI letter circulated on 14.03.2022](#) on the implementation of the EU admission decision, changing a permit is possible: "*Neither the Directive nor § 24 Residence Act contains a provision that precludes applying for a residence title other than the one under § 24 Residence Act if the respective requirements are met. ... Even after a residence title has been issued pursuant to § 24 AufenthG, there are no restrictions on changing to another residence status if the general requirements for issuance are met.*"

Irrespective of this, if an **asylum application has been filed, withdrawn, or rejected**, § 10 *AufenthG* (ban on changing purpose for a visa) (*Verbot des Spurwechsels*), then there is a **general ban on changing the purpose of residency** to gainful employment, studying, language courses, etc. Therefore, you should always visit a counseling center before applying for asylum! Although studying is

also allowed for asylum seekers, it is often impossible for asylum seekers because of the nationwide allocation, the obligation to live in an asylum reception center, and the minimal amount of pocket money that is provided through social benefits.

Submitting an Application

- **Applications for an appointment at the LEA** to receive a residence permit for the purpose of re-unifying with a spouse or child, for humanitarian reasons, to study, for gainful employment, etc. can be submitted [via email form](#). An appointment at the LEA is only possible with an appointment.
- **Documents** can be uploaded in the **appendix** of the email form. For [telephone consultation with the LEA](#) it is best to call early in the morning!
- Here is a [sample application for residence and work permit](#).
- **Advice on residence, asylum, and social law** – also on residence for war refugees to study, for gainful employment etc. – is offered by the [Welcome Center of the Berlin Integration Commissioner](#) at Potsdamer Straße 65, 10785 Berlin-Mitte: Mon, Tues, Wed, Thurs 9 a.m. – 1 p.m. and Tues and Thurs 3 p.m. – 6 p.m. Appointments and advice by e-mail: beratung@intmig.berlin.de or by telephone Mon, Wed, and Fri from 10 to 12 Tel. 030 9017-23172.

12. Application for asylum

An **asylum application** allows access to social welfare (in this case, the **LAF** would be responsible for social benefits and accommodation in Berlin and nationwide distribution from Berlin) and offers protection from deportation as long as the procedure is ongoing. A residence permit is issued only after recognition as a refugee. Negative consequences of an asylum application are:

- Nationwide distribution and allocation (*Verteilung*) and admission to the central reception facility in a federal state and later, if necessary, to a municipality,
- There is a six month ban (in some federal states up to 24 months) on moving into private housing.
- There is a ban on gainful employment for up to nine months depending on the policy of each federal state.
- There is a general ban on changing to a residence permit for studying or for gainful employment purposes during the asylum procedure and after the asylum application has been withdrawn or rejected, § 10 *AufenthG*.
- If the asylum application is rejected, a ban on entry and residence throughout the EU can be imposed for usually 2 ½ years, § 11 Abs. 7 *AufenthG*.

An application for asylum should only be made after weighing the pros and cons. We do not advise war refugees from Ukraine to apply for asylum. Third-country nationals should also first try to obtain war refugee status. Nobody is obliged to apply for asylum! We recommend that you visit a [counseling center](#) before applying for asylum.

Fear of punishment for **refusing military service** is not a reason for asylum. Exceptions are conceivable in the case of forced participation in a war situation that violates international law. However, extremely strict conditions apply to [Russian deserters](#). Under no circumstances will Ukrainian deserters be granted asylum.

The registration, accommodation, and allocation of asylum seekers takes place in Berlin at the **LAF's AKUZ Arrival Center**:

- Arrival Center **AKUZ** of the **LAF**: [Oranienburger Straße 285, 13437 Berlin](https://www.berlin.de/laf/ankommen), U-Bahn line 8 or S-Bahn line 25 to station "Karl Bonhoeffer Nervenlinik" is open 7 days a week 24 hours a day: www.berlin.de/laf/ankommen

13. Social benefits for cost of living according to *AsylbLG*, *SGB II* and *SGB XII*

Initially, Ukrainian war refugees in Berlin received social benefits from the social welfare offices under the Asylum-Seeker Benefits Act (*AsylbLG*). This was in line with a German nationwide practice.

As of **June 1, 2022**, following a change in the German law, war refugees are entitled to **unemployment benefits II** (*Arbeitslosengeld 2*) under **Social Code Book II** (*SGB II*) or to **basic benefits for reduced earning capacity and old age** (*Grundsicherung bei Erwerbsminderung und im Alter*) under **Social Code Book XII** (*SGB XII*) instead of social benefits under *AsylbLG*, if they got an ID-check with fingerprints and picture (*ED-Behandlung*) and a residence permit (*Aufenthaltstitel* or *Fiktionsbescheinigung*).

Which of the two benefits can be claimed is determined by the same rules as apply to Germans:

- War refugees who are **capable of working** and their family members will be entitled to ***SGB II* benefits**. A person is considered fit for work if he or she is currently or within the next 6 months able to work at least 3 hours a day on a regular basis. Parents who cannot work because of need to look after a child are also considered fit for work. Recipients of unemployment benefits II (*Arbeitslosengeld 2*) are, however, generally obliged to look for work and to accept a reasonable job. Parents of children over the age of 3 are also generally obliged to try to find at least part-time work. The **Jobcenter** in the district of residence is responsible for benefits.
- War refugees of **retirement age** (§ 41 *SGB XII*), war refugees who are **permanently incapable of work** (§ 8 Abs. 1 and § 44a *SGB II*), and war refugees who receive a retirement pension from Ukraine (§ 7 para. 4 *SGB II*) are entitled to **basic benefits for reduced earning capacity and old age** (*Grundsicherung bei Erwerbsminderung und im Alter*) according to *SGB XII*. They do not receive unemployment benefits II (*Arbeitslosengeld 2*) according to *SGB II*. The **social welfare office** of the district of residence is responsible for the benefits.

The prerequisite for social benefits according to *SGB II* or *SGB XII* is a **residence permit** (*Aufenthaltstitel*) according to § 24 *AufenthG* or a **temporary permit** (*Fiktionsbescheinigung*) according to § 81 Residence Act (§ 81 *AufenthG*). In addition, in Berlin an **allocation to Berlin** (*Berlinzuweisung*) from the *UA-TXL* is necessary. See Chapter 7 of this text for details.

In addition, registration in the Central Register of Aliens (Ausländerzentralregister AZR) and identification verification with fingerprints and picture (*ED-Behandlung*) are required. If registration in the AZR took place before June 1 and a corresponding residence permit or a temporary permit according to § 81 *AufenthG* (*Fiktionsbescheinigung*) was issued, the identification verification should be carried out by 31.10.2022 (§ 74 Abs. 3 *SGB II* / § 146 Abs. 3 *SGB XII*). However, according to the [BMAS letter dated 25.05.2022](#) and the [directive of the Federal Employment Agency dated 23.05.2022](#), identification verification that has not been carried out by this date does not have negative effects on the entitlement to benefits under *SGB II* and *SGB XII*.

