

# TEMPORARY PROTECTION OF MILITARY REFUGEES FROM UKRAINE

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**ABSTRACT.** *This scientific article considers the stages of administrative proceedings for obtaining the status of temporary protection by Ukrainian refugees. An analysis of German law, which defines the procedure and legal guarantees of a person who has received temporary protection in Germany. The rights and responsibilities of Ukrainian refugees are highlighted. The procedure for obtaining temporary protection for persons from Ukraine who are unable to return to the country and have been forced to leave due to an armed conflict with the aggressor country in Germany includes the following stages: I. Submission of documents; II. Consideration of a package of documents; III. Decision-making by the authorized entity on the issuance of status; IV. Acquisition of temporary protection.*

**Keywords:** *armed conflict, aggressor country, forced displacement, temporary protection, refugee.*

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**INTRODUCTION.** Against the background of the war in Ukraine, the number of inquiries about the possibility of entry and residence of immigrants from Ukraine to Germany and the EU is growing. The Federal Republic of Germany (hereinafter - Germany) first introduced the concept of "military fighter" in the situation with Ukraine. The difference between a military refugee and a refugee (asylum) is that military refugees are granted temporary protection from Germany and the right to move and work freely. If a person submits documents for asyl (not military asylum), then your rights will be very limited and regulated by the state. A special military refugee was introduced for the citizens of Ukraine in order to protect them as much as possible and to preserve the right to free movement. Citizens of Ukraine are protected by law from the moment of arrival in Germany. At the same time, if a person applying for temporary protection is a citizen of another state who permanently resides in Ukraine and has a residence permit there, then such a person has the same rights as citizens of Ukraine.

**RESEARCH METHODS.** The methodological basis for writing this article is a system of general and special methods of scientific knowledge. Using the structural-functional method, the procedure for obtaining temporary protection in Germany was studied; the comparative method made it possible to compare the procedure for obtaining temporary protection status and obtaining temporary protection in Germany; the method of analysis was used in the process of determining the content and features of obtaining the status of temporary protection; using

the statistical method and analysis, analytical data on the number of obtaining temporary protection status are given.

**RESULTS.** The procedure for obtaining temporary protection for persons from Ukraine who are unable to return to the country and have been forced to leave due to an armed conflict with the aggressor country in Germany includes the following stages: I. Submission of documents; II. Consideration of a package of documents; III. Decision-making by the authorized entity on the issuance of status; IV. Acquisition of temporary protection. Upon registration, a certificate (certificate of arrival or refugee application) is issued, which the applicant can present at the official institution responsible for paying the assistance. The presence of this certificate entitles the applicant to temporary protection and to stay legally in Germany for two years.

**DISCUSSION.** On March 7, 2022, the Ministry of Internal Affairs of the Federal Republic of Germany adopted an order "On temporary exemption from the requirement of a residence permit for persons entering Ukraine during the war" ("Bundesministerium des Innern und für Heimat Verordnung zur vorübergehenden anlässlich des Krieges in der Eingereisten Personen (Ukraine-Aufenthalts-Übergangsverordnung - UkraineAufenthÜV) »), which settled the issue of crossing the German border by Ukrainians and third-country nationals who left the territory of Ukraine after 24.02.2022 countries, thus protecting them from the situation of illegal stay.

Thus, foreigners who were in Ukraine before February 24, 2022 and entered the territory of Germany

in the period from February 24, 2022 to May 23, 2022, without a residence permit required for a long stay in the federal territory, are released from the requirement to obtain a residence permit. Citizens of Ukraine who lived in Ukraine until February 24, 2022, but who at that time were temporarily not in Ukraine and entered the territory of Germany until May 23, 2022 without a residence permit for a long stay in Germany are also exempt from the requirement to obtain a certificate for accommodation. This also applies to refugees recognized in Ukraine under the agreement of July 28, 1951 on the legal status of refugees and persons enjoying international or equivalent national protection in Ukraine [1].

Citizens of Ukraine who, as of February 24, 2022, have already legally resided in Germany without a residence permit required for long-term residence in the federal territory, are exempt from the requirement for a residence permit. These persons can obtain the necessary residence permit in Germany.

This means that Ukrainians and persons who entered the territory of Ukraine after February 24, 2022 and until May 23, 2022 are legal.

