

## Migration Policies in Germany 2017-2019

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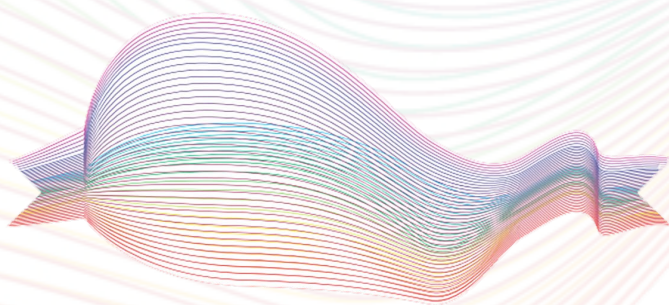
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# IMISEM

EVERY IMMIGRANT IS AN EMIGRANT  
How Migration Policies Shape  
the Paths to Integration

IMISEM CASE REPORT  
Migration Policies in

## Germany

2017-2019

Coordinated by:


Luicy Pedroza  
Pau Palop-García  
So Young Chang

January 2022

# G I G A

German  Institute for Global and Area Studies  
Leibniz-Institut für Globale und Regionale Studien

## Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: [www.imisem.info](http://www.imisem.info) as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

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## **About IMISEM**

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” \* two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

## **The IMISEM case sample**

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

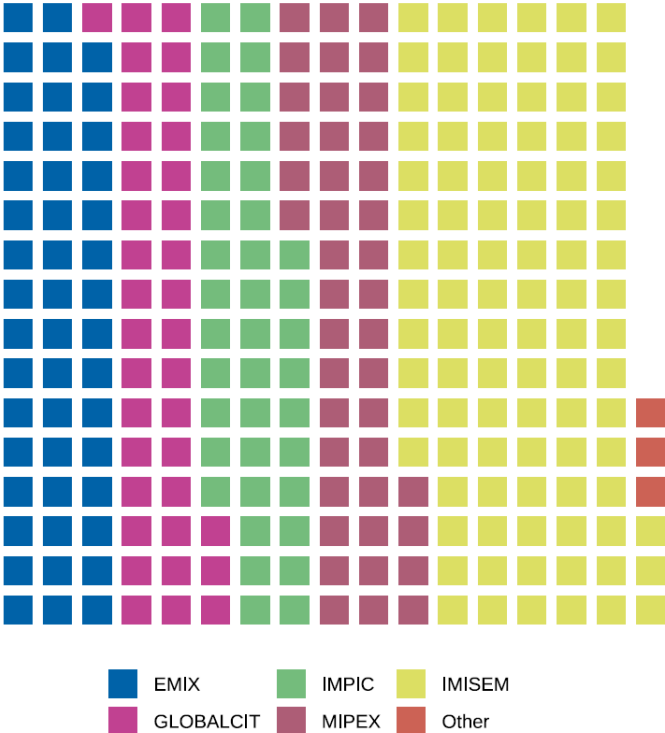
## **About the IMISEM Questionnaire**

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

## Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

**Answer:** this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

**Code:** this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

**Explanation:** this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

**Sources:** this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

## Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[ ]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

## **Varieties of Standard English**

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

## **Contact**

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: [lpedroza@colmex.mx](mailto:lpedroza@colmex.mx) or find us through our ORCID numbers:

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# 1. Emigration policies

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## 1.1. General

**EMIGRATION\_1: The attempt to leave the country is punishable by law.**

Answer: No

Code: 1

Explanation: An exit ban can be imposed in Germany both against foreigners living there and against Germans, but only be enforced if there is a risk that the person concerned will leave the country even though he still has debt obligations, for example, to the tax office. The exit ban is usually implemented by the confiscation of the passport, which is the only required document to leave the country. This regulated for foreigners according to § 48 AufenthG and for Germans according to § 10 PassG.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Reisepässe und Personalausweise [Passports and ID Cards]". Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/-/1908354>.

**EMIGRATION\_2: Exit fees.**

**Prospective emigrants need to pay a fee before emigrating.**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Leben und Arbeiten im Ausland [Living and Working Abroad]". Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/-/2006466>.

**Amount of the fee in country of origin currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the fee in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Prospective emigrants need to make a deposit before emigrating:**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Reisepässe und Personalausweise [Passports and ID Cards]". Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/-/1908354>.

**Amount of the deposit in the currency of the country of origin:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the deposit in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_3: Citizens can only stay abroad for a given maximum of days.**

**Citizens can only stay abroad for a given maximum of days**

Answer: No

Code: 1

Explanation: No maximum to stay abroad.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Leben und Arbeiten im Ausland [Living and Working Abroad]". Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/-/2006466>.

**Maximum number of days that citizens can stay abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 1.2. Documentation

### 1.2.1. Passport

**EMIGRATION\_4: Cost of ordinary passport.**

**Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 37.5

Code: 37.5

Explanation: In Germany, the cost of a passport depends on the number of pages, not on the duration of validity (standard validity is 10 years). The shortest one, with 32 pages, costs 60 Euros for applicants below 24 years of age and 37.50 for applicants above that age. From abroad, there is an added cost of 21 Euros; thus, the cost is 81 Euros for applicants below 24 years of age; 58.50 for applicants above that age.

Sources: Allgemeine Verwaltungsvorschrift Zum Staatsangehörigkeitsrecht (StAR-VwV) Vom 13. Dezember 2000 [General Administrative Regulation on Citizenship Law (StAR-VwV) of December 13, 2000]. 2000.

**Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 42

Code: 42

Explanation: In Germany, the cost of a passport depends on the number of pages, not on the duration of validity (standard validity is 10 years). The shortest one, with 32 pages, costs 60 Euros for applicants below 24 years of age and 37.50 for applicants above that age. From abroad, there is an added cost of 21 Euros; thus, the cost is 81 Euros for applicants below 24 years of age; 58.50 for applicants above that age.

Sources: Allgemeine Verwaltungsvorschrift Zum Staatsangehörigkeitsrecht (StAR-VwV) Vom 13. Dezember 2000 [General Administrative Regulation on Citizenship Law (StAR-VwV) of December 13, 2000]. 2000.

**EMIGRATION\_5: Maximum length of procedure to process passport.**

**Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):**

Answer: No

Code: 0

Explanation: A minimum of 2 weeks is stated, but no maximum. The standard procedure rarely exceeds 2-3 weeks. There is, however, a possibility to get an express passport within three days or a provisional one, if needed.

