



Information on the residence situation of third-country nationals who fled from Ukraine

1. General informations:

All persons, regardless of their residence status in Ukraine, who left the country after 24.02.2022 are allowed to enter Germany and **were entitled to stay in Germany without a visa or residence permit until 31.08.2022**. All persons who entered later than June are granted a visa-free right of residence for 90 days from the date of entry. This regulation is valid until May 31, 2023.

2. Entitled to Protection and a residence permit according to §24 AufenthG are:

- Ukrainian nationals
- Persons from third countries as well as stateless persons:
 - who had a **permant residence permit** in Ukraine
 - partners of Ukrainian citizens (need not to be a marriage)
 - who enjoyed **international protection or equivalent national protection in Ukraine** before February 24, 2022, as well as their family members
 - **who cannot return to their home country in safety.**

Preconditions for safe and durable return are not met if:

- Armed conflict, prolonged violence or serious risk of sys-tematic human rights violations prevail in the home country
- This generally applies to the countries of origin **Eritrea, Syria and Afghanistan**
- Otherwise, grounds for toleration according to § 60 para. 5 and para. 7 are used as a standard, i.e. persons with life-threatening illnesses, family responsibilities or particularly vulnerable groups receive protection.

→ **IMPORTANT** : Third country nationals should definitely seek advice before applying for protection according to §24 AufenthG or even an asylum, in our counseling practice, we have encountered several people who have ended up in the asylum procedure unintentionally, which is almost always to their disadvantage.

→ **Because: after a rejected asylum application, residence permits for study or work are no longer possible without leaving the country**

→ after application or granting of a residence according to §24 AufenthG a change to other residence is possible, but individual paragraphs are then excluded (§§ 16b paragraph 1 and 5, 17 paragraph 2, 18b paragraph 2, 18d, 19e AufenthG reason for exclusion by § 19f paragraph 1 number 2 AufenthG)

3. What applies if §24 is not likely to be in question

We recommend that you use the time until the expiry of the 90 days visa free stay to check on alternative residence titles. The application for alternative residence titles have to be fixed until the end of the 90 days. If the requirements for an alternative stay are not met, the application for protection on §24 AufenthG can then be filed at the end of the 90-day period, if necessary, or the chances of an asylum application can be examined.

As long as an application made under Section 24 of the Residence Act has not been rejected, the residence is legal and a fictitious certificate must be issued after the 90-day period has expired. In many cases, however, this is denied by the foreigners authorities.

Application for alternative residence:

If you, for example, wish to continue your studies or work as a skilled worker (qualified through apprenticeship or study) can apply for a residence title before the expiry of the 90-days period. without leaving the country. The basic requirements are: a valid passport, a secure livelihood, sufficient living space (12 square metres per person).

The foreigners authority where you are registered is responsible.

Overview of possible purposes of residence in Germany:

Purpose of stay and legal basis	Duration of Stay	Obligatory language skills?	Must subsistence be ensured?	Must living space be available?	(additional) Work permitted?	Further Requirements
Study <i>§16b AufenthG</i>	Duration of studies / 2 years	Only for admission to studies	Yes	Yes	120 days/year	
Skilled worker <i>§18a, §18b AufenthG</i>	4 years	Only in regulated professions	Yes, through work	Yes	Yes	Profession only in trained field
FSJ/FÖJ (volunteer year) <i>§19e AufhG</i>	1 year	A1	Yes, also possible through payment in kind	Yes, possibly possible through provider	No	
Au-Pair <i>§19c Abs 1 AufhG §12 BeschV</i>	1 year	A1	Through family	Yes, with family	No	
Internship - study-related <i>§16e AufenthG</i>	6 months	No	Yes + guarantee of internship provider	Yes	No	Must be enrolled in university training
Apprenticeship <i>§16a AufenthG</i>	Duration of Apprenticeship	min. B1	Yes	Yes	Yes, up to 10h/week	
Professional recognition <i>§16d AufenthG</i>	Up to 18 months	A2 or occupation-appropriate	Yes	Yes	Yes if direct occupation reference with future employer	
Search for apprenticeship <i>§17 AufenthG Abs. 1</i>	6 months	B1	Yes	Yes	No	Under 25 years old
Search for university study <i>§17 AufenthG Abs. 2</i>	9 months	No	Yes	Yes	No	
Job search Skilled worker <i>§20 AufenthG</i>	6 months	Occupation - appropriate	Yes	Yes	10h/week trial-employment in qual. occupation	Occupation according to Professional qualification required

Study:

Admission / Place of study:

- Contact the relevant universities that offer the course directly and ask for advice from the International Student Advisory Service there
 - Questions about the recognition of certificates can be asked at the International Offices of the universities
- Partner universities of universities from Ukraine often offer special programs, so find out if there are any possibility to continue your studies there

Difficulty: English-language degree programs are almost only available at the master/postgraduate level in Germany. Consider other European countries as a place to study as well, since there are more English-language degree programs and the cost of living is lower.

