

# Overview of national measures regarding employment and social security of displaced persons coming from Ukraine

***Country Fiche – Germany***  
**August 2022**

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Information provided in this fiche considers legal and policy developments up to 31 August 2022.

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# 1.0 Legal and institutional framework

## 1.1 Legal framework

### 1.1.1 List of the legal framework

- I. Legislation implementing the Temporary Protection Directive (TPD or the Directive)<sup>1</sup> and Council Implementing Decision (EU) 2022/382<sup>2</sup>

**Immigration Act** (*Gesetz zur Steuerung und Begrenzung der Zuwanderung und zur Regelung des Aufenthalts und der Integration von Unionsbürgern und Ausländern*, hereinafter Aufenthaltsgesetz) of 5 August 2004 (BGBl. I S. 1950), effective as from 1 January 2005, particularly, Sec. 24 Aufenthaltsgesetz. The TPD has been implemented by the Immigration Act. [Full text is available here.](#)

Other aspects and requirements of TPD were already part of German national law.

- II. Legislation having an impact on the (access to) (self-)employment and social security/welfare for the displaced persons coming from Ukraine

#### Access to employment

- ▶ Sec. 24 [Immigration Act](#)

#### Social security

- ▶ The German social security system is a social insurance system and therefore those persons who are in employment and in certain cases in self-employment are covered. The system does not make a difference with relation to nationality – except in a few cases not relevant here. General rules apply.

#### Social welfare

- ▶ Displaced persons from Ukraine are, other than in the first phase, no longer covered by the special provisions of the [Asylum Seekers Benefits Act](#) (*Asylbewerberleistungsgesetz*) applying to asylum seekers. As of 1 June 2022 they are covered by the general system – in particular, the [Social Code 2nd Book](#). Indeed, from the beginning there was a discussion and it was agreed by most that the system of Social Code 2nd Book and [Social Code 12th Book](#) would better cover the situation of persons displaced from Ukraine. In practice, at present they receive the same welfare benefits as nationals, only the legal basis is different. Benefits according to Social Code 2nd Book and 12th Book are about 15 % higher compared to the Asylum Seekers Benefits Act. In addition, under the Social Code 2nd and 12th Book they are fully covered by public health insurance.

<sup>1</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, 7 August 2001, p. 12-23, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055>.

<sup>2</sup> Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71, 4 March 2022, p. 1-6, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32022D0382>.

### 1.1.2 Beneficiaries (persons covered by temporary protection)

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
Ukrainian nationals  ▶ Residing in Ukraine  displaced from 24 February 2022	Yes
Family members  ▶ of a Ukrainian national present or residing in Ukraine before 24 February 2022 and displaced from Ukraine on or after 24 February 2022  ▶ of third-country nationals and stateless persons, who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022 and were displaced from Ukraine on or after 24 February 2022	Yes  Under condition that the relationship already existed in Ukraine when the war started.  Family members are defined as:  ▶ spouses or non-married partners in permanent relationship (including same-sex); ▶ minor non-married children irrespective if born in or out of wedlock or adopted; ▶ other close relatives who are dependent on the relevant Ukrainian nationals and have lived in the same family unit and have received care or maintenance.
Third-country nationals and stateless persons beneficiaries of international or equivalent national protection in Ukraine until 24 February 2022	Yes
Stateless persons and nationals of third countries, legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent resident permit and unable to return in safe and durable conditions to their country or region of origin	Yes
Other persons who are displaced for the same reasons and from the same country of region of origin (Article 7(1) of TPD), including  ▶ stateless persons and ▶ nationals of third countries other than Ukraine,	Yes  Temporary protection is available for displaced persons who lived legally in Ukraine before 24 February 2022, and not just for a short stay, and cannot safely and permanently return to their country of origin. Temporary short stays are those not exceeding 90 days in Ukraine as planned before for a temporary purpose.

