

## Decision-making guide for residence permit applications

<b>§ 16b (1) AufenthG (German Residency Act) (Student)</b>	<b>§ 18d AufenthG (Researcher)</b>
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 853 € (as of 2020) needs to be at the applicants disposal.	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.
The permit is issued for minimum one and maximum two years. Gainful employment is permitted for 120 full days or 240 half days, at any employer. Student part-time work can additionally be permitted .	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.
After successful completion of studies, it is possible to switch to § 16 (5) AufenthG (a permit for jobseeking in Germany for 18 months, during which time all gainful employment is allowed).	If the research project is completed, the residence permit can be extended for 9 months for jobseeking. All gainful employment is allowed.
A switch to another residence permit is only possible once studies have been successfully completed <u>or</u> if there is a legal claim to the title (for example for an Blue Card EU) <u>or</u> if a apprenticeship for a shortage occupation will be started.	A researcher can switch the residence permit if the stipulated requirements have been met.
The residence periods as per § 16 AufenthG are not taken into account at all, or only on a half basis, for settlement permits or naturalisation.	A permanent permit as per § 9 AufenthG may be applied for after five years if its stipulated requirements have been met. A permanent permit as per § 19a AufenthG is possible after 21 or 33 months (depending on the level of German Language skills) if the requirements of § 19a AufenthG have been fulfilled for the whole time. It is not possible to gain a permanent permit as per § 18b AufenthG as a researcher.
If the applicant graduates in fulltime in Germany, it is possible to perform a part of the studies in another EU-memberstate for 360 days without applying for a new residence permit . The possibility is not given for part-time studies.	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.
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.	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.

Last name: \_\_\_\_\_

First name: \_\_\_\_\_

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

I have decided to apply for  § 16 (1) AufenthG

§ 20 AufenthG

Dresden, on \_\_\_\_\_

\_\_\_\_\_  
Customer signature

\_\_\_\_\_  
Agent signature