



Federal Office
for Migration
and Refugees

Studying and Working in Germany

A brochure on the legal requirements of residence
for third-country nationals



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I What legal regulations do I have to keep in mind in general for a stay in Germany?

1. Entry Regulations

➔ What do I have to keep in mind for entering Germany?

If you are a third-country national, in general you will need a visa in order to enter the Federal Republic of Germany.

If you are a national of a country for which a visa is required for entry, you must consult with the diplomatic missions of the Federal Republic of Germany before entry. There you can apply for a visa with the necessary documents and indicate your intended purpose of stay. More information on contacting a diplomatic mission can be found on the Foreign Office's website.

Exceptions from the visa requirement apply to nationals from Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand and the United States of America (section 41 subs.1 Residence Regulations). Are you allowed to enter Germany without a visa and planning a long-term stay? Then you have to apply for a residence permit within three months after entry. This application is submitted at the proper Aliens Authority office. The Aliens Authority responsible for your application depends on your future place of residence in the Federal Territory.

2. Residence Title

→ What kinds of residence titles are there?

Are you a third country national – i.e. not a national of one of the Member States of the European Union (EU), the European Economic Area (EEA) or Switzerland - and you wish to stay in Germany for a longer period of time? Then you need a legal basis, the so-called “residence title”.

There are **four different residence titles** for long-term stays in the Federal Republic of Germany:

- Residence permit (temporary residence title)
- EU Blue Card (temporary residence title)
- Settlement permit (permanent residence title)
- EU permit for permanent residence (permanent residence title)

To obtain a residence title, you must first meet some general requirements. This includes having a passport, having a secured means of subsistence during your stay, and there must be no grounds for deportation.

The purpose of your intended stay and your education/professional qualifications determine which specific residence titles are options for you (see Chapter II or III).

3. Residence in Germany

→ Where do I have to go if I am already in Germany?

The Aliens Authority office where you live is responsible for issuing a residence title. This also applies if you were allowed to enter without a visa and apply for a residence title directly from Germany. The proper Aliens Authority office can give you more information on the documents required.



II What legal requirements do I have to meet regarding the purpose of my stay in Germany?

1. Education, School and Studies

1.1 School Students

➔ I am...

➔ ... a school student

... and I want to go to school in Germany

(Residence title under section 16 subs. 5 Residence Act)

A separate residence title for the purpose of attending school can generally only be issued in two instances.

One option is as part of a temporary student exchange. This requires an agreed exchange with a German school or a student exchange organization recognized in Germany and a secured means of subsistence during your stay.

The other option is participating in an intensive language course if you are planning a short-term stay to learn German. This requires daily instruction and the language course running for at least 18 hours per week. Your means of subsistence must also be secured, for example by your parents assuming all costs.

Regular school attendance for children from third countries is only possible as part of a family reunification and family immigration programme (see also Chapter III), or if the residence is based on another, independent right of residence. There are also exceptions made on a case-by-case basis, such as to attend a boarding school. Please contact the proper Aliens Authority for your desired place of residence with such requests.

1.2 Trainees

→ I am...

→ ... a trainee

**... and I want to complete a professional training programme
(Residence title under section 16 subs. 5 Residence Act)**

A residence permit may be requested in order to attend a professional training programme under section 16 subs. 5 Residence Act. This residence permit also allows you to work for up to 10 hours per week regardless of the kind of training you are receiving.

... and I want to attend an education and training programme (Residence title under section 17 Residence Act)

You can apply for a residence permit under section 17 Residence Act in order to attend an education and training programme (a.k.a. dual education programme). The Federal Employment Agency must consent to issuance unless the type of work does not require such consent. You can inquire at the proper Aliens Authority office at your future place of residence regarding whether or not your intended programme requires consent.

During a qualified training programme, you are permitted to work for up to 10 hours per week regardless of the kind of training you are receiving.

The residence permit is generally issued for two years. If the programme takes less than two years, the residence permit is then limited to the duration of the programme itself. Should training continue, the residence permit can be extended to the expected completion of training.