Sources: Bundesministerium des Innern [Federal Ministry of the Interior]. "Der deutsche Reisepass [The German Passport]". Accessed June 15, 2018. <http://www.bmi.bund.de/DE/themen/moderne-verwaltung/ausweise-und-paessee/reisepass/reisepass-artikel.html?nn=9392414>.

#### **Maximum length of procedure to process passport (in days):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Maximum length of procedure to process passport (by categories):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRATION\_6. Renewal of passport from abroad is possible:**

Answer: Yes

Code: 1

Explanation: The responsible authority to issue a passport abroad is the German diplomatic mission (consular department of an embassy or consulate general), in whose district the applicant is a permanent resident. Some honorary consuls also have the technical prerequisites for processing passport applications and forwarding them to the responsible foreign representation. Passports must be requested personally in the consular office abroad. The corresponding application forms and information about the documents to be submitted can be found on the website of the respective foreign mission. The personal appearance of applicants at the passport authority is required for electronic fingerprint capture and for the purpose of secure identification. Representation by a proxy is usually excluded.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Reisepässe und Personalausweise [Passports and ID Cards]". Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/-/1908354>.



### 1.2.2. Other requirements

#### **EMIGRATION\_7. Local police certificate is necessary to emigrate:**

Answer: No

Code: 1

Explanation: Only the passport is necessary.

Sources: Paßgesetz [Passport Law]. 1986 (2011). Art. 1.

#### **EMIGRATION\_8. Superior/employer's permission is necessary to emigrate:**

Answer: No

Code: 1

Explanation: Only the passport is necessary.

Sources: Paßgesetz [Passport Law]. 1986 (2011). Art. 1.

#### **EMIGRATION\_9. Proof of income is necessary to emigrate:**

Answer: No

Code: 1

Explanation: Only the passport is necessary.

Sources: Paßgesetz [Passport Law]. 1986 (2011). Art. 1.

#### **EMIGRATION\_10. Registration abroad is mandatory.**

Answer: No

Code: 1

Explanation: There is a Register of Germans Abroad [Elektronischen Erfassung von Deutschen im Ausland (Elefant)], but registry is only recommended, not mandatory.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Auswärtiges Amt - Tragen Sie sich in die Krisenvorsorgeliste ein! [Federal Foreign Office - Sign up on the crisis Prevention List!]" Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/elefant/301844>.

### 1.3. Quotas and restrictions

#### **EMIGRATION\_11. Quotas to emigrate based on ethnicity.**

**Quotas to emigrate based on ethnicity exist in the country:**

Answer: No

Code: 1

Explanation: No quotas to emigrate exist based on ethnicity. The Constitution declares freedom to move in the country and says nothing about the freedom to leave the country, but also there is no restriction of it for anyone, except for persons suspected of being a security risk for the country of internationally, but the mechanism to restrict their movement would be to deny them the passport.

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017).

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_12: Quotas to emigrate based on income.**

**Quotas to emigrate based on income exist in the country:**

Answer: No

Code: 1

Explanation: No quotas to emigrate exist based on income.

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017). Art. 11.

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_13. Those who are liable for military conscription are allowed to emigrate:**

Answer: Not applicable (no military conscription in country of study)

Code: Not applicable

Explanation: No military conscription exists in Germany since 2011. Ever since, there is an obligation to military service only in the event of tension or defense.

Sources: Wehrpflichtgesetz (WPfIG) [Military Service Law and Conscription Act]. 1956 (2011).

#### **EMIGRATION\_14: Banned countries for emigration.**

**There are countries that are banned as destination for emigrants:**

Answer: No

Code: 1

Explanation: There are no banned destinations; only travel warnings.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Aktuelle Reisewarnungen [Current Travel Warnings]". Accessed June 6, 2019. <https://www.auswaertiges-amt.de/de/ReiseUndSicherheit/10.2.8Reisewarnungen>.

#### **List of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Number of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRATION\_15. Higher education graduates must pay an education tax (or compensation) to be able to emigrate:**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017). Art. 11.

**EMIGRATION\_16. Recipients of state scholarship are banned from emigrating:**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Bundesministerium für Bildung und Forschung [Federal Ministry of Education and Research]. 2018. "Auslandsförderung – Bafög [Foreign Funding - Bafög]". Accessed June 15, 2018. <https://www.xn--bafg-7qa.de/de/auslandsfoerderung-384.php>.

**EMIGRATION\_17: Ban for specific civil professional groups.**

**There is an emigration ban for specific professional group(s):**

Answer: No

Code: 1

Explanation: No ban for any profession exists.

Sources: JuraForum.de. "Ausreiseverbot: Definition, Begriff und Erklärung [Exit Ban: Definition, Term and Explanation]". Accessed June 15, 2018. <https://www.juraforum.de/lexikon/ausreiseverbot>.

**There is a ban for medical doctors:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**There is a ban for other professions:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_18. The ban can be overcome by a letter signed by a supervisor:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_19. The ban can be overcome by a letter signed by an official authority.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **1.4. Policy incentives**

**EMIGRATION\_20. Existence during 2017 of campaigns to encourage emigration:**

Answer: No

Code: 0

Explanation: No information campaigns exist to encourage emigration.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Leben und Arbeiten im Ausland [Living and Working Abroad]". Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/-/2006466>.

**EMIGRATION\_21. Existence during 2017 of campaigns to discourage emigration:**

Answer: No

Code: 0

Explanation: No campaigns exist to discourage emigration.

Sources: Auswärtiges Amt, 2018. 'Leben und Arbeiten im Ausland'. Auswärtiges Amt DE. 15 May 2018. Accessed 15 June 2018. <https://www.auswaertiges-amt.de/de/-/2006466>.

**EMIGRATION\_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):**

Answer: Yes

Code: 1

Explanation: Anyone who would like to advise businesspeople in Germany on a long-term basis needs a permit from the Federal Office of Administration (Bundesverwaltungsamt). This is regulated by the Emigration Protection Act (AuswSG) since 1975. Since the amendment of the AuswSG in 2013, permission to emigrate is only granted by the Federal Government.

Sources: Bundesverwaltungsamt [Federal Office of Administration]. "Auswanderer [Emigrants]". Accessed January 18, 2019. [https://www.bva.bund.de/DE/Das-BVA/Aufgaben/A/Auswanderer\\_Auslandstaetige/auswanderer\\_node.html](https://www.bva.bund.de/DE/Das-BVA/Aufgaben/A/Auswanderer_Auslandstaetige/auswanderer_node.html).

