



The asylum procedure. Your rights, your prospects

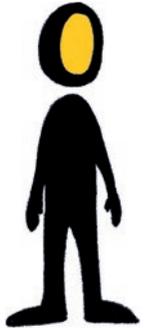
explained for unaccompanied minors

Hello!

Have you come to Germany alone and are wondering what rights you have here? This booklet gives you an insight into how the asylum procedure works in Germany. We introduce you to the authorities, organisations and people who will accompany you on your journey and with whom you will have to deal. We explain the asylum procedure and answer questions such as How can I apply for asylum? What rights do I have in the asylum procedure? How can I prepare for the interview? What can I do if my asylum application has been rejected? What paths and options are there to stay in Germany? Who can I ask if I need help? What changes when I turn 18 years old?

We hope that this information will help you on your journey in Germany.

We're glad you're here!



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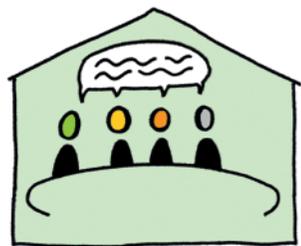
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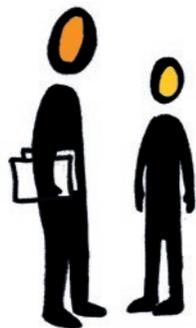
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1 | What happens after entering Germany?

If you are a minor (under the age of 18) and arrive in Germany unaccompanied (without your parents), you will be taken in by the **Youth Welfare Office** → p. 8. You will then be placed in a residential group with other children and young people or in a foster family. Your **supervisors** → p. 15 will support you with questions and problems. You will also get help from your **guardian** → p. 14 or a **counselling centre** → p. 12 / p. 64. They will all prepare you for your next steps in Germany.



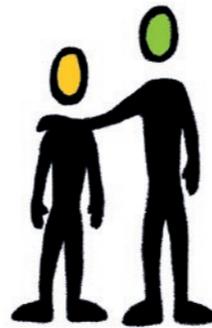
Youth welfare office



Guardian



Youth welfare institution



supervisor

2 | Authorities and institutions

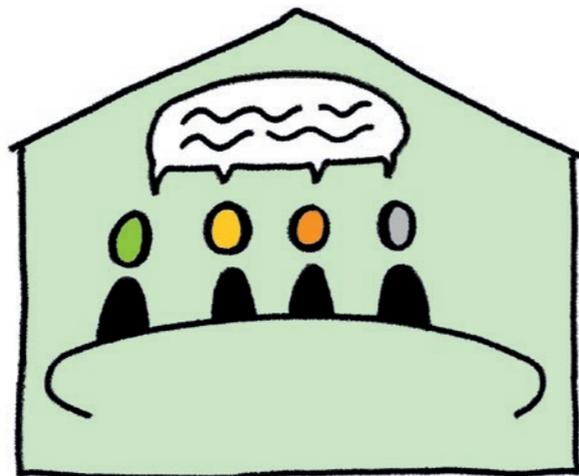
You will have to deal with various authorities and institutions on your way to Germany. Here are some of the most important ones.



2.1 | Youth Welfare Office (Jugendamt)

If you have come to Germany without parents, the Youth Welfare Office will take you in. The people who work at the Youth Welfare Office will make sure that you get everything you need. They will make sure that you get a room in a residential group, i.e. a house for children and young people (youth welfare centre). Here you will also be given clothes, food and some pocket money. You will also be enrolled at a school.

In your youth welfare centre there will be **supervisors** → p. 15 who will be there for you every day and help you. You will also have a **guardian** → p. 14. There should be a help plan meeting with you and the youth welfare office at least every 6 months. The help plan meeting is there to discuss, for example, how you are doing, where you currently need help, where you would like to live, what you want for your future and how you can achieve your goals.



Youth Welfare Office

2.2 | Federal Office for Migration and Refugees (“BAMF”)

The BAMF is a state authority. This is where you apply for **asylum** in Germany. As long as you are under 18 years of age, the application for asylum will be made by **your guardian** → p. 14 at the BAMF. The **interview** → p. 27 also called an “interview”) on the asylum application is conducted by the BAMF. And the BAMF decides whether you will be granted protection. To do this, the BAMF examines the reasons why you left your country of origin (home country).



BAMF

2.3 | Immigration office (“Ausländerbehörde”)

The immigration office is also a state authority. For example, it is responsible for issuing and renewing **residence papers** → p. 11. Appointments at the immigration office are very important. As long as you are a minor, you do not have to go there alone, but can go with your guardian or supervisor.

If you are a minor and do not apply for a residence permit, you can get a **tolerated stay** → p. 19.

The Immigration Office also examines other **ways of obtaining a right to stay** → p. 50.



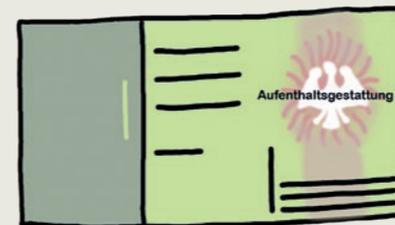
Immigration office

Different residence papers

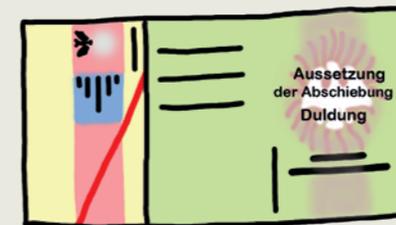
There are different forms of residence in Germany. If you apply for asylum, you will receive a **permission to reside** (“Aufenthaltsgestattung”) from the immigration office → p. 23.

If you do not apply for asylum, you and your guardian can apply for **tolerated stay permit** → p. 19 or a **residence permit** → p. 36 at the immigration office.

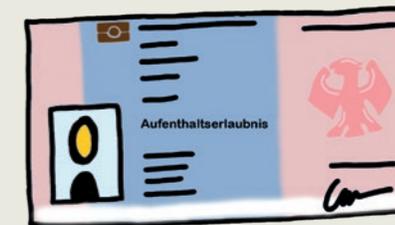
If you receive a **positive decision** → p. 35 from the BAMF, the immigration office will then issue you with a residence permit. If you receive a **negative decision** → p. 42 from the BAMF and do not appeal against it, the immigration authority will give you a tolerated stay permit.



Permission to reside
 (“Aufenthaltsgestattung”)



Tolerated stay
 (“Duldung”)



Residence permit
 (“Aufenthaltslaubnis”)

3.1 | Guardian

In Germany, you are of legal age at the age of 18. If you arrived in Germany before your 18th birthday without your parents, you will be assigned a guardian until you reach the age of majority.

The guardian is a person you can talk to about everything, e.g. about your stay or school. He/she is responsible for you and accompanies you to important appointments, signs contracts for you and registers you at a school. He/she will also apply for asylum for you.

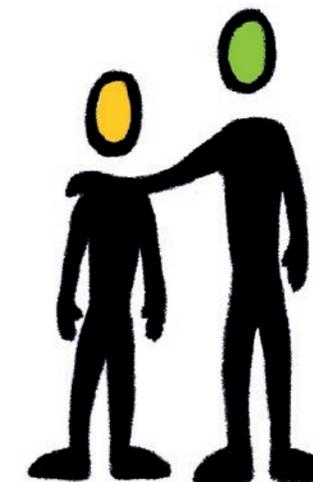
If you have problems with your guardian, you should tell the youth welfare office. You can then get a new guardian.