What advantages does a residence title for school-based vocational and industrial training have?

A residence title under section 16 subs. 5 and section 17 Residence Act allows you to work for up to 10 hours per week, regardless of the type of training you are receiving.

If, after finishing, you want to find a suitable job in the field of your training, the residence title can be extended for up to one year.

1.3 University Students

➔ I am ...

... a university student

**... and I want to apply for a study place in Germany
(Residence title as university applicant under section 16 subs. 1a
and subs. 1 sent. 1 Residence Act)**

If you are interested in a study place in Germany and have not yet been accepted to a state or state-recognized institute of higher learning, you are considered to be an applicant.

As an applicant, you can be issued a residence permit for up to nine months. This requires that you presumably meet the qualification requirements for a course of study and can verify this with the appropriate (original) documents.

If, however, the foreign education credentials you have do not qualify for direct acceptance to such an institute, you can take a qualification test in order to earn the qualification to be admitted for a specific subject. More information can be found at the institute to which you want to apply.

A course of study, preparatory language courses or instruction (such as attending a preparatory college programme) can lead to a residence title under section 16 subs. 1 sent. 1 Residence Act.

**... and I want to study or get my doctorate
(Residence title as university student under section 16 subs. 1
Residence Act)**

If you have been granted admission to a state or state-recognized institute of higher learning (university, school of education, art school or university of applied sciences),

you are considered a university student. You can thus obtain a residence title under section 16 subs. 1 Residence Act.

You are also a university student if you are granted admission to a comparable training school, cooperative education school or a state-recognized preparatory college programme.

Proof of admission must be the original acceptance letter from the institute. The course of study must be the primary purpose of residence, i.e. night, weekend or correspondence courses do not qualify.

Under the Residence Act, doctoral studies are when the purpose of residence is obtaining a doctorate.

A residence permit for the purpose of study can be issued for at least one and at the most for two years. This period can be extended if the course of study has not yet been completed, but can be within a reasonable amount of time.

Since language skills are routinely taken into consideration when an institute makes its decision on admission, they are not usually tested by the Aliens Authorities.

A general requirement for this residence permit is also proof of a secured means of subsistence during residence. For this purpose, employment is permitted during the course of study. However, such employment may not exceed 120 full or 240 half-days per year (section 16 subs. 3 Residence Act).

2. Residence for Employment

2.1 Employees

→ **I am...**

→ **...an employee**

... and I want to get a job
(Residence title under section 18 Residence Act)

If you have a firm offer of employment and meet the general requirements for issuing a residence title (you have a passport, means of subsistence during residence is secured, there are no grounds for deportation, etc.), you can then receive a residence permit for the purpose of employment.

In general, consent is required from the Federal Employment Agency in order to obtain employment with or without qualification training. Excluded from this are types of employment that do not require consent, including managers and those engaged in scientific, research and development activities (sections 3, 5 Employment Regulations).

During residence under section 18 Residence Act, work hours are counted in full toward a settlement permit under section 9 Residence Act, whereas study hours and training hours in Germany are counted by half; see section 9 subs. 4 No. 3 Residence Act.

Am I eligible for other residence titles? What advantages do these have?

If you want to get a job that requires qualification training, a temporary residence through the EU Blue Card is possible under section 19a Residence Act.

If you want to do research, you can apply for residence under section 20 Residence Act.

Beyond that, a permanent residence title can be obtained in exceptional instances in the form of a settlement permit for highly-qualified persons under section 19 Residence Act.

No language skills are typically required for this residence title.

Please refer to the appropriate sections for the requirements of this residence title.

2.2 University Graduates

➔ **I am ...**

➔ **... a university graduate**

... and I want to find a job in my field (Residence title as EU Blue Card holder under section 19a Residence Act)

Provided you meet the following requirements, you can apply for the “EU Blue Card” temporary residence title in Germany. You have:

- A degree from a German or other recognized/comparable foreign university
- A firm job offer or employment contract
- With a minimum gross annual income of currently¹ € 48,400 or € 37,752 in shortage professions

The EU Blue Card is a temporary residence title with many advantages (see the Info Box below). It is initially issued for a maximum of four years. If the duration of employment lasts less than four years, the residence title is issued or extended for the duration of the employment contract plus three months.

