



Information about the residence regulation following §12a AufenthG

With the new Integration law, the residence regulation for acknowledged refugees has been introduced. The regulation obliges refugees with a residence permit to take residence in the federal state in which their asylum process has been followed through.

Human Rights Organizations criticise the regulation, because it violates the fundamental right to freedom and often complicates integration.

The residence regulations apply retroactively from January 1st, 2016. If you have been acknowledged after January 1st, 2016 and are now requested to leave the federal state where you are currently living, you can apply for an annulment of the obligatory place of residence. You can argue with a case of hardship. In Berlin and Niedersachsen, the assumption of a hardship case generally counts.

Furthermore, the resident regulations can be restricted even more by the federal state government, assigning you to a certain location or impeding you to live in other certain locations. So far, in Sachsen-Anhalt there is no such restriction (Update from October 11th, 2016).

Residence regulations do not apply, if:

- the refugee, his/her spouse, his/her registered same-sex life-partner or under-age child is performing a job for a minimum of **15 hours per week**, earning at least **712 Euro (gross)** and is paying **social security taxes, or**
- is starting or has started a **professional training**, or
- is in an **apprenticeship or university-education programm.**

Following the law justification, this explicitly also means:

- job-orientation measures,
- job-preparation measures, which serve the transition to an apprenticeship,
- study-preparation language-courses and the visit of the "Studienkolleg".

Furthermore, the obligation of residence has to be annulled or changed upon **an application to prevent hardship**. Hardship is the case, if:

- a **child's welfare** is endangered,
- **unacceptable limitations** arise for other reasons,
- a **special care requirement** is present for people with disabilities or the need for special care, or
- a **menace** is imposed by a violent partner living at the same place or the threat of other forms of violence is present (in some cases also **racist threats and assaults**).

Procedure against obligatory residence regulations:

- **Application for annulment or change** of the regulation to the **foreigners' registration office** at the place of residence at the time.
- In case of rejection of the application: **Insert objection or lawsuit at the administrative court**; since the objection has no delaying consequence, an urgent procedure is necessary.

For more information and if you have questions please contact your next consulting centre. The addresses can be found at the integration-portal: (www.integriert-in-sachsen-anhalt.de) under "Beratung und Netzwerke". Alternatively you can contact the refugee council Sachsen-Anhalt.