- War refugees with a **residence title** (*Aufenthaltstitel*) according to § 24 *AufenthG* or a **green temporary permit** (*grüne Fiktionsbescheinigung*) according to § 81 *AufenthG* [on an official form from the Bundesdruckerei](#) are regularly registered in the Central Register of Aliens (AZR) in

Berlin. In this case, social benefits according to *SGB II/XII* can be received without problems. If necessary, they will receive a letter from the *LEA* to do identification verification at the *LAF*.

- War refugees who **visited the *LEA* before June 1th** but neither received a residence permit nor a green temporary permit will receive by mail a **white temporary permit** valid for nine months with a ***LEA* official seal** (round stamp) and a ***AZR* number** from the *LEA*. Here is an [example](#). This certificate is recognized by Berlin *Jobcenters* and social welfare offices (*Sozialämter*) as a temporary permit according to § 81 *AufenthG* with *AZR* registration, so that social benefits according to *SGB II/XII* can be received.

As long as neither a residence title according to § 24 *AufenthG* nor a temporary permit according to § 81 *AufenthG* with *AZR* registration is provided, the **minimal social benefits** according to *AsylbLG* (§ 1 Abs. 1 Nr. 8 *AsylbLG*, § 1 Abs. 3a *AsylbLG*) will still apply after June 1th. This may be the case in Berlin for the following reasons:

- The PDF certificate generated during the **online application** for an **appointment at the *LEA* Berlin** is not a temporary permit according to § 81 *AufenthG* – regardless whether issued before or after 1.6.2022. It does not confirm registration in the *AZR*. This certificate is not sufficient for social benefits according to *SGB II/XII*.
- Although the **allocation to Berlin (*Berlinzuweisung*)** from *UA-TXL* includes identity verification and registration in the *AZR*, it is not a temporary permit (*Fiktionsbescheinigung*) according to § 81 Residence Act (*AufenthG*). Therefore, an allocation to Berlin from *UA-TXL* is not sufficient for social benefits according to *SGB II/XII*.
- Refugees **newly arriving from Ukraine after June 1th, 2022** are therefore initially referred to benefits from the social welfare offices under the *AsylbLG*, as long as they have not received a **residence permit or a green temporary permit with *AZR* registration from *LEA***. Social welfare offices will require also for *AsylbLG* that the war refugees present an allocation to Berlin (*Berlinzuweisung*) from the *UA-TXL* (if there is a threat of allocation see Chapter 7 of this text). Entitlement to benefits from *SGB II/XII* then starts the month following the issuance of the temporary permit or residence permit, § 1 Abs 3a *AsylbLG*. **Until then, there are only benefits according to the *AsylbLG*.**
- Currently, the **Berlin Senate is examining** whether in the future residence permits according to § 24 *AufenthG* or temporary permits according to § 81 *AufenthG* can be issued at *UA-TXL* in order to provide direct access to benefits according to *SGB II/XII*. So far, the *LEA* Berlin refuses to help in this regard (as of June 9, 2022).
- If in **May 2022, benefits under the *AsylbLG*** have already been received, social welfare offices must continue to grant **social benefits under the *AsylbLG*** beyond 1.6.2022 until the application to the *Jobcenter* and social welfare office is approved, even if a residence permit according to § 24 or a temporary permit according to § 81 *AufenthG* with registration in the *AZR* is provided (§ 18 *AsylbLG*). In these cases, the application according to *SGB II/XII* is considered filed within the deadline (temporary effect § 74 Abs. 5 *SGB II* / § 146 Abs. 5 *SGB XII*). The *Jobcenter* and social welfare office must then retroactively pay the difference to the higher benefits according to *SGB II/XII*. It is recommended that you also apply to the *Jobcenter* or social welfare office yourself and fill out the relevant forms in order to receive benefits under *SGB II/XII* as quickly as possible.

Links to **the application forms** with explanations are provided at the end of this chapter. According to *AsylbLG* and *SGB II/XII*, all refugees – including those who are **accommodated privately** – are **entitled to**:

- **Standard benefits** (*Regelsätze*) according to § 3a AsylbLG or SGB II/XII.
- **Benefits for those with additional needs** (*Mehrbedarfszuschläge*) for **single parents** and for **pregnant women** according to SGB II/XII or according to § 6 AsylbLG (see [circulated letter of SenIAS](#)). This also applies single parents in temporary separation from the partner, e.g. if the partner has to stay in Ukraine in military service.
- The [directive of the Federal Employment Agency \(Bundesagentur für Arbeit\) from May 23, 2022](#) on § 24 Residence Act (AufenthG) clarifies that partners still living in Ukraine are not to be counted as part of the *Bedarfgemeinschaft*. This means the partner in Germany qualifies for the higher **standard rate level I** (*Regelbedarfsstufe 1*) as a single person and in case for benefits for those with additional needs (*Mehrbedarfszuschlag*) as **single parents** (Alleinerziehende).
- There is an **additional provision** in case of **pregnancy and birth** according to § 6 AsylbLG or SGB II/XII.
- In case of social benefits by AsylbLG, there is an additional supplement (*Mehrbedarfszuschlag*) for **household electricity** (*EVS Abt. 4*) and **household items** (*EVS Abt. 5*) according to § 3 Abs. 3 Satz 3 AsylbLG. This is because these needs are not included in the standard rates according to § 3a AsylbLG unlike in the standard rates (*Regelsätzen*) according to SGB II/XII.
- If necessary, you can apply for an initial provision for **clothing and shoes** in accordance with § 6 AsylbLG or SGB II/XII.
- Benefits for outpatient and inpatient **medical care** via a public health insurance (*Gesetzliche Krankenversicherung*): According to AsylbLG with a **health insurance card** according to § 264 Abs. 1 SGB V; according to SGB XII with a **health insurance card** according to § 264 Abs. 2 SGB V; in case of benefits according to SGB II as a **member** of a public health insurance according to § 5 SGB V.
- In case **care is needed**, benefits from the social welfare office are available for outpatient or inpatient care. Nursing care insurance (*Gesetzliche Pflegeversicherung*) is not included as part of health insurance according to § 264 SGB V, which is why the social welfare office itself must provide this benefit according to § 6 AsylbLG or § 63 ff. SGB XII. According to § 63 ff. SGB XII, the social welfare office must provide these benefits even in case of membership in a health and nursing care insurance program according to SGB II, since the nursing care insurance only provides benefits after a two-year pre-insurance period.
- If you have a tenancy agreement or [sublease agreement](#), you can receive benefits to pay for the cost of **rent** and **heating** as determined to be appropriate by "[AV Wohnen Berlin](#)," and you can receive **additional payments** for operating and heating costs. According to SGB II/XII, the costs for household electricity are included in the standard rates (*Regelsätze*) and are to be paid separately according to AsylbLG. If applicable, a loan can be provided to pay the legal deposit (*gesetzlich zulässige Mietkaution*) if you for a reasonable reason have to rent a (new) apartment.

The following applies to income, assets, and livelihood obligations:

- The [directive of the Federal Employment Agency dated May 23, 2022](#) clarifies that for a period of six months, **assets** will not be taken into account for **unemployment benefits II** if they are below 60,000 euros plus an additional 30,000 euros for each additional person (§ 67 (2) SGB II, special regulation due to the pandemic). Assets above this amount are only taken into account if they can be used. This is not the case with real estate assets in Ukraine.