1 As of 2015; average gross annual income equals two-thirds of the annual income threshold for general annuity insurance, or 52% for shortage professions.

You can have your university degree recognized before you even enter Germany. If you have questions about recognition, you can either call the hotline of the Federal Office for Migration and Refugees at +49-30-1815-1111 or download the flyer on recognition of foreign degrees at the Federal Office's website: www.bamf.de.

If you do not provide a certificate of recognition or comparability review of your university degree, the aliens authorities generally refer to the recommendations of the Central Office for Foreign Education (part of the Conference of Culture Ministers at www.anabin.kmk.org) when evaluating the application.

Provided you achieve the required average gross annual income (see above), consent from the Federal Employment Agency is not required for your profession (section 2 subs. 1 No. 2a Employment Regulations).

This does not apply for employments in shortage occupations. Under section 2 subs. 2 Employment Regulations, these include in particular natural scientists, mathematicians, engineers, physicians and academic specialists in information and communications technology. Unlike other highly-qualified persons, graduates of these professions generally require the consent of the Federal Employment Agency to get a job with the EU Blue Card, unless they have a German university degree (section 2 subs. 1 No. 2b Employment Regulations).

What advantages does the EU Blue Card have?

With an EU Blue Card, you can stay in any EU Member State (except the United Kingdom, Ireland and Denmark) for up to ninety days without a visa. The EU Blue Card also allows you to stay for up to 12 months in a third country outside the EU.

If you have already had an EU Blue Card from an EU Member State for at least 18 months and now wish to apply for an EU Blue Card from Germany, you can do this within up to one month after entering Germany. Entry does not require a visa. Your family members can also enter Germany without a visa (section 39 No. 7 Residence Regulations).

Another advantage of the EU Blue Card is that it can be issued to natural scientists, mathematicians, engineers, doctors and IT specialists with German degrees as well as specialists in these professions with a foreign degree without the consent of the Federal Employment Agency.

In special instances, a permanent residence title can also be used under section 19 Residence Act. The requirements are explained in Chapter IV.

Do you have more questions about this new residence title? Call our hotline at +49(0)911/943-6390.

More information can also be found on the “EU Blue Card” flyer at www.bamf.de/blauekarte.

... and I want to get a suitable job in the field of my training, but I do not meet the minimum income or another requirement for the EU Blue Card (Residence title for qualified employment under section 18 subs. 4 Residence Act)

As a university graduate, you have been offered a suitable job commensurate with your qualification; however your income is below that of the above mentioned minimum income for the EU Blue Card residence title. In this instance, you can apply for a temporary residence title for qualified employment under section 18 subs. 4 Residence Act.

2.3 Researchers

→ **I am...**

→ **... a researcher**

... and I want to conduct my research at a state-recognized research institute (Residence title under section 20 Residence Act)

A residence permit for research purposes can be issued to you if you meet the following requirements:

- You have concluded an effective hosting agreement with a research institute recognized by the Federal Office for Migration and Refugees.

Under section 38f subs. 2 Residence Regulations, the effectiveness of the hosting agreement depends upon whether or not the intended research is conducted and whether or not your special qualification to conduct it can be proven.

- The research institute is obliged to assume the costs that may arise from any unauthorized stay or deportation after the end of the hosting agreement for up to six months.

Such obligation to assume costs is generally not necessary for research institutes primarily financed by public funds.

- Means of subsistence is secured as per section 5 subs. 1 No. 1 in conjunction with section 2 subs. 3 sent. 6 Residence Act, as you already have the required financial means.

You can find out the current amount from the Aliens Authority office at your future place of residence.

Residence titles for researchers are issued for at least one year unless the intended research requires less time.

Can I work elsewhere in the meantime?

Under section 20 subs. 6 Residence Act, employment in the same field is permitted alongside research activities.

What other advantages does residence under section 20 Residence Act have?

