



INFORMATION ON THE RESIDENCE REGULATION according to section 25b of the residence act („§ 25b AufenthG“)

In order to receive the right of residence according to section 25b the following points are important:

- ✓ If I live alone: I currently have the residency title „Duldung“ (following § 60a, see the information on Duldung) and have been living in Germany for at least 8 years,
- ↳ **or** I have been living in Germany for at least 8 years and I live together with a minor child (not only biological children, also step- or foster children).
- ✓ In large part (more than 50%) I can make a living independently or will very likely be financially independent soon (“positive prediction”).
 - ✓ In these cases I can receive social welfare: Apprenticeship or study, care of a minor child, single parent or taking care of a relative,
 - ↳ **or** I am ill or have a physical or mental handicap or because of my age I can not work,
- ✓ I have a passport or passport substitute or a residence permit or other identity documents (for example: copy of passport, driving license, certificate of birth, extract of civil register),
- ↳ **or** I can prove that I applied for a passport, a passport substitute or a residence permit ! Its important that I can prove my effort in obtaining a passport: for example I can present the written confirmation of my visit at the embassy or prove that I contacted state agencies in my home country to issue a passport,
- ↳ **or** I can prove that in the near future I can't receive any identity documents from the diplomatic mission of my home country and further attempts would be unreasonable unbearable (this means: cannot be required of me),
- ↳ **or** in case of total lack of passport/ proof of identity: I can prove that I tried everything to obtain a passport and clarify my identity (this means: to fulfill the legal obligation to cooperate).
- ✓ I have oral knowledge of German (A2 level),
- ✓ If I have kids, which go to school and I can prove their school attendance.
- ✓ I have not been sentenced for any crimes.
But: Also when I have been sentenced for a crime I can apply for a residence permit.
- ✓ I commit to the democratic constitution in Germany (“freiheitlich-demokratische Grundordnung”). For this purpose I can sign a document at the foreigner registration office. It is recommended to read the paper first and then sign it afterwards.
- ✓ I am familiar with the legal and societal system and living conditions in Germany (“Rechts- und Gesellschaftsordnung und die Lebensverhältnisse in Deutschland”).

! Note: It is recommended to contact an advice center. It is possible that proof is required.



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The **OBLIGATION TO COOPERATE** is mostly related to identity documents.

What can I do to have my cooperation acknowledged?

- ✓ The foreigner registration office assumes that you are responsible for not getting deported,
- ✓ only my own behavior is relevant, not the behavior of my relatives,
- ✓ only current violations of the obligation to cooperate are relevant.
Past behavior cannot be given as reason, if currently the obligation to cooperate is being fulfilled.
For further information see below.

What else is important?

- ! The date of application (where all required documents are handed in) is significant.
- ! The law says that all requirements and documents have to be presented together.
- ! Then the foreigner registration office has to grant the residence.

*Exceptions of some requirements are possible. The foreigner registration office has discretion.
Especially if a required document is missing and I am not responsible for this.*

Where can I find support?

👤 If you have questions regarding the fulfillment of the requirements and preparation it is recommended to contact an advice center or seek legal assistance.

The following centers offer support:

- ▶ **in Sachsen-Anhalt:** advice centers for specific advice and support
🔗 <https://www.fluechtlingsrat-lsa.de/adressen-und-beratungsstellen/kontakte-landesweit/>,
- ▶ the project „Right of Residence“ 🔗 <https://www.fluechtlingsrat-lsa.de/ueber-uns/projekte/ror/>
des Flüchtlingsrat Sachsen-Anhalt e.V.;
- ▶ **in any other federal states:** the refugee councils 🔗 <http://www.fluechtlingsrat.de/> either offer advice services themselves or can give contacts to other advice centers and specialised lawyers.

Further Information is available at:

- ▶ Report on the obligation to cooperate from Dr. Carsten Hörich and Stud. Iur. Moritz Putzar-Sattler:
„Voraussetzungen von Sanktionen bei Nichtmitwirkung im Ausländerrecht“
🔗 <https://www.fluechtlingsrat-lsa.de/2017/11/9275/>;
- 🔗 [https://www.fluechtlingsrat-lsa.de/2018/08/ror-gutachten-zu-aufenthaltsmoeglichkeiten-nach-dem-asyl-verfahren](https://www.fluechtlingsrat-lsa.de/2018/08/ror-gutachten-zu-aufenthaltsmoeglichkeiten-nach-dem-asyl-verfahren;);
- 🔗 https://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/2017-11-13_bleiberecht-2017_web.pdf