



INFORMATION ON RESIDENCE PERMITS ISSUED ON HUMANITARIAN GROUNDS according to section 25.5 of the residence act ("§ 25.5 AUFENTHG")

What is a residence permit issued on humanitarian grounds?

I can apply for residence permit on humanitarian grounds if I have been asked to leave the country, but for certain reasons I am not able to.

There are different reasons for such a residence permit.

When can I apply for a residence permit on humanitarian grounds?

- ✓ Currently I have the residence title „Duldung“ (exceptional leave to remain). I have had a "Duldung" since at least 1,5 years.
- ✓ I can't be deported. The reasons for this cannot be influenced by me. This will not change in the near future.

I cannot leave the country, because:

- ✓ I am very ill and cannot leave the country because of that
 - ↪ **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 – there is further information about this under the section '**obligation to cooperate**'
- ✓ 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)
- ✓ 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 cannot work
- ✓ I have oral knowledge of German (A2 level)
- ✓ If I have kids, who go to school and I can prove their school attendance



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- ✓ 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"). It is recommended to contact an advice center. Its possible that proof is required

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.

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.

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:

- ▶ 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/>
- ▶ 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 und Stud. Iur. Moritz Putzar-Sattler: „Voraussetzungen von Sanktionen bei Nichtmitwirkung im Ausländerrecht“, available at:
<http://www.fluechtlingsrat-lsa.de/2017/11/9275/>.
- ▶ <https://www.fluechtlingsrat-lsa.de/2018/08/ror-gutachten-zu-aufenthaltsmoeglichkeiten-nach-dem-asylverfahren>



INFORMATION SHEET ON „AUSBILDUNGSDULDUNG“ (exceptional leave to remain for apprenticeships)

! The legal regulation is to be found in § 60a section 2 sentence 4 ff. Aufenthaltsgesetz (AufenthG).

What does “Ausbildungsduldung” mean?

There are different forms of “Duldung” (exceptional leave to remain). If I have an “Ausbildungsduldung” I, can stay for the duration of my apprenticeship in Germany. If I have successfully completed my apprenticeship, I can receive a residence permit for another two years in order to work in that job. This is called the “3+2 regulation” („3+2 Regelung”).

When can I receive an “Ausbildungsduldung”?

- ✓ I currently have a “Duldung” (following § 60a, see the information on Duldung),
- ✓ I am at least 14 years old – there is no upper limit for the age,
- ✓ I find a apprenticeship position:
 - ✓ This position has to be acknowledged as a **“qualified apprenticeship”**. This means that it is an in-company training in a state-approved company or comparable skilled occupation, for example a school-based training.
 - ✓ The apprenticeship has to have a duration of at least two years. At the end a state-approved or comparable qualification of the apprenticeship is received.
- ✓ I have proof of the enrollment onto the apprenticeship:
 - ✓ Original and copy of the signed apprenticeship contract,
 - ✓ Proof of the entry of the apprenticeship into the apprentices’ register
 - ↪ **or** proof of the verification (“verified-stamp” on the original paper) of the apprenticeship contract by the responsible office
 - ↪ **or** in case of apprenticeships at vocational schools or colleges: the verification of the apprenticeships by the state or state-approved school.
- ✓ The length of time between between the application and start of the apprenticeship is regulated differently in each federal state. This period can be between 6 weeks and 6 months. If required, please get support.
 - ▶ It is possible to receive a “Duldung” for the period until the start of my apprenticeship if take part in a “vocational preparation” („berufsvorbereitende Maßnahme”).
- ✓ 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. ! It is 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).
- ! When my identity is legally clarified, the foreigner registration office has to grant me the work permit.



INFORMATION SHEET ON „AUSBILDUNGSDULDUNG“ (exceptional leave to remain for apprenticeships)

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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.

! Work permit - Why am I not allowed to work?

An employment ban can be issued for example because of the "entry for receiving social welfare" („Einreise zum Sozialhilfeempfang") or because I applied for asylum after the 31.08.2015 and I come from a country declared as safe, or the obligation to cooperate is seen as not fulfilled.

What else is important?

- ! The date of application (where all required documents are handed in) is significant.
- ! Essentially, everything has to be attested.
- ! 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.

Further requirements

- ! The foreigner registration office has not yet initiated any concrete measures for the termination of my residence.

What does that mean?

Such measures are for example the application of passport replacement papers or a fixed date for the deportation or Dublin-transfer.

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-asylverfahren/>; ▶ Paper of the Paritätische Gesamtverband: Ausbildungsduldung nach § 60a Abs. 2 S. 4ff. AufenthG: Praxistipps und Hintergründe von Kirsten Eichler, GGUA Flüchtlingshilfe aus Münster, 2. Auflage August 2018 🔗 https://www.derparitaetische.de/fileadmin/user_upload/Publikationen/doc/2018-08_ausbildungsduldung-2018_web.pdf



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

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

- ✓ I currently have a „Duldung“ (following § 60a, see the information on Duldung),
- ✓ I am between 14 and 20 years old and I am applying for the residence permit before my 21st birthday,
- ✓ 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 and 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 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. Its possible that proof is required.



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

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?

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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:

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🔗 <https://www.fluechtlingsrat-lsa.de/2017/11/9275/>;

🔗 [https://www.fluechtlingsrat-lsa.de/2018/08/ror-gutachten-zu-aufenthaltsmoeglichkeiten-nach-dem-asyilverfahren](https://www.fluechtlingsrat-lsa.de/2018/08/ror-gutachten-zu-aufenthaltsmoeglichkeiten-nach-dem-asyilverfahren;);

🔗 https://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/2017-11-13_bleiberecht-2017_web.pdf



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),
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- ↳ **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”).

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

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- ✓ only my own behavior is relevant, not the behavior of my relatives,
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- 🔗 https://www.der-paritaetische.de/fileadmin/user_upload/Publikationen/doc/2017-11-13_bleiberecht-2017_web.pdf