Rights of residence for researchers from non-EU countries in Germany

Overview on potential residence permits pursuant to the German Residence Act
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for researchers from non-EU countries pursuant to the German Residency Act

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<td>§ 16 Higher education studies, doctorate, research</td>
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<td>§ 18 Employment</td>
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<td>§ 19a EU Blue Card</td>
<td>Usually not necessary</td>
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<td>§ 20 Research</td>
<td>Usually not necessary</td>
<td>Usually not necessary</td>
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For further information see the explanatory notes on the back.
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<td>Highly qualified employment; single, double, or family hiring</td>
<td>EU Blue Card</td>
<td>§ 16</td>
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<td>with at least 12 years of professional experience or a university degree (§ 19a)</td>
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<td>§ 20 Residence Act; where applicable, § 16 Residence Act</td>
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<td>居留目的相容</td>
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<td>The general conditions for the employment permit are met (§ 19a(1) Residence Act)</td>
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<td>The final permit is issued by the competent authority in accordance with § 19(a)(1) Residence Act</td>
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<td>§ 19a, 20 Residence Act</td>
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</table>
1. This provision covers all employment in Germany and is therefore not specifically applicable to scientific professions.

2. This applies to a residence permit pursuant to § 20 Residence Act, § 2(3) sentence 6 Residence Act provides that an employer may conclude a hosting agreement with a foreigner.

3. Pursuant to § 19(a) (2) sentence 1 no. 2, the Federal Ministry of Labour and Social Affairs can also determine by way of exception whether a foreigner may pursue an economic activity.

4. If they produce their dissertation as part of a research activity for which a hosting agreement was concluded with an official approved research institution.

5. This provision covers all employment in Germany and is therefore not specifically applicable to scientific professions.

6. With regard to a residence permit pursuant to § 19(a)(2) no. 1 Residence Act, § 2(1) no. 2(a) Ordinance on Employment.

7. With regard to a residence permit pursuant to § 20 Residence Act, § 2(3) sentence 6 Residence Act provides that an employer may conclude a hosting agreement with a foreigner.

8. With regard to the grant of a residence permit pursuant to § 18c of the Residence Act requires that the holder has secure means of subsistence and does not entitle the holder to pursue an economic activity.

9. In practice, foreigners’ authorities may require proof of basic German language skills within their margin of assessment.

Notes


13. See § 16(4) Residence Act. For this time period, the residence permit entitles the holder to pursue an economic activity.

14. See § 18(c)(3) Residence Act. The grant of a residence permit pursuant to § 18c of the Residence Act requires that the holder has secure means of subsistence and does not entitle the holder to pursue an economic activity.

15. Pursuant to § 19(a)(2) no. 1 Residence Act, § 2(1) no. 2(a) Ordinance on Employment.


17. See § 18(b) Residence Act.

18. Graduates who have found adequate employment do not need the approval of the Federal Employment Agency.


20. The wording of § 20(7) no. 4 Residence Act is open to interpretation, leading to inconsistent definitions of the concept of ‘doctoral studies’ (see § 20(7) no. 4 Residence Act and the General Administrative Regulations for the Residence Act No. 20(2)).

21. The Federal Ministry announces the new minimum income threshold at the latest by 31st December of the previous year in the Federal Gazette. Minimum income thresholds may be adjusted at the beginning of the year. For each calendar year, the Federal Ministry presently determines the minimum income thresholds for the pay scale area West (€ 37,128) and the pay scale area East (€ 30,900).


23. The holder has secure means of subsistence and does not entitle the holder to pursue an economic activity. Extension of the ‘principal’ person is in possession of a residence permit pursuant to §§ 19, 20 or 21 Residence Act and the presence of the ‘principal’ person is no longer necessary.

24. This requirement may be waived in cases of little need for integration measures (e.g. proof of completed studies at a German University; see § 30(1) sentence 3 no. 3 Residence Act).

25. See §§ 27(4) and 30(1) sentence 1 no. 3(c) Residence Act.

26. The holder has secure means of subsistence and does not entitle the holder to pursue an economic activity. Extension of the ‘principal’ person is in possession of a residence permit pursuant to §§ 19, 20 or 21 Residence Act and the presence of the ‘principal’ person is no longer necessary.

27. In principle, proof of basic German language skills is required for spouses pursuant to § 30(1) sentence 1 no. 2 of the Residence Act.

28. For this, the person should be a student at a German University and pursue an economic activity which is directly related to the studies.

29. If the ‘principal’ person is in possession of a residence permit pursuant to §§ 19, 20 or 21 Residence Act and the presence of the ‘principal’ person is no longer necessary.

30. If the ‘principal’ person is in possession of a residence permit pursuant to §§ 19, 20 or 21 Residence Act and the presence of the ‘principal’ person is no longer necessary.

31. As yet, no such measure has been adopted.

32. The requirement of proof of basic German language skills is waived for the spouse pursuant to § 30(1) sentence 2 no. 1 of the Residence Act. If the marriage already existed at the time when he or she established their main ordinary residence in the Federal territory, the spouse is considered to be part of the family unit (see § 30(1) sentence 3 no. 3 Residence Act).

33. See § 44 No. 1 Ordinance on Residence.

34. The Federal Ministry of Finance has not yet determined the minimum income threshold. In individual cases, a lower net income may be considered sufficient, if health insurance cover is deemed sufficient to cover living costs (monthly net income presently € 1,843.33 for pay scale area West and € 1,563.33 for pay scale area East). Income thresholds may be adjusted at the beginning of the year. For each calendar year, the Federal Ministry presently determines the minimum income thresholds for the pay scale area West (€ 37,128) and the pay scale area East (€ 30,900).

35. The wording of § 20(7) no. 4 Residence Act is open to interpretation, leading to inconsistent definitions of the concept of ‘doctoral studies’ (see § 20(7) no. 4 Residence Act and the General Administrative Regulations for the Residence Act No. 20(2)).

36. See § 9(2) Residence Act. The maximum period for the grant of a residence permit pursuant to § 20(2) Residence Act is 3 years.

37. See § 62(2) no. 2(b) Income Tax Act.

38. See § 45 Ordinance on Residence.

39. Students receiving a scholarship from public funds for their residence are exempt from fees for obtaining a visa or a residence permit.

40. See § 44 No. 1 Ordinance on Residence.

41. This does not apply to students receiving a scholarship from public funds.

42. See § 18(b) Residence Act.

43. See § 19(a)(6) sentence 1 and 2 Residence Act.

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