Guardian

3.2 | Supervisor

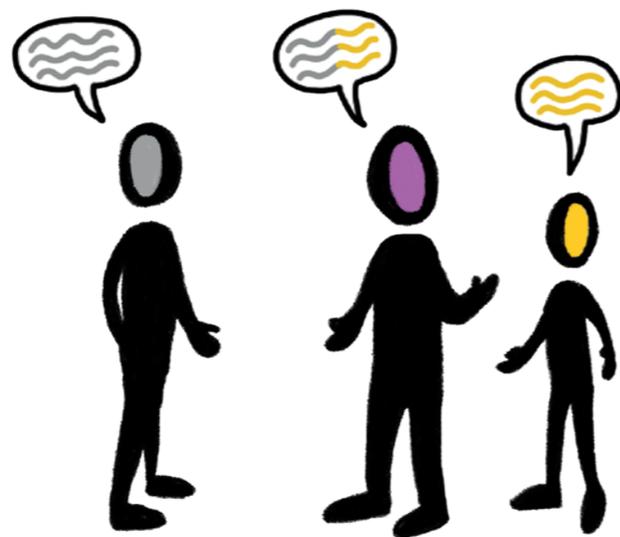
If you live in a residential group, you will receive support from the supervisors who work there. They will help you with many of your questions and appointments. You cannot decide who your supervisor should be. But if you have problems with your supervisor, you can tell your guardian or the youth welfare office. They will help you.



Counsellor

3.3 | Interpreter

An interpreter is a person who speaks many languages and can translate important conversations and documents into your language, for example at a public authority or doctor's surgery. If you have the feeling that he/she is not translating you correctly, it is important to tell your supervisor or guardian.



Interpreter

3.4 | Lawyer

The lawyer is a person who is familiar with the laws in Germany. He/she can help you if, for example, you receive a **rejection of your asylum application** → p. 42 (“**Negative decisions**”). The lawyer speaks for you in court.



Lawyer

4 | Before the asylum procedure

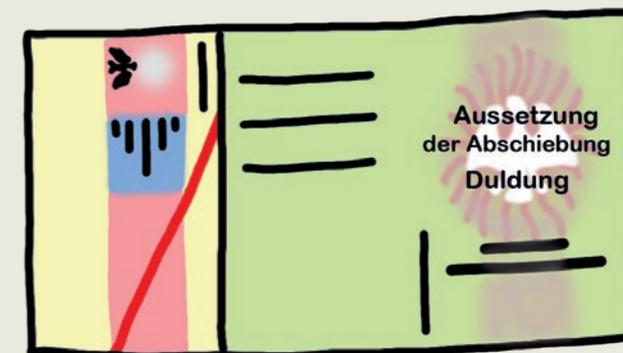
If you have come to Germany alone and under the age of 18, you have the right to special protection. For this reason, the Youth Welfare Office will look after you until your 18th birthday. It does not matter whether you apply for asylum or not. Before you apply for asylum, you will receive a tolerated stay → p. 19. Together with your guardian and the youth welfare office, consider whether you would like to apply for asylum. Counselling centres can help you with your decision.



Tolerated stay (“Duldung”)

Duldung is not a residence permit. You receive a tolerated stay permit if you are supposed to leave the country but this is not possible for certain reasons. For example, you can get a tolerated stay permit because you are a minor or because you are doing an vocational training (**Tolerated Stay for Vocational Training** → p. 52). It can be extended again and again until the reason for the tolerated stay no longer applies or because you receive a **residence permit** → p. 36.

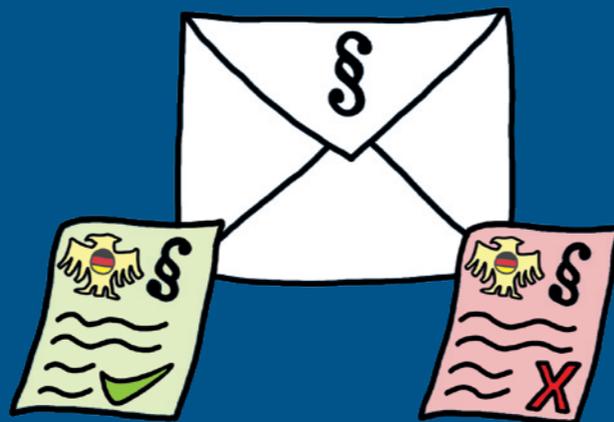
- ! Deportations of children and young people who have come to Germany alone are usually not possible. Not even if you do not apply for asylum.



Tolerance

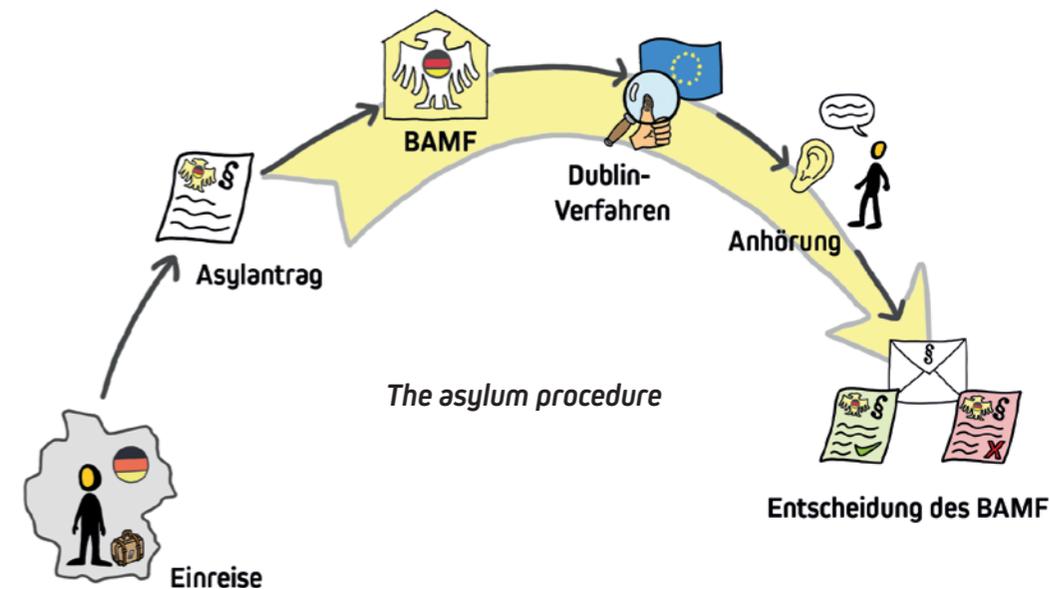
5 | The asylum procedure

On the following pages we explain the asylum procedure.



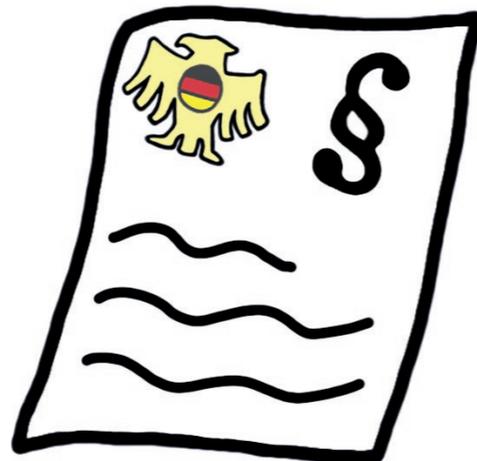
What is the asylum procedure?

In the asylum procedure, the BAMF checks whether you will be granted protection in Germany as a refugee. It will decide which **form of protection** → p. 35 (“**positive decision**”) you will receive because of your reasons for fleeing. Reasons for fleeing are the reasons why you had to leave your country of origin.



Process of the Asylum procedure

You now live in a residential group or in a foster family and get to know your guardian. He/she will apply for asylum on your behalf. With the **asylum application**, you apply for protection in Germany on the basis of your reasons for fleeing your country of origin. The written application is sent to the **BAMF** → p. 9 and processed there. You will then receive a **residence permit** from the immigration office → p. 23.

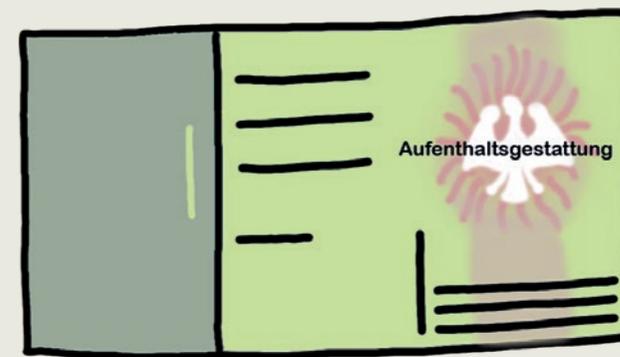


Asylum application

Permission to reside (“Aufenthaltsgestattung”)

You will receive a residence permit if you have applied for asylum. You have a residence permit for the entire asylum procedure—even if you file a complaint.