- According to the [letter of the BMAS v. 25.05.2022](#), **assets** will only be taken into account in **social assistance** (according to § 141 (2) Satz 1 *SGB XII* (special provision due to the pandemic)) for a period of six months if the assets are substantial. It is presumed that there are no substantial assets if this is what is declared when the application is submitted.
- The above-mentioned [directive of the Federal Employment Agency](#) and the above-mentioned [letter of the BMAS](#) make it clear that, in the case of social assistance and unemployment benefits II, payments through **employment in Ukraine** are only taken into account as earned income if you can actually access this income from Germany. It cannot be taken into account if it is credited to an account that the person in Germany cannot access. Costs of rent in Ukraine are to be deducted from disposable income.
- The above-mentioned [directive of the Federal Employment Agency](#) and the above-mentioned [letter of the BMAS](#) clarify that in the case of social assistance and unemployment benefits II, the **income of a partner living in Ukraine cannot be taken into account**, even if the partner living in Germany has access to it. In this case there will be no review of the **obligation that the person** living in Ukraine has to provide a livelihood to the person living in Germany.
- For entitlement to **child benefits (*Kindergeld*)**, parental allowances (*Elterngeld*), allowances for single parents (*Unterhaltsvorschuss*), and other social benefits, see Chapter 16 of this text. The social welfare office and *Jobcenter* may demand that you apply for such prioritized social benefits. As soon as the social benefits are received, they may be offset against unemployment benefits II or the basic income support (*Grundsicherung*) according to *SGB XII*.

Responsibility of social welfare offices and Jobcenters and the application process

In Berlin, the **district social welfare offices** (*Sozialämter der Bezirke*) are responsible for benefits to war refugees under *AsylbLG* or *SGB XII*, while the **Jobcenters** are responsible for benefits under *SGB II*.

In the case of accommodation in a *LAF* shelter or an apartment, the social welfare office or *Jobcenter* of the district of residence is responsible. Only if you are accommodated in an **ASOG shelter** your application should be submitted to the *social welfare office or Jobcenter* determined by *the month of birth* of the oldest member of the family that is applying. For example, if the oldest member of the family was born in January, you should submit to the Mitte district. See [Addresses and Responsibility by Month](#).

Privately housed refugees from Ukraine must also apply for benefits at the [Jobcenter](#) or social welfare office in the district ([Sozialämter der Bezirke](#)) in which they actually live, not by month of birth. This also applied to applications submitted until 31.05.2022 if you didn't register your address (*Anmeldung*) at the Citizens' Office (*Bürgeramt*).

Because of the residence requirement (*Wohnsitzauflage*) in § 12a *AufenthG*, entitlement to social benefits exists only at the **city you have been allocated to**. Social benefits may only be granted at another location in individual cases, for instance in the case of a stay at a women's shelter (*Frauenhaus*), § 11 Abs. 2 *AsylbLG*, § 36 Abs. 2 *SGB II*, § 23 Abs. 5 *SGB XII*.

The claim must be filed with the **responsible district social welfare office (Sozialamt) or Jobcenter**. In any case you should **appear in person** there, not only submit a written application. If they refuse you should at least leave a [written application](#) and keep a copy of it (easy to read photos/scans with smartphone, photocopy, fax, registered mail, etc.). You have the right to come to any office in Germany with another supporting person as your assistance ("Beistand", § 13 *SGB X*, § 14 *VwVfG*).

Applications submitted only by mail etc. are regularly lost at Berlin social welfare offices and *Jobcenters*. According to *AsylbLG*, benefits have to be paid from the day the social welfare office becomes aware of the need for assistance. For basic benefits (*Grundsicherung*) according to *SGB XII* and unemployment benefits II according to *SGB II* you have to make an application, but they are also paid retroactively from the first day of the month of application.

According to *AsylbLG* or *SGB XII*, **claims** for social assistance and for benefits from the *Jobcenter* are immediate in case of **lack of funds**. In this case, assistance must be immediately **paid out in cash!**

If necessary, demand an immediate **advance payment!**

Further Info

- **FAQ** of the Berlin Administration for War Refugees from Ukraine (*Berliner Verwaltung für Kriegsflüchtlinge aus der Ukraine*) (*LEA, LAF*, social authorities)
[German](#) [English](#) [Ukrainian](#) [Russian](#)
- **Senate Berlin: Table of changes to the legal status of *AsylbLG* > *SGB II/XII***
[German](#) [English](#) [Ukrainian](#) [Russian](#)
- **Directive of the Federal Employment Agency:** Benefits according to *SGB II* with residence permit according to § 24 *AufenthG* or corresponding temporary permit
<https://t1p.de/8pzco>
- **Letter of *BMAS*:** Entitlement to benefits for refugees from Ukraine according to *SGB XII*
www.fluechtlingsrat-berlin.de/bmas_sgb-xii_rechtskreiswechsel_25mai2022
- **Circulated letter of *SenIAS* v. 07.06.2022** on changes to the legal status of *AsylbLG* > *SGB II* and *SGB XII* www.fluechtlingsrat-berlin.de/senias_rkwechsel
- **Application forms for social benefits according to *SGB II***
www.arbeitsagentur.de/download-alg2
- **Information and instructions** from the Federal Employment Agency on completing the application for benefits under *SGB II*
[ukrainian/russian/english/german](#)
- **Application forms from the Berlin social welfare offices for benefits** according to *SGB XII* and *AsylbLG* Ukrainian/German www.berlin.de/sen/soziales/service/berliner-sozialrecht/kategorie/sonstige/sonderseite_antragsformulare_ukraine-1184715.php
- **Sample applications** for social benefits *AsylbLG/SGB II/SGB XII*, sample **sublease agreement**, etc. www.fluechtlingsrat-berlin.de/musterantraege_ukraine
- [Advice for refugees in Berlin \(PDF download\)](#) > Tips for **legal compliance** in Chapter 3
- **GGUA Münster on changes to the legal status of *AsylbLG* > *SGB II/XII* and changes in the Residence Act as of 1.6.2022 GGUA**
https://ggua.de/fileadmin/downloads/tabellen_und_uebersichten/AEnderungen_Rechtskreiswechsel.pdf

14. Social assistance for third-country nationals

Article 2 of the EU [admission regulations](#) pertains third-country nationals as **spouses, common-law partners** (*eheähnliche Partner*) and non-adult **children** of Ukrainians as well as in Ukraine

recognized **refugees**. According to this regulation, third-country nationals must therefore receive social benefits according to the *AsylbLG* or *SGB II/XII* in the same way as Ukrainians.

Since the regulation includes other **third-country nationals** who have a **temporary** or **permanent residence permit from Ukraine** and cannot return to their country of origin under safe and permanent conditions, they must at least receive social benefits according to the *AsylbLG* while their application for a residence permit according to § 24 *AufenthG* is being examined. If they receive a residence permit according to § 24 *AufenthG* or a temporary permit (*Fiktionsbescheinigung*) with registration in the *AZR*, they are entitled to *SGB II/XII* benefits just like Ukrainians.