Type of beneficiary	National regime of temporary protection for displaced persons coming from Ukraine
who are residing legally in Ukraine and who are unable to return in safe and durable conditions to their country or region of origin (Article 2(3) Council Decision).	
Any additional category of beneficiaries (i.e. persons who arrived from UA before 24 February 2022)	Yes Applicants may apply for a residence permit, according to Sec. 24 <a href="#">Immigration Act</a> , if the permit existing before cannot be prolonged based on the reasons for the original permit.

## 1.2 Institutional framework

- a) National competent authority(ies) providing assistance to the persons enjoying temporary (or adequate) protection coming from Ukraine.

Scope of work	Name of the authority (in EN)	Name of the authority (in national language)	Hyperlink
<b>General (including status change in question 2)</b>	Immigration authorities of local administration and Länder  Federal Office for Migration and Refugees	Ausländerbehörden der Kommunen Länder  Bundesamt für Migration und Flüchtlinge	<a href="https://Auslaenderaemter.com">https://Auslaenderaemter.com</a> to find the location of different authorities on the Länder level  <a href="https://www.bamf.de/EN">https://www.bamf.de/EN</a>
<b>Employment rights</b>	Federal Employment Agency	Bundesagentur für Arbeit	<a href="https://www.arbeitsagentur.de/en/">https://www.arbeitsagentur.de/en/</a>
<b>Social welfare and social security rights</b>	Social welfare Offices  Health Insurance Funds	Sozialämter  Krankenkassen	<a href="https://sozialaemter.com">https://sozialaemter.com</a>  to find the location of the different authorities /websites on the Länder level  <a href="https://www.gkv-spitzenverband.de/english/english.jsp">https://www.gkv-spitzenverband.de/english/english.jsp</a>

- b) Existence of a mechanism in place to coordinate the work of these national authorities with respect to persons enjoying temporary (or adequate) protection coming from Ukraine.

The institutions mentioned under Point a) are working in their respective areas of competence. The Federal Ministry of Interior and the respective ministries of the *Länder* cooperate to coordinate the efforts. Different websites provide for relevant information in German, English and Ukrainian.

## 2.0 Possibility of changing the status

- a) Difference between temporary protection status and other forms of adequate protection<sup>3</sup> under national law, in respect of third country nationals and stateless persons coming from Ukraine.

Displaced persons from Ukraine are entitled to work in regular employment based on the status provided by Sec. 24 [Immigration Act](#). Provided the relevant requirements under the general rules are verified, the applicant may also apply and obtain another status. There is no requirement to re-enter Germany to file change of status.

- b) Possibility to file status change inside the territory without the requirement for the person to first leave the country or return to Ukraine from temporary protection or other forms of adequate protection to employment-based residence permit during the temporary protection regime and at the end of this regime (e.g. single permit for work, EU Blue Card for highly-qualified workers, seasonal workers, family reunification).

Yes. It is possible to file status change inside the territory without the requirement for the person to first leave the country or return to Ukraine from temporary protection to employment-based residence permit both **during** the temporary protection regime and **at the end** of this regime. Status change is possible from temporary protection to single permit for work, EU Blue Card for highly-qualified workers, seasonal workers, family reunification. For more information see [here](#).

- c) Relevant national legislation on changing the status (including the procedure to be followed).

### Procedure valid for any type of status change

The conditions set in the legislation to apply for such a status change while remaining in the country:

These conditions are to be found in Sec. 4a [Immigration Act](#). According to this provision, foreigners with a residence permit – which is the case for persons displaced from Ukraine – have the right to work, except in limited cases in which the Federal Employment Agency (*Bundesagentur für Arbeit*) may have to grant permission. According to Sec. 39 [Immigration Act](#), the Federal Employment Agency checks if the person works under the same conditions as domestic workers. The Agency may also check whether there are persons with

<sup>3</sup> 'Adequate protection' under national law is referred to in Article 2(2) of the Council Decision as a possible alternative that may be offered by Member States to temporary protection and therefore does not have to entail benefits identical to those attached to temporary protection as provided for in Directive 2001/55/EC. Nevertheless, when implementing the Council Decision, Member States must respect the Charter of fundamental rights of the European Union and the spirit of Directive 2001/55/EC. The respect for human dignity and therefore a dignified standard of living (such as residency rights, access to means of subsistence and accommodation, emergency care and adequate care for minors) has to be ensured in respect of everyone.

preferential treatment, i.e. who have to get the job prior-ranking. In cases of Sec. 24 [Immigration Act](#) there are no such limitations, except that for some professions specific job qualifications are required.

