

Legal aid for displaced persons from Ukraine

On Thursday 4th March 2022, the Council of the EU unanimously adopted an implementing decision to activate EU Directive 2001/55/EC (Mass influx Directive). This directive had been created in the context of the Yugoslav war. The purpose of this directive is to grant temporary protection to refugees. The Council of the EU determines whether the conditions are met. In the case of the Ukraine war, according to the findings of the Council of the European Union, a mass influx was triggered. On the one hand, the decision regulates the rights and obligations of the 27 EU member states to receive displaced persons. On the other hand, it also regulates the individual rights of displaced persons and their families.

The financial support of the Member States is granted through the Asylum, Migration and Integration Fund when the displaced persons are registered. The respective Member State then provides adequate accommodation and ensures adequate subsistence.



For the individual, this means that he or she does not have to apply for asylum in the EU member states, but is granted a right of residence. Moreover, an asylum application leads to only limited access to the labour market. The otherwise obligatory visa procedures have been suspended, especially since the embassies and consulates are now closed. Displaced persons from Ukraine thus have temporary protection, which secures them a stay in Germany outside reception facilities and refugee accommodations. It also gives them access to the German labour market. It is still open whether access to the labour market can be granted without an application for a work permit.

In any case, the implementation of a so-called accelerated skilled worker procedure according to § 81 a (AufenthG) residence Act in Germany would have to be carried out without the involvement of the German embassy in Ukraine, if the implementation of the procedure is not completely suspended. Registration with the competent registration office is still required. The temporary status is initially valid for a maximum of 1 year. However, it can be extended by 1 year twice by a qualified majority in the Council of the European Union.

Best Regards,

Achim Heuser

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Impressum

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