The social welfare offices can request a registration from the *UA-TXL* and an allocation to Berlin (*Berlinzuweisung*), see Chapter 7 of this text. At *UA-TXL*, the *LAF* will check the prerequisites for an allocation to Berlin (*Berlinzuweisung*) and they will check whether a residence permit according to § 24 *AufenthG* is in principle possible. Proof that the person was in Ukraine until 24.2. and had a Ukrainian residence permit, for instance by showing the corresponding exit or entry stamps, should be sufficient for a residence permit. War refugee status is also possible if the person left the country up to 90 days before 24.02. See also Chapter 3 of this text. A closer examination is then the task of the *LEA*, not the *LAF*.

Even if your application is **rejected** and you are obliged to leave the country as a foreigner with or without exemption (*Duldung*), you still have a right to social benefits according to the *AsylbLG* as long as you are in need and are actually staying in Germany (§ 1 Abs. 1 Nr. 4 und 5 *AsylbLG* iVm § 1 Abs. 3 *AsylbLG*). A subsequent nationwide allocation will not be carried out, because according to Ukraine Residence Transition Regulation there was no illegal entry according to § 15a *AufenthG*. The district social welfare offices are responsible. See Chapter 13 of this text.

Social welfare offices and Jobcenters must always examine [applications and communicate their decision in a substantiated written decision](#) if you request for it!

15. Health insurance and medical care

Because the EU's social agreement (*Sozialabkommen*) with Ukraine does not include health insurance, Ukrainian health insurance does not apply in Germany. Without a social agreement, the periods of Ukrainian health insurance also do not permit access to statutory health insurance in Germany on the basis of a pre-insured period (this would be different if Ukraine enters the EU).

You are entitled to get a member of a public health insurance (Mitglied einer Gesetzlichen Krankenversicherung) only if you start an **employment with socially insurance** (*sozialversicherten Beschäftigung*), start studying, or receive benefits according to *SGB II*.

If you receive benefits according to the *AsylbLG* or *SGB XII*, you are only entitled to health care via a health insurance card from a public health insurance (*Krankenversicherungskarte*) according to § 264 *SGB V*.

In order to assure **medical care in case of illness**, you should also apply for social assistance or unemployment benefits II (*Arbeitslosengeld*) at the responsible social welfare office or *Jobcenter* as soon as possible. The social welfare office or *Jobcenter* must also register you at a public health insurance immediately upon submission of the application.

It usually takes about four weeks **until the health insurance card arrives**. In the meantime, the social welfare office or *Jobcenter* must issue a **confirmation** (*Bestätigung*) of registration with the health insurance company. If you present this confirmation, doctors etc. must treat you. It is helpful to have

the **insurance number of the health insurance company**, which can be obtained from the health insurance company. Doctors' offices etc. can also ask for this number. The health insurance company needs a **photo** (not biometric) for the electronic health insurance card (eGK). You can submit it to the social welfare office or *Jobcenter* to forward it to the health insurance or you can upload it on the homepage of the health insurance.

According to a [press release dated 4.4.2022](#), an agreement has been made between the Berlin Senate Department for Integration, Labor, and Social Affairs (*Senatsverwaltung für Integration, Arbeit und Soziales*) and the **Association of Statutory Health Insurance Physicians (*Kassenärztlichen Vereinigung Berlin*)** to provide **basic outpatient medical care** for refugees from Ukraine who are not yet registered with the competent authority.

For this, war refugees from Ukraine must show their identification document to a doctor. According to the agreement, the costs for medically prescribed **medications** are also covered. The regulation also applies to third-country nationals with Ukrainian residence permits. According to information from the Senate Social Administration, hospitals are now also included in the agreement.

The Association of Statutory Health Insurance Physicians Berlin (*Kassenärztlichen Vereinigung Berlin*) can offer information about the agreement here:

www.kvberlin.de/fuer-patienten/ukraine

"War refugees from Ukraine: Outpatient medical care.

*Ideally, you are already registered with a Berlin social welfare office, because this is the only way you will receive German health insurance. ... **If you have not yet registered with a social welfare office and do not have German health insurance, you will still receive free treatment.** For this purpose, the clinic will take your personal data, such as name, date of birth, and ID number. Therefore, please be sure to **present proof of identity** at the clinic (e.g., passport, ID card, child ID, etc.)."*

In **acute emergencies, hospital emergency departments** (in German called *Rettungsstelle, Erste Hilfe* or *Notaufnahme*) are required to assist. However, emergency departments cannot provide ongoing treatment or issue free redeemable prescriptions for medications.

In acute emergencies, if you live in an **ASOG home** or a **refugee camp**, the **security** is obliged to help you at any time to call an ambulance. They are not allowed to decide if it is necessary or not.

In all cases, the **social welfare office** is responsible for **benefits in terms of long-term care (*Leistungen bei Pflegebedürftigkeit*)**. According to § 264 SGB V, the health insurance card from the *LAF* or the social welfare office does not include long-term care insurance (*Pflegeversicherung*). If you receive health insurance via the *Jobcenter* or as an employee, long-term care insurance (*Pflegeversicherung*) benefits are excluded for the first 24 months.

In case long-term care is needed, care allowance (*Pflegegeld*) and/or long-term personal care (*Pflegesachleistungen*) must therefore be organized and secured from the social welfare office (Sozialamt) through an outpatient care service or in a stationary care facility as "help for care." (Hilfe zur Pflege, § 63 ff. SGB XII). The social welfare office will have to send a doctor to appraise the situation.

16. Topics: (bank account, school, daycare, UMF, pregnancy, language courses, WBS, vacation, driver's license, etc.)

Bank Account

A basic payment bank account (*Basiskonto*) can be opened if you provide a passport and a registration from the Immigration Office (in Berlin from the *LEA*). Often a tax ID is asked for, however this is not necessary according to § 31 ff. *Zahlungskontengesetz ZKG*. Fill out and bring along the application (Annex 3 of the ZKG): www.buzer.de/gesetz/11992/a198022.htm

A basic account from *Berliner Sparkasse*, including booking fees, account statements, etc., costs approximately 10 euros/month.

According to *AsylbLG* or *SGB XII*, it is not necessary to have a bank account in order to receive social benefits. Benefits according to *AsylbLG* are to be paid in cash, § 3 para. 5 *AsylbLG*. Benefits under *SGB II* are usually paid into a bank account. According to instructions from the Federal Employment Agency (*Bundesagentur für Arbeit*) <https://t1p.de/8pzco>, benefits may be paid by "barcode" (QR-code for payments received at the checkout of a supermarket) during the first few months.

Currency exchange

According to a press release of the Federal Ministry of Finance ([German / English](#)), since 24.5.2022 every person of full age can exchange once up to 10,000 *hryvnia* (= approximately 300 euros) for euros. This exchange can be made in several partial amounts. Banks and savings banks will exchange banknotes of 100, 200, 500, and 1,000 *hryvnia* free of charge at the exchange rate announced by the Bundesbank at www.bundesbank.de/wechselkurse-uah.

