

Decision-making guide for residence permit applications

§ 16b AufenthG (German Residency Act) (Student)	§ 18d AufenthG (Researcher)
<p>To receive a residence permit as a student, a registration as a doctoral candidate or an enrollment at a university or college is necessary. To sustain the means of subsistence a monthly amount of at least 934 € (as of 2024) needs to be at the applicants disposal.</p>	<p>A researcher may be granted a residence permit for the purpose of academic research, if a hosting agreement or a contract with the content of a hosting agreement with an accredited research organization has been duly signed. The hosting agreement must also declare the liability of the research organization for all costs possibly arising. The researcher needs to sustain its livelihood without the possibility of making demands on social benefits in Germany.</p>
<p>The permit is issued for minimum one and maximum two years or until the end of the course. Employment is permitted for 140 full days a calendar year and is possible with any employer. Part-time employment is taken into account in the most favourable way, with half working days meaning working time of up to 4 hours. In addition, a student part-time job of up to 20 hours per week may be permitted.</p>	<p>The permit is issued for the validity of the hosting agreement. The employment is bound to the research organisation. Further employment is only possible in exceptional cases and with the permission of the alien authority.</p>
<p>After successful completion of studies, it is possible to switch to § 20 (3) AufenthG (a permit for jobseeking in Germany for 18 months, during which time all gainful employment is allowed).</p>	<p>If the research project is completed, the residence permit can be extended for 9 months for jobseeking. All gainful employment is allowed.</p>
<p>There is a so-called prohibition of change of purpose in employment according to section 19c (1) of the Residence Act in conjunction with the provisions of the Employment Ordinance (other employment purposes, regardless of qualifications). This means that the change to this right of residence is only possible after successful completion of the studies. It is possible to change to other purposes of residence if the necessary conditions are met.</p>	<p>A researcher can switch the residence permit if the stipulated requirements have been met.</p>
<p>The issuance of a permanent residence permit is required in accordance with Art. § 16b (4) sentence 2 of the Residence Act is generally excluded. The residence periods as per § 16d AufenthG are not taken into account at all, or only on a half basis, for settlement permits or naturalisation.</p>	<p>The issuance of a settlement permit in accordance with section 18c of the Residence Act requires 3 years of possession of a residence permit for qualified employment and contributions to the pension system over a period of 36 months. The issuance of a settlement permit for graduates of a German university degree in accordance with section 18c (1) sentence 2 of the Residence Act can be issued after 2 years if a residence permit has been issued for qualified employment during this period and at least 24 monthly contributions to the pension system have been made..</p>

<p>If the applicant graduates in fulltime in Germany, it is possible to perform a part of the studies in another EU-Memberstate without applying for a new residence permit. Prior notification to the host state is required. The possibility is not given for part-time studies.</p>	<p>A researcher with a valid german residence permit can perform research work in another EU-memberstate for maximum 180 days within a time frame of 360 days without applying for a new residence permit. Prior notification to the host state is required.</p>
<p>The subsequent immigration of spouses is only possible if the marriage already existed before the Principal entered Germany and the duration of the stay is expected to exceed one year. No child allowance or parental allowance can be received on this permit.</p>	<p>Your spouse may immigrate without having to meet any deadlines or prove their German language skills. They are also allowed to take up gainful employment.</p>

Last name: _____

First name: _____

I was advised by Ms/Mr _____ today regarding issue of the aforementioned residence permits.

I have decided to apply for § 16b AufenthG

§ 18d AufenthG

Dresden, on _____

Customer signature

Agent signature