#### **EMIGRATION\_23: Emigration lump sum.**

##### **State of origin pays a lump sum incentive to citizens willing to emigrate:**

Answer: No

Code: 0

Explanation: This does not exist.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Leben und Arbeiten im Ausland [Living and Working Abroad]". Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/-/2006466>.

##### **Register the amount of the sum in country currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Register the amount of the sum in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRATION\_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Deutsche im Ausland e.V [Germans Abroad]. "Haftpflichtversicherung [Liability Insurance]". Accessed June 15, 2018. <https://www.deutsche-im-ausland.org/absicherung-und-finanzen/versicherung-im-ausland/haftpflichtversicherung.html>. / Deutsche im Ausland e.V [Germans Abroad]. "Leistungen im Wohnortstaat [Benefits in the Country of Residence]". Accessed June 15, 2018. <https://www.deutsche-im-ausland.org/nc/im-ausland-leben-und-arbeiten/ruhestand-im-ausland/leistungen-im-wohnotstaat.html>.

## 1.5. Penalties

### **EMIGRATION\_25: Loss of private property.**

#### **Risk of losing real state in case of emigration:**

Answer: No

Code: 1

Explanation: No risk of this kind exists. On the contrary, there are many private insurances available to leave property protected against several kinds of risks.

Sources: Deutsche im Ausland e.V [Germans Abroad]. "Haftpflichtversicherung [Liability Insurance]". Accessed June 15, 2018. <https://www.deutsche-im-ausland.org/absicherung-und-finanzen/versicherung-im-ausland/haftpflichtversicherung.html>.

#### **Risk of losing bank accounts in case of emigration:**

Answer: No

Code: 1

Explanation: No risk of this kind exists. On the contrary, there are many private insurances available to leave property protected against several kinds of risks.

Sources: Deutsche im Ausland e.V [Germans Abroad]. "Haftpflichtversicherung [Liability Insurance]". Accessed June 15, 2018. <https://www.deutsche-im-ausland.org/absicherung-und-finanzen/versicherung-im-ausland/haftpflichtversicherung.html>.

### **EMIGRATION\_26: Re-entry ban.**

#### **Existence of a re-entry ban after residence abroad for nationals by naturalization:**

Answer: No

Code: 1

Explanation: Any German with a passport can reenter the country.

Sources: Paßgesetz [Passport Law]. 1986 (2011).

**Re-entry ban applies after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals by birth:**

Answer: No

Code: 1

Explanation: Any German with a passport can reenter the country.

Sources: Paßgesetz [Passport Law]. 1986 (2011).

**Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:**

Answer: No

Code: 1

Explanation: Any German with a passport can reenter the country.

Sources: Paßgesetz [Passport Law]. 1986 (2011).

**Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**EMIGRATION\_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:**

Answer: No

Code: 1

Explanation: Not applicable

Sources: Not applicable

## **1.6. Administration**

**EMIGRATION\_28. Existence of institution/agency with competencies for exit and/or emigration:**

**Existence of institution/agency with competencies for exit and/or emigration:**

Answer: Yes

Code: 1

Explanation: The Ministry of Foreign Affairs: Auswärtiges Amt.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Leben und Arbeiten im Ausland [Living and Working Abroad]". Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/-/2006466>.

**Name of the institution with competencies for exit and/or emigration in original language:**

Answer: Auswärtiges Amt

**Name of the institution with competencies for exit and/or emigration in English:**

Answer: Ministry of Foreign Affairs

**Place in the administrative hierarchy:**

Answer: 1st Rank in the public administration in the country (e.g. Ministry)

Code: 1

Explanation: Ministry.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Leben und Arbeiten im Ausland [Living and Working Abroad]". Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/-/2006466>.

## 2. Emigrant policies

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### 2.1. Policies of representation

#### 2.1.1. Electoral rights

**EMIGRANT\_1. Voting is mandatory for citizens residing abroad:**

Answer: No

Code: 0

Explanation: Not applicable

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017). Art. 116.

**Does the country have presidential elections?**

Answer: No, the country has a parliamentary system

Code: 2

**Does the country have a bicameral system (e.g. composed of a lower house and an upper house, or an originating chamber and a reviewer chamber)?**

Answer: Yes

Code: 1

#### *Presidential elections*

**EMIGRANT\_2. Can non-resident citizens vote in national presidential elections from abroad?**

Answer: Not applicable.

Code: Not applicable.

Explanation: Not applicable.

Sources: Not applicable.

**EMIGRANT\_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?**

Answer: Not applicable.

Code: Not applicable.

Explanation: Generally enfranchised.

Sources: Source missing

### *Legislative elections*

#### Lower house (National Elections)

##### **EMIGRANT\_4. Can non-resident citizens vote in national legislative elections (lower house) from abroad?**

Answer: Generally enfranchised

Code: 1

Explanation: Generally enfranchised

Sources: Bundeswahlgesetz (BwahlG) [Federal Election Act].1956 (2018). Sec. 15.

##### **EMIGRANT\_5. Can non-resident citizens stand as candidates in national legislative elections (lower house) from abroad?**

Answer: Generally enfranchised

Code: 1

Explanation: Generally enfranchised.

Sources: Bundestag, Wissenschaftliche Dienste [Federal Parliament, Scientific Services]. "Parlamentarische Vertretung Der Auslandsdeutschen [Parliamentary Representation of Germans Abroad]". Accessed June 6, 2019. <https://www.bundestag.de/resource/blob/425162/291ed982e6278d3cea9dda8caff08269/wd-3-090-16-pdf-data.pdf>.

#### Upper house (National Elections)

##### **EMIGRANT\_6. Can non-resident citizens vote in national legislative elections (upper house) from abroad?**

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_7. Can non-resident citizens stand as candidates in national legislative elections (upper house) from abroad?**

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Registration*

**EMIGRANT\_8. Registration in the electoral roll for non-resident citizens:**

Answer: Active registration, frequent renewal (for every election)

Code: 0

Explanation: Not applicable

Sources: Bundestag, Wissenschaftliche Dienste [Federal Parliament, Scientific Services]. "Das Wahlrecht Der Auslandsdeutschen zum Deutschen Bundestag gemäß § 12 Abs. 2 Satz 1 BWahlG [The Right to Vote for Germans Living Abroad in the German Bundestag according to § 12 para. 2 sentence 1 BWahlG]". Accessed date not available. <https://www.bundestag.de/resource/blob/423388/66e1d53be6617955212d6c18e008eeb0/WD-3-076-15-pdf-data.pdf>.