School

In Berlin, **school attendance** is compulsory for refugees from day one. Nevertheless, the Berlin school authorities often take weeks or even months to find a suitable place in a welcome class for children not yet speaking German (*Willkommensklasse*). The **school office of the district** where the refugee lives (*Schulamt des Wohnbezirks*) is responsible for registering the refugee for a place in a primary or secondary school: <https://service.berlin.de/schulaemter>

If necessary, you should also contact a **suitable school directly** and ask for assistance with school registration. In Berlin, placement for a **vocational school or pre-vocational training** (*Oberstufenzentrum*) is carried out centrally by the respective district centers for vocational school and pre-vocational training (*SIBUZ Berufliche Schulen und Oberstufenzentren*).

www.berlin.de/sen/bildung/unterstuetzung/beratungszentren-sibuz/berufliche-schulen-und-osz/

Daycare Center

In Berlin, allocation to a daycare center (*Kindertagesstätte - Kita*) or to a babysitter is not done by the youth welfare offices (*Jugendämter*). You have to look for a place yourself. If you are not successful, the youth welfare offices must provide information about a suitable place. In all cases, a daycare voucher must be applied for at the youth welfare office of the district of residence: <https://service.berlin.de/dienstleistung/324873/>

Pregnancy

According to *AsylbLG/SGB II/SGB XII*, pregnant women can apply at *Sozialamt/Jobcenter* for current social benefits (*Mehrbedarfszuschlag*) and for an extra social benefit for **maternity clothing, baby supplies**, and benefits from the **Federal Foundation – Mother and Child** (*Bundesstiftung Mutter und Kind*), in addition to the regular benefits: www.bundesstiftung-mutter-und-kind.de/

Info in Ukrainian: www.bundesstiftung-mutter-und-kind.de/fileadmin/user_upload/Infoblätter_Fremdsprachen/ukrainisch-barrierefrei.pdf

To apply for the above benefits, the woman should visit a pregnancy counseling center (*Schwangerschaftsberatungsstelle*). List of addresses: www.familienplanung.de/beratung/beratungsstelle-finden

These offices also provide advice on the preconditions and financing of an **abortion**. The cost of an abortion for Women with low income or receiving social benefits will be covered by the public **health insurance** (*gesetzliche Krankenversicherung*), in case of non-regularly insured persons by a health insurance (*gesetzliche Krankenversicherung*) of the woman's choice at her place of residence.

Excluded from the nationwide allocation (bundesweite Verteilung) are highly pregnant women and women who have recently given birth and are within the legal period of maternity leave (*gesetzliche Mutterschutzfrist*). They may receive an allocation to Berlin (Berlinzuweisung) in UA-TXL. See Chapter 7 of this text.

Unaccompanied minors

Unaccompanied minors must always be brought to the **Youth Welfare Office** (*Jugendamt*). In Berlin, the Initial Reception and Clearance Center (*EAC*) at Prinzregentenstr. 24, 10715 Berlin, U-Bahn U7 and U9 "Berliner Straße" is responsible for the reception and accommodation of unaccompanied minor refugees:

www.berlin.de/sen/jugend/jugend/unbegleitete-minderjaehrige-fluechtlinge/

If **minors are traveling with relatives** who are not their parents (for example, older siblings, aunts, grandparents), you should immediately contact the Youth Welfare Office (*Jugendamt*) of the district of residence:

<https://service.berlin.de/jugendaemter/>

Accommodating and allocating minors together with their relatives will be done if it is in the **best interests of the child**. Whether a guardian (*Vormund*) is appointed or not depends on whether there is continuous contact with guardians living in Ukraine.

Accommodating unaccompanied minors privately without the permission of the Youth Welfare Office (*Jugendamt*) is illegal and punishable by law. Currently minors are being allocated (*Verteilung*) together with the non-custodial relatives they entered *UA-TXL* with without a review of the best interests of the child. We consider this practice to be illegal.

Family reunification

Children and spouses of war refugees who do not have the right to enter and reside as war refugees do have a right to be reunified with their family (*Familiennachzug*) if their family has a residence permit under § 24 Residence Act (*AufenthG*) and if they were already a part of that family before fleeing. In this case, proof of independent means of subsistence is waived (§ 29 Abs. 4 *AufenthG*).

Integration courses

Admission to integration courses is possible (§ 44 Abs. 4 *AufenthG*) and is expressly promised. For recipients of benefits according to *AsylbLG* or *SGB II/XII*, participation is free of charge. Those with B1 German language skills can participate in job-related German courses through the employment agency (*Arbeitsagentur*) in order to acquire German language level B2.

Integration assistance for disabled people

War refugees from Ukraine with a residence title according to § 24 or a corresponding temporary permit (*Fiktionsbescheinigung*) have the same entitlement to integration assistance (*Eingliederungshilfe*) for disabled persons as Germans. According to § 23 para. 1 p. 3 *SGB XII* and § 100 para. 1 p. 1 *SGB IX*, integration assistance for foreigners residing only temporarily will only receive discretionary benefits (*Ermessensleistung*).

However, if a permanent residence is foreseeable, there is a legal claim according to § 23 para. 1. p. 4 *SGB XII* or § 100 para. 1 p. 2 *SGB IX*, just like for Germans. According to the new § 146 para. 1 *SGB XII*, since 01.06.2022 the requirement for **permanent residence** according to § 23 para. 1. p. 4 *SGB XII* is fulfilled in the case of **war refugees** with a residence permit according to § 24 or a corresponding temporary permit (*Fiktionsbescheinigung*). Likewise already according to the [BMAS circulated letter dated 29.04.2022](#), the requirement for permanent residence according to 100 Para. 1 S. 2 *SGB IX* is fulfilled.

Certificate of Eligibility for Public Housing (*Wohnberechtigungsschein - WBS*)

A *WBS* is required to rent an apartment in social housing and is also required in Berlin in order to receive preferential placement into state-owned housing. Refugees from Ukraine with a residence permit according to § 24 AufenthG who receive social benefits from the *Jobcenter* or social welfare office (*Sozialamt*) or who have low or medium income, can apply for a *WBS*. An additional requirement in Berlin is the **possession of a residence permit** that is valid for at least 11 more months. It is difficult to get a *WBS* with a temporary permit (*Fiktionsbescheinigung*) or if you are in the second year of a two-year residence permit.

We consider these strict requirements to be unlawful. The 2021 coalition agreement of the Berlin Senate stipulates a change to this law.

Applications can be done at the Citizens' Office (*Bürgeramt*) for the residential district:

www.stadtentwicklung.berlin.de/wohnen/mieterfibel/de/mf_wbs.shtml

Motor vehicle liability insurance (*KFZ-Haftpflichtversicherung*)

Until the end of May 2022, German motor vehicle liability insurers will cover damage culpably caused by Ukrainian passenger cars in Germany as part of a voluntary initiative. Because the regulation ends on June 1, 2022, every vehicle with Ukrainian registration in Germany must provide proof of motor vehicle liability insurance beginning on June 1, 2022. This is possible with a green card from a Ukrainian motor vehicle liability insurance company, which can also be obtained digitally from Germany www.mtsbu.ua/ua/green_card/80365/, or with a valid "border insurance" (*Grenzversicherung*) purchased at the outer border of the EU or in Germany.