If you receive a final decision from the BAMF or the court, the immigration office will give you a **residence permit** → p. 36 (positive decision) or an **toleration of stay (“Duldung”)** → p. 19 (negative decision).



Permission to reside

The interview (Interview)

After some time you will receive an **invitation to an interview** → p. 27 from the BAMF. The interview is the most important part of the asylum procedure. It is important that you are well prepared for it! Your guardian, your supervisor or a counselling centre can help you prepare.

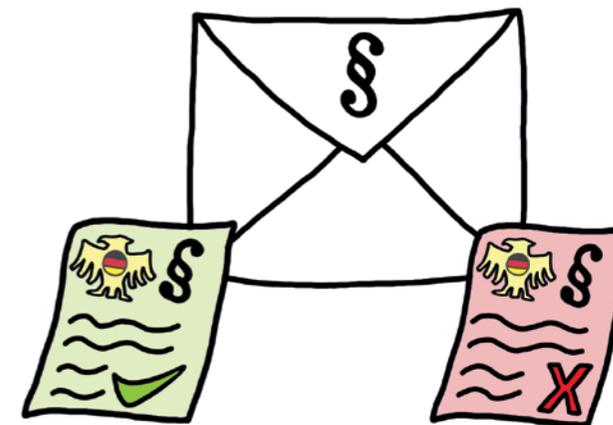


Consultation

Decision of the BAMF

Some time after your interview, you and your guardian will receive a letter from the BAMF. The letter will state the decision on your asylum application. If the **decision** is **positive** → p. 35, you will be allowed to stay in Germany and receive a **residence permit** → p. 36.

If this letter contains a **negative decision** → p. 42, you have the right to **appeal** against it in court → p. 45. Your guardian and your supervisors can help you. It is important that you get help immediately!



Decision of the BAMF

Dublin procedure

The Dublin procedure takes place before the actual examination of the asylum application. The BAMF wants to know how you came to Germany. If you have already applied for asylum in another country in Europe (or Norway, Liechtenstein, Iceland or Switzerland) or if you have fingerprints there, the BAMF will check whether you have family living in this country and whether you can live well there. It will also check whether a decision has been made on your asylum application in this country and with what result. They will then check whether you have to return to this country.

But: If you are under 18 years old and apply for asylum in Germany, Germany is responsible for your asylum procedure. You cannot be deported to another European country. There is an exception if you have family in another European country and you would be better off with them. If you have no family in Europe or if you cannot join them for other reasons, Germany is still responsible.

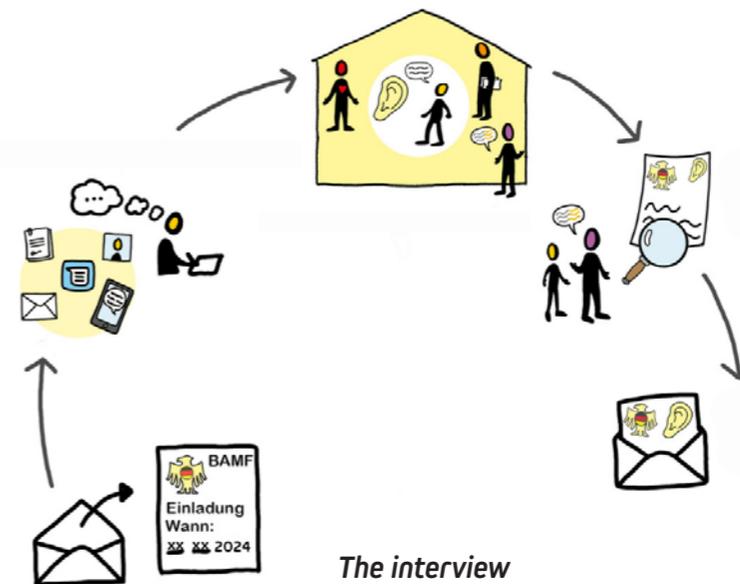
! If you have applied for asylum in another of the countries mentioned, be sure to tell your guardian or supervisor.



Dublin procedure

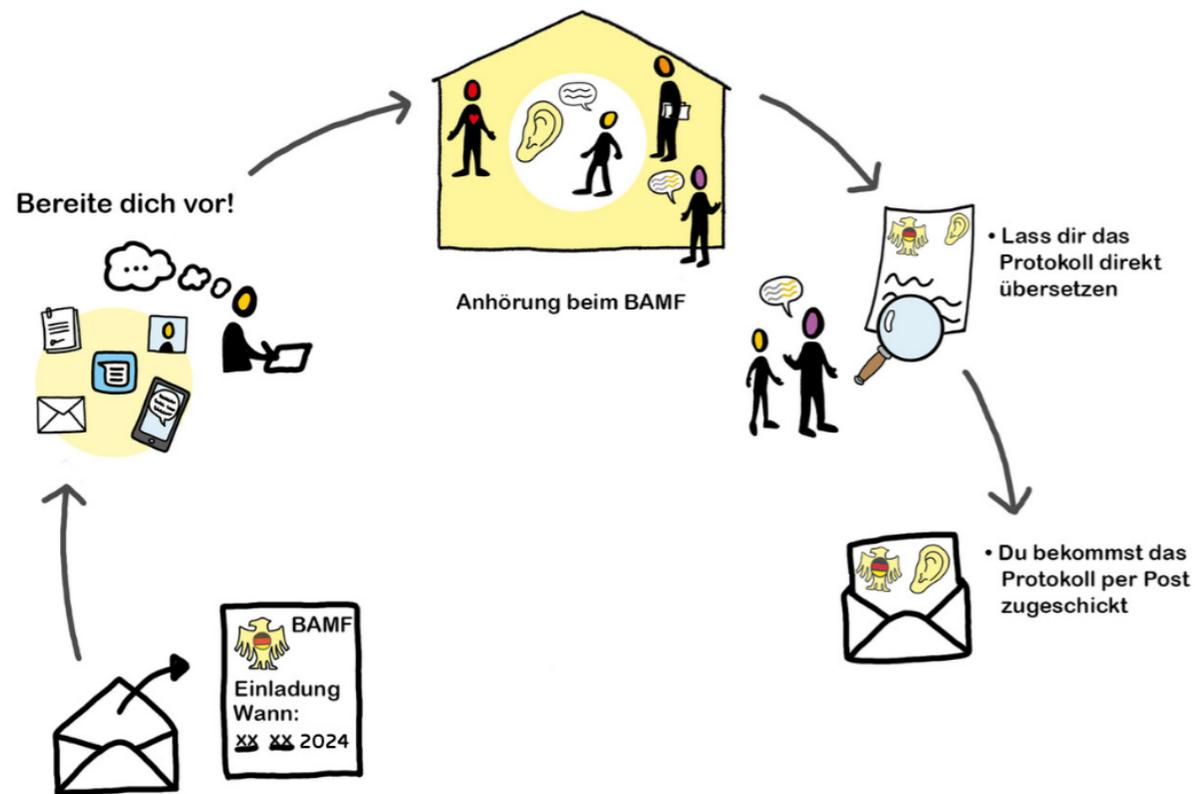
5.1 | The interview (“Anhörung”)

The interview takes place at the BAMF. An interviewer will ask you questions about the reasons why you had to leave your country of origin. The BAMF uses the information from the interview to decide on your asylum application and thus whether you can be granted protection in Germany for these reasons.



The interview

5.1 | The interview (“Anhörung”)



Preparation for the interview

Preparing for the interview is very important. Your guardian and a counselling centre can help you prepare.