*Remote voting*

**EMIGRANT\_9. Voting methods from abroad:**

**Voting methods available to cast votes from abroad - Electronic voting:**

Answer: No

Code: 0

Explanation: Only postal voting is available.

Sources: Der Bundeswahlleiter [The Federal Returning Officer]. "Wahlrecht Für Deutsche Im Ausland [Right to Vote for Germans Abroad]". Accessed June 6, 2019. <https://www.bundeswahlleiter.de/info/presse/mitteilungen/europawahl-2014/2014-04-11-wahlrecht-fuer-deutsche-im-ausland.html>.

**Voting methods available to cast votes from abroad - Proxy voting:**

Answer: No

Code: 0

Explanation: Only postal voting is available.

Sources: Der Bundeswahlleiter [The Federal Returning Officer]. "Wahlrecht Für Deutsche Im Ausland [Right to Vote for Germans Abroad]". Accessed June 6, 2019. <https://www.bundeswahlleiter.de/info/presse/mitteilungen/europawahl-2014/2014-04-11-wahlrecht-fuer-deutsche-im-ausland.html>.

#### **Voting methods available to cast votes from abroad - Postal voting:**

Answer: Yes

Code: 1

Explanation: Postal voting is available.

Sources: Der Bundeswahlleiter [The Federal Returning Officer]. "Wahlrecht Für Deutsche Im Ausland [Right to Vote for Germans Abroad]". Accessed June 6, 2019. <https://www.bundeswahlleiter.de/info/presse/mitteilungen/europawahl-2014/2014-04-11-wahlrecht-fuer-deutsche-im-ausland.html>.

#### **Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:**

Answer: No

Code: 0

Explanation: Only postal voting is available.

Sources: Der Bundeswahlleiter [The Federal Returning Officer]. "Wahlrecht Für Deutsche Im Ausland [Right to Vote for Germans Abroad]". Accessed June 6, 2019. <https://www.bundeswahlleiter.de/info/presse/mitteilungen/europawahl-2014/2014-04-11-wahlrecht-fuer-deutsche-im-ausland.html>.

#### **Voting methods available to cast votes from abroad - Ad hoc polling stations:**

Answer: No

Code: 0

Explanation: Only postal voting is available.

Sources: Der Bundeswahlleiter. 2014. 'Wahlrecht Für Deutsche Im Ausland - Der Bundeswahlleiter'. 2014. Accessed 6 June 2019. <https://www.bundeswahlleiter.de/info/presse/mitteilungen/europawahl-2014/2014-04-11-wahlrecht-fuer-deutsche-im-ausland.html>.

### *Special representation*

**EMIGRANT\_10: Emigrant special representation.**

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's lower house?**

Answer: No

Code: 0

Explanation: If the votes cast by non-resident citizens are counted together with those cast by resident citizens in the national territory.

Sources: Der Bundeswahlleiter. 2014. 'Wahlrecht Für Deutsche Im Ausland - Der Bundeswahlleiter'. 2014. Accessed 6 June 2019. <https://www.bundeswahlleiter.de/info/presse/mitteilungen/europawahl-2014/2014-04-11-wahlrecht-fuer-deutsche-im-ausland.html>.

**Number of special seats reserved for non-resident candidates in the lower house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the lower house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's upper house?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special seats reserved for non-resident candidates in the upper house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the upper house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Remote voting implementation*

**EMIGRANT\_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):**

Answer: yes

Code:

Explanation: External voting rights are implemented in Germany. The last election in which they participated as the EP election of 2014; and the German Bundestag elections of 2017.

Sources: Der Bundeswahlleiter [The Federal Returning Officer]. "Briefwahl [Postal Vote]". Accessed June 6, 2019. <https://www.bundeswahlleiter.de/bundestagswahlen/2017/informationen-waehler/briefwahl.html#c45c0e70-8947-4b2b-a9c2-dc635fdf4b8d>.

**EMIGRANT\_12. In case external voting has not been implemented after its adoption, what are the main reasons?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**2.1.2. Regulation of political competition abroad**

*Party offices in the state of reception*

**EMIGRANT\_13. Offices of political parties are legally allowed abroad:**

Answer: No specific regulation of offices abroad

Code: 0.5

Explanation: It is not legally forbidden in the PartG, so it seems to be allowed, and these offices take different forms. There are “friend circles” of parties abroad, but these are not an immediate part of the party that can automatically influence the inner-party decision-making and not necessarily restricted to German nationals abroad. For instance, the SPD has “international groups of friends offering German citizens living abroad access to and opportunities to participate. They cultivate and intensify the contact to the related parties abroad”. On the other hand, there are “international local associations of the SPD” (Ortsvereine) which are however domiciled with some local party association in Germany (for instance, in Bonn “for members who only temporarily stay abroad or whose professional activity leads to a regular change of the country of residence organize themselves“. or the Ortsverein in Brussels is domiciled with the North-Rhine Westfalia, in Aachen. The CDU has also Circles of Friends abroad and one Auslandskreisverband in Brussels.

Sources: Sozialdemokratische Partei Deutschlands (SPD) [Social Democratic Party of Germany]. “Die SPD im Ausland [The SPD Abroad]”. Accessed September 26, 2018. <https://www.spd.de/partei/organisation/auslandsfreundeskreise/>. / Sozialdemokratische Partei Deutschlands (SPD) Aachen [Social Democratic Party of Germany, Aachen]. “Ortsverein Brüssel-SPD Aachen | Echt Aachen [Brussels Local Association- SPD Aachen | Real Aachen]”. Accessed September 26, 2018. <http://www.spd-aachen.eu/ortsvereine/bruessel/>. / Sozialdemokratische Partei Deutschlands (SPD) [Social Democratic Party of Germany]. “Ortsverein Brüssel [Brussels Local Association]”. Accessed September 26, 2018. <https://spd-bruessel.eu/ortsverein/>. / Parteiengesetz [Political Parties Law]. 1994 (2017). Sec. 15.

**EMIGRANT\_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:**

Answer: Yes

Code: 1

Explanation: TOffices abroad exist (e.g. SPD).

Sources: Sozialdemokratische Partei Deutschlands (SPD) [Social Democratic Party of Germany]. “Die SPD im Ausland [The SPD Abroad]”. Accessed September 26, 2018. <https://www.spd.de/partei/organisation/auslandsfreundeskreise/>.