The driver must carry the **green card** or confirmation of the **border insurance** with him/her and they must show it in case they are checked. Driving without valid motor vehicle liability insurance is a punishable offense in Germany. See also information from the Federal Ministry for Digital and Transport (*Bundesministerium für Verkehr*) in [German](#), [Ukrainian](#), and [English](#).

Driver's license

Normally, a Ukrainian driver's license is only valid for 6 months in Germany. Under the previously applicable law, anyone who lives here longer would have to obtain a German driver's license by first taking the practical and theoretical test.

The Federal Ministry for Digital and Transport (*Bundesministerium für Verkehr*) has now informed in a [letter dated May 31, 2021](#) that the EU Commission is currently examining short-term measures for the Europe-wide recognition of Ukrainian driving licenses without renewed examinations.

Vacation and travel to Ukraine

A **residence permit** according to § 24 AufenthG expires only if one is absent from Germany for more than 6 months without permission of the Immigration Office (§ 51 *AufenthG*). Therefore, even if you visit Ukraine, you still have a valid residence permit according to § 24 AufenthG and the right to re-enter the EU and Germany.

However, a person may only receive **social benefits** according to *SGB II* for a maximum of 3 weeks per year, if the *Jobcenter* has given them permission to be absent from their place of residence (§ 7 Abs. 4a *SGB II*). Permission will be granted if the absence does not impair job placement or integration into work.

Social benefits according to *SGB XII* (basic income for reduced earning capacity and old age) (*Grundsicherung bei Erwerbsminderung und im Alter*) will be continued for up to four weeks during a temporary stay abroad (§ 41a *SGB XII*). These types of stays are also possible several times a year as long as your life and usual residence remains in Germany.

Social benefits according to *AsylbLG* you may only receive as long as you are actually staying in Germany.

17. Documents and materials

FAQ of the Berlin administration (LEA, LAF, social authorities)

[German](#) [English](#) [Ukrainian](#) [Russian](#)

Berlin Senate: Table on changes to the legal status of *AsylbLG* > *SGB II/XII*

[German](#) [English](#) [Ukrainian](#) [Russian](#)

Handbook Germany

Information in [German, Ukrainian, and Russian](#)

Info page Refugee Council Berlin

www.fluechtlingsrat-berlin.de/news_termine/ukraine

Admission decision from the EU on war refugees from Ukraine v. 03.03.2022

https://eur-lex.europa.eu/eli/dec_impl/2022/382/oj

Directive 2001/55 EC ("Mass influx directive")

<http://data.europa.eu/eli/dir/2001/55/oj>

Circulated Letter of the BMI v. 14.03.2022 on the implementation of the EU admission decision

www.fluechtlingsrat-berlin.de/bmi_aufenthalt_ukraine_14mrz22

Circulated letter of *SenIAS* on *AsylbLG* benefits from the districts:

www.fluechtlingsrat-berlin.de/senias_asylblg_ukraine

Sample applications for social benefits *AsylbLG/SGB II/SGB XII*, sample **sublease contract**, etc.:
www.fluechtlingsrat-berlin.de/musterantraege_ukraine

Application forms for unemployment benefits II

www.arbeitsagentur.de/download-alg2

Required are at least: main application (for the applicant), *annex WEP* (for each additional person 15 years and older), *annex EK* (income, for the applicant and for each person 15 years and older), *annex KI* (for each child under 15 years of age), *annex KdU* (on costs of housing and heating).

Information, instructions, and translation of the application forms for unemployment benefits II [Ukrainian/Russian/English/German](#)

Application forms for **benefits** under *SGB XII* and under *AsylbLG* Ukrainian/German

www.berlin.de/sen/soziales/service/berliner-sozialrecht/kategorie/sonstige/sonderseite_antragsformulare_ukraine-1184715.php

GGUA Münster: Overview of the **changes to the legal status** of *AsylbLG > SGB II/XII* and **changes in the *AufenthG*** as of 1.6.2022

https://ggua.de/fileadmin/downloads/tabellen_und_uebersichten/AEnderungen_Rechtskreiswechsel.pdf

18. Donations, housing services, advocacy

[Needs list, opening hours, and addresses for the collection of in-kind donations by Moabit Hilft.](#)

Please read the needs list carefully and do not leave anything outside the front door after closing hours!

Accommodations are needed. The network [Elinor](#) has collected masses of private housing offers but is not able to forward these offers to the war refugees ☹ .

Needed are long-term housing offers with a rental contract. We recommend contacting directly a local counseling center or initiatives in your Berlin district about housing offers. For example:

www.interaxion-tk.de/seite/508890/wohnraumberatung.html or www.xenion.org/angebot/wohnraumfuergefluechtete/wohnraum-fuer-gefluechtete/ or www.waldstrasse7.de/unser-angebot/wohnbruecke-berlin-mitte/

The initiative LeaveNoOneBehind collects **monetary donations** for people in Ukraine and at the Ukrainian border: <https://ukraine.lnob.net/>

The association [Be an Angel](#) collects donations. Since March 2022 **Andreas Tölke** from Berlin has been in the **Republic of Moldova** with this association to evacuate war refugees from Ukraine.

19. Abbreviations

<i>Abs.</i>	Paragraph (<i>Absatz</i>)
<i>ASOG Unterkunft</i>	Shelter for the homeless according to the General Law for the Protection of Public Safety and Order Berlin (<i>Unterkunft für Obdachlose nach dem Allgemeinen Gesetz zum Schutz der öffentlichen Sicherheit und Ordnung ASOG Berlin</i>)
<i>AsylbLG</i>	Asylum-Seeker Benefits Act (<i>Asylbewerberleistungsgesetz</i>)