Thus, among the persons who due to the war in Ukraine can receive temporary protection in Germany for a period of two years are the following categories of citizens:

- citizens of Ukraine who were in Ukraine before February 24, 2022, as well as close members of their families;

- stateless persons and citizens of other countries who had international or equivalent national refugee status and national protection in Ukraine before February 24, 2022, as well as close members of their families;

- stateless persons and citizens of other countries who can provide documentary evidence that before 24.02.2022 they were legally in Ukraine on the basis of a certificate of the right to permanent residence issued under Ukrainian law, and who cannot safely and permanently return to country or region of origin;

- citizens of other countries, if they can prove that as of 24.02.2022 they were in Ukraine on a legal basis and not only for the purpose of short-term stay, and who cannot safely and permanently return to the country or region of origin.

In addition, a person can receive temporary protection through family reunification. Citizens of Ukraine who were in Ukraine on February 24, 2022 can now enter Germany without a visa and stay on its territory. This also applies to those cases when on February 24, 2022 they were temporarily outside Ukraine, but had a permanent residence or permanent stay on the territory of Ukraine. The family reunification procedure in such cases can be carried out in Germany, or as an alternative: citizens of Ukraine and third-country nationals with a residence permit in Ukraine can also apply for a visa for family reunification with foreign missions in Germany. in Ukraine's neighboring countries. Persons entitled to family re-

unification include: husband or wife; underage unmarried children; minor unmarried children of one of the spouses. This happens if such persons were displaced for the same reasons and leave Ukraine as persons who have a residence permit in Germany (regardless of citizenship). Family members admitted under this provision are also granted a residence permit for humanitarian reasons.

Persons who were outside Ukraine at the time of February 24, 2022, but if they have Ukrainian citizenship or have lived in Ukraine as refugees and have a protection status under the Geneva Refugee Convention (1951) or another international or national protection. For example, if you have been on holiday or internship abroad, you can enter Germany from there and apply for temporary protection.

If you have lived in Ukraine on other residence conditions (for example, for study purposes) or had the right of permanent residence, but were abroad on February 24, 2022, for example, visited your homeland, you cannot enter Germany.

To apply for a residence permit, you need a passport or an official document that replaces the passport. However, when applying for a residence permit for humanitarian reasons in accordance with § 24 AufenthG (§ 5 para. 3 sentence 1 AufenthG), an exception is made to this rule regarding the presence of a passport of a citizen of Ukraine.

Based on the results of the examination of the application and the documents confirming the applicant's identity, the foreign national registration authority issues a document replacing the identity card (§ 48 § 4 of the AufenthG). However, this document is valid only in Germany. The applicant cannot use it to travel to other countries. In this case, additional documents will be required to prove that the person has previously been or resided in Ukraine (for example, identity cards or other evidence, such as invoices). The issue of a residence permit in accordance with § 24 of the AufenthG cannot be refused due to the absence of a passport.

If the validity of the passport has expired, the person may extend its validity. To do this, she needs to contact the Embassy of Ukraine. At present, the passports of Ukrainian citizens are extended by hand by the ambassador, information about children over the age of 16 is entered by hand, and photos of children are pasted into parents' passports. Handwritten additions / extensions, certified by the consulate's seal / stamp, will be accepted by the German authorities for an indefinite period until further notice. Diplomatic missions of Ukraine abroad are currently issuing certificates to identify the person with the photo.

Upon registration, a certificate (certificate of arrival or refugee application) is issued, which the applicant can present at the official institution responsible for paying the assistance. The presence of this certificate entitles the applicant to temporary protection and to stay legally in Germany for two years.

The German government pays special attention to the social protection of persons who have received temporary protection.

Thus, in order to quickly adapt on the spot, a person who has received temporary protection is given the opportunity to attend German language courses free of charge. These are: counseling for adult migrants in Germany (Migrationsberatung für Erwachsene des Bundes, MBE); primary orientation courses for asylum seekers (Erstorientierungskurse für Asylbewerber, EOK); the program "Migrant Women: Strong and Independent in Everyday Life" (Migrantinnen einfach stark im Alltag, MiA courses); integration courses; language courses for work.

Primary Orientation (EOK) courses teach you more about life in Germany, as well as basic knowledge of German on topics such as health, work and education. MiA courses are designed specifically for women and are designed to facilitate the period immediately upon arrival in the country and further adaptation. Participants receive useful information that may be needed in everyday life: learn about how the education system is organized in Germany, what are the opportunities for education, training and more. Integration courses are much larger and always consist of a language course and an orientation course. In the language course you will gain a basic knowledge of German, which will help you, for example, in writing letters or submitting a resume for employment. The orientation course covers topics such as the rule of law, history and culture of Germany. In addition to general integration courses, there are also special courses, such as courses for women and adolescents and intensive courses. At the end of the integration course, you must pass a language test and take a test on "Living in Germany". Upon completion of the course, a certificate is provided. Language for Work (BSK) courses are based on integration courses and prepare participants for professional activities in Germany. In addition to basic courses, there are also courses focused on different levels of language proficiency [2].