Prepare well for your interview:

- > Write down the reasons for your escape. Write down everything you remember. Even if you think that some things are not important. The people who hear your story sometimes don't know your country of origin and the situation well.
 - > Try to remember: When exactly did what happen?
 - > If you have evidence of your reasons for fleeing, collect it and bring it with you to your interview. Evidence can be e.g. photos, messages, documents, letters or chat messages.
 - > If you are very ill, it is important that you take a doctor's letter with you to the interview. Even if you are undergoing therapy, it is important that you have a letter from your doctor with you.
 - > Try to recall as many details as possible and to list the events in the correct order. Mention the place and time of events if you remember them, as well as the names of people who were with you.
- ! You have the right to say whether the interviewer should be a woman or a man. You must tell the BAMF this together with your guardian before the interview.

Questions to prepare for the interview—a few examples

1. What were the reasons for your escape?

What did you flee from?

2. Why are you sure that your life is in danger?

What are you afraid of if you had to go back?

It is very important that you explain the reasons as precisely as possible and tell them about your fears. Try to answer these questions:

- > What happened and how did it happen?

- > When and where did it happen?

- > Who was there?

- > Why did it happen?

- > How often has this happened?

Persons involved in the interview

You tell your story and answer the questions.

The guardian → p. 14 supports and accompanies you.

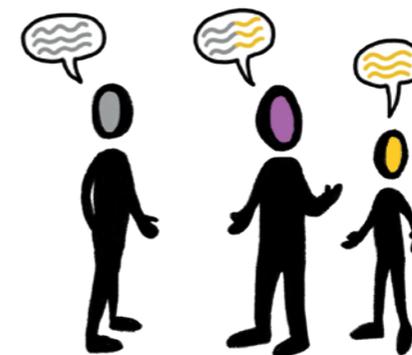
The interview officer will ask you questions and write down your answers in a protocol.

The interpreter → p. 16 translates between you and **the interviewer**.

Person of trust: If you wish, you can bring someone you like and trust with you to the interview. You and your guardian must inform the BAMF of this in advance.



Interviewer



Interpreter



Guardian



Person of trust

Procedure of the interview

During the interview, the interviewer will ask you many questions. You will first be asked questions about yourself and your family and how you came to Germany. You will then be asked why you fled to Germany and why you cannot go back to your country of origin. It is important that you give all the important information, even if you find it difficult to talk about your reasons for fleeing. Tell as much detail as possible about what happened to you.

- ! You have the right to have an interpreter who understands you and whom you can understand well. He/she must translate what is said correctly.

If you do not feel comfortable with the person, you have the right to stop the interview and ask for another interpreter. You also have the right to take breaks during the interview.

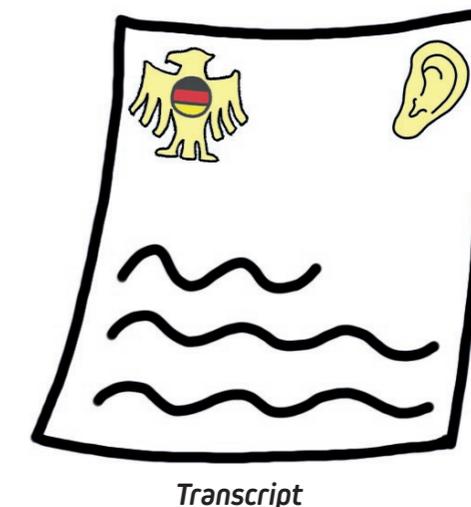


Minutes of the interview (transcript)

A record will be made of your interview. Everything you said during the interview will be recorded there. You have the right to have the minutes translated into your language immediately after the interview. Even if the interview was very stressful and long, the translation is very important. If you hear that something has been translated incorrectly, you should say so immediately so that it can be changed.

After the interview

If you are back at home and realise that you forgot to say something important during the interview or hand in important evidence, you can still send it to the BAMF afterwards. Speak to your guardian immediately.



The decision

Some time after the interview, you and your guardian will receive a letter with the BAMF's decision. The decision can be **positive** (good) or **negative** (bad):

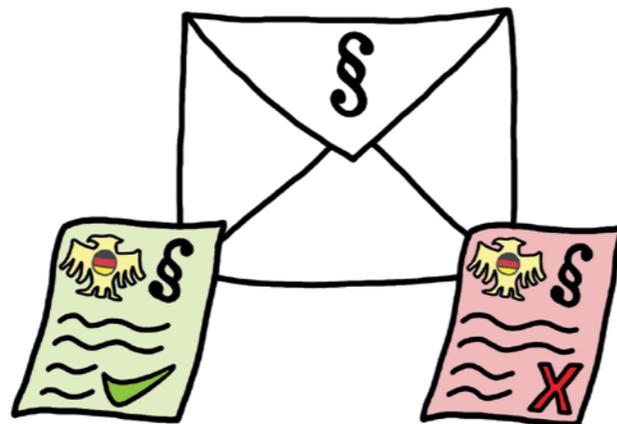
Positive → p. 35

- > Recognition of the right to asylum
- > Recognition of refugee status
- > Subsidiary protection
- > Determination of a national deportation ban

Negative → p. 42

- > Simple rejection (unfounded)
- > Rejection (manifestly unfounded)
- > Rejection (as inadmissible)

We explain exactly what each decision means on the following pages.



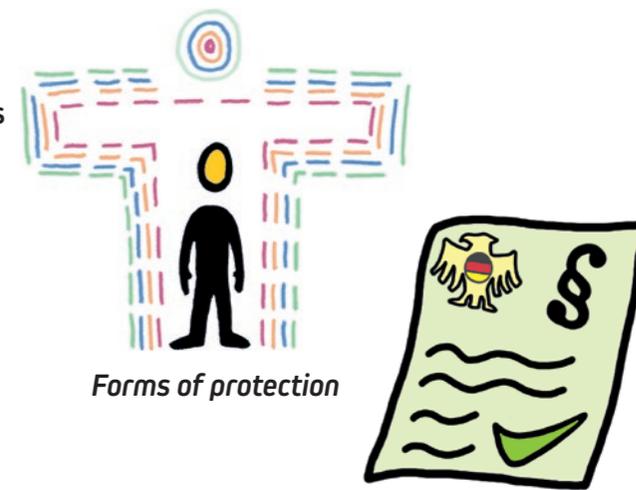
Decision of the BAMF

5.2 | Positive decision (forms of protection)

There are four possible positive decisions by the BAMF:

- > Recognition of entitlement to asylum → p. 37
- > Recognition of refugee status (refugee protection) → p. 38
- > Subsidiary protection → p. 40
- > National ban on deportation → p. 41
- > Determination of a national deportation ban

These four positive decisions are also called **forms of protection**. They are called forms of protection because they allow you to stay in Germany for the time being and give you protection here. Not all four forms of protection are the same, as they are associated with different rights. But with each form of protection you will receive a **residence permit** from the immigration authority → p.36. This means you are safe in Germany.



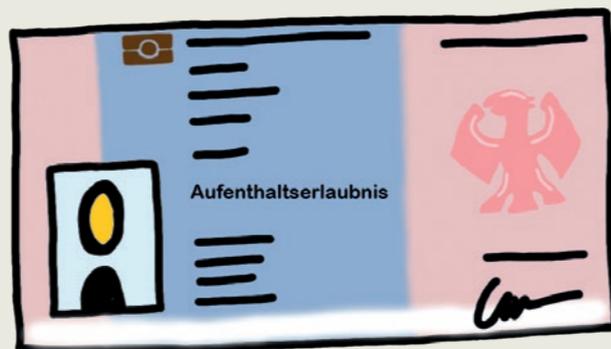
Forms of protection

Recognised asylum application

Residence permit

A residence permit is an authorisation to live in Germany as a foreigner for a certain period of time. You will receive it, for example, if you receive a positive decision in the asylum procedure or if you apply for another residence title → p. 50.

The residence permit can be extended. You apply for the extension at the Immigration Office.