<i>AufenthG</i>	Residence Act (<i>Aufenthaltsgesetz</i>)
<i>AZR</i>	Central Register of Aliens (<i>Ausländerzentralregister</i>)
<i>BAföG</i>	Federal Education and Training Assistance Act (<i>Bundesausbildungsförderungsgesetz</i>)
<i>BAMF</i>	Federal Office for Migration and Refugees (<i>Bundesamt für Migration und Flüchtlinge</i>)
<i>BMAS</i>	Federal Ministry of Labour and Social Affairs (<i>Bundesministerium für Arbeit und Soziales</i>)
<i>BMI</i>	Federal Ministry of the Interior and Community (<i>Bundesministerium für Inneres</i>)
<i>eAT</i>	Residence permit on a plastic card (<i>elektronischer Aufenthaltstitel</i>)
<i>ED-Behandlung</i>	Identity Verification with finger prints and picture (<i>erkennungsdienstliche Behandlung</i>)
<i>EG</i>	European Community (<i>Europäische Gemeinschaft</i>)
<i>EU</i>	European Union (<i>Europäische Union</i>)
<i>EVS Abt.</i>	Components of the standard rates from <i>AsylbLG</i> , <i>SGB II</i> , and <i>SGB XII</i> according to the Standard Requirements Determination Act (<i>Bestandteile der Regelsätze des AsylbLG, SGB II und SGB XII nach dem Regelbedarfsermittlungsgesetz (RBEG) auf Basis der der Einkommens- und Verbrauchstichprobe EVS</i>)
<i>LAF</i>	State Office for Refugee Affairs Berlin (<i>Landesamt für Flüchtlingsangelegenheiten Berlin</i>)
<i>LEA</i>	Berlin Immigration Office (<i>Landesamt für Einwanderung Berlin (Ausländerbehörde)</i>)
<i>SGB II</i>	Book II of the German Social Code – Basic income for jobseekers (<i>Sozialgesetzbuch II – Grundsicherung für Arbeitssuchende (Arbeitslosengeld 2)</i>)
<i>SGB V</i>	Book V of the German Social Code – Statutory Health Insurance (<i>Sozialgesetzbuch V – Gesetzliche Krankenversicherung</i>)
<i>SGB XII</i>	Book V of the German Social Code – Social assistance for cost of living and basic income for reduced earning capacity and old age (<i>Sozialgesetzbuch XII – Sozialhilfe zum Lebensunterhalt sowie Grundsicherung bei Erwerbsminderung und im Alter</i>)
<i>UA-TXL</i>	Ukraine Arrival Center of the State Office for Refugee Affairs in the former Berlin-Tegel Airport (<i>Ukraine-Ankunftscenter des LAF im ehemaligen Flughafen Berlin-Tegel</i>)
<i>UMF</i>	Unaccompanied Refugee Minors (<i>unbegleiteter minderjähriger Flüchtling</i>)
<i>VAB</i>	Procedural information on residency in Berlin = LEA application information for the implementation of <i>AufenthG</i> in Berlin (<i>Verfahrenshinweise zum Aufenthalt in Berlin = Anwendungshinweise des LEA zur Umsetzung des AufenthG in Berlin</i>)
<i>VO</i>	Regulation (<i>Verordnung</i>)
<i>WBS</i>	Certificate of Eligibility for Public Housing (<i>Wohnberechtigungsschein</i>)

20. Wortlaut des EU-Beschlusses - Personen, für die der vorübergehende Schutz gilt - deutsch

Auszug aus dem [Durchführungsbeschluss \(EU\) 2022/382](#) des Rates vom **4. März 2022** zur Feststellung des Bestehens eines Massenzustroms von Vertriebenen aus der Ukraine im Sinne des Artikels 5 der [Richtlinie 2001/55/EG](#) und zur Einführung eines vorübergehenden Schutzes.

Vollständiges Dokument hier auf [englisch](#) und [deutsch](#) und in weiteren [Sprachen der EU](#).

Artikel 2 - Personen, für die der vorübergehende Schutz gilt

(1) Dieser Beschluss gilt für die folgenden Gruppen von Personen, die am oder nach dem 24. Februar 2022 infolge der militärischen Invasion der russischen Streitkräfte, die an diesem Tag begann, aus der Ukraine vertrieben wurden:

- a) **ukrainische Staatsangehörige**, die vor dem 24. Februar 2022 ihren Aufenthalt in der Ukraine hatten,
- b) **Staatenlose** und Staatsangehörige anderer Drittländer als der Ukraine, die vor dem 24. Februar 2022 in der Ukraine **internationalen Schutz** oder einen gleichwertigen nationalen Schutz genossen [Drittstaatsangehörige mit Flüchtlingsstatus oder Staatenlosenstatus der Ukraine], und
- c) Familienangehörige der unter den Buchstaben a und b genannten Personen.

(2) Die Mitgliedstaaten wenden entweder diesen Beschluss oder einen angemessenen Schutz nach ihrem nationalen Recht auf Staatenlose und Staatsangehörige anderer Drittländer als der Ukraine an, die nachweisen können, dass sie sich vor dem 24. Februar 2022 auf der Grundlage eines nach ukrainischem Recht erteilten gültigen unbefristeten Aufenthaltstitels rechtmäßig in der Ukraine aufgehalten haben, und die **nicht in der Lage sind, sicher und dauerhaft in ihr Herkunftsland oder ihre Herkunftsregion zurückzukehren** [Drittstaatsangehörige mit unbefristetem Aufenthaltstitel der Ukraine].

(3) Nach Artikel 7 der Richtlinie 2001/55/EG können die Mitgliedstaaten diesen Beschluss auch auf andere Personen, insbesondere Staatenlose und Staatsangehörige anderer Drittländer als der Ukraine anwenden, die sich rechtmäßig in der Ukraine aufhielten und **nicht sicher und dauerhaft in ihr Herkunftsland oder ihre Herkunftsregion zurückkehren können** [Drittstaatsangehörige mit befristetem Aufenthaltstitel der Ukraine].

(4) Für die Zwecke des Absatzes 1 Buchstabe c gelten folgende Personen als Teil einer Familie, sofern die Familie bereits vor dem 24. Februar 2022 in der Ukraine anwesend und aufhältig war [Drittstaatsangehörige, die als **Familienangehörige** den gleichen Schutz wie ukrainische Staatsangehörige erhalten]:

- a) der **Ehegatte** einer in Absatz 1 Buchstabe a oder b genannten Person oder ihr nicht verheirateter Partner, der mit dieser Person in einer dauerhaften Beziehung lebt, sofern nicht verheiratete Paare nach den nationalen ausländerrechtlichen Rechtsvorschriften oder den Gepflogenheiten des betreffenden Mitgliedstaats verheirateten Paaren gleichgestellt sind;
- b) die minderjährigen ledigen **Kinder** einer in Absatz 1 Buchstabe a oder b genannten Person oder ihres Ehepartners, gleichgültig, ob es sich um ehelich oder außerehelich geborene oder adoptierte Kinder handelt;
- c) **andere enge Verwandte**, die zum Zeitpunkt der den Massenzustrom von Vertriebenen auslösenden Umstände innerhalb des Familienverbands lebten und vollständig oder größtenteils von einer in Absatz 1 Buchstabe a oder b genannten Person abhängig waren. [Drittstaatsangehörige, die als **Familienangehörige** nicht zur Kernfamilie gehören, z.B. die **Eltern** oder **Großeltern**]

Erwägungsgründe (Auszug):

(11) Gegenstand dieses Beschlusses ist es, einen vorübergehenden Schutz für ukrainische Staatsangehörige einzuführen, die ihren Aufenthalt in der Ukraine hatten und am oder nach dem 24. Februar 2022 infolge der militärischen Invasion russischer Streitkräfte, die an diesem Tag begann, vertrieben wurden. Zudem sollte ein vorübergehender Schutz für Staatsangehörige anderer Drittländer als der Ukraine eingeführt werden, die am oder nach dem 24. Februar 2022 aus der Ukraine vertrieben wurden und die vor dem 24. Februar 2022 in der Ukraine den Flüchtlingsstatus oder einen gleichwertigen Schutz genossen haben. Ferner ist es wichtig, den Familienverband zu wahren und zu vermeiden, dass für einzelne Mitglieder derselben Familie ein unterschiedlicher Status gilt. Daher muss auch ein vorübergehender Schutz für Familienangehörige dieser Personen eingeführt werden, wenn deren Familie zum Zeitpunkt der den Massenzustrom von Vertriebenen auslösenden Umstände bereits in der Ukraine anwesend und aufhältig war.

