

What is...: Guide to terminology and institutions

Residence status (**Aufenthaltsstatus**)

This means the legal reason a person is allowed to stay in the country; the descriptor is not a legal term. Temporary postponement of deportation (Duldung) is not a residence status.

Residence permit (Aufenthaltstitel**)**: this is a certificate foreigners must have in order to enter and stay within the borders of the Federal Republic of Germany. Residence permits are granted in several forms: visa (Visum), **residence permit (**Aufenthaltserlaubnis**)**, Blue Card (EU), permanent residence permit (Niederlassungserlaubnis) or permanent residence permit for the EU (Erlaubnis zum Daueraufenthalt-EU). A residence permit allows you to pursue employment, provided that this is in accordance with the Residence Act or that being employed is explicitly permitted by the residence permit

Asylum process

The asylum process begins when you first notify the authorities that you are an asylum seeker. It includes registering, submitting an application and attending a hearing (**Anhörung**), and ends once the legally binding decision has been made (recognition [**Anerkennung**] or rejection [**Ablehnung**] of the application for asylum, if applicable following an appeal).

The length of time the asylum process takes varies greatly and also depends on the country you come from. No deportation (Abschiebung) will take place until the definitive (legally binding) decision has been made regarding the asylum application (with the exception of rejections of obviously unfounded applications for asylum). Access to the labour force is limited.

Notes:

Information on asylum hearings and more with a 3-page explanation of the asylum process in English:

<http://www.asyl.net>

Identification documents:

Temporary residence permit (**Befristete Aufenthaltsgestattung - AG**) - Asylum seekers

Is automatically granted upon submission of the application / request for asylum to the BAMF (usually at an initial state accommodation facility [LEA]): Its validity is limited to up to six months and it will be renewed accordingly (also for a limited length of time) for the duration of the process. Becomes invalid when the BAMF decision regarding asylum **becomes legally enforceable**. A temporary residence permit is not a **residence permit**.

Even asylum seekers who have registered and possess **proof of arrival (Ankunftsnachweis - AKN)** but who have not yet applied for asylum will receive a temporary residence permit along with the AKN. This is generally valid until the application for asylum is submitted.

Generally, people who receive an AKN are not allowed to work or be employed.

Starting a job / vocational training programme:

The temporary residence permit will include information on employment, e.g.:

“Employment only by permission from the Immigration Office. Self-employment or similar employment not permitted.” (“Erwerbstätigkeit nur mit Zustimmung der Ausländerbehörde erlaubt. Selbstständigkeit oder vergleichbare Beschäftigung nicht erlaubt.”)

Temporary residence permit (Befristete Aufenthaltserlaubnis - AE)

Is issued for 1 to 3 years and can be extended if necessary. An AE is issued if the refugee is incontestably recognized as a person entitled to asylum (Asylberechtigter), a refugee under the criteria of the Geneva Convention (Konventionsflüchtling) or a person entitled to subsidiary protection (subsidiär Schutzberechtigter) – in this case, meaning the AE is issued on human-rights, humanitarian or political grounds –

as well as if there is a deportation ban (Abschiebungsverbot) and if there are other obstacles to leaving the country.

If the BAMF’s decision is positive, you will each receive a residence permit that corresponds to your residence status from the Immigration Office (Ausländerbehörde) responsible for you: a 1- to 3-year temporary residence permit on humanitarian grounds.

With an AE, you do not have unlimited **access to the job market**; to the extent that you are allowed to work, the AE may be withdrawn.

The residence permit is extended for a maximum of 3 more years, unless the residence status is revoked. see “Notes on extending a residence permit”.

Unlimited permanent residence permit (unbefristete Niederlassungserlaubnis)

If certain criteria are fulfilled, this can be obtained after 5 years. This option can be available as early as 3 years if the person has achieved outstanding

integration efforts, particularly mastery of the German language and they are largely able to provide for their living expenses.

An unlimited permanent residence permit grants you the secure right to stay in Germany.

Temporary postponement of deportation (befristete Duldung)

The “Certificate for Suspension of Deportation” (“Bescheinigung für die Aussetzung der Abschiebung”) – often referred to as “permission to remain until deported” (“Duldung”) – is issued by the ABH when the asylum decision is negative and the asylum process is legally concluded

and the person in question is obligated to leave the country, although they may not be deported first.

The person must apply to their respective Immigration Office for permission to take up employment.

Postponement of deportation due to vocational training (Ausbildungsduldung):

“Permission to remain until deported” means “temporary suspension of deportation” (Section 60a of the German Residence Act – AufenthG). In order for the person to complete a vocational training programme (“qualified professional vocational training”), deportation may be postponed until the end of the vocational training programme unless there are reasons for exclusion. (e.g. “deportation cannot take place due to reasons the person is responsible for” [“Abschiebung aus selbst zu vertretenden Gründen nicht vollziehbar”] – the **obligation to acquire a passport [Passbeschaffungspflicht]**).

It is usually necessary to **prove your identity**.

Qualified vocational training (Qualifizierte Ausbildung): Minimum duration of vocational training: 2 years

The residence permit can be extended past the two-year validity period if there is a continuing employment relationship.

If the person is not hired by the company where they are doing their vocational training once they have successfully completed the programme, they must find employment in the profession they were trained in within 6 months. After this point, the residence permit will expire.