The residence title under section 20 Residence Act authorized employment as described in the hosting agreement. Consent from the Federal Employment Agency is not required.

If residence is granted to you under section 20 Residence Act, you may also stay in other Member States for research purposes for up to three months without having to apply for a separate residence title.

A list of recognized research institutes, a sample host agreement and the flyer “Research Stays in Germany – Information the Entry and Residence of Researchers from Non-EU States” can be found at www.bamf.de/forschungsaufenthalte.

... and I want to conduct research at a non-state-recognized research institute (Residence title under section 18 subs. 2 Residence Act)

If you want to conduct research at a research institute not recognized by the state, it is possible to apply for a residence title under section 18 subs. 2 Residence Act. Further details can be found in the “Employees” section.

If you are a doctoral candidate and your stay is primarily for obtaining your doctorate, it is also possible to apply for a residence title under section 16 Residence Act. This has the benefit of being able to receive up to 18 months to find a job after obtaining your doctorate (cf. section 16 subs. 4 Residence Act).

Attention: This generally does not apply if your stay was primarily financed through scholarships or grants and you are obligated to return.

2.4 Self-Employed

→ I am...

→ ... self-employed

... and I want to come to Germany as an entrepreneur (Residence title under section 21 subs. 1 sent. 1 Residence Act)

If you wish to come to Germany as an entrepreneur, you can be issued a residence permit for self-employment. This requires an economic interest or regional need, the business must be likely to generate a positive effect on the economy and financing must be secured (section 21 subs.1 sent. 1 Residence Act).

Whether these requirements are met depends on the following criteria:

- Viability of the underlying business idea
- Business experience of the applicant
- Amount of initial investment
- Effects on employment and education situation
- Contribution to innovation and research

You can find details at the diplomatic mission at which you apply for your visa or at the Aliens Authority office at your future place of residence.

... am already living in Germany and want to take up self-employment in relation to my university studies/previous scientific work (Residence title under section 21 subs. 2a Residence Act)

Have you graduated from a German university? Have you obtained a residence permit for employment or research as a researcher or academic?

In these instances, you can already receive a residence permit for self-employment if the intended work is related to your university education or previous work as an academic or researcher (section 21 subs. 2a Residence Act).

Residence titles for self-employment are issued for a maximum of three years.

... I am already living and working in Germany under another residence title, and I also want to take up self-employment

A residence title can generally be issued either for dependent employment or freelance/self-employment.

If you have already received a residence permit for freelance employment, you can be allowed to take up self-employment without requiring a new residence permit (section 21 subs. 6 Residence Act). This requires the necessary permits under other regulations to have been issued or their issuance be pending.

2.5 Persons seeking employment

→ **I am...**

→ **... seeking employment**

**... after having recently graduated from a German university
(Residence title under section 16 subs. 4 Residence Act)**

Have you recently completed your studies at a German university? Are you also able to secure your livelihood in Germany by yourself? In this case, your residence permit can be extended in order to find suitable employment after graduating.

This residence permit can be extended for a period of up to 18 months. During this time, you are authorized for employment without restriction (section 16 subs. 4 Residence Act).

**... and I am a university graduate residing abroad
(Residence title under section 18c subs. 1 Residence Act)**

Do you want to find a suitable job in your field in Germany? Do you have a German university degree or one recognized in Germany? Do you have a foreign university degree comparable to a German one? Is your livelihood in Germany secured?

Then it is possible to obtain a residence permit under section 18c Residence Permit in order to find a job.

This residence title is limited to six months and cannot be extended. In order to obtain another residence title for finding work after leaving, you must remain abroad for at least as long as you stayed in the Federal Territory while looking for work.

The residence title does not permit employment for securing livelihood.

**...and I am a university graduate already residing in Germany
(Residence title under section 18c subs. 3 Residence Act)**

You are already living in Germany and you wish to find a suitable job in your field in Germany?

If you fulfill the further requirements of section 18c subs. 1 Residence Act, you have the opportunity to obtain a residence permit under section 18c Residence Act for finding a job, on the condition that, immediately prior to the issuance of this residence permit for finding a job, you already held a residence permit allowing employment (section 18c subs. 3 Residence Act).