**EMIGRANT\_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).**

Answer: CDU: Australia, Belgium, France, Greece, UK, Guatemala, Italy, Canada, Luxembourg, Mexico, Namibia, Austria, Poland, Switzerland, Spain, South Africa, Turkey, USA, United Arab Emirates. SPD: Austria, Belgium (Ortsverein (OV) Brüssel with 240 membrs), China, Czech Republic, France (PD Freundeskreis in Paris with 100 members), Israel, Luxembourg, Norway, Russia, Spain, Switzerland, UK, USA (SPD-Freundeskreis New York). In progress to get formed in: Bulgaria, Vietnam, Netherland, Sweden, Poland, Rumania and South Africa. AfD: seems to lack this.

Sources: Sozialdemokratische Partei Deutschlands (SPD) [Social Democratic Party of Germany]. “Die SPD im Ausland [The SPD Abroad]”. Accessed September 26, 2018. <https://www.spd.de/partei/organisation/auslandsfreundeskreise/>. / Christlich Demokratische Union Deutschlands (CDU) [Christian Democratic Union]. “Fragen und Antworten zur Mitgliedschaft [Questions and Answers about Membership]”. Accessed September 26, 2018. <https://www.cdu.de/artikel/fragen-und-antworten-zur-mitgliedschaft>.



**EMIGRANT\_16. Could external party offices receive public funding from state of origin?**

Answer: No specific regulation

Code: 0.5

Explanation: Parties in Germany are funded partly by the state and partly by their members. Whether this financing reaches their offices abroad depends on the party and its linkages to its offices abroad. For the SPD, it seems they depend on the offices they have which are domiciled within Germany.

Sources: Consultation with Alexander Petring, SPD Member Working at the Willy Brandt Haus. July 2018.

*Political campaigns*

**EMIGRANT\_17. Electoral campaigns abroad for home elections are legally regulated:**

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: No specific regulation of campaigns abroad.

Sources: Rath, Christian. "Deutsche Wahlkampfauftritte im Ausland: Die Regierung muss neutral sein [German Campaign Appearances Abroad: The Government must be Neutral]". Accessed September 26, 2018. <https://www.taz.de/!5390320/>.

**EMIGRANT\_18. Actual existence of campaigns abroad for home elections:**

Answer: Yes

Code: 1

Explanation: They exist. SPD, Greens, FDP and CDU mobilise their friends' circles abroad and offices to organize events with German politicians, in Brussels, Washington, Paris, Mallorca, Milan, etc. They also create websites and are active on social networks.

Sources: Kamann, Matthias. "Bundestagswahl: Parteien Buhlen Um Wahlmüde Auslandsdeutsche [Federal Parliament Election: Political Parties Wooing Germans from Abroad who are tired of Voting]". Accessed September 26, 2018. <https://www.welt.de/politik/deutschland/article4263775/Parteien-buhlen-um-wahlmuede-Auslandsdeutsche.html>.

**EMIGRANT\_19. Existence of public funding for electoral campaigns in state of residence:**

Answer: No mention to public funding for campaigns abroad in main electoral regulations

Code: 0.5

Explanation: Parties in Germany are funded partly by the state and partly by their members. Whether this financing reaches their offices abroad depends on the party and its linkages to its offices abroad. For the SPD, it seems they depend on the offices they have which are domiciled within Germany.

Sources: Consultation with Alexander Petring, SPD Member Working at the Willy Brandt Haus. July 2018.

### *Membership in political parties*

#### **EMIGRANT\_20. Emigrant membership to home country political parties:**

Answer: Legally allowed AND same status for emigrants as for residents

Code: 1

Explanation: It is possible. Here, the SPD states it clearly for potential members from abroad: "If you are a German citizen, you can become a member of the SPD regardless of your place of residence. Double membership with a party affiliated with the PES or the SI is easily possible. But also persons without German nationality can become a member of the SPD, even if they have their residence outside of Germany".

Sources: Sozialdemokratische Partei Deutschlands (SPD) [Social Democratic Party of Germany]. "Die SPD im Ausland [The SPD Abroad]". Accessed September 26, 2018. <https://www.spd.de/partei/organisation/auslandsfreundeskreise/>.

### **2.1.3. Consultative bodies**

#### **2.1.4. Consultative bodies at the national level**

#### **EMIGRANT\_21. Existence of a consultative body on emigrant issues:**

Answer: No

Code: 0

Explanation: No consultation body exists in Germany.

Sources: Consultation with Anonymous, Auswärtiges Amt Bürgerservice [Foreign Office, Citizen Service]. September 26, 2018.

#### **EMIGRANT\_22. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_23. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_24. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_27. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Consultative bodies at the consular level*

**EMIGRANT\_28. Existence of a consultative body of emigrants at the consular level.**

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_29. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_30. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_31. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_34. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 2.1.5. Funding of emigrant associations

#### **EMIGRANT\_35. Existence of consular support (in kind or financial) to independent emigrant associations**

Answer: No

Code: 0

Explanation: No such support exists.

Sources: Phone call to Bürgerservice Auswärtiges Amt

## 2.2. Economic Policies

### 2.2.1. Remittances

#### **EMIGRANT\_36. Government program/strategy to attract remittances from emigrants.**

##### **Existence of a government program to attract remittances from emigrants:**

Answer: No

Code: 0

Explanation: No government program/strategy to attract remittances from emigrants exists to date in Germany. There is no mention of remittances on webpages dedicated to Germans abroad. In private websites, there is no mention of other means than private to transfer money to Germany from abroad. For instance: 'Kreditkarte und Konto kostenlos für im Ausland lebende Deutsche' (2018).

Sources: Reisekreditkarten-vergleich Blog. "Kreditkarte und Konto kostenlos für im Ausland lebende Deutsche [Free Credit Card and Account for Germans Living Abroad]". Access date not available. <https://reisekreditkarten-vergleich.de/tipps/kreditkarte-und-konto-kostenlos-fuer-im-ausland-lebende-deutsche/>.

##### **Measures to improve banking channels for remittances:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Existence of fee controls for remittances:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **2.2.2. Investment**

### **EMIGRANT\_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):**

Answer: No

Code: 0

Explanation: No such program found in the government agencies responsible for Germans abroad.

Sources: Auswärtiges Amt [Ministry of Foreign Affairs]. "Leben und Arbeiten im Ausland [Living and Working Abroad]". Accessed June 15, 2018. <https://www.auswaertiges-amt.de/de/-/2006466>.

## **2.2.3. Brain circulation networks**

### **EMIGRANT\_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?**

Answer: No

Code: 0

Explanation: No state-led program was found. Only private organizations (e.g. German Scholars Organization E.V.) exist, although there is more talk about creating programs to lure back highly qualified German emigrants.

