



Permanent residence, return or circular mobility?

Options for Ukrainian war refugees after temporary protection

Summary

Almost two years have passed since Russia invaded Ukraine on 24 February 2022 and there is no end to the war in sight. The prospects of permanent return for more than four million war refugees in the European Union have not fundamentally improved. The European Council has therefore extended the temporary residence scheme for people seeking protection from Ukraine on the basis of the Temporary Protection Directive until the beginning of March 2025. At the same time, however, many people are also returning home for short visits, and a wide range of measures are already underway aimed at rebuilding the country and preparing for Ukraine's accession to the EU.

This study suggests that the European Union should find a common approach regarding the future of war refugees from Ukraine within the member states.

However, if joint solutions are to be found with the involvement of the European legislator, time is running out as the legislative period of the European Parliament will soon be coming to an end. Policy-makers should focus on how the continued residence of people from Ukraine, especially women and children, can be organised in the event of a prolonged war. The legal analysis identifies a number of approaches to be tested in order to ensure that temporarily protected persons can stay in the European countries of reception beyond 4 March 2025. These approaches do not rule out the possibility of them contributing to the country's reconstruction.

As the renegotiation of the legal acts of the Common European Asylum System (CEAS) is now on the home stretch, the European Union should once again demonstrate its ability to act and outline a future residence option for those entitled to temporary protection, for example as part of the EU Crisis Regulation or the EU Permanent Residence Directive. As another option, the amendment or extension of the Temporary Protection Directive should also be examined. Joint solutions by the EU member states must be linked to return and reconstruction plans such as the EU's recently announced Ukraine Facility, which, in a partnership approach with Ukraine, faces the challenging task of securing the necessary human capital base.



However, a common and sustainable European solution may not be achievable. The German government should therefore examine the options available under national migration law in order to be prepared for all scenarios. Efforts to integrate migrants into the labour market should be further stepped up. An existing employment contract can be used as a reason for a transition to a residence permit for work purposes if the other requirements are met. **The German Federal Ministry of the Interior and Community and the federal states should quickly find ways to deal with a number of impeding clauses in the Residence Act in a legally secure manner. These clauses currently prevent a direct change of the residence title and the purpose of stay for beneficiaries of temporary protection in certain cases** – e.g. if they want to change to a residence permit for study purposes or an EU Blue Card. **Furthermore, decision-makers should consider including Ukraine in the list of privileged countries in accordance with Section 26 (1) of the Employment Ordinance.** This would also give people with temporary protection status and lower levels of qualification the opportunity to secure their residence in Germany on a long-term basis.

Beyond, German federal and state governments should urgently be looking at alternative protection options, in case a large proportion of refugees continue to be dependent on a humanitarian stay after 4 March 2025. Above all, a scenario in which masses of individual asylum applications are filed, needs to be avoided. On the one hand, this would overload the asylum system, and on the other, these applications would have little chance of being recognized. The roughly 1.2 million people who enjoy temporary protection in Germany have largely been placed on an equal footing with recognised refugees and receive comprehensive access to support measures. A considerable number are already in employment and their children attend schools and daycare centres. As the length of war increases, so does the number of those who want to stay in the medium term future or even settle permanently. Well-qualified people in particular, who can quickly gain a foothold in the labour market and support themselves, have longer-term prospects – but at the same time they would also be pillars of reconstruction of their home country who, from Ukraine's perspective, should definitely be motivated to return. **Within the framework of integration, it should be safeguarded that investments in education and human capital also take into account possible future tasks in Ukraine. Thus, language skills of children and young people must be maintained, financial and digital**

transnational connections be promoted and new forms of return support or mobility and reconstruction support be offered. As part of a coordinated strategy with the Ukrainian government, Germany can make a constructive contribution to the reconstruction and bolster Ukraine economically as a potential future EU member state by fostering assisted voluntary return or circular forms of migration and mobility.