



Global Immigration alert

December 2024

Germany

Renewed rules for permits under the Temporary Protection Directive

Executive summary

In light of the ongoing armed conflict in Ukraine and taking into account the EU Temporary Protection Directive (TPD), the German federal government has renewed its national rules regarding temporary protection for Ukrainian citizens, Ukrainian permanent residents (holders of Ukrainian permanent residence permits) and individuals with international protection status or a similar national protection status in Ukraine as of 24 February 2022.

Background

Under the TPD, Ukrainian citizens, third-country nationals (i.e., nationals of countries outside the EU or EEA) and stateless persons who fled Ukraine may be eligible to receive various rights in an EU country that has adopted the TPD, including residence and work authorization, housing and medical assistance. The TPD was initially in effect until 4 March 2023 and has been extended (for the third time) until 4 March 2026.

Key developments

Germany recently announced the following extensions in the national rules regarding temporary protection for individuals who fled Ukraine on or after 24 February 2022. These rules went into effect as of 28 November 2024:

- ▶ The national Ukraine Residence Regulation was extended for another year until 4 March 2026. This will ensure that Ukrainian nationals and, in certain cases, stateless persons and other non-Ukrainian third-country nationals who were living in Ukraine on 24 February 2022 and will enter Germany at the latest by 4 December 2025 without the necessary

visa/residence permit for a long-term stay are exempt from the requirement to obtain such a visa/residence permit for a period of 90 days from the date of their first entry into Germany. This means they can come to Germany with only their valid Ukrainian passport or a passport issued by a third country, or, in the case of stateless persons, an equivalent travel document.

- ▶ The extended rules include the right to apply in Germany for a temporary protection residence permit ([§ 24 AufenthG](#)) which provides full working rights (i.e., employment for any employer in any position, as well as self-employed work).
- ▶ The extended regulations also include the right to apply in Germany for regular long-term permits (e.g., employment based, for study, or as a dependent).
- ▶ Individuals holding lawful TPD status as of 1 February 2025 will have their current temporary protection residence permit automatically extended by law until 4 March 2026. They will not be required to obtain new permits until this date. This means that they do not need to file an extension application. These individuals will be able to reside and work in Germany until 4 March 2026 using their existing permits even after their expiry. This also applies to individuals who already benefitted from a similar rule in 2024, where permits that were valid as of 1 February 2024 continued to be valid automatically by law without holders having to file an application and obtain the usual plastic card (an eAT) as evidence of their status. This extended rule will decrease the administrative burden for the German immigration



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authorities. If individuals need to travel outside Germany (whether for business or personal reasons), they still have the possibility to apply for an eAT as proof of their existing rights. However, as it may take a long time to get an eAT, impacted individuals may consider requesting an eAT well in advance.

- ▶ The prolonged regulation for simplified entry, the possibility to apply for temporary protection and the automated extension do not apply to third-country nationals or stateless persons who did not hold a Ukrainian permanent residence permit or a Ukrainian permit under international protection or a similar status as of 24 February 2022.

Impact on employers

Employers may consider this development to ensure that Ukrainian citizens who hold valid German permits under the TPD as of 1 February 2025 (including permits valid on 1 February 2024 that continued to be valid afterwards) remain compliant with regards to residence and work authorization in Germany. For third-country nationals or stateless people, the specific background may be reviewed on a case-by-case basis.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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