In this case, the residence title is valid for six months only and cannot be extended. In order to obtain another residence title for finding work after leaving, you must remain abroad for at least as long as you stayed in the Federal Territory while looking for work.

The residence title does not permit employment for securing livelihood.

**... and have completed a professional training programme
(Residence title under section 16 subs. 5b Residence Act)**

If you have successfully completed a professional qualification training programme under section 16 subs. 5a Residence Act, it is possible to extend your residence permit for up to one year to find employment.

Employment is permitted during this time (section 16 subs. 5b Residence Act).



III

What legal requirements must be met for the subsequent entry of family members to Germany?

1. **Joining a German Family Member**

→ I am ...

→ ... a family member

... of a German citizen

(Family unification under section 28 Residence Act)

A residence permit for joining a German family member will be issued if you are:

- Their spouse
- The minor and unmarried child of a German citizen
- The parent (legal guardian) of an unmarried minor German citizen

The German family member's usual place of residence must be in Germany (see section 28 subs. 1 sent. 1 Residence Act).

2. Joining a Foreign Family Member

→ I am...

→ **... a family member
... of a foreigner
(Family unification under section 29 Residence Act)**

If you are a family member of a foreigner, you can be issued a residence title in order to create or preserve family unity. This requires that the family member (with whom the other family members will be living) is in possession of a residence title, has sufficient living space and has a secured means of subsistence.

The residence titles for incoming family members permit employment (section 27 subs. 5 Residence Act).

Registered domestic partners can also take advantage of family reunification regulations if they meet the necessary requirements (section 27 subs. 2 Residence Act).

- ➔ **I am**
- ➔ **... the child**
... of a foreign family member

I am the child of a foreign family member joining him/her in Germany. In this instance, my residence permit is issued in conjunction with the following additional requirements:

- I am not married, divorced or widowed
- I am under 18 years of age
- I have completed the sixteenth year of age, and I am establishing my domicile in Germany separate from my parents. I am fluent in German, and due to my education and my general situation, I can reasonably be expected to adapt to conditions in Germany (section 32 subs. 1 and 2 residence Act). This restriction does not apply if one part of my parents is a holder of an EU Blue Card or a settlement permit under section 19 Residence Act or of a residence title for humanitarian reasons (section 26 subs. 3 or section 25 subs. 1 or 2 Residence Act).

→ **I am**

→ **... the spouse**
... of a foreign family member

You want to move to Germany to join your foreign spouse. An appropriate residence permit can be issued if the following requirements are met:

- Both spouses are over 18 years of age (section 30 subs. 1 No. 1 Residence Act)
- You, as the spouse coming to Germany, have basic German language skills (section 30 subs. 1 No. 2 Residence Act)

→ **I am**

→ **... the spouse**
... of a foreign student, employee or self-employed person

Was your spouse issued a residence permit as a student, employee or self-employed person? You were already married at this time? Then you have the right to obtain a residence permit if you plan to stay in Germany for more than one year (see section 30 subs. 1 No. 3e Residence Act) and you meet the other requirements.

Did you get married after your spouse received a residence permit? Then you can only receive a residence permit if you meet the general requirements and your spouse has had a residence permit for two years.

This residence permit must be extendable/the subsequent issuance of a settlement permit must be possible, as well (cf. section 30 subs. 1 No. 3d Residence Permit).

If your spouse is self-employed, you do not have to be of age or have basic German language skills if you were already married when your spouse took up his/her residence in Germany (section 30 subs. 1 sent. 2 No. 1 Residence Act).

**... of an owner of an EU Blue Card, of a highly qualified person
or of a researcher**

If your spouse is in possession of an EU Blue Card, you do not need to prove any basic German language skills (section 30 subs. 1 sent. 3 No. 5 Residence Act).

If you were already married when your spouse relocated to Germany, you do not have to be of age nor have basic German language skills if you are married to a researcher, highly qualified person or owner of an EU Blue Card (section 30 subs. 1 sent. 2 No. 1 Residence Act).