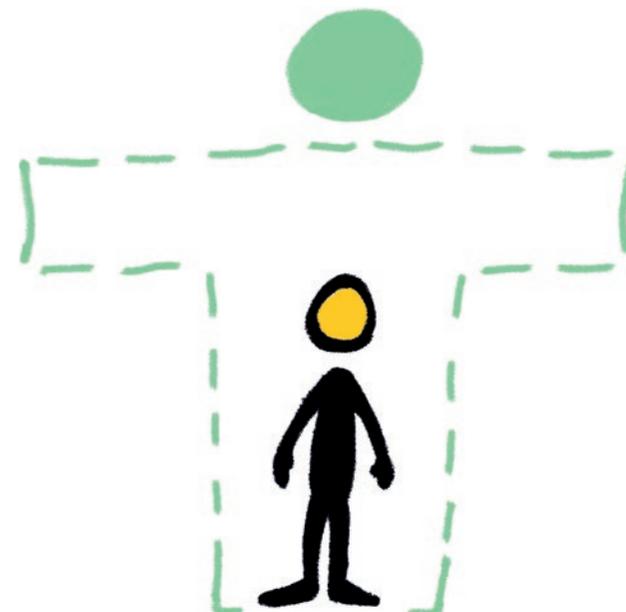


Residence permit

Eligibility for asylum (Article 16a of the Basic Law)

If you are persecuted by the state (e.g. the government or the military) in your home country, you can be granted asylum in Germany.

You will not be granted asylum if you have travelled to Germany via a country of the European Union, Switzerland or Norway. Only a few people are granted asylum because most of them have to flee to Germany via other countries.



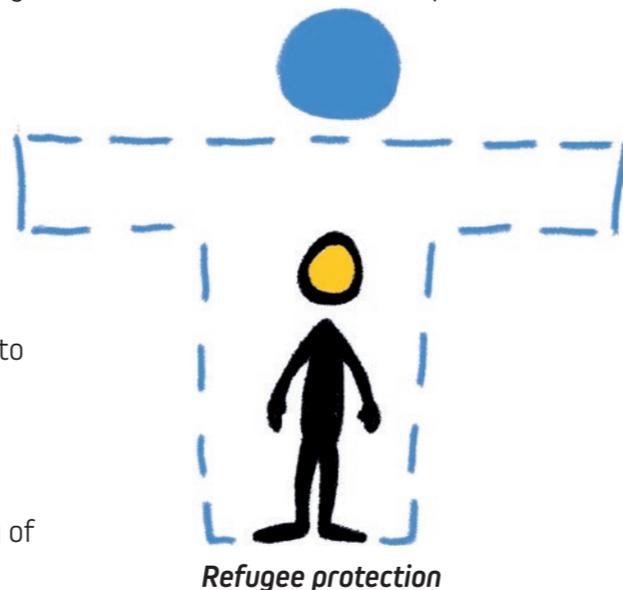
Authorisation for asylum

Refugee protection (§ 3 Asylum Act)

If you are persecuted in your country of origin because of certain characteristics or if you are afraid of being persecuted or threatened, you can be granted refugee protection. It does not matter whether you are threatened by people who belong to the government or by other groups/persons in your country of origin, if the police can't or won't protect you. Certain reasons are for example:

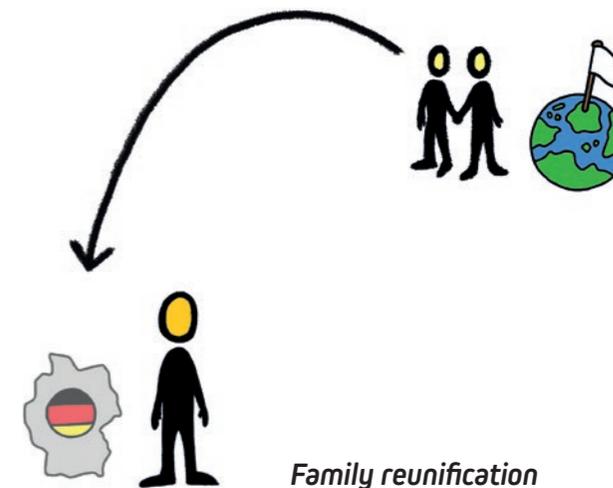
- > your religion
- > your nationality
- > your gender
- > your origin
- > your political opinion
- > your sexual orientation or
- > if you were or could be forced to fight contrary to international law (for example, in the military).

You only get refugee protection if there is no possibility for you to get protection in your country of origin.



Refugee protection/Eligibility for asylum: your rights

- > You can stay in Germany for 3 years and have your residence permit extended after the 3 years.
- > You can obtain a settlement permit after 3 years → p. 59.
- > You have the right to bring your parents to Germany.
- > You have the right to bring your parents to Germany. It's important to apply for family reunification within three months after your recognition.



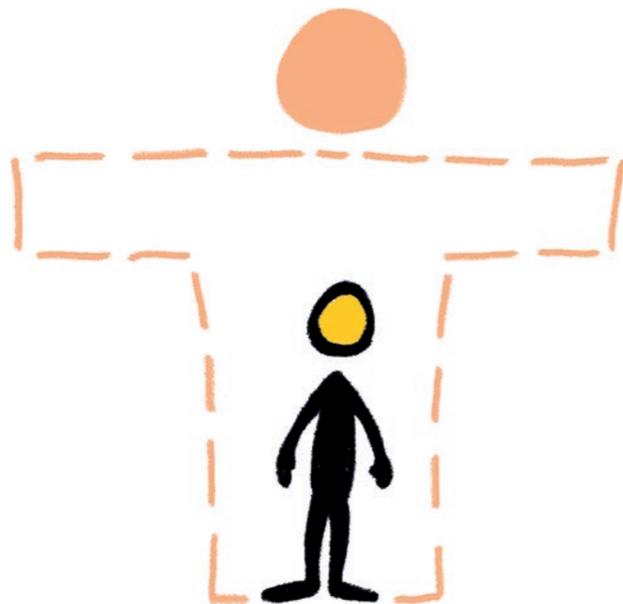
Subsidiary protection (§ 4 Asylum Act)

You can receive subsidiary protection if there is a particular danger to you in your country of origin, for example:

- > Torture
- > War
- > Death penalty
- > other severe punishments, violence or threats by the state or other persons.

Subsidiary protection: your rights

- > You can stay in Germany for one year and have your residence permit extended for a further two years after one year.
- > You can obtain a settlement permit after 5 years → p. 59.
- > There are further requirements to meet in order to apply for family reunification to bring your parents to Germany.



Subsidiary protection

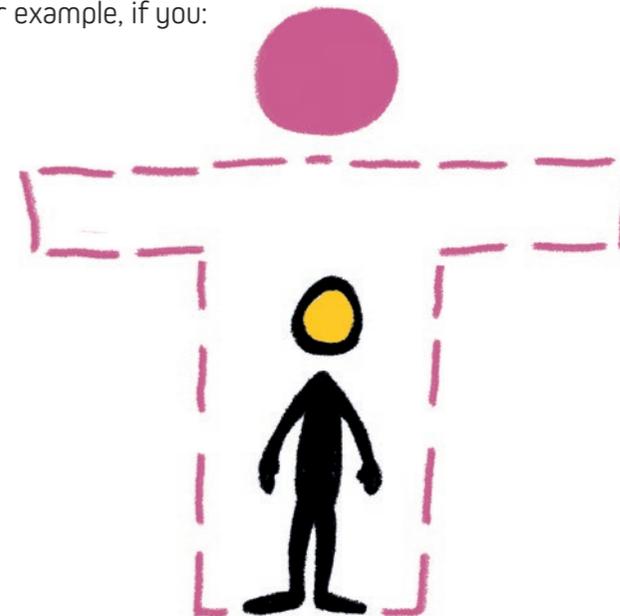
Determination of a national deportation ban (§ 60 Section 5 and 7 Residence Act)

If there is another danger to you, your life or your freedom in your country of origin, you may be banned from deportation” statt “If there is another danger to you, your life and your freedom, you may be banned from deportation. This may be the case, for example, if you:

- > you are very ill (physically or mentally/ emotionally) and the illness cannot be treated in your country of origin.
- > are still a minor and cannot survive on your own in your country of origin or
- > you personally are in particular danger.