There are no limitations when it comes to change of residence status. A relevant status might be under Section 16a (Vocational Education and Advanced Training), 18a (Workers with Specific Qualifications) and 18b (Workers with Specific Academic Education) *Aufenthaltsgesetz*. Under these provisions, the applicant has to apply for a change of status since any status is somehow limited and defined in terms. If the requirements of the other status are met, the person will be granted that other status.

There are specific criteria depending on the status change. Hence, for the status of worker with job qualifications the person needs to meet this requirement. So for example Section 18a [Immigration Act](#) provides that professionals with vocational training may be granted residence permits for the purpose of qualifying employment for which the qualification acquired qualifies them. The same applies for academic qualifications (Section 18b) and in case of Section 16a which establishes that residence permit for the purpose of in-company training and further education can be issued if the Federal Employment Agency has agreed in accordance with Section 39 or if it is determined by the Employment Ordinance or intergovernmental agreement that training and further education is permitted without the consent of the Federal Employment Agency.

Any difference in admission criteria and conditions between first time applicant and when applying for a change of status:

No

Any alteration of rights with respect to

residence:

See above; residence requirements are dependent on the status.

employment rights:

Person with all these different kinds of status enjoy the same employment rights as domestic workers. The strict rule is that they have to be treated alike.

social welfare and social security rights:

Social welfare is provided to anybody legally staying in Germany; this is due to a constitutional provision which asks for safeguarding human dignity for everybody and also means basic subsistence. There are some technical differences in case of people looking for asylum. As from June 1 those provisions for asylum seekers are not applicable in case of Ukraine. There is a means test in those cases.

As far as social security is concerned persons with jobs are treated like domestic workers also in social security.



- d) Measures aiming to preclude registration of displaced persons in more than one Member State/EEA-EFTA country (see Article 26 of the Temporary Protection Directive).

No such specific measures with the aim to preclude registration of displaced persons in more than one Member State/EEA-EFTA country could be found based on desk research. The application for residence permit will be checked carefully and crosschecked with EURODAC.

### 3.0 Access to labour market (Article 12 of the Temporary Protection Directive)

- a) Overview on how equal treatment on the labour market as regards working conditions is ensured for persons enjoying temporary (or adequate) protection from Ukraine.

Persons from Ukraine with work permit may take any job and the working conditions applying to them are the same as for the local citizens.

- b) Conditions applicable to persons enjoying temporary (or adequate) protection from Ukraine, (including the procedure to be followed):

- I. The conditions regulating work permits/work authorisation, if required

According to Section 24 [Immigration Act](#), persons enjoying temporary protection from Ukraine are allowed to work practically immediately after arrival. The permit is based on Section 24 [Immigration Act](#) and is generally provided together with the temporary residence permit. The work permit as such does not allow to work as it establishes that the interested persons have to ask for a work permit. In practice, the relevant authorities issue a work permit together with the residence permit in case of persons displaced from Ukraine; this practice is based on Section 24 subsection 6 [Immigration Act](#) and refers to Section 4a of the same Act. Persons with work permit may start any employment covered by the work permit; which is generally without restrictions. Section 24 [Immigration Act](#) provides in subsection 6 that self-employment may not be excluded.

An approval by the *Bundesagentur für Arbeit* (Federal Employment Agency) is not necessary in cases of Section 24 [Immigration Act](#).

- II. Recognition of qualifications/diplomas

In Germany, there is the [Act on Recognition of Qualifications/Diplomas](#) (*Gesetz über die Feststellung der Gleichwertigkeit von Berufsqualifikationen*) of 2012 on the Federal level and specific acts and rules on qualifications on the state (*Länder*) level.

