

Refugees:

- Refugees granted asylum and those recognised through the Geneva Refugee Convention are issued a Niederlassungserlaubnis after 3 years, providing the BAMF ensures that the recognition will not be withdrawn.
- A Duldung still exists, it is issued when legal or practical reasons are an obstacle to deportation and no Aufenthaltserlaubnis can be issued.
- For temporary stays e.g. in the case of civil war refugees there will be an Aufenthaltserlaubnis of 6 months granted.
- Individual states will be able to form commissions to deal with cases of hardship (Härtefallkommission).
- The Minister of the Interior is able to act on the advice of the Härtefallkommission bypassing the law to issue a residency permit.

Main Changes:

- Only two types of residency permit
- Combination of residency permit and working allowance
- Integration courses
- Right of stay to work following studies
- Security checks

Interim Regulations:

- Previous residency permits will be converted into an Aufenthaltserlaubnis or a Niederlassungserlaubnis depending on the reasons for stay.

More information:

www.agah-hessen.de

Arbeitsgemeinschaft der Ausländerbeiräte Hessen
(agah-Landesausländerbeirat)
Kaiser-Friedrich-Ring 31
65185 Wiesbaden
Tel.: 0611/98995-0
Email: agah@agah-hessen.de
Stand: November 2004



Immigration Laws

english
englisch

agah
Landesausländerbeirat

Residency permits:

- Since 1/1/2005 there are only two types of residency permit:
 - Aufenthaltserlaubnis
 - Niederlassungserlaubnis
- An Aufenthaltserlaubnis permits only temporary residency and is issued for a specific purpose. Restrictions (e.g. stipulation of area of abode) are possible.
- A Niederlassungserlaubnis is issued after 5 years of residency, providing certain requirements are fulfilled. In special cases it can be issued after shorter lengths of stay (e.g. in the case of those granted asylum).

A Niederlassungserlaubnis is unlimited and without restrictions. 60 months of payment into the state retirement fund (or equivalent) and an adequate knowledge of German are necessary.
- Before granting, a regular security check is undertaken.

Immigration for employment or study:

- Residency and work permits are issued in a combined form by the Ausländerbehörde (dept. responsible for foreigners).
- Highly qualified persons (e.g. scientists or specialists) with a concrete offer of employment can be granted a Niederlassungserlaubnis immediately.
- Self-employed persons may be granted residency under certain circumstances.
- Following successful studies in Germany it is possible to renew an Aufenthaltserlaubnis for up to one year in order to find a suitable position.

Family-reunification/ Integration:

- Regulations for family-reunification remain generally unchanged.
- The upper age limit of children joining their parents remains at 16 years, in some cases 18 years (e.g. children of those granted asylum or EU citizens).
- New immigrants have legal right of participation in an integration-course. If the migrant concerned has no basic knowledge of German the course is obligatory.
- Integration courses offer a German course for beginners, one for those with basic German language and an orientation course. The orientation course offers knowledge of the legal system, culture and history of Germany.