Ban on deportation: your rights

- > You can stay in Germany and receive a residence permit for 1 year. You can have this form of protection extended.
- > You can obtain a settlement permit after 5 years → p. 59.



National deportation ban

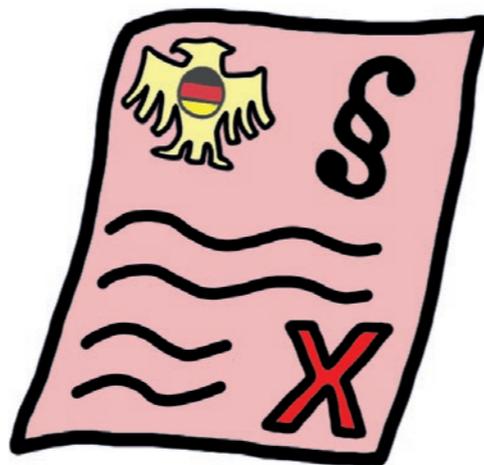
5.3 | Negative decisions (rejection notices)

If you receive a negative decision, this is called a “rejection”.

The BAMF can issue three different forms of rejection:

1. The **simple** rejection as **unfounded**
2. The rejection as **manifestly unfounded**
3. The rejection as **inadmissible**

! If you receive a rejection, take it to your supervisor or guardian immediately. You can appeal against any form of rejection, but you don't have the same amount of time for every rejection!



Rejected asylum application

Reasons for rejection

1. You will receive a simple rejection as **unfounded**, for example, if:
 - > The BAMF does not believe that you need protection from persecution in your country of origin.
2. You will receive a rejection as **manifestly unfounded**, for example, if:
 - > The BAMF does not believe that you need protection from persecution in your country of origin,
 - > The BAMF believes that you have lied about your identity (name, age, origin) (for example by presenting false documents),
3. You will receive a rejection as **inadmissible**, for example, if:
 - > your asylum application has been decided in another EU country.
 - > if another country is responsible to assess your Asylum claim according to the Dublin-III-regulation.



Your asylum application has been rejected. What can you do?

- > Talk to your guardian or supervisor immediately about your next steps.
- > Go to a **counselling centre** together → p. 64
- > With the help of your supervisor or guardian, find a lawyer and get advice on what options you have and whether this person can support you in the legal proceedings.



Lawsuit



Advice centre



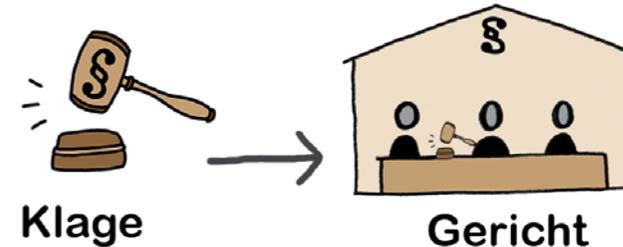
Lawyer

Lawsuit procedure

You have **two weeks*** to submit a **complaint to the court** together with your guardian. The complaint must state that you do not think the BAMF's decision is correct and that you would like the court to reconsider it. You can also have a lawyer support you and represent you in court.

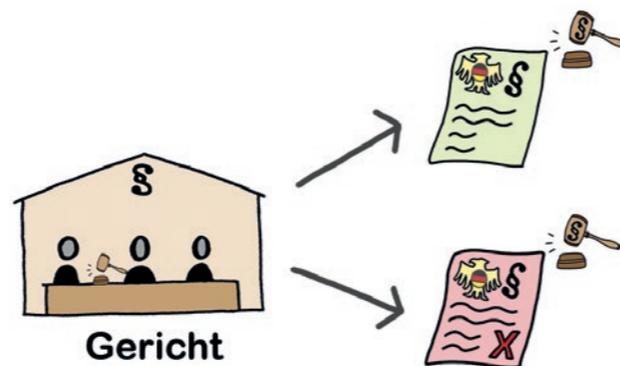
- ! If you appeal against a simple rejection, you will retain your permission to reside (“Aufenthaltsgestattung”) during the appeal proceedings (until the court decides) → p. 23. This means that you are safe from deportation during this time!

* If your rejection is inadmissible or obviously unfounded, you only have one week to complain! Be sure to talk to your guardian or supervisor.



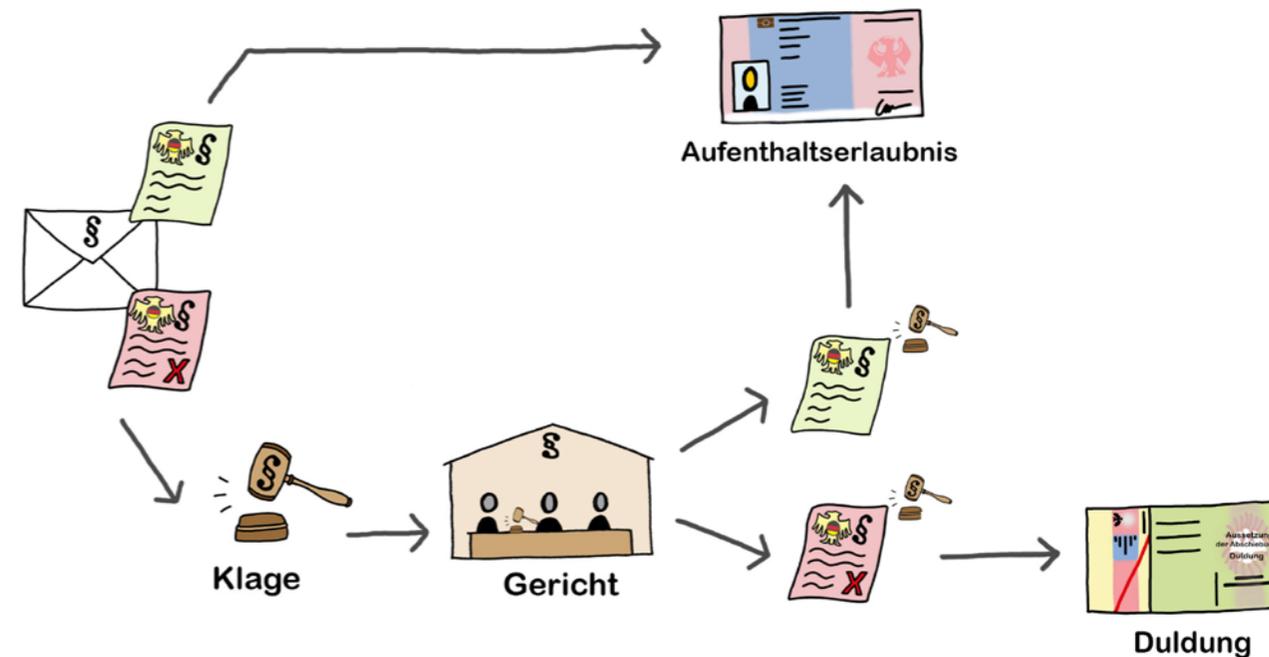
Lawsuit procedure

In the event of a simple rejection, you have 30 days to write a statement of grounds together with your guardian. If you have a lawyer, he/she will write the statement of grounds on your behalf. In the **statement of grounds**, you explain why the BAMF's decision is wrong and why you have the right to a **form of protection** → p. 35 (“**Positive decision**”). After some time has passed, you will receive the date for your interview in court (**oral interview**) and shortly afterwards the decision.



If you receive a **positive decision** → p. 35, you have the right to a residence permit. If you receive a negative decision → p. 42, check which other routes to the right of residence → p. 50 are possible for you in Germany.

Lawsuit procedure



5.4 | Support in the asylum procedure

Legal questions

If you have questions about your rights in the asylum procedure or have received a rejection, you should go to a **counselling centre** that is well versed in this. The advice centre and your guardian can advise and support you and also help you find a **lawyer**, for example.



