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

Overview on potential residence permits pursuant to the German Residence Act (in the new version of 01 August 2017)
<table>
<thead>
<tr>
<th>Section 16: Studies</th>
<th>Requirements for granting a residence permit</th>
<th>1. Minimum income</th>
<th>2. German language skills</th>
<th>3. Other</th>
<th>Access to future market</th>
<th>German language skills 6 (if applicable)</th>
<th>Temporal benefits</th>
<th>Other benefits</th>
<th>Duration/limitation</th>
<th>Employment</th>
<th>Family members</th>
<th>Travel</th>
<th>Access to labour market</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 16 Study</td>
<td>(a) Possibility of obtaining the highest degree</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td></td>
<td>(b) Minimum period of residence abroad</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
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<td>Yes</td>
<td>Yes</td>
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<td></td>
<td>(c) Possibility of obtaining the highest degree in Germany</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Yes</td>
<td>Yes</td>
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<td>(d) Possibility of obtaining the highest degree abroad</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Section 18: Employment</td>
<td>Temporary employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Possibly</td>
<td>Possible</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Yes</td>
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<td>Yes</td>
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<td></td>
<td>Permanent employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Possibly</td>
<td>Possible</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Yes</td>
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<tr>
<td>Section 18b: Permanently employed parent of a child under 18 years of age</td>
<td>Temporary employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Possibly</td>
<td>Possible</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Yes</td>
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<td></td>
<td>Permanent employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Possibly</td>
<td>Possible</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
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<td>Yes</td>
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<td>Section 19: Parental leave</td>
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<tr>
<td>Section 19a: Employment with a child under 13 years of age</td>
<td>Temporary employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Possibly</td>
<td>Possible</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Usually yes</td>
<td>Yes</td>
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<td>Permanent employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Possibly</td>
<td>Possible</td>
<td>Usually yes</td>
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<td>Usually yes</td>
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<td>Yes</td>
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<td>Section 20: Non-residents</td>
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Note: The above table outlines the requirements for granting a residence permit in Germany. The specific conditions may vary depending on the type of employment, the qualifications of the applicant, and the nature of the research or study. For detailed information, it is recommended to consult the official German Immigration Act (Verwaltungsverfahrensgesetz) and related regulations.
### Residence permit for highly qualified foreigners

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<th>Applications</th>
<th>Qualification</th>
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<th>Tax</th>
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<th>Permanent settlement</th>
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<tr>
<td>Section 16</td>
<td>Studies</td>
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<td>Section 18</td>
<td>Employment</td>
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<td>Section 19b</td>
<td>Permanent residence permit for skilled employment</td>
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<td>Section 20</td>
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Note: All fees can be paid in euros. *Refugees (BAMF)* and *host countries of Refugees* are entitled to a temporary residence permit (limited duration: usually yes). The general requirements for granting are laid down in sections 27 et seq. Residence Act. The temporary residence permit entitles the holder to pursue an economic activity. Freedom to travel for up to 90 days in any 180-day period within the Schengen area is possible. 

For more information: [The temporary residence permit](#)
Notes

1. See the details of the above section. The torsion models, with which the structure is described, are pointed out in the text by the term "Torsion Model".

2. See section 16 of the Residence Act. The rules of the Federal Law on the Protection of the Foreigner from 1947 (RFG) also apply to foreigners in Germany in the case of the use of public funds for their subsistence, as long as the foreigner fulfills the prerequisite of having a sufficient financial resource for the purpose of ensuring a subsistence secure.

3. See section 3 of the Employment Regulation. The term "sufficient income" in the Employment Regulation shall be referred to in this context as "sufficient financial resources available to cover the monthly expenses of the foreigner for the length of the period of stay in Germany".

4. See section 20a of the Residence Act. A temporary residence permit may be granted in principle only a residence permit for research if a) researchers who exclusively carry out teaching activities for university-related organizations with the participation of the foreigner by the authorities, and b) for doctors of medicine who engage in research at a university.

5. See section 18 (5) of the Residence Act. The assumption of costs does not serve to provide evidence that the foreigner's subsistence is secured, including from third parties, for the length of the period of stay in Germany. For this, the respective authorities require evidence of secure subsistence during the research stay itself. For this, evidence of secure subsistence must be provided separately from an insurance company, see section 18b no. 3 of the Residence Act.

6. See section 16 (2) sentence 4 of the Residence Act. The Federal Ministry of the Interior, Building and Housing published 18th December 2017 the Federal Gazette of the shortage occupations such as STEM professionals or medical doctors, the amount for 2018 is 40,560 € (see Federal Gazette no. 48/2017 of 20 December 2017).

7. See section 2 (1) sentence 1 no. 1 of the Employment Regulation. The employment of the foreigner is already ongoing at a university at the time of the relevant decision of the authorities. A further extension beyond 6 months is not possible.