Refugees who **discontinue a vocational training programme** will receive a one-time postponement of deportation for 6 months so that they have time to look for a new vocational training placement.

The application for postponement of deportation due to vocational training must be submitted to the Karlsruhe Regional Commission (Regierungspräsidium Karlsruhe) through the respective Immigration Office.

Advice and counselling: the respective Immigration Office; Employment Agency (Agentur für Arbeit); Job Centre; counselling services from charitable organisations in Schwäbisch Hall; the Baden-Württemberg Refugee Council (Flüchtlingsrat) in Stuttgart www.fluechtlingsrat-bw.de

See also “List of addresses for employment and language-course providers”

Find more information in the [brochure](#):

Refugee integration into vocational training and employment, Guide for companies. Association of German Chambers of Commerce and Industry (Deutscher Industrie- und Handelskammertag, DIHK) 3rd edition, February 2017: DIHK 2017

Postponement of deportation due to vocational training (Ausbildungsduldung) - An overview

Status	No right to stay in Germany, obligation to leave the country
Application for asylum	rejected
Permission to remain until deported is issued if	it is not possible to leave the country due to an obstacle, e.g. because of ongoing qualified vocational training
Duration of validity	for the duration of the vocational training programme
Extension	Up to 2 years if continuing the profession for which the person is receiving vocational training, 6 months if they abandon the vocational training programme

Prospects of staying in Germany: (Bleibeperspektive)

Refugees who have **good prospects of staying in Germany** include, in particular:

- Asylum seekers from these countries: Eritrea, Iran, Iraq, Somalia and Syria.
- Persons with permission to remain until deported granted on a discretionary basis. This category also includes persons with permission to remain until deported who are currently doing vocational training.
- Persons with permission to remain until deported whose obstacle to leaving the country has existed for longer than 18 months and who therefore have received a temporary AE for humanitarian reasons.

You can find an overview on the BAMF website which is updated on a regular basis:

<http://www.bamf.de>

Refugees who have **poor prospects of staying in Germany** include, in particular:

□ Asylum seekers whose application for asylum is not expected to be successful.

In particular, this category includes refugees whose individual reasons for fleeing their country are not sufficient justification for guaranteed protection.

□ Refugees from what are considered “safe countries of origin”: Albania, Bosnia and

Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal, Serbia.

“Information on residence permits, requirements and process for citizens of Albania, Bosnia and Herzegovina,

Kosovo, Macedonia, Montenegro and Serbia”,
Federal Employment Agency (Bundesagentur für Arbeit)
www.arbeitsagentur.de

“Employment” in terms of social insurance law

“Beschäftigung” is one of several words in German that can be translated as “employment”, which means non-self-employed work, particularly in the context of the employment relationship. The question of whether the work is “non-self-employed” depends on how it is structured in practice – in other words, this depends on the actual and objective circumstances. The way the activity is described does not determine this.

Indications of “employment” are:

- Activity that is carried out under instruction and incorporation into
- the work organisation of the person giving instructions.
Therefore, the term “employment” also includes vocational training programmes and internships.

An employer is obligated to fulfil their corresponding duties regarding social insurance law: the obligation to contribute and to report.

Electronic residence permit (Elektronischer Aufenthaltstitel -

eAT):The electronic residence permit (eAufenthaltstitel) with a certified chip was introduced on 1 September 2011. Upon the introduction of the credit-card-sized electronic residence permit, the previous paper forms of residence permit (adhesive permit), (permanent) residence permit cards and personal identification equivalents became invalid. The respective Immigration Office produces the eAT once the residence permit itself has been issued and biometric data verifying identity has been collected.

Probationary permit (Fiktionsbescheinigung)

A probationary permit (Fiktionsbescheinigung) is issued when no decision can be made yet regarding a submitted application for a residence permit, e.g. because

- Documents are missing or the foreigner’s records are not available,
- An electronic residence permit (eAT) has been ordered, but cannot be issued before the current residence permit expires or
- A criminal case has not yet been resolved.

A probationary permit can only be issued if:

- The person is still legally permitted to reside in Germany at the time they apply for a residence permit or an extension of their current permit.

Probationary permits are issued by the respective Immigration Office.

Shortage occupations (Mangelberufe)

If additional criteria are also fulfilled, it is also possible to emigrate to Germany for what are known as “shortage occupations” – the professions included in a “Positive List” from the Federal Employment Agency (Bundesagentur für Arbeit) that is updated every six months. The list contains more than 50 professions, including healthcare and nursing occupations and jobs relating to mechatronics and electronics.

More notes:

www.bleibinbw.de

www.bamf.de

www.arbeitsagentur.de/arbeitsmarktzulassung

Language skills (Sprachkompetenz)

Language skills are classified under 2 basic categories, based on the Common European Framework of Reference for Languages (CEFR):

A: Basic language skills,

B: Independent language skills

C: Proficient language skills

These 3 basic levels are divided into 6 further levels of language ability:

A1 - Beginner

A2 - Basic knowledge

B1 - Advanced language skills

B2 - Independent language skills

C1 - Expert language skills

C2 - Approaching native speaker proficiency

For addresses of language-course providers: see “List of addresses for employment and language-course providers”