Sources: Bundesministerium für Wirtschaft und Energie [Federal Ministry for Economic Affairs and Energy]. "Pressemitteilung: Burgbacher: Fachkräftemangel angehen - deutsche Hochqualifizierte aus dem Ausland zurückgewinnen! [Press release: Burgbacher: Addressing the Shortage of Skilled Workers - Winning back German Highly Qualified People from Abroad!]" . Accessed November 26, 2018. <https://www.pressebox.de/pressemitteilung/bundesministerium-fuer-wirtschaft-und-technologie-bmwi/Burgbacher-Fachkraeftemangel-angehen-deutsche-Hochqualifizierte-aus-dem-Ausland-zurueckgewinnen/boxid/423038>.

## 2.2.4. Return policies

**EMIGRANT\_39. Recognition of academic and professional qualifications acquired in the state of residence:**

**Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:**

Answer: Yes

Code: 1

Explanation: As a rule, the chambers are responsible for the examination of equivalency in training occupations in the dual system according to the Professional Qualifications Assessment Act (BQFG). In the regulated professions - occupations such as physicians or nurses for whom access to the profession is governed by the state - the competence is based on the relevant specialist law and the provisions of the federal states. An online "finder" helps applicants identify the relevant agency (depends on the profession and desired place of residence). If there are missing documents for an equivalence check, a qualification analysis can be applied. Such procedure mainly concerns the non-regulated professions. The process can be started abroad or in Germany. It is foreseen that a process of recognition of qualification lasts a maximum of three months.

Sources: Bundesministerium für Bildung und Forschung- Anerkennung in Deutschland (Das Informationsportal der Bundesregierung zur Anerkennung ausländischer Berufsqualifikationen) [Federal Ministry of Education and Research- Recognition in Germany (The Information Portal of the Federal Government for the Recognition of Foreign Professional Qualifications)]. "Anerkennungsverfahren [Recognition Procedure]". Accessed November 26, 2018. <https://www.anerkennung-in-deutschland.de/html/de/anerkennungsverfahren.php>.

**Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:**

Answer: 6 months or less

Code: 1

Explanation: It is foreseen that a process of recognition of qualification lasts a maximum of three months.



Sources: Bundesministerium für Bildung und Forschung- Anerkennung in Deutschland (Das Informationsportal der Bundesregierung zur Anerkennung ausländischer Berufsqualifikationen) [Federal Ministry of Education and Research- Recognition in Germany (The Information Portal of the Federal Government for the Recognition of Foreign Professional Qualifications)]. "Anerkennungsverfahren [Recognition Procedure]". Accessed November 26, 2018. <https://www.anerkennung-in-deutschland.de/html/de/anerkennungsverfahren.php>.

**EMIGRANT\_40. Communication campaigns aiming to convince emigrants to return to home country:**

Answer: No

Code: 0

Explanation: Not properly a communication campaign, but the Federal Government's portal [make-it-in-Germany.com](http://www.make-it-in-germany.com) has some information that is useful for German professionals returning to the country. The Bundesverwaltungsamt also lists many sources that are helpful for returnees. Also, some Länder seem to have programs ("return to Bavaria"), but no Federal program is in place. Also, the Federal Agency for Employment/Work (Bundesagentur für Arbeit) offers an online consultation service for potential returnees and an online welcome center. So far this mostly consists of a website that has put together some basic information, and a potential brokering service by the BfA to find job offers for the applicant. Make it in Germany is the German government's portal for qualified professionals from around the world. This multilingual portal provides comprehensive information about entry and visa procedures, finding jobs, and life in Germany.

Sources: Make it in Germany. "Working, Studying, Living in Germany". Accessed June 6, 2019. <https://www.make-it-in-germany.com/en/>. / Bundesverwaltungsamt [Federal Office of Administration]. "Informationen Für Auswanderer Und Rückkehrer Nach Deutschland [Information for Emigrants and Returnees to Germany]". Accessed June 6, 2019. [https://www.bva.bund.de/DE/Das-BVA/Aufgaben/A/Auswanderer\\_Auslandstaetige/\\_documents/Laenderauswahl/Laender\\_Deutschland\\_Inhalt.html?nn=44616](https://www.bva.bund.de/DE/Das-BVA/Aufgaben/A/Auswanderer_Auslandstaetige/_documents/Laenderauswahl/Laender_Deutschland_Inhalt.html?nn=44616).

**EMIGRANT\_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:**

Answer: Yes

Code: 1

Explanation: The DAAD has a scholarship for returnees (Rückkehrstipendium) with a PhD or higher qualifications (post-doc), that varies according to age, from 1365 to 1,500 Eur monthly for up to six months, with special benefits for single parents or/and for each child. No support for moving costs is given. Doctoral students get 1,000 Eur independent of age. The funds come from the BMBF. No other state-funded program exist at the state and federal level. At the Länder level, Nordrhein-Westfalia, Baden-Württemberg, Rhineland-Pfalz, Thuringia and Bavaria have return programs for the highly qualified. There are also private organizations such as the German Academic International Network GAIN Network and German Scholars Organization (GSO) that subsidize the return of individual academics (they do not make public whom) and help others plan their return.

Sources: Deutscher Akademischer Austauschdienst (DAAD) Ref. ST 43 – Forschungsprogramme [German Academic Exchange Service (DAAD) Ref. ST 43 - Research Programs]. "Rückkehrstipendien Für Deutsche Aus Dem Ausland [Return Scholarships for Germans from Abroad]". Accessed January 7, 2019. <https://www.daad.de/ausland/reintegration/stipendien/de/22184-rueckkehrstipendien-fuer-deutsche-aus-dem-ausland/>.

**EMIGRANT\_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:**

Answer: No

Code: 0

Explanation: No special welfare provision benefits as incentives for return. German emigrants who decide to return have a right to register in a public insurance (gesetzliche Krankenkasse) as soon as they reside again in Germany and most easily in the same one in which they were before parting (it is not possible to change from private to public), but are not lured to return by any special benefit.

Sources: Krankenkassen Deutschland [Health Insurances Germany]. "Krankenversicherung Nach Der Rückkehr Aus Dem Ausland [Health Insurance after Returning from Abroad]". Accessed June 6, 2019. <https://www.krankenkassen.de/ausland/rueckkehr-krankenversicherung-deutschland/>.

