

Brief information on the immigration of Ukrainian refugees in Germany

Rechtsanwalt Timm Malka, Bar Association Celle, Lower Saxony, Germany

1. How to apply for refugee status (Residence permit: § 24 AufenthG)?

1a. Who can apply?

- Ukrainian nationals residing in Ukraine before 24 February 2022 (includes people who went aboard for work e.g. without giving up the residence),
- stateless persons and nationals of third countries other than Ukraine, who benefited from international protection or equivalent national protection in Ukraine before 24th February 2022,
- other people residing in Ukraine before 24th February 2022,
- family members of the above mentioned
 - Spouses
 - registered partners
 - children
 - others living in the household and being physically or financially dependent.
- Not: Ukrainian nationals residing already in a EU member state

1b. Where to apply?

- Steps (without accommodation):

- First registration at the arrival
- Distribution to a place of residence
- Registration at the registration office; often in the city administration e.g. **Bürgeramt Hannover**
- Application for a residence permit at the Foreigners' Registration Office e.g. **Ausländerbehörde Hannover**

- Steps (with accommodation):

- Moving directly to the accommodation
- Registration at the registration office
- Application for a residence permit

1c. What is needed to apply?

- Documents, which provide Ukrainian citizenship, e.g.
 - ID-Card
 - passport
 - tax documents
 - bank documents

1d. When should one apply?

- Visa free stay for Ukrainian nationals and above mentioned people till 31.08.2022;
- If you already have an accommodation and sufficient financial resources, you do not have to apply immediately.

1e. Consequences of the § 24 permit

- 2 years of stay, 3 years if the war continues
- Work permit
- financial support

1f. Should one apply for asylum?

- No work permit
- placement in collective housing
- no control over distribution

2. Is there legal aid?

- Legal help requires an application at the relevant court.
- Lawyers can help you with filling the relevant forms.
- Assistance is also provided by the local migration counseling centre (BAMF provides lists of organizations, which offer legal help - link attached below).
- **Helpful links*** (liability excluded for mentioned links in this presentation):
 - <https://handbookgermany.de/de/ukraine-info/de.html> (general legal informations)
 - https://www.bamf.de/SharedDocs/Anlagen/DE/AsylFluechtlingsschutz/infoblatt-hilfe-gefluechtete-ukraine-ukr.pdf?__blob=publicationFile&v=3
 - <https://www.germany4ukraine.de/hilfeportal-ua>

3. Other immigration rules?

3a. Family reunion

- People listed in the answer to 1a have an own right to residence permit, so the regular procedure of the family reunion is not applicable;
- in other cases family members can seek consultation at German foreign representative offices in neighboring countries of Ukraine.

3b. Rules for work permits/working as a lawyer

- While applying for the residence permit, above mentioned people get automatically a permission to work in Germany (point this out in the application, some agencies do not include that in the application)
- If you want to work as a lawyer you have the following options:
 - Working as a „Rechtsdienstleister“ - legal service provider for foreign law (additional requirements)
 - Working as a lawyer in the legal department of companies
 - Working as an attorney is only possible, if you studied in the EU/Norway/Suisse/Liechtenstein/Iceland (additional requirements) and complete 2 years of the german legal clerkship.

4. Rules for unaccompanied minors/support

- Unaccompanied minors have special protection by law:
 - They can ask for help at any official as policemen or other public authorities, they will get accompanied to the next youth welfare office;
 - decisions in proceedings are made faster,
 - special conditions in accommodation and healthcare.
 - They have to be registered immediately.
 - Useful links:
 - <https://b-umf.de/src/wp-content/uploads/2022/03/flyer-ukraine-2022-uade-ansicht.pdf> (Guide for unaccompanied minors)
 - <https://jugendnotmail.de> (24/7 online consultation for minors)

5. Is there different treatment for new arrivals and those Ukrainians who have been living in your country already

- In general there is no different treatment for new arrivals.
- e.g. Ukrainian citizens who applied for a residence permit before the 24th February 2022 and also have been living here, are also allowed to stay till the end of the war.

Thank you for your attention!

Rechtsanwalt Timm Malka

tm@malka-rechtsanwalt.de