Migrant Counseling Centers (MBEs) can provide one-on-one counseling if you have any questions about adapting to life in Germany, such as finding a home, job or doctor. If necessary, all persons who have received temporary protection receive assistance to cover their living needs and medical care in accordance with the Law on the Provision of Social Assistance to Asylum Seekers (AsylbLG). Appropriate registration is carried out, for example, in institutions for temporary accommodation of refugees or in offices for foreigners.

Persons who are in Germany and have applied for a residence permit are issued a so-called temporary residence permit (Fiktionsbescheinigung). It does not grant the right to visa-free entry into the Schengen area, as a residence permit has not yet been issued. A temporary certificate does not replace a residence permit and therefore does not grant the right to re-en-

ter after a stay abroad. However, this restriction does not apply to cases where a person wants to return to Ukraine in order to pick up documents or things. In such cases, it is not necessary to re-apply for a residence permit in accordance with the Decree on temporary exemption from the need to obtain a residence permit for persons leaving Ukraine in connection with the war (UkraineAufenthÜV) until May 23, 2022 allowed. Accordingly, this applies to other official certificates of registration or application for refugee status from Ukraine, which are issued instead of a temporary certificate.

A person who has received temporary protection has the right to employment. However, income-generating activities must first be authorized by the Aliens Office. When issuing a temporary residence permit, the Aliens Office will enter in the grounds for the stay that employment is allowed, even if you do not yet have a specific intended place of work. This means that no additional work permit from any other institution is required. The Aliens Office will mark "Income-generating activities allowed" in the temporary certificate. Thus, even with this temporary certificate of legal residence, you can conduct independent business in Germany or work as an employee. Special conditions of admission to work in the specialty of persons under temporary protection are required on a general basis, along with all other employees. Such persons are also not exempted from the generally accepted procedure for recognition of foreign professional qualifications. In addition, persons who have a residence permit (Aufenthaltserlaubnis) in Germany for temporary protection can receive counseling services and employment assistance from employment agencies in accordance with the SGB III Social Security Code [3, p.5].

Persons who have received temporary protection are guaranteed immediate medical care and treatment. In the event of illness, medical and dental services necessary for the treatment of acute illness and pain, including the supply of medicines and dressings, are provided in accordance with § 4 of the Asylum Social Assistance Act (AsylbLG). In addition, according to § 6 AsylbLG, in some cases additional benefits may be provided if they are necessary for health. Contact your local social security office (Sozialamt) for assistance. Pregnant women who have just arrived from Ukraine and do not yet have health insurance can undergo a gynecological examination or prenatal examination at sexual health and family planning centers. Refugees with disabilities can also apply for the necessary care and treatment [4].

Also, persons who have received temporary protection in Germany are entitled to financial support. Yes, they are provided with financial support, which should cover the cost of: food; heating; clothing; health; basic household expenses, as well as "personal" expenses. However, if you live in a refugee shelter, a significant part of this list can be obtained in the form of in-kind rather than financial assistance.

Thus, if a person lives in special camps, the amount of social benefits for an adult per month is 163 euros, and for minors - from 105 to 111 euros, depending on the age of the child. If a person who has received temporary protection does not receive any of the above types of assistance and does not live in these camps, he can expect a larger amount, but then he will have to take care of clothes and food on his own. In this case, an adult who does not live in a dormitory from social services is provided with 367 euros per month and 330 euros per person if the refugee lives with his / her spouse. If a person is between 18 and 25 and he lives with his parents, you can get only 294 euros, minors are offered the following benefits: from 14 to 17 years - 326 euros; from 6 to 14 years - 326 euros; up to 6 years - 249 euros. To receive social as-

sistance, you must apply to the Department of Social Affairs of the community of residence.

Another element of social support for people who are forced to leave the territory of Ukraine after February 24, 2022 is the abolition of tolls on toll roads in Germany for cars with Ukrainian license plates.

**CONCLUSIONS.** The procedure for obtaining temporary protection for persons from Ukraine who are unable to return to the country and have been forced to leave due to an armed conflict with the aggressor country in Germany includes the following stages: I. Submission of documents; II. Consideration of a package of documents; III. Decision-making by the authorized entity on the issuance of status; IV. Acquisition of temporary protection.

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