Counselling centre

5.4 | Support in the asylum procedure

Payment

A lawyer costs money. People with little money can therefore apply to the court for **legal aid**. This will pay for the lawyer at the end of the legal proceedings. Unfortunately, this is not possible for everyone. You should therefore talk to your lawyer early on about how you can pay him/her. It is often possible for you to pay a small amount each month.

But there are also other options:

- Ask the youth welfare office if they can help you with the payment.

- Get a **advisory assistance certificate** from the local court. This will allow you to get a first advice from a lawyer free of charge. Take the counselling aid certificate with you to your consultation!
- Ask a counselling centre whether there are other options in your area to help you pay your lawyer



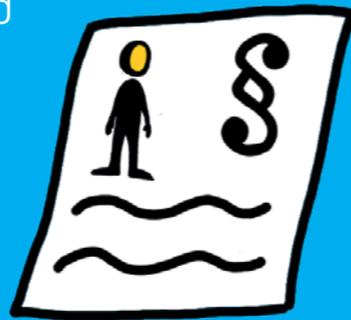
Lawyer

6 | Alternative ways to stay

If you have not applied for asylum or you have received a negative decision in the asylum procedure, there are other ways to stay in Germany. We explain a few options on the following pages.

But: we only explain the most important points here.

There are often more requirements that you need to fulfil. You can go to an advice centre together with your guardian. There you can discuss which of the following options are possible for you.



6.1 | Passport and identity

In Germany, all people must confirm their identity with their passport or other documents (“proof of identity”). **Proof of identity** is, for example, an identity card or a birth certificate. If you do not have any documents in Germany, you must take care of obtaining them. This is called the **duty to cooperate**. Sometimes it is very difficult or impossible to obtain a passport or other proof of identity. In this case, it is important to explain to the immigration authority why this is not possible for you (“unreasonable”).

A passport or proof of identity is an important condition for obtaining a residence permit. There are only exceptions if you have tried everything possible to obtain these documents.

! Important: If it is not possible (“unreasonable”) for you to obtain a passport—for example because the embassy does not issue passports—you must prove that you have tried everything to clarify your identity.

Therefore, always write down exactly what steps you have taken to obtain documents. You can then show this to the immigration office so that they can see that you are taking your duty to cooperate seriously.

6.2 | Residence permit for vocational training

(“Ausbildungsduldung“, § 60c Residence Act)

You can stay in Germany if you ...

... complete a **vocational training** for two years (or longer) and then find a job. As long as you are doing your training, you can obtain a *Ausbildungsduldung* from the Immigration Office. With the *Ausbildungsduldung* you are safe from deportation for the duration of your training.

If you don't like the training, you can leave the training once and start a new vocational training. You then have 6 months to find a new training place.

After your training, you have another 6 months to find a **job** in the profession you have learnt. Then you can get a residence permit for 2 years.

! Important: There are certain deadlines within which you must try to clarify your identity. If you do not take care of this, you may not receive a tolerated stay permit. You can find more information on clarifying your identity on [→ p. 51](#).

* Please note: The law will be modified as of March 2024. You will then probably be able to obtain a residence permit for vocational training training instead of a tolerated stay for vocational training.

6.3 | Right of residence for well-integrated young people

(§ 25a Residence Act)

You can apply for a “Right of residence for well-integrated young people and adolescents” at the immigration office if ...

- ... you have been living in Germany for **three years** and
- ... had a tolerated stay permit for the last year or a residence permit according to the Opportunity-Residence-Act (§ 104c Residence Act) [→ p. 56](#).
- ... **are between 14 and 26 years** old
- ... have been going to school for three years, have graduated from school, are doing an **vocational training** or are studying.
- ... have a **passport** or other proof of identity [→ p. 51](#).

The application must be submitted before your 27th birthday. The immigration office will check your application and decide whether you will be granted a residence permit and can stay in Germany.



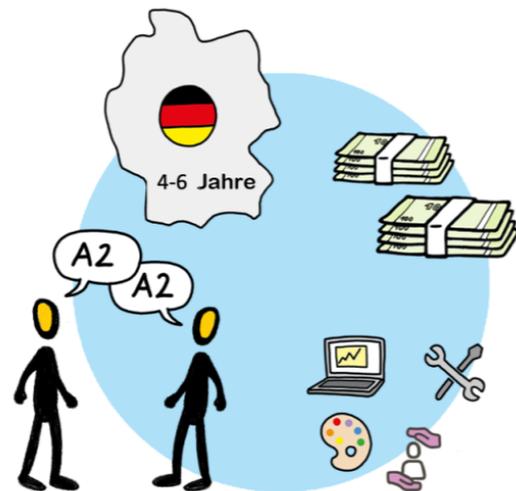
Right of residence for well-integrated young people

6.4 | Right of residence for well-integrated people (§ 25b Residence Act)

You can apply for a “residence permit for sustainable integration” at the immigration office if you ...

- ... have been living in Germany for six years with a tolerated stay permit, residence permit or “permission to reside” (“Aufenthaltsgestattung”)
- ... or for four years if you live together with a minor child
- ... earn most of your **own money** or are very likely to earn your own money soon (positive forecast)
- ... can **speak German** (level A2)
- ... have a **passport** or other proof of identity
(→ p. 51)

The immigration office will check your application and decide whether you will be granted a residence permit.



Right of residence for well-integrated people

6.5 | Right of residence on humanitarian grounds (§ 25 Section 5 Residence Act)

You can submit an application for a “right of residence on humanitarian grounds” to the immigration authority if ...

- ... you currently have a **tolerated stay permit** and have had one for at least **18 months**, but it is impossible for you to leave the country for certain reasons* and you are **not responsible** for these reasons.
- ... the reasons will not change in the near future
- ... you mainly earn your own money or will do so in the future
- ... you can speak German (level A2)

* Examples of such reasons are

- > you are a minor
- > disease
- > you have family in Germany
- > you have been in Germany for many years and are therefore “rooted” here
- > transport to your country of origin is not possible
- > you don't have a passport and can't get one

If you are unsure, you can seek advice from an advice centre on whether this right to stay is right for you.

6.6 | The right of residence by opportunity (§ 104c Residence Act)

People who have been living in Germany for some time can apply for this right of residence for **18 months** at the immigration office. This is intended to give them the **chance** to fulfil all the **requirements** for a permanent right of residence.

You can apply for an “Opportunity Right of Residence” at the immigration office if you entered Germany before 31 October 2017 (this also includes periods with “Duldung light“, toleration of stay for people with unclear identity).

With a residence permit you can do an vocational training or work and earn your own money. Even if you come from a “safe country of origin”^{*} and were previously banned from working!

! Important: You will only receive this residence permit once. It cannot be extended. During this time, you should try to fulfil all the requirements for other rights of residence (such as → [p. 53, § 25a](#) or → [p. 54, § 25b](#)).

** Safe countries of origin are currently: Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia (former Yugoslav Republic of), Montenegro, Senegal, Serbia, Georgia and Moldova (as of 01.01.2024) and the EU countries.*



Right of residence opportunities

6.7 | The hardship procedure (§ 23a Residence Act)

If you have tried all legal options for a right to stay, but all applications have been rejected, there is one **last option**. You can stay in Germany if there are very special and important reasons that oppose your departure.

You submit this “application” (officially called a “Eingabe”) to the Hardship Commission. The **Hardship Commission** is a group of several people

who read and discuss hardship applications. It does this on behalf of the state government. If the Hardship Commission finds that your application is a case of hardship, it asks the state government to grant you a residence permit. This will allow you to stay in Germany.



Hardship application



Hardship Commission

6.7 | The hardship procedure (§ 23a Residence Act)

You can submit the “application” to the Hardship Commission if ...

- ... you have lived in Germany for several years,
- ... you are **well integrated** (for example: you go to school or are doing an vocational training, you have friends, you are active in a club),
- ... there is **no other option** for you to stay in Germany.