## **2.3. Social Policies**

### **2.3.1. Retirement benefits**

**EMIGRANT\_43. Retirement benefits after emigration (i.e. pensions):**

Answer: Yes

Code: 1

Explanation: As a rule, the acquired benefits are not lost because of moving out of Germany, they can be cashed giving an account number (SEPA, IBAN) to the Deutsche Rentenversicherung (the costs of the transfer are carried by it if it is to countries with which there are social insurance treaties, otherwise it is carried by the pensioner), which currently pays pensions in over 150 countries. There is no constraint to the number of years abroad (for short stays the pension is paid in Germany), but the DR proves that the person is still alive once a year, towards mid-year, through a declaration that is sent to the pensioner per postal mail and must be signed and sent back. Accumulating the right to acquire pension benefits is a different matter, which is regulated through European Law and international treaties. Within Europe, it is possible. The rules apply according to European Law: 1. Equal treatment of nationals of all Member States, 2. Aggregation of the insurance periods of the Member States for the right to a pension, 3. Equality of the territories of the Member States for the export of services. This applies to EU citizens, but since 2011 also for third-country nationals who move within the EU carrying their social rights. Beyond Europe, the issue depends on the treaties existing between countries (20 so far).

Sources: Deutsche Rentenversicherung [German Pension Insurance]. "Häufige Fragen - Beschäftigung in Deutschland [Frequently Asked Questions - Employment in Germany]". Accessed April 9, 2019. [https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung\\_deutschland/00\\_faq\\_liste\\_beschaeftigung\\_deutschland.html](https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung_deutschland/00_faq_liste_beschaeftigung_deutschland.html).

### **2.3.2. Health care benefits**

**EMIGRANT\_44. Health care benefits.**

**Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):**

Answer: No

Code: 0

Explanation: Privately insured persons in German preserve right to health services, but only within the EU. Publicly insured persons get treatment in other EU countries for one month after their departure from Germany, but in public facilities only. Pensioners living in the EU have the right get treated back in Germany. Otherwise, there is no general possibility to maintain healthcare benefits once emigrated.

Sources: Krankenkassen Deutschland [Health Insurances Germany]. "Leistungen Gesetzlicher Krankenkassen Bei Auslandsreisen [Statutory Health Insurance Benefits for Trips Abroad]". Accessed June 6, 2019. <https://www.krankenkassen.de/ausland/Leistungen-bei-Aufenthalt-im-Ausland/ausland/>.

**Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:**

Answer: Yes

Code: 1

Explanation: Privately insured persons in German preserve right to health service, but only within the EU. Publicly insured persons get treatment in other EU countries for one month after their departure from Germany, but in public facilities only. Pensioners living in the EU have the right get treated back in Germany. Otherwise, there is no general possibility to maintain healthcare benefits once emigrated.

Sources: Krankenkassen Deutschland [Health Insurances Germany]. "Leistungen Gesetzlicher Krankenkassen Bei Auslandsreisen [Statutory Health Insurance Benefits for Trips Abroad]". Accessed June 6, 2019. <https://www.krankenkassen.de/ausland/Leistungen-bei-Aufenthalt-im-Ausland/ausland/>.

**Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:**

Answer: No

Code: 0

Explanation: Privately insured persons in German preserve right to health service, but only within the EU. Publicly insured persons get treatment in other EU countries for one month after their departure from Germany, but in public facilities only. Pensioners living in the EU have the right get treated back in Germany. Otherwise, there is no general possibility to maintain healthcare benefits once emigrated.

Sources: Krankenkassen Deutschland [Health Insurances Germany]. "Leistungen Gesetzlicher Krankenkassen Bei Auslandsreisen [Statutory Health Insurance Benefits for Trips Abroad]". Accessed June 6, 2019. <https://www.krankenkassen.de/ausland/Leistungen-bei-Aufenthalt-im-Ausland/ausland/>.

### 2.3.3. Education

#### EMIGRANT\_45. Education programs for emigrants.

**Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:**

Answer: No

Code: 0

Explanation: Emigrants cannot access scholarships awarded by the state of origin with the same conditions as resident citizens, but if they already receive a scholarship in Germany, they can receive it abroad (a condition is that they are registered in a higher education institution in Germany). Also, many other financing schemes for higher education and scientific research have special chapters to make Germans abroad also eligible (e.g. waiving some conditions for them), but there is no special scheme targeting Germans abroad exclusively. According to a study of 2015, the higher the qualification level (especially PhD), the lower the income drop after return to Germany: for many professions there is a deskilling and loss of income when coming back to Germany, but this is less strong for scientists and managers.

Sources: Zentralstelle für das Auslandsschulwesen [Central Office for Schools Abroad]. "Über Uns [About Us]". Accessed June 6, 2019. [https://www.auslandsschulwesen.de/Webs/ZfA/DE/Die-ZfA/Ueber-uns/ueber-uns\\_node.html](https://www.auslandsschulwesen.de/Webs/ZfA/DE/Die-ZfA/Ueber-uns/ueber-uns_node.html). / APRIL International. "Beschulung der Kinder im Ausland [Schooling of Children Abroad]". Accessed June 6, 2019. <https://de.april-international.com/de/vorbereitung-der-auswanderung/beschulung-der-kinder-im-ausland>. / SVR-Forschungsbereichs, and Universität Duisburg-Essen [SVR Research Area, and University of Duisburg-Essen]. "International Mobil: Motive, Rahmenbedingungen Und Folgen Der Aus- Und Rückwanderung Deutscher Staatsbürger [Internationally Mobile: Motives, Framework Conditions and Consequences of the Emigration and Return of German Citizens]". Accessed June 6, 2019. [https://www.fachkraeftebuero.de/fileadmin/user\\_upload/Daten\\_und\\_Fakten/2015-03\\_Studie\\_International-Mobil\\_Web\\_Sachverstaendigen\\_Rat\\_dt.\\_Stiftungen.pdf](https://www.fachkraeftebuero.de/fileadmin/user_upload/Daten_und_Fakten/2015-03_Studie_International-Mobil_Web_Sachverstaendigen_Rat_dt._Stiftungen.pdf). / Consultation with Carola Dürr, Goethe Institut in Lima/ Director. January 15, 2019.