IV What legal requirements must I meet if I want to stay in Germany permanently?

1. Settlement Permit and Permanent Residence

➔ I want to settle permanently...

... with a settlement permit under section 9 Residence Act

Have you had a residence permit for the last five years? Then you are entitled to a settlement permit (section 9 subs. 2 No. 1 Residence Act) if you meet the other requirements.

The requirements for a settlement permit are generally as follows:

- You can secure your livelihood without needing public assistance
- You have made mandatory contributions to the statutory pension insurance in Germany for at least 60 months
- You have sufficient German language skills
- You have a basic knowledge of German society, as well as of the social and legal order in Germany
- You have a work permit
- Your residence does not jeopardize public safety and social order
- You have sufficient living space for you and the family members living with you

Settlement permits authorize any type of employment as a permanent residence title.

... with an EU permit for permanent residence under section 9a Residence Act

If you have been staying in the Federal Territory under a residence title for the last five years and meet the following requirements, you are entitled to an EU permit for permanent residence:

- Your livelihood and that of your family members entitled to support are secured through fixed and regular income

- You have sufficient knowledge of the German language
- You have a basic knowledge of German society and of the legal and social order in Germany
- Your residence does not jeopardize public safety and social order
- You have sufficient living space for you and the family members living with you

EU permits for permanent residence also authorize employment as a permanent residence title.

2. Eligible Groups

→ **Shorter terms, however, apply to you ...**
... as a graduate of a German university
(Settlement permit under section 18b Residence Act)

You are entitled to a settlement permit (section 18b Residence Act) after only two years if:

- You have a German university degree and
- You have a suitable job in your field
- You have been in possession of a residence title for employment, an EU Blue Card or a residence permit for self-employment for the last two years
- You can show that you have paid into the statutory pension insurance for 24 months

Language skills are generally required (Level B1, cf. section 18b No. 4 in conjunction with section 9 subs. 2 sent. 1 No. 7 in conjunction with section 2 subs. 10 Residence Act). Exceptions can be made (section 9 subs. 2 sent. 2 - 5 Residence Act).

... as a highly qualified person
(Settlement permit under section 19 Residence Act)

Highly qualified persons can immediately receive a settlement permit for employment under the following conditions:

Highly qualified under the Residence Act are, e.g., scientists with specialized knowledge, an instructor or as a senior research assistant (these are typical examples).

If you are highly qualified as described above, you must also have a firm job offer. Proof of minimum income is not required, however you must show your livelihood in Germany is guaranteed without public assistance.

The consent of the German Federal Employment Agency is not required for granting a residence title to highly-qualified persons (section 19 Residence Act).

... as owner of an EU Blue Card
(Settlement permit under section 19a subs. 6 Residence Act)

If you are in possession of an EU Blue Card, you are entitled to a settlement permit after 33 months of highly qualified employment, provided you meet all the necessary requirements (including making contributions to the statutory pension insurance).

If you can show sufficient German language skills (Level B 1), a settlement permit will be issued after only 21 months of highly qualified employment (section 19a subs. 6 sent. 3 Residence Act). You must also have paid into social security insurance for this period.

... as a self-employed person

(Settlement permit under section 21 subs. 4 Residence Act)


As a self-employed person, you can obtain a settlement permit after three years if you have successfully implemented your business idea and your livelihood is secured (section 21 subs. 4 Residence Act).

... as a family member of a German citizen

(Settlement permit under section 28 subs. 2 Residence Act)

If you are a family member of a German citizen, you will generally be issued a settlement permit under section 28 subs. 2 Residence Act if:


- You have been in possession of a residence permit for three years
- Family unity with the German citizen continues
- No grounds for deportation exist
- You can communicate in German at a basic level



More information on migrating for work
can be found at the following websites:

www.bamf.de

www.make-it-in-germany.com



Do you have more questions?
You can also contact our Citizen Service:

Phone: +49 (0) 911-943-6390

E-mail: info.buerger@bamf.bund.de

Legal

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