

PM: One Year after the Start of the War in Ukraine: Civil Society Alliance Demands Equal Rights for all Refugees

Germany, March 02, 2023

February 24 was the anniversary of the Russian war of aggression. On March 4, 2022, temporary protection was activated for the first time by the European Council. More than one million refugees from this war have now been registered in Germany - Ukrainian nationals and people from other countries who had their center of life in Ukraine.

There is still an urgent need for action regarding the situation of numerous third-country nationals and stateless persons from Ukraine.

Currently, there are about 38,000 refugees from Ukraine without Ukrainian passports in Germany. Since they do not benefit equally from the application of EU Directive 2001/55/EC on temporary protection (TPD) like Ukrainian nationals do. In Germany, protection is accompanied by the issuance of a two-year residence permit under Section 24 of the Residence Act. Many people are already at risk of deportation, and for others, fictitious certificates will soon expire. Although they have fled the same war as Ukrainian nationals and are seeking protection, their current situation is characterized by insecurity, discrimination and arbitrariness.

The interpretation and implementation of the EU Directive differs from federal state to federal state. Many of those affected are exposed to absolute arbitrariness in the decisions of immigration authorities and officers. The discretionary powers of the authorities are very rarely used in favor of the persons concerned. As a result, gainful employment is completely forbidden in some federal states, while in others one request to leave the country after another has been received.

While Development Minister Schulze and Labor Minister Heil are actively recruiting skilled workers in Ghana and Chancellor Scholz in India; highly qualified people without Ukrainian passports who have been in Germany for a year because of the war in Ukraine, are to be deported. This arbitrariness must come to an end.

1) The Civil Society Alliance demands concrete, long-term and uniform solutions under the right of residence for all refugees from Ukraine.

The alliance calls on the federal government to:

- **Apply the EU Directive on Temporary Protection - broadly and nationwide - in a uniform manner.** The residence permit according to § 24 AufenthG should be granted to all people who had their center of life in Ukraine. Here it should be recognized that the start of a study program also counts towards this. Many families have exhausted all their financial means to invest in the future of their children. Others have given up everything in their countries of origin to build a life in Ukraine. This must be taken into account by the federal government in the implementation and communicated clearly, publicly and transparently.
- **Issue residence permits according to §24 AufenthG** to enable non-Ukrainian nationals to access integration measures. They are thus given the opportunity to fulfill the requirements for other residence permits under temporary protection, to enroll in universities if necessary in order to continue their studies or to seek training or work. Fiction certificates that have already expired must be extended retroactively until then.
- **Adapt the evidence requirements for applications for a residence permit to the relevant circumstances of the current situation.** In light of the fact that many people are currently unable to obtain the necessary documents from Ukraine or its diplomatic missions abroad, it must be made possible to provide alternative proof - e.g. by means of an affidavit - of family ties, enrollment at universities in Ukraine or residence there.

Die Aufenthaltserlaubnis gem. § 24 AufenthG ist für alle Menschen zu erteilen, die in der Ukraine ihren Lebensmittelpunkt hatten.

Hierbei sollte anerkannt werden, dass der Beginn eines Studiums auch dazu zählt. Viele Familien

2) Access to societal participation must be guaranteed.

The Civil Society Alliance calls on the federal government:

To provide access to German and integration courses for all people who have applied for temporary protection.

- **To guarantee access to the labor market equally for all people who have applied for temporary protection.**

Access to the labor market is part of the EU Temporary Protection Directive and an important prerequisite for participation and building the financial resources necessary for a subsequent residence title. Some federal states issue fictitious certificates to third-country nationals from Ukraine with the sentence "Gainful employment not permitted". The immigration authorities must uniformly allow access to the labor market throughout Germany by issuing fictitious certificates in accordance with §24 of the Residence Act with permission to work, regardless of the presumed outcome of an application for temporary protection.

