

HRK German Rectors' Conference
The Voice of the Universities

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

Overview on potential residence permits pursuant
to the German Residence Act (last amendment
of 15 September 2019, in effect since 01 March 2020)



Purpose of residence/ residence title	Target group/ beneficiaries	Requirements for granting		
		1. Minimum income ⁷	2. German language skills	3. Other
Section 16b Studies ^{1/} residence permit	Doctoral candidates ²	No, but subsistence must be secured ⁸	Proof of knowledge of the language in which the course of studies is to be conducted ¹¹	Admission in accordance with the relevant doctoral degree regulations After successful completion of the dissertation, a change of purpose to section 18b is admissible.
Section 18b Qualified employment/ EU Blue Card residence permit	Specialists holding a university degree ³	Yes ⁹	No	Precondition for a residence permit: Concrete job offer and recognized and comparable foreign tertiary degree, where applicable German university degree; ¹³ where applicable occupation practice permit; ¹⁴ residence permit for up to 6 months for the purpose of job search ¹⁵
Section 18c Permanent settlement permit for specialists	Specialists holding a university degree and researchers ⁴	No, but subsistence must be secured ¹⁰	Yes, sufficient knowledge of German language ¹²	–
Section 18d Research/ residence permit	Foreign researchers who want to carry out a research project in an officially approved research institution in Germany ⁵ ; where applicable doctoral candidates ⁶	No	No, only in case of a permanent settlement permit	Approval of the research institution by the Federal Office for Migration and Refugees (BAMF) ¹⁶ and a hosting agreement between researcher and research institution ¹⁷ and a declaration of assumption of costs by the research institution ^{18,19}

Duration/limitation	Extension	Employment	Approval of Federal Employment Agency/ Foreigners' Authority required	Subsequent immigration of spouse/partner and/or unmarried minor children
<p>Limited duration: min. 1 year, max. 2 years²⁰</p>	<p>Possible, if purpose of residence has not yet been achieved and is achievable within a reasonable period of time²³</p> <p>After successful completion of studies entitlement to a temporary residence for up to 18 months for job search²⁴</p>	<p>Max. 120 whole or 240 half days p.a. as well as student secondary/part-time job at the university or any other research institution²⁷</p>	<p>Only if employment falls outside the scope of above-mentioned framework</p>	<p>The general requirements for the subsequent immigration of dependants and spouses are laid down in sections 27 et seq. Residence Act.³²</p>
<p>Limited to the duration of the employment contract plus 3 months, for a maximum period of 4 years from date of initial issue²¹</p>	<p>Yes, if requirements for granting are still fulfilled²⁵</p>	<p>Yes, employment commensurate with qualification</p>	<p>No,²⁹ however, for each job change within the first two years of employment after initial issue, permission in writing by the Foreigners' Authority is required.</p>	<p>Spouse and minor children are entitled to a temporary residence permit.³³</p>
<p>Unlimited duration</p>	<p>Not required (unlimited duration)</p>	<p>Yes</p>	<p>No³⁰</p>	<p>Spouse and minor children are entitled to a temporary residence permit.³⁴</p>
<p>Min. 1 year, in case of longer stay, or limited to the duration of the stay in case of a shorter research period²²</p>	<p>Yes, in case of extension of research project</p> <p>or</p> <p>subsequent new research project</p> <p>After completion of the research activities, the temporary residence can be extended by up to 9 months for the search of employment commensurate with the qualification.²⁶</p>	<p>Yes, permission to take up research activities in the research institution specified in the hosting agreement, as well as teaching activities²⁸</p>	<p>No³¹</p>	<p>Spouse and minor children are entitled to a temporary residence permit.³⁵</p>

Access to labour market for family members	German language skills of spouse/partner ³⁷ and/or children ³⁸	Parental benefits ⁴²	Child benefits ⁴⁴	Fees
The residence permit entitles the holder to pursue an economic activity. ³⁶	Usually yes ³⁹	No ⁴³	No ⁴⁵	Issue of a residence permit: 100 €; extension of up to 3 months: 96 €; extension of more than 3 months: 93 € ^{46, 47}
The residence permit entitles the holder to pursue an economic activity. ³⁶	No ⁴⁰	Yes	Yes	Issue of a residence permit: 100 €; extension of up to 3 months: 96 €; extension of more than 3 months: 93 € ⁴⁶
The residence permit entitles the holder to pursue an economic activity. ³⁶	Yes, for simple communication ⁴¹	Yes	Yes	147 € ⁴⁸
The residence permit entitles the holder to pursue an economic activity. ³⁶	No ⁴⁰	Yes	Yes	Issue of a residence permit: 100 €; extension of up to 3 months: 96 €; extension of more than 3 months: 93 € ⁴⁶