In this “application” you explain what connects you to Germany and why you want to stay here. The reasons why you left your home country

are no longer important here. Your supervisor, your guardian, your friends, your school, your sports club and your training company can help you with this “application“. They can write letters explaining why it is important for you to stay in Germany.



Hardship case

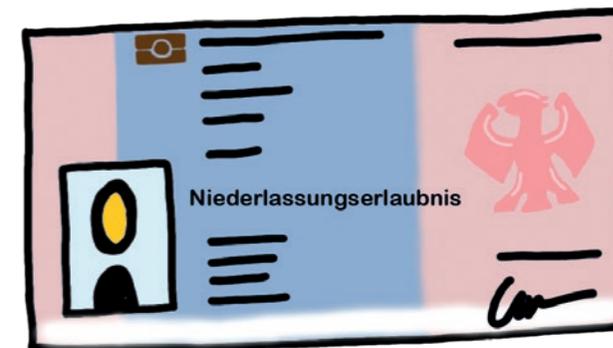
6.8 | The settlement permit (§ 9 Residence Act)

If you have lived in Germany for 5 years with a residence permit, you can apply for a settlement permit.

! Important: The settlement permit is an unlimited residence title. This means that you can stay in Germany for a long time or even forever. The title will be extended again and again if you fulfil the requirements.

There are special regulations regarding settlement permits for young people who have entered Germany as minors. Speak to an advice centre to check whether one of these regulations applies to you.

If you have been granted asylum → [p. 37](#) or recognised as a refugee → [p. 38](#) (“**refugee protection**”) in the asylum procedure, you can apply for a settlement permit after just 3 years. The time counts from the moment you apply for asylum!



Settlement permit

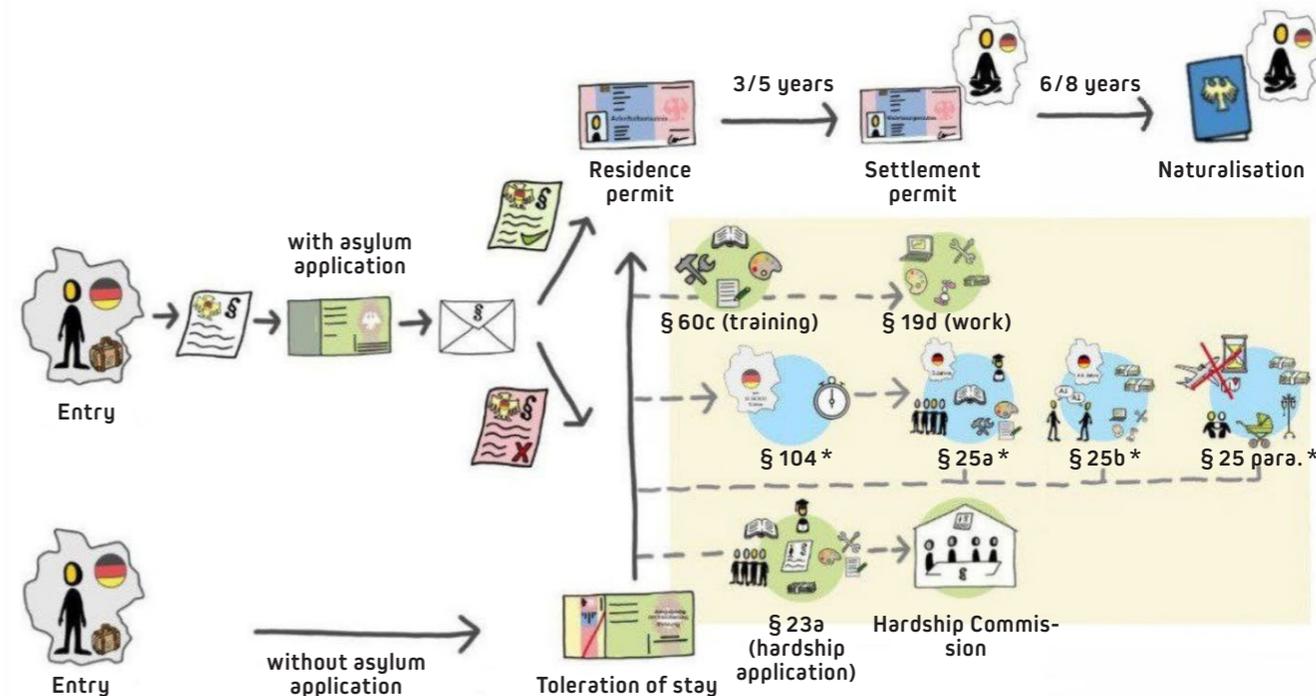
6.9 | Naturalisation (§ 10 of the Citizenship Act)

You can naturalise and get a German passport and live in Germany forever if you ...

- ... have lived in Germany for 8 years
- ... or after 7 years if you have a B1 language certificate
- ... or after 6 years if you have a B2 language certificate
- ... have a residence permit at the time of application → p. 36
- ... earn your own money
- ... you have not committed any serious offences and
- ... your identity → p. 51 has been clarified

! Important: If you have been granted asylum → p. 37 or refugee protection → p. 38, you can obtain a German passport after just 6 years.

6.10 | Alternative ways to stay—an overview



* § 104c: The right of residence by opportunity, § 25a: Right of residence for well-integrated young people, § 25b: Right of residence for well-integrated people, § 25 Abs. 5: Right of residence for humanitarian reasons

7 | Turning 18—and then?

Many of your rights change from the age of 18. You are of legal age in Germany. The following may change:

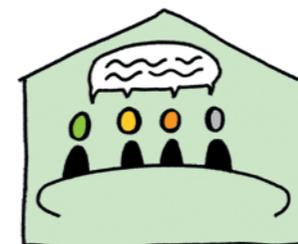
- You no longer have a guardian.
- It is possible that the youth welfare service will be terminated and you will no longer be able to live in a youth welfare centre.
- Other authorities are responsible for you (for example the social welfare office or the job centre).



7 | 18 years—and then?

If you are about to turn 18 or if you are already of legal age and still need and want help from the youth welfare office, then you should talk to your supervisor and your guardian about this. Together you can apply to the **youth welfare office** for “**help for young adults**”*. You have the right to receive support from the youth welfare office with your questions and tasks if you need it—even if you are over 18 years old.

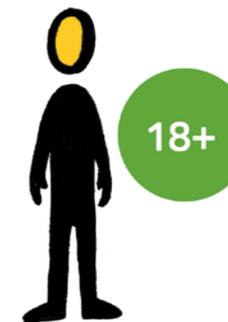
You are now considered an adult in the asylum procedure. For this reason, there are also many legal changes. It is best to find out about all the changes that await you a few months before you turn 18. Then you will be well prepared.



Youth welfare office



Counselling centre



young adults

* § 41 Social Security Code 8 (Sozialgesetzbuch 8)

Counselling centres in Lower Saxony

There are many different advice centres in Lower Saxony. We at the Refugee Council of Lower Saxony can help you with questions about your asylum procedure, youth welfare or other important questions about your stay in Germany. We can also help you find a counselling centre near you.

This is how you can reach us:

By telephone: 0511 98246030

By e-mail: nds@nds-fluerat.org

Homepage

nds-fluerat.org

Homepage

kennedeinerechte.org



Refugee Council Lower Saxony e.V.

Röpkestraße 12 | 30173 Hannover



Counselling centres in Germany

There are various non-governmental human rights organisations in Germany that campaign for the rights of refugees. There you can get advice, information and legal help as well as support to help you find your way around. Some of them are

State refugee councils

There are refugee councils in every federal state and in many large cities. If you do not live in Lower Saxony, you can find contact details for the refugee council in your federal state at fluechtlingsrat.de.



Federal Association of Unaccompanied Refugee Minors (BumF e.V.)

BumF e.V. campaigns for the rights and protection of unaccompanied refugee minors in Germany.
b-umf.de
kommgutten.info



Pro Asyl e.V.

Pro Asyl campaigns for the rights and protection of refugees in Germany and Europe.
proasyl.de



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