Specific [information](#) for displaced persons from Ukraine is available. Different rules depending on the qualifications are available on the [Information Portal on foreign educational qualifications](#) (*Infoportal zu ausländischen Bildungsabschlüssen*).

The link above provides access to competent regional sources for further info. All authorities are asked to efficiently process the requests and only require those documents which are indispensable. Alternative forms

of documentation are also used which means that the original document might not be required but a scanned version suffices and that the requirement of a certified translation might be waived.

III. Eligibility to receive assistance for job seekers (e.g., career counselling, skills assessment, locating appropriate job openings, etc.)

In general, the same rules apply as for any job seeker. But there is an easy access to integration training and the Federal Employment Agency provides links and information on how to find a job, how to receive child allowance (all in German, [English](#), [Ukrainian](#) and in Russian).

The Federal Employment Agency advises and supports Ukrainians:

- ▶ if they are looking for work or an apprenticeship;
- ▶ if they want to take a training course;
- ▶ if they want to have their professional degree recognised;
- ▶ if they want to learn German.

IV. Availability of vocational training/educational opportunities for adults/practical workplace experience.

The Federal Employment Agency provides [information](#) vocational trainings and educational opportunities.

In-company training (also known as 'dual training') is the most common form of vocational training in Germany. Training is provided in a company and part-time in a vocational school. There are more than 320 training occupations. The [BerufeNavi internet portal](#) provides support to young people on their path towards training. BerufeNavi offers a compilation of verified links to online information about career orientation and finding a training place. An introduction to the site and a user's guide in English, Ukrainian and Russian is available on their website.

There are also integration courses. Each integration course consists of a language course and an orientation course. The language course covers important aspects of everyday life such as:

- ▶ work and career
- ▶ basic and further training
- ▶ bringing up and raising children
- ▶ shopping/trade/consumption
- ▶ leisure time and social interaction
- ▶ health and hygiene/human body
- ▶ media and media use and
- ▶ housing.

The final stage of the language course consists of the 'German language test for immigrants' (DTZ). These rules apply to those who fall under Section 24 [Immigration Act](#).

- V. Any exceptions to the general law in force in the country applicable to remuneration and other conditions of (self-) employment

No.

## 4.0 Social security, social welfare and means of subsistence assistance, as well as medical care (Article 13 of the Temporary Protection Directive)

- I. Types of benefits with description and coverage

### **Social security**

The German social security system is a social insurance system and therefore those persons who are in employment and in certain cases in self-employment are covered. The system does not make a difference with relation to nationality – except in a few cases not relevant here. General rules apply.

#### Health care

This covers ambulatory care as well as hospital care and in case of inability to work for more than six weeks a cash benefit replacing salary.

#### Long-term care

This covers home care done by professionals or volunteers, partial inpatient care and inpatient care.

#### Pension benefits

This includes pensions in old age or invalidity as well as rehabilitation measures.

#### Industrial accident insurance

This includes industrial accidents ambulatory care, hospital care, temporary cash benefits replacing salary, invalidity pensions and rehabilitation measures.

#### Unemployment insurance

This includes unemployment benefits, short-time allowances, professional training, occupational rehabilitation, job placement.

