**The issuing of residence permits for Syrian refugees who apply for entry through their relatives living in Lower Saxony**

**Directive according to section 23 paragraph 1 of the Residence Act**
A circular of the Lower Saxony Ministry of Internal Affairs and Sport of 30 August 2013
- 12230/1-8 (section 23 paragraph 1 of the Residence Act) –

**I. Background**

In March 2013, the Federal Minister of the Interior in mutual agreement with the Ministers and Senators of the Interior of the federal states decided to tackle the refugee crisis in Syria and its neighbouring states by temporarily taking in to Germany in 2013 a total of 5,000 vulnerable Syrian refugees. With the directive of the Federal Ministry of the Interior of 30 March 2013, this decision was implemented. It is necessary to do this for humanitarian reasons, and furthermore, to make possible the path to a residence permit for Syrian nationals who have been affected by the civil war in Syria, provided they have close family relations residing in Lower Saxony who are willing and able to secure their livelihood during their stay in Germany.

Against this background, the following directive shall be issued in accordance with section 23 paragraph 1 of the Residence Act:

## II. Directive for the issuing of residence permits

In agreement with the Federal Ministry of the Interior, residence permits will hereby be issued according to section 23 paragraph 1 of the Residence Act, if the following conditions are met.

**1. Beneficiaries**

 A residence permit will be granted to Syrian nationals

 **1.1.** who as the result of the civil war had to flee from their home and now reside in a neighbouring country or who still remain in Syria, and

 **1.2.** who apply for entry in order to join their relatives living in Lower Saxony, insofar as they themselves are

 **1.2.1.** German nationals or

 **1.2.2.** Syrian nationals being in possession of a temporary or permanent residence permit and have been residing in the Federal Republic since at least 1 January 2013.

**2. Kinship relations to Lower Saxony**

Beneficiaries include spouses, first-degree relatives (parents, children), second-degree relatives (grandparents, grandchildren or siblings) as well as their spouses or their minor children. Others who are responsible for guardianship of the minor children may also be eligible (in order to keep the familily unit intact).

**3. Declaration of commitment**

* 1. The granting of a residence permit requires that a declaration of commitment according to section 68 of the Residence Act had been executed.
	2. A declaration of commitmant has to be executed seperately for each person who applies for entry.
1. **Granting and extension of residence permits**

 The residence permit according to section 23 paragraph 1 will be granted for up to two years and may be extended if necessary. Beneficiaries are entitled to take up employment. Extensions will be granted according to section 8 of the Residence Act. The Residence Act restricts holders to take up residence in Lower Saxony only, so far and so long as no livelyhood-securing employment was found.

1. **Procedure**

 Before entry, applicants have to undergo visa application proceedings in which

* 1. a review of the persons by the security authorities takes place,
	2. the kinship relations have to be proven according to clause 2, and
	3. the general grant conditions shall be examined for completeness. Exemptions from the passport requirements according to section 3, paragraph 2 of the Residence Act can be admitted provided that the passport submitted by the applicant will not be recognized, but the identity of the applicant can be proven through other documents (e.g. identity card, proof of citizenship, birth certificate). If the applicant can not submit a passport but can otherwise prove his or her identity, a travel pass for foreigners can be issued according to sections 5 and 7 of the Residence Act by the relevant German diplomatic mission.
1. **Exclusions**

From this provision excluded are persons who, due to offenses that are regarded as premeditated crime in Germany, have been convicted, or where actual evidence justifies the conclusion that links to criminal or terrorist organizations exist, or that they in any other way persue or support or have supported goals that violate the idea of international understanding or are opposed to the peaceful coexistance of people.

**7. Deadline for submission of applications**

 Visa applications must be received by 28 February 2014 by the relevant German diplomatic mission.