Residence permit for studying according to §16b AufenthG:

Prerequisites for a study or also for a study-preparatory measure, e.g. a language course are :

- Confirmation of study place / Enrolment
- Securing of living expenses (monthly about 744,- € + tuition fees) must be proven. Either by a blocked account (ca.10.000,00 Euro/year) or the submission of a declaration of commitment by a person residing in Germany. Scholarships (e.g. DAAD or special programs) are also possible.
- Living Space
- Language skills are tested with regard to the language of study

Employment with this residence title is only possible to a limited extent up to 120 days per year.

Residence permit as a professional according to §18a or §18b AufenthG:

If you have completed your education or studies and you find a job in your field, you can apply for a residency as a specialist.

Specific requirements for this are:

- Job offer
- The consent of the employment agency
- The determination of the equivalence of the qualification by the relevant authority for certain professions, e.g.: nursing specialist, master craftsman professions (self-employed execution regulated). list of all regulated professions: <https://bit.ly/3LgOdZJ>

Find out right away what requirements the individual industries have for the recognition of their title, the respective chamber is responsible. The recognition of foreign qualifications can be lengthy and strict.

Important: most foreign university degrees can be looked up in anabin,:

<https://anabin.kmk.org/anabin.html>

Proof of German language skills is only required for the so-called regulated professions (e.g. medical professions or teachers). In many other areas, there are no minimum language requirements.

The general conditions for issuance from §5 AufenthG apply.:

- clarified identity (passport)
- Securing of living expenses (SGB II-Satz (380€) + rent + health insurance)
- Living space (12qm per person)

Residence on the basis of a voluntary social or ecological year or Bundesfreiwilligen Dienst (FSJ/ FÖJ/BUFDI) in accordance with §19e of the Residence Act

If there is a corresponding contract for a one-year FSJ/FÖJ/BUFDI, residence can be granted according to §19e AufenthG. Conditions are:

- Contract on FSJ/FÖJ/BUFDI incl. description of the voluntary service, information on the duration and periods of service, on the conditions of the activity and the means available for subsistence and accommodation as well as information on pocket money.
- FSJ and FÖJ are possible within the age of 26, BUFDI has no age limits
- Sufficient means of subsistence:
- Accommodation (either provided or private) plus approx. 400€ payment (if food is included, this can also be reduced)

Jobs for FSJ/FÖJ Bavaria: <https://www.fsj.bayern.de/>
<https://freiwillig-ja.de>
<https://www.ein-jahr-freiwillig.de>

Special situation in Bavaria and Munich

In Bavaria, unfortunately, no work permit is granted with the fictitious certificate for third-country nationals. In many districts, applications under §24 of the Residence Act have already been rejected. Since an appeal has no suspensive effect, the persons are obliged to leave the country and have been granted a border crossing certificate. Then an application for alternative residence is no longer possible. Therefore, it is urgent to submit alternative applications before a rejection decision is issued!

Munich City: The Aliens Department of the City of Munich has given all third-country nationals who have applied for §24 Residence Act a fictitious certificate and a deadline for comments until the end of November - i.e. no decision will be made until then. Most fictions are valid until February; due to the high workload, one can hope that rejections will not be issued until the expiry of the fiction. So use the deadline urgently to apply for alternative residence titles!

Consultation:

Residence law consultation

Do you have further questions about your individual case? We can offer group counseling on issues concerning third-country national refugees from Ukraine. Please make an appointment at info@mfr.ngo or call 089/123 900 96 (Monday, Tuesday and Thursday between 10.00 and 12.00).

Advice on language courses

IBZ

Franziskanerstraße 8
81669 München
Appointments via E-Mail to ibz-sprache.soz@muenchen.de

VHS – German language courses

In different districts possible
Tel: 089 48006 6169
E-Mail: deutsch@mvhs.de

Amiga – Career counseling for international students

<https://www.amiga-muenchen.de/international/>
Appointments via anmeldung@amiga-muenchen.de
Edmund-Rumpler-Straße 13
80939 München

Advisory office for the recognition of foreign qualifications

Franziskanerstraße 8
81669 München
Tel: 08923340520
Email: servicestelle-erkennung.soz@muenchen.de
<https://stadt.muenchen.de/service/info/abteilung-migration-integration-teilhabe/10308039/>

This collection of information was compiled by the Münchner Flüchtlingsrat e.V. and reflects our state of knowledge as of July 2022. The legal situation may change, please inform yourself about the current situation at www.muenchner-fluechtlingsrat.de.