- **Simplify access to a residence permit for the purpose of studying (§16b AufenthG) within §24 AufenthG and by lowering requirements for financial means.**

Germany is only possible for foreign students from non-EU countries with enormous financial resources. Also, to counteract the great shortage of skilled workers in Germany, access to study should be simplified via lower residence permit requirements and more available scholarships. Financing studies through one's own work must also be made possible uniformly and everywhere.

- **In the event of unforeseen events in the country of origin**, it must be possible for those affected to have individual reasons for a non-secure and/or non-permanent return to the country or region of origin re-examined, even during a stay under Section 16b Residence Act and other sections.

3) The federal government must advocate for the protection of third-country nationals throughout the EU.

The Civil Society Alliance calls on the federal government to advocate for:

- **Safe entry without discrimination for all people who have to flee or continue to flee due to the Russian war of aggression in Ukraine - regardless of their nationality.** Even people who do not have sufficient identification or a biometric passport must be allowed entry into EU territory under reduced evidentiary requirements.
- **Non-discriminatory onward travel within the EU.** In accordance with EU Directive 2001/55/EC, people from Ukraine must also be allowed to continue their journey within the EU regardless of their passport.
- **A broad application of the Temporary Protection Directive**, taking into account all people residing in Ukraine at the outbreak of the war.
- **The immediate participation of the here-mentioned civil society support organizations** in the working groups at the EU, federal, state and local levels for the implementation of the EU Directive 2001/55/EC on temporary protection.
- **The extension of the application of temporary protection due to the war in Ukraine until 2025.**

On behalf of all undersigned organizations:

Asmara`s World e.V.
CommUnities Support for BIPOC Refugees from Ukraine (CUSBU)
BiPoC Ukraine & Friends in Germany
ifak - institut für angewandte kulturforschung e.v.
Münchner Flüchtlingsrat e.V.
PRO ASYL e.V.
Migrationsrat e.V.
Each One Teach One (EOTO) e.V.
Noir United International
ISD Berlin e.V.
Dachverband Migrant*innenorganisationen in Ostdeutschland e.V. (DaMOst)
moveGLOBAL e. V.
ReachOut Berlin
Tubman Network
Flüchtlingsrat Berlin e.V.
Bellevue di Monaco eG
Morgen e.V.
Legal Cafe Stuttgart
Arbeitskreis Asyl Stuttgart e.V.
Collectif James Baldwin
Flüchtlingsrat Niedersachsen e.V.
Bridges over Borders e.V.
Flüchtlingsrat Hamburg e.V.
Bayerischer Flüchtlingsrat e.V.
Ayeessi e.V.
Nigerian Community Bavaria e.V.
Flüchtlingsrat Brandenburg e.V.
Arbeitskreis Panfrikanismus München e.V.
Noirsociety
EineWeltHaus München e.V.
Flüchtlingsrat Bremen e.V.
Flüchtlingsrat Schleswig-Holstein e.V.
Flüchtlingsrat Rheinland-Pfalz e.V.
Halima Aktiv für Afrika e.V.
Migration macht Gesellschaft e.V.
Rechtshilfe München e.V.
Saarländischer Flüchtlingsrat e.V.
Flüchtlingsrat Thüringen e.V.
Kunstzentrat e.V.
Hessischer Flüchtlingsrat e.V.
Nord Süd Forum München e.V.
Verein iranischer Flüchtlinge in Berlin e.V.
Babel e.V.
Kurdisches Zentrum e.V.
Flüchtlingsrat Baden-Württemberg e.V.
Sächsischer Flüchtlingsrat e.V.
Flüchtlingsrat Sachsen-Anhalt e.V.
Yaar e.V.
Theater X
Türkischer Bund Berlin-Brandenburg
xart splitta e.V.
Amaro Foro e.V.
südost Europa Kultur e.V.
Kontakt- und Beratungsstelle für Flüchtlinge und Migrant_innen e.V.
BeyondEvacuation
Leave no one behind
manifold
Seebrücke

Press requests to:

zivilgesellschaftliches.buendnis@cusbu.de
zivilgesellschaftliches.buendnis@ muenchner-fluechtlingsrat.de
beyondevacuation@gmail.com