



A turning point in labour market integration?

Participation and precariousness: Ukrainians in the German labour market

Summary

The outbreak of war in Ukraine marks a turning point in many respects, including with regard to Germany's migration and integration policy. Before the outbreak of war, Ukrainian nationals mainly came to Germany to reunify with families or to engage in gainful employment. They were subject to the same rules of residence as all third-country nationals; no country-specific exceptions applied. As a result, (official) labour migration from Ukraine was limited to the skilled labour sector.

However, Ukrainians have also increasingly been finding their way into other sectors of the labour market, in terms of labour and residence law often on the margins of legality. Ukrainian students work as out-of-term seasonal workers or do internships, and Ukrainian women (in particular) are taken on by (Polish) placement agencies and posted as care workers in German private households. These forms of employment are associated with legal restrictions to participation and other structural barriers to participation. This means that these workers have only limited protection under labour and social law and are (financially) dependent on their employers and/or placement agencies. Their insecure residence status and right to remain are also a source of uncertainty. **This paves the way for working and living conditions that are equally precarious in terms of residence, labour and social law.**

Since the outbreak of war at the end of February 2022, most of the refugees fleeing from Ukraine to Germany have been women and children. The European Union (EU) responded to the war of aggression and the ensuing forced displacement with a legal first by activating the Temporary Protection Directive. **Ukrainian refugees in Germany are now granted a residence permit under Section 24 of the Residence Act (AufenthG) that provides them with collective protection for a limited period of two years.** This migration policy decision was flanked by a specific integration policy: Ukrainian refugees have been assigned a



legal status that entitles them to receive social benefits under the Social Code (SGB). In this respect, they have been integrated into Germany's standard labour and social administration structures. In terms of participation, therefore, their starting position differs considerably from that of their fellow Ukrainians, who came to Germany to engage in gainful employment before the war began, and especially from those who are employed in the grey and niche areas of the labour market. **As the law that applies to Ukrainian refugees now places them in a different legal sphere, they are permitted to work without restrictions and also have access to all standard employment promotion measures and basic income support benefits.**

SVR's scientific staff have taken this turning point as an opportunity to examine the role that legal restrictions and other structural barriers to participation play in creating and consolidating precarious working and living conditions. Their study covers both Ukrainian workers who were employed on the margins of the official labour market before the war began and people from Ukraine who have fled to Germany since the invasion of the Russian army. Empirically the study is based on qualitative expert interviews from the project "The precarious employment of foreign workers and prospects for their participation in Germany" funded by Stiftung Mercator. **The interviews clearly show that collective recognition and the change of legal sphere could create the basic conditions needed to avoid precarious working and living conditions. However, the extent to which Ukrainian refugees are successfully and sustainably integrated (into the labour market) also depends on factors other than the legal framework.** The following questions are key: How quickly and easily can qualifications acquired abroad be recognised? To what extent are qualification measures and language courses available? What quality standards do these measures and courses meet? Can accessible advisory services on current labour and social law be established nationwide? And as most of those who have come to Germany are women, many of them with children, care alternatives will also play a significant role: Are there enough places available in day-care centres and (all-day) schools? If most these questions are answered in the negative, many of the refugees who have arrived since February could also find themselves living and working in precarious conditions - despite the legal turning point.