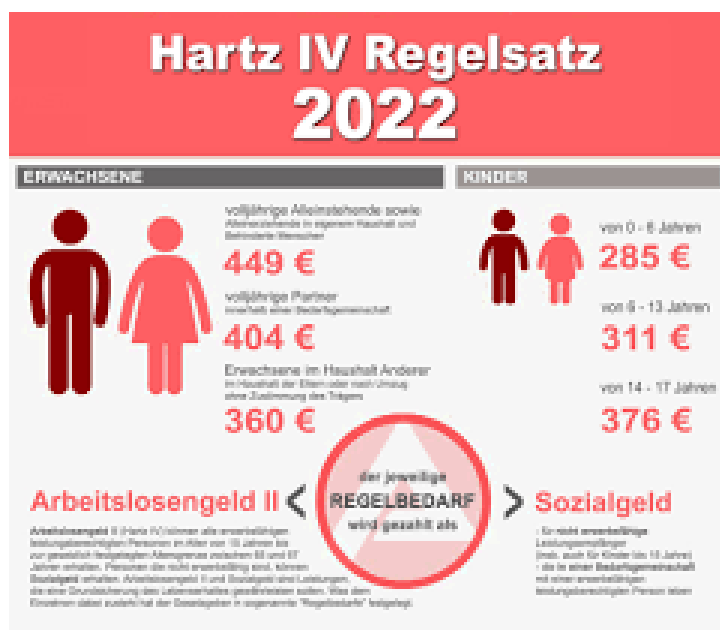
### **Social welfare**

During the first phase, displaced persons from Ukraine were covered by the special provisions of the [Asylum Seekers Benefits Act](#) (*Asylbewerberleistungsgesetz*) applying to asylum seekers. However, as of 1 June 2022

they are covered by the general system – in particular, the [Social Code 2nd Book](#). Indeed, from the beginning there was a discussion and it was agreed by most that the system of Social Code 2<sup>nd</sup> Book and [Social Code 12<sup>th</sup> Book](#) would better cover the situation of persons displaced from Ukraine which includes full public health insurance coverage. The Asylum Seekers Benefits Act provided healthcare only on a social welfare basis in severe situations. The benefit amount according to the Asylum Seekers Benefits Act was about 15 % lower than the amount under the Social Code 2<sup>nd</sup> Book and 12<sup>th</sup> Book.

The cash benefit covering the basic needs is expressed in fixed amounts:

- ▶ single adults – EUR 449
- ▶ adult partner – EUR 404
- ▶ adults in household of another adult – EUR 360.



Source: [Hartz IV ratgeber zum Arbeitslosengeld II und den Leistungen](#) (Guide to Unemployment Benefits 2, so called 'Hartz IV' and other benefits).

In case of illness or long-term care or other special needs this is covered as well. Subsidies for health insurance and long-term care insurance exist as well.

## II. Eligibility conditions

### Social security/social assistance

Access to social assistance and social security is available to anybody residing legally in Germany. The Constitution establishes a right for subsistence payments for anybody, and not just German nationals and EU citizens. Access to social security is also irrespective of nationality. As such, anybody in employment is generally covered. In case of the self-employed there is no general coverage. Generally speaking, small-business self-employed are covered if it is a somehow regulated business. This differs very much among the different branches of social insurance.

### Social welfare

In Germany, any person legally residing has the right to benefits to secure the subsistence level if such a person is in need. There is no requirement of nationality. This is based on [Social Code 12th Book](#) – Social Assistance and in case of work or looking for work on the basic security for job seekers according to [Social Code 2nd Book](#).

However, there is a means test concerning income and assets. Own income and assets have to be used first. If persons are employed, the income from employment comes first as well. If this is not enough, they may be entitled to social welfare benefits.

III. Any exceptions to the general law in force in the country to access to social security systems or social welfare system relating to employed or self-employed activities

As mentioned above, anybody in employment is generally covered. In case of the self-employed there is no general coverage. Generally speaking, small-business self-employed are covered if it is a somehow regulated business.

## 5.0 Public support instruments

Overview of other public support instruments facilitating labour market participation, information about and enforcement of rights and entitlements for displaced persons.

For first help, a special [website](#) provides all information necessary in Ukrainian and Russian. Here there are also links to mobility, using the German Railway System, and accommodation. This website also provides links to relevant public authorities.

[Handbook Germany](#), on a dedicated page to persons displaced from Ukraine, provides legal and practical information on job permits, residence permits, public help, childcare, studies and accommodation.

The relevant institutions of industry, commerce and employers have initiated a program [Wirtschaft Hilft](#) providing help for temporary integration into the German labour market.

Diakonie ([Protestant Church Charity Organisation](#)) and Caritas ([Catholic Church Charity Organisation](#)) are giving help to displaced persons from Ukraine.

There is also information to prevent human trafficking which seems to be a special problem for women coming from Ukraine (see [leaflet](#)).