(12) Ferner ist es angezeigt, für den Schutz von Staatenlosen und Staatsangehörigen anderer Drittländer als der Ukraine zu sorgen, die nachweisen können, dass sie vor dem 24. Februar 2022 aufgrund eines nach ukrainischem Recht erteilten gültigen unbefristeten Aufenthaltstitels ihren rechtmäßigen Aufenthalt in der Ukraine hatten und nicht sicher und dauerhaft in ihr Herkunftsland oder ihre Herkunftsregion zurückkehren können. Dieser Schutz sollte darin bestehen, dass entweder dieser Beschluss auf sie angewandt wird oder ihnen ein anderer angemessener Schutz nach nationalem Recht gewährt wird, über den jeder Mitgliedstaat selbst zu entscheiden hat. Personen, die um Schutz nachsuchen, sollten nachweisen können, dass sie die Zulassungskriterien erfüllen, indem sie den zuständigen Behörden des betreffenden Mitgliedstaats die entsprechenden Dokumente vorlegen. Wenn sie die entsprechenden Dokumente nicht vorlegen können, sollten die Mitgliedstaaten sie auf das geeignete Verfahren hinweisen.

(13) Gemäß der Richtlinie 2001/55/EG können die Mitgliedstaaten den vorübergehenden Schutz auf alle anderen Staatenlosen oder nicht-ukrainischen Drittstaatsangehörigen ausweiten, die ihren rechtmäßigen Aufenthalt in der Ukraine hatten und nicht sicher und dauerhaft in ihr Herkunftsland oder ihre Herkunftsregion zurückkehren können. Zu diesen Personen könnten Drittstaatsangehörige gehören, die zum Zeitpunkt der Ereignisse, die zu dem Massenzustrom von Vertriebenen geführt haben, kurzfristig in der Ukraine studiert oder gearbeitet haben. Diesen Personen sollte die Einreise in die Union in jedem Fall aus humanitären Gründen gestattet werden, ohne dass von ihnen verlangt wird, insbesondere im Besitz eines gültigen Visums oder ausreichender Mittel zur Bestreitung des Lebensunterhalts oder gültiger Reisedokumente zu sein, um eine sichere Durchreise im Hinblick auf die Rückkehr in ihr Herkunftsland oder ihre Herkunftsregion zu gewährleisten.

(14) Die Mitgliedstaaten können den vorübergehenden Schutz auch weiteren Gruppen von Vertriebenen, auf die dieser Beschluss keine Anwendung findet, gewähren, sofern diese Personen aus den gleichen Gründen vertrieben wurden und aus demselben Herkunftsland oder derselben Herkunftsregion, wie in diesem Beschluss angegeben, kommen. In diesem Fall sollten die Mitgliedstaaten den Rat und die Kommission umgehend davon unterrichten. In diesem Zusammenhang sollten die Mitgliedstaaten ermutigt werden, die Ausdehnung des vorübergehenden Schutzes auf Personen in Erwägung zu ziehen, die nicht lange vor dem 24. Februar 2022, als die Spannungen zunahmen, aus der Ukraine geflohen sind oder die sich kurz vor diesem Zeitpunkt (z. B. im Urlaub oder zur Arbeit) im Gebiet der Union befunden haben und die infolge des bewaffneten Konflikts nicht in die Ukraine zurückkehren können.

21. The EU decision - persons to whom temporary protection applies - English

European Council Implementing Decision (EU) 2022/382 of March 4, 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection

(Excerpt - [complete document here](#))

Article 2 - The persons to whom the temporary protection applies

1. This Decision applies to the following categories of persons displaced from Ukraine on or after 24 February 2022, as a result of the military invasion by Russian armed forces that began on that date:

- (a) Ukrainian nationals residing in Ukraine before 24 February 2022;
- (b) stateless persons, and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and,
- (c) family members of the persons referred to in points (a) and (b).

2. Member States shall apply either this Decision or adequate protection under their national law, in respect of stateless persons, and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin.

3. In accordance with Article 7 of Directive 2001/55/EC, Member States may also apply this Decision to other persons, including to stateless persons and to nationals of third countries other than Ukraine, who were residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin.

4. For the purposes of paragraph 1, point (c), the following persons shall be considered to be part of a family, in so far as the family was already present and residing in Ukraine before 24 February 2022:

- (a) the spouse of a person referred to in paragraph 1, point (a) or (b), or the unmarried partner in a stable relationship, where the legislation or practice of the Member State concerned treats unmarried couples in a way comparable to married couples under its national law relating to aliens;
- (b) the minor unmarried children of a person referred to in paragraph 1, point (a) or (b), or of his or her spouse, without distinction as to whether they were born in or out wedlock or adopted;
- (c) other close relatives who lived together as part of the family unit at the time of the circumstances surrounding the mass influx of displaced persons, and who were wholly or mainly dependent on a person referred to in paragraph 1, point (a) or (b) at the time.

(11) The object of this Decision is to introduce temporary protection for Ukrainian nationals residing in Ukraine who have been displaced on or after 24 February 2022 as a result of the military invasion by Russian armed forces that began on that date. Temporary protection should also be introduced for nationals of third countries other than Ukraine, who have been displaced from Ukraine on or after 24 February 2022, and who were benefiting in Ukraine from refugee status or equivalent protection before 24 February 2022. In addition, it is important to preserve the unity of families and to avoid diverging statuses among members of the same family. Therefore, it is necessary to also introduce temporary protection for family members of those persons, where their families were already in, and residing in, Ukraine at the time of the circumstances surrounding the mass influx of displaced persons.

- (12) It is also appropriate to provide for the protection of stateless persons, and nationals of third countries other than Ukraine, who can prove that they were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit issued in accordance with Ukrainian law, and who are unable to return in safe and durable conditions to their country or region of origin. This protection should take the form of either applying this Decision to them, or of other adequate protection under national law, to be decided upon by each Member State. Those seeking to benefit from the protection should be able to prove that they fulfil these eligibility criteria by presenting the relevant documents to the competent authorities in the Member State concerned. If they are unable to present the relevant documents, Member States should redirect them to the appropriate procedure.
- (13) In accordance with Directive 2001/55/EC, Member States may extend temporary protection to all other stateless persons or nationals of third countries other than Ukraine residing legally in Ukraine who are unable to return in safe and durable conditions to their country or region of origin. Such persons could include third-country nationals who were studying or working in Ukraine on a short-term basis at the time of the events leading to the mass influx of displaced persons. Such persons should in any event be admitted into the Union on humanitarian grounds without requiring, in particular, possession of a valid visa or sufficient means of subsistence or valid travel documents, to ensure safe passage with a view to returning to their country or region of origin.
- (14) Member States may also extend temporary protection to additional categories of displaced persons above and beyond those to whom this Decision applies, where those persons are displaced for the same reasons and from the same country or region of origin as referred to in this Decision. In that case, the Member States should notify the Council and the Commission immediately. In this context, Member States should be encouraged to consider extending temporary protection to those persons who fled Ukraine not long before 24 February 2022 as tensions increased or who found themselves in the territory of the Union (e.g. on holidays or for work reasons) just before that date and who, as a result of the armed conflict, cannot return to Ukraine.
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