Alternative residence title	Acquisition of a permanent settlement permit	Residence in other EU Member States		
		1. Private trips	2. Stays in other EU Member States (Outgoing)	3. Stays in Germany (Incoming)
<p>Where applicable section 18d Residence Act for doctoral candidates⁶</p> <p>After successful completion of the dissertation, a change of purpose to section 18b is admissible.</p>	<p>The deadline for obtaining a permanent settlement permit is shorter in the case of a German university degree.⁴⁹</p>	<p>Freedom to travel for up to 90 days in any period of 180 days within the Schengen area</p>	<p>A stay in another EU Member State related to doctoral research for a period of up to 360 days is possible in principle.⁵¹</p>	<p>Section 16c Residence Act: Doctoral candidates with a residence permit for study purposes⁵⁴ in another EU Member State can continue their doctoral study programme in Germany for up to 360 days. The BAMF must be notified.⁵⁵</p> <p>In case of a period of stay of longer than 360 days, a residence permit pursuant to section 16b must be applied for.</p>
Section 18d	<p>Provided that the prerequisites are fulfilled, a permanent settlement permit can be already applied for after the elapse of 33 months, in the case of sufficient language skills even after 21 months.⁵⁰</p>	<p>Freedom to travel for up to 90 days in any period of 180 days within the Schengen area</p>	<p>After 18 months holders of an EU Blue Card can travel to any other EU Member State together with their family members without visas and apply for an EU Blue Card in that state.⁵²</p>	<p>After 18 months holders of an EU Blue Card can travel to any other EU Member State together with their family members without visas and apply for an EU Blue Card in that state.⁵²</p>
–	<p>The residence permit pursuant to section 18c Residence Act is also deemed a national permanent settlement permit.</p>	<p>Freedom to travel for up to 90 days in any period of 180 days within the Schengen area</p>	–	–
Section 18b EU Blue Card	<p>The acquisition of a permanent settlement permit or a permanent EU residence permit follows and complies with the general prerequisites for the granting of a permit pursuant to sections 9, 9a Residence Act.</p>	<p>Freedom to travel for up to 90 days in any period of 180 days within the Schengen area</p>	<p>A research-related stay in another EU Member State for a period of up to 180 days in any period of 360 days is possible in principle.⁵³</p>	<p>Section 18e Residence Act: Researchers with a residence permit in another EU Member State can continue with a part of their research project in Germany for up to 180 days in a 360-day period, without a German residence permit. The BAMF must be notified.⁵⁶</p> <p>Section 18f Residence Act: For a stay of more than 180 days and up to one year, a residence permit will be issued.⁵⁷</p>