8. The economic activity is to be pursued with the participation of the foreigner by the authorities.

9. See section 39 of the Residence Act. Exceptions may arise from the section 9 (2) sentence 1 no. 7 of the Residence Act.

10. The minimum annual gross income for 2018 is 52,000 €. For information on the procedure, contact the Federal Office for Migration and Refugees (BAMF). Detailed instructions to the notification procedure are available here: http://www.bamf.de/SharedDocs/Anlagen/EN/anleitung-mitteilung-kurzzeitmobilitaet-forscher.html. For a stay lasting more than 3 months is not possible.

11. Wording of section 16 (1) sentence 4 Residence Act

12. See section 16 (3) no. 3 of the Residence Act. Doctors of medicine who engage in research at a university and their doctoral candidates are not subject to the presumption of basic German language skills, unless the foreigner is a national of a non-EU country. In this case, the presumption of the German language skills is to be clarified with the participation of the authorities. See section 27, 30 (1) sentence 1 no. 3 a) and 35 of the Residence Act.

13. See section 2 (1) sentence 1 of the Employment Regulation. The employment of the foreigner is already ongoing at a university at the time of the relevant decision of the authorities.

14. See section 18 (5) of the Residence Act. The presentation of the cost assumption by the authorities is only to be seen as evidence of secure subsistence, if the costs of the subsistence of the foreigner are not exclusively carried out for the purpose of preparing a doctoral dissertation. This would, for example, be the case if the costs of the subsistence of the foreigner are primarily financed primarily by public funds are considered as evidence of secure subsistence.

15. Alternatively, evidence may be furnished of an entitlement to a doctoral degree from a non-EU country. See section 39a of the Residence Act.

16. The minimum annual income required in the Federal Gazette of 18th December 2017 B1). The Federal Ministry of the Interior, Building and Housing published 18th December 2017 the Federal Gazette of the shortage occupations such as STEM professionals or medical doctors, the amount for 2018 is 40,560 € (see Federal Gazette no. 48/2017 of 20 December 2017).

17. See section 16a of the Residence Act. This notification procedure is only to be used if the foreigner is a national of a non-EU country and has a doctoral degree or, in case of STEM professions, holds a German degree. The notification procedure is allowed to enter Germany even if the application has not yet been granted, if the temporary residence permit was issued pursuant to section 62 (2) of the Income Tax Act. For a stay lasting more than 3 months is not possible.

18. See section 9 (1) sentence 1 of the Residence Act.

19. See section 2 (1) sentence 1 no. 1 of the Employment Regulation.

20. See section 62 (2) no. 2b of the Income Tax Act. For a stay lasting more than 3 months is not possible.

21. Provided that the foreigner attains the required minimum income or, in case of STEM professions, holds a German degree. For a stay lasting more than 3 months is not possible.

22. See section 16 (2) sentence 4 of the Residence Act.

23. See section 16 (3) no. 3 of the Residence Act. Doctors of medicine who engage in research at a university and their doctoral candidates are not subject to the presumption of basic German language skills, unless the foreigner is a national of a non-EU country. In this case, the presumption of the German language skills is to be clarified with the participation of the authorities. See section 27, 30 (1) sentence 1 no. 3 a) and 35 of the Residence Act.

24. The residence permit entitles the holder to pursue an economic activity in Germany, e.g., teaching, research and work at a university, the authorities and, if applicable, the embassy of the target country. For information on the procedure, contact the German Rectors’ Conference (HRK) or the Embassy of the target country.

25. Please note that meanwhile the minimum income required in the new version of 01 August 2017 will be 56,000 € for a stay lasting more than 3 months.

26. In the case of STEM professions and a foreign university degree, an examination of the employment relationship is required. The proof of the foreigner attaining the required minimum income or, in case of STEM professions, holds a German degree. For information on the procedure, contact the German Rectors’ Conference (HRK) or the Embassy of the target country.

27. See section 19a (4) of the Residence Act.

28. See sections 27, 30 (1) sentence 1 no. 3 c) and section 32 of the Residence Act.

29. See section 16 (3) no. 3 of the Residence Act. Doctors of medicine who engage in research at a university and their doctoral candidates are not subject to the presumption of basic German language skills, unless the foreigner is a national of a non-EU country. In this case, the presumption of the German language skills is to be clarified with the participation of the authorities. See section 27, 30 (1) sentence 1 no. 3 a) and 35 of the Residence Act.

30. See section 39 of the Residence Act. Exceptions may arise from the section 9 (2) sentence 1 no. 7 of the Residence Act. ‘Sufficient’ income or, in case of STEM professions, holds a German degree. For information on the procedure, contact the German Rectors’ Conference (HRK) or the Embassy of the target country.

31. See section 2 (1) sentence 1 no. 1 Employment Regulation.

32. See section 62 (2) Income Tax Act...
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