

RIGHT OF RESIDENCE

Ways to a safe stay

EN



Flüchtlingsrat
Sachsen-Anhalt e. V.

Right of Residence – das Recht zu bleiben

Do you have a secure residence status?

If not, you can find here initial information on four different possibilities to secure your residence status. The best thing to do is to go to an advice center near you.

residence regulation according to »§25a Aufenthaltsgesetz«

I can receive the right of residence according to §25a if,

- ✓ I currently have a ›Duldung‹, an ›Aufenthaltsge-
staltung‹ or a residence permit
- ✓ I am between 14 and 20 years old
- ✓ I have been in Germany for at least 4 years
- ✓ I am currently and have been at least for 4 years
attending general schooling, vocational training
or university education
 - or I have already graduated from school or
have a vocational qualification
- ✓ I have a passport or passport substitute or a residence
permit or a passport for foreigners or other identity
documents
 - or I can prove my effort to clarify my identity.
For example by obtaining a passport.

For further information see **obligation to cooperate.**

Attention: If I receive the residence permit according to §25a under certain circumstances my parents and siblings can also receive a residence permit (§25a Abs. 2 AufenthG).

residence regulation according to »§25b Aufenthaltsgesetz«

I can receive the right of residence according to §25a if,

- ✓ I currently have a »Duldung«, an 'Aufenthaltsgestattung' or a residence permit
- ✓ I have been living in Germany for at least **8 years**, if I live alone or I have been living in Germany for at least **6 years** and I live together with a minor
- ✓ In large part (more than 50%) I can make a living – now or certainly soon – independently
- ✓ I have oral knowledge of German (A2 level)
- ✓ I have a passport or passport substitute or a residence

oder ich mich bemühe meine Identität zu klären.
Zum Beispiel: einen Reisepass zu beschaffen.

For further information see **obligation to cooperate**.

residence regulation according to »§25.5 Aufenthaltsgesetz«

I **can** receive this residence permit if my deportation or departure is not possible at the moment and also not anytime soon.

or

I **should** receive the residence permit if I have had a »Duldung« for at least 1.5 years and my deportation or departure is not possible any time soon.

I cannot leave the country, because:

I am very ill and for that reason cannot leave the country

or I have family relationships to people who live in Germany

or I have already lived here for a long time and I am rooted here

or the transport connections in my home country are insufficient

or I don't have a passport and I can't get any papers from my embassy

If you can't depart due to other reasons it is strongly advised that you go an advice center.

- ✓ Also here I have to make an effort to clarify my identity. For example by obtaining a passport.

For further information see **obligation to cooperate**.

»Ausbildungsduldung« § 60c AufenthG (from 2020)

I can receive an »Ausbildungsduldung« if...

- ✓ I have taken up a qualified apprenticeship or a training as an assistant or helper ("Assistenz- oder Helferausbildung) during the asylum procedure
and
- ✓ my asylum application was subsequently rejected
and
- ✓ I would like to continue my training
or
- ✓ I have had a »Duldung« for at least three months,
- ✓ no authority is planning my deportation,
- ✓ I am not from a so-called safe country of origin
- ✓ I am at least 14 years old,
- ✓ I am able to find an apprenticeship,
- ✓ this is a qualified apprenticeship
or
- ✓ this is an assistant training or helper training (there are further requirements for this – please contact an advice center)
- ✓ my identity has been clarified (there are important deadlines for this)
or
- ✓ I have taken all reasonable and necessary measures to clarify my identity (Then, however, I am not necessarily entitled to the »Ausbildungsduldung«. It is then at the discretion of the foreigners authority to grant it).

Deadlines for the clarification of identity:

- ✓ if I entered Germany before the 31st of December 2016 I have to clarify my identity before I apply for the »Ausbildungsduldung«
- ✓ if I entered Germany after the 1st of January 2017 and before the 1st of January 2020 I have to clarify my identity before I apply for the »Ausbildungsduldung«, but at the latest by the 30th of June 2020 or
- ✓ if I entered Germany after the 31st December 2019, I have to clarify my identity within the first six months after entry.

General information

- ✓ the application for an »Ausbildungsduldung« can be submitted at the earliest seven months before the start of the apprenticeship

»Beschäftigungsduldung« § 60d AufenthG (from 2020)

I can receive a »Beschäftigungsduldung« if...

- ✓ I have entered Germany before the 1st of August 2018,
- ✓ I have had a »Duldung« for at least 12 months,
- ✓ I have been working 35 hours per week in an employment subject to social insurance contributions for at least 18 months (at least 20 hours per week for single parents),



- ✓ my livelihood has been secured by the employment for the last 12 months and continues to be so,
- ✓ I have oral language skills at level A2
- ✓ my identity has been clarified (there are important deadlines for this)

or

- ✓ I have taken all reasonable and necessary measures to clarify my identity.
(Then, however, I am not necessarily entitled to the »Beschäftigungsduldung«. It is then at the discretion of the foreigners authority to grant it).

Deadlines for the clarification of identity :

- ✓ if I entered Germany before the 31st of December 2016 and my employment (in accordance with paragraph 1 number 3) has existed on the 1st of January 2020 I have to clarify my identity before I apply for the »Beschäftigungsduldung« or
- ✓ if I entered Germany before the 31st of December 2016 and I don't have an employment (in accordance with paragraph 1 number 3) on the 1st of January 2020 I have to clarify my identity before the 30th of June 2020 or
- ✓ if I entered Germany between the 1st of January 2017 and the 1st of August 2018 I have to clarify my identity by 30th June 2020 at the latest.



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A frequent problem: obligation to cooperate.

Regarding all residence permits I am obliged to cooperate regarding the clarification of my identity.

This means:

- ✓ When I have done everything feasible the administration has to tell me what else I still could do
- ✓ When the administration writes to me or tells me what I should do to prove my identity (e.g. obtaining a passport) I have to do that.

I do not have to do that, if it is dangerous for me or my family or unreasonable for other reasons.

- ✓ Only my own behavior is important here, the behavior of other persons in my family is not important.
- ✓ If I didn't make an effort or cooperate in the past then that is not a problem now.
- ✓ It is important that I cooperate now and make an effort to clarify my identity.

IMPORTANT: ADVICE CENTER

This list is an overview and is not exhaustive. For further information and support, please contact your nearest advice center.

You can find them under the following address:

<https://integrationsbeauftragte.sachsen-anhalt.de/beratung-und-netzwerke/beratungsstellen/gesonderte-beratung-und-betreuung/>

If you need further assistance, you can also contact the Refugee Council:

www.fluechtlingsrat-lsa.de



Flüchtlingsrat

Sachsen-Anhalt e. V.

Flüchtlingsrat Sachsen-Anhalt e.V.
Projekt »Right of Residence«

Kurallee 15

06114 Halle (Saale)

Tel.: 0345 - 44 50 25 21

Mail: ror@fluechtlingsrat-lsa.de

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