Notes

1. This is the title of the relevant section. This brochure, however, deals exclusively with doctoral candidates who are partly also covered by section 16b Residence Act.
2. If the research activity is part of and connected with a doctoral degree programme (see section 19f (3) sentence 2 Residence Act)
3. See section 18b (1) and (2) Residence Act in conjunction with section 18 (2)
4. See section 18c (1) sentence 1 Residence Act
5. State and state-recognised universities as well as research institutions financed primarily by public funds are considered as recognised in the meaning of section 18d (1) Residence Act.
6. Doctoral candidates fall within the group of section 18d Residence Act only in those cases in which the research activity is not exclusively carried out for the purpose of preparing a doctoral dissertation. This would, for example, be the case, if the dissertation is produced within the frame of an employment contract. See section 19f (3) sentence 2 Residence Act
7. Generally, the granting of a residence permit presupposes the proof that the foreigner's subsistence is secure, including adequate health insurance coverage, without recourse to public funds for the time of his or her stay in Germany (see section 5 (1) no. 1 in conjunction with section 2 (3) Residence Act). This is deemed to be the case if the foreigner has sufficient financial resources available to cover the monthly needs pursuant to section 20 of Book II of the German Social Code (SGB II) plus adequate rental costs effectively paid.
8. Subsistence is deemed secure pursuant to section 2 (3) sentence 5 Residence Act, if the foreigner has funds in the amount of the monthly requirement as announced by the Federal Ministry of the Interior (BMI) in the Federal Gazette annually by 31 August for the following year (2020: student grant "BAföG" 853 €/month).
9. See section 18b (2). The Federal Ministry of the Interior (BMI) announces the minimum income for each calendar year by 31.12. of the previous year in the Federal Gazette.
10. Subsistence must be secured pursuant to section 9 (2) sentence 1 no.2 Residence Act.
11. See section 16b (1) sentence 4 Residence Act
12. See section 18c (1) sentence 1 no. 4 in conjunction with section 9 (2) sentence 1 no. 7 Residence Act. 'Sufficient' command of the German language refers to Level B1 of the Common European Framework of Reference for Languages (General Administrative Regulation to the Residence Act no 9.2.1.7.).
13. The Anabin database contains the degrees whose comparability has already been established, as well as further information on comparability: <http://anabin.kmk.org/anabin.html>.
14. See section 18b (2): The following is valid for all highly qualified employees with a university degree: With an appropriate income, consent by the Federal Employment Agency is not required.
15. See section 20 (2) Residence Act
16. See section 18d (1) sentence 1 no.1 a Residence Act
17. See section 18d (1) sentence 1 no.1 b Residence Act
18. The declaration of assumption of costs serves exclusively to cover claims in case of unlawful stay in the federal territory after termination of the regular stay for research purposes. The assumption of costs does not serve to provide evidence of secure subsistence during the research stay itself. For this, evidence of secure subsistence (see column 'Minimum income') must be provided separately (see section 18d (1) sentence 1 no. 2).
19. If the activity of the research institution is financed primarily from public funds, the presentation of the cost assumption declaration shall be waived (see Administrative Regulation no. 20.2.).
20. See section 16b (2) Residence Act
21. See section 18 (4) Residence Act
22. See section 18d (4) Residence Act
23. See section 16b (2) sentence 4 Residence Act
24. See section 20 (3) no. 1 Residence Act. The residence permit entitles the holder to pursue an economic activity during the period of its validity.
25. Please note that meanwhile the minimum income required may have increased since the initial issue (see note 9).
26. See section 20 (3) no. 2 Residence Act
27. See section 16b (3) sentence 1 Residence Act. Student secondary/part-time jobs include work limited to academic activities for university-related organisations with the subject matter relating to the studies (e.g. tutors working in halls of residence run by the student services organisation, counselling activities of university associations, student committees or the World University Service). Problems of definition should be clarified with the participation of the university.
28. See section 18d (5) Residence Act
29. See section 18b (2) sentence 1 and sentence 2 Residence Act
30. See section 18c (1) Residence Act
31. See section 18d (1) Residence Act
32. See esp. section 30 (1) no. 3 e) Residence Act: The marriage must have existed before the time the residence permit was granted, and the duration of the stay in the federal territory is expected to exceed one year.
33. See sections 27, 30 (1) sentence 1 no. 3 g), sentence 3 no. 5 Residence Act, section 32 (1) no. 5 Residence Act
34. See sections 27, 30 (1) sentence 1 no. 3 a) Residence Act, section 32 (1) no. 6 Residence Act
35. See sections 27, 30 (1) sentence 1 no. 3 c) Residence Act, section 32 (2) no. 2 Residence Act
36. See section 27 (5) Residence Act
37. In principle, proof of basic German language skills is required for spouses pursuant to section 30 (1) sentence 1 no. 2 Residence Act.
38. See section 32 (2) Residence Act
39. Language skills are not required if the stay is expected to be only temporary, see section 30 (1) sentence 3 no. 3 Residence Act.

40. See section 30 (1) sentence 3 no. 5 Residence Act
41. See section 30 (1) no. 2 Residence Act. This requirement may be waived in cases of little need for integration measures (e.g. proof of completed university studies of the spouse immigrating subsequently), see section 30 (1) sentence 3 no. 3 Residence Act, Administrative Regulation no. 30.1.4.2.3.1 and no. 43.4.4.2.
42. See section 1 (7) Parental Allowances and Parental Leave Act (BEEG)
43. See section 1 (7) sentence 1 no. 2a BEEG
44. See section 62 (2) Income Tax Act (EStG)
45. See section 62 (2) sentence 1 no. 2a EStG
46. See section 45 Ordinance on Residence (AufenthV)
47. Foreigners who receive a grant from public funds for their stay are exempt from the fees for the issuance of a visa or a resident title pursuant to section 52 (5) no.1 AufenthV.
48. See section 44 no.1 AufenthV
49. See section 18c (1) sentence 2 Residence Act
50. See section 18c (2) Residence Act in conjunction with section 9 Residence Act
51. Art. 27 REST-Directive (EU) 2016/801 in conjunction with the legal provisions for residence of the respective country of destination. Information relating to the procedure can be obtained from the university, the authorities or, if applicable, the embassy of the country of destination.
52. EU-Directive 2009/50, article 18
53. Art. 28, 29 REST-Directive (EU) 2016/801 in conjunction with the legal provisions for residence of the respective country of destination. Information relating to the procedure can be obtained from the university, the authorities or, if applicable, the embassy of the country of destination.
54. It depends on how the foreign university defines the doctoral degree phase. If it regards it as a doctoral university degree programme, section 16b Residence Act applies. In all other cases, section 18d Residence Act is relevant.
55. See section 16c (1) Residence Act. Notification is to be effected online via the BSCW-Server of the BAMF.
56. See section 18e (1) Residence Act. Notification is to be effected online via the BSCW-Server of the BAMF.
57. See section 18f (1) no.1 Residence Act

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