**State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):**

Answer: No

Code: 0

Explanation: The Central Office for Schools Abroad (Zentralstelle für Auslandswesen) does not create schools (mostly, the schools are private), but does supervise German schoolwork abroad with more than 100 employees in Germany and more than 50 expert consultations for German as a foreign language as well as 16 process guides for quality management at locations worldwide). The German School System Abroad is a public-private partnership, which means that private sponsoring clubs manage the schools abroad on their own responsibility and provide their own services through school fees and donations, but the ZfA supports the German schools both in terms of staff and finances (Germany supports 140 schools abroad in more than 70 countries). The ZfA sends teachers to work there, supervises exams. Beyond schools, there is a Distance learning project, initiated and sponsored by the Federal Foreign Office / Federal Office of Administration under the auspices of the Institute for Learning Systems (ILS), Hamburg, offers in many school subjects for German children who cannot attend a German school abroad. Most of these schools have a private status and charge school fees.

Sources: Zentralstelle für das Auslandsschulwesen [Central Office for Schools Abroad]. "Über Uns [About Us]". Accessed June 6, 2019. [https://www.auslandsschulwesen.de/Webs/ZfA/DE/Die-ZfA/Ueber-uns/ueber-uns\\_node.html](https://www.auslandsschulwesen.de/Webs/ZfA/DE/Die-ZfA/Ueber-uns/ueber-uns_node.html). / APRIL International. "Beschulung der Kinder im Ausland

[Schooling of Children Abroad]". Accessed June 6, 2019. <https://de.april-international.com/de/vorbereitung-der-auswanderung/beschulung-der-kinder-im-ausland>. / SVR-Forschungsbereichs, and Universität Duisburg-Essen [SVR Research Area, and University of Duisburg-Essen]. "International Mobil: Motive, Rahmenbedingungen Und Folgen Der Aus- Und Rückwanderung Deutscher Staatsbürger [Internationally Mobile: Motives, Framework Conditions and Consequences of the Emigration and Return of German Citizens]". Accessed June 6, 2019. [https://www.fachkraeftebuero.de/fileadmin/user\\_upload/Daten\\_und\\_Fakten/2015-03\\_Studie\\_International-Mobil\\_Web\\_Sachverstaendigen\\_Rat\\_dt.\\_Stiftungen.pdf](https://www.fachkraeftebuero.de/fileadmin/user_upload/Daten_und_Fakten/2015-03_Studie_International-Mobil_Web_Sachverstaendigen_Rat_dt._Stiftungen.pdf). / Consultation with Carola Dürr, Goethe Institut in Lima/ Director. January 15, 2019.

**State of origin offers language courses to emigrants to learn the language of the state of reception:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Zentralstelle für das Auslandsschulwesen [Central Office for Schools Abroad]. "Über Uns [About Us]". Accessed June 6, 2019. [https://www.auslandsschulwesen.de/Webs/ZfA/DE/Die-ZfA/Ueber-uns/ueber-uns\\_node.html](https://www.auslandsschulwesen.de/Webs/ZfA/DE/Die-ZfA/Ueber-uns/ueber-uns_node.html). / APRIL International. "Beschulung der Kinder im Ausland [Schooling of Children Abroad]". Accessed June 6, 2019. <https://de.april-international.com/de/vorbereitung-der-auswanderung/beschulung-der-kinder-im-ausland>. / SVR-Forschungsbereichs, and Universität Duisburg-Essen [SVR Research Area, and University of Duisburg-Essen]. "International Mobil: Motive, Rahmenbedingungen Und Folgen Der Aus- Und Rückwanderung Deutscher Staatsbürger [Internationally Mobile: Motives, Framework Conditions and Consequences of the Emigration and Return of German Citizens]". Accessed June 6, 2019. [https://www.fachkraeftebuero.de/fileadmin/user\\_upload/Daten\\_und\\_Fakten/2015-03\\_Studie\\_International-Mobil\\_Web\\_Sachverstaendigen\\_Rat\\_dt.\\_Stiftungen.pdf](https://www.fachkraeftebuero.de/fileadmin/user_upload/Daten_und_Fakten/2015-03_Studie_International-Mobil_Web_Sachverstaendigen_Rat_dt._Stiftungen.pdf). / Consultation with Carola Dürr, Goethe Institut in Lima/ Director. January 15, 2019.

## 2.4. Cultural policies

### 2.4.1. Visits to country of origin

**EMIGRANT\_46. State of origin organizes visits to the origin country for emigrants on a regular basis:**

Answer: No

Code: 0

Explanation: No evidence of state-sponsored or state-organized visits to Germany was found; not even for Spätaussiedler.

Sources: Susanne Worbs, Eva Bund, Martin Kohls, and Christian Babka von Gostomski. "(Spät-)Aussiedler in Deutschland: Eine Analyse Aktueller Daten Und Forschungsergebnisse [(Late) Repatriates in Germany: An Analysis of Current Data and Research Results]". Accessed January 16, 2019. [https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/heimat-integration/spaetaussiedler-in-deutschland.pdf?\\_\\_blob=publicationFile&v=3](https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/heimat-integration/spaetaussiedler-in-deutschland.pdf?__blob=publicationFile&v=3).

## 2.4.2. Language courses for emigrants

**EMIGRANT\_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):**

Answer: No

Code: 0

Explanation: No. In Goethe Institutes German students get no special treatment.

Sources: Consultation with Carola Dürr, Goethe Institut in Lima/ Director. January 15, 2019.

## 2.5. Obligations

### 2.5.1. Military service

**EMIGRANT\_48. Emigrants have the obligation to comply with military service:**

Answer: No existence of military service

Code: 98

Explanation: There is no compulsory military service in Germany since 2011; conscription and thus the call-up for military service in 2011 was limited to the tension or defense.

Sources: Weinlein, Alexander. "Deutscher Bundestag - Aussetzung der allgemeinen Wehrpflicht beschlossen [German Federal Parliament - Decision to Suspend General Conscription]". Accessed January 16, 2019.  
[https://www.bundestag.de/dokumente/textarchiv/2011/33831649\\_kw12\\_de\\_wehrdienst/204958](https://www.bundestag.de/dokumente/textarchiv/2011/33831649_kw12_de_wehrdienst/204958).

### 2.5.2. Social service

**EMIGRANT\_49. Emigrants have the obligation to comply with social service:**

Answer: No existence of social service

Code: 98

Explanation: Currently the German social service (Zivildienst) is suspended, together with the military service, so no German has to comply with it. The Federal Office for Family and Civil Society Duties (in German: Bundesamt für Familie und zivilgesellschaftliche Aufgaben / BAFzA) which prior to 2011 administered social service for people who refused to make military service is now responsible for the Federal Volunteer Service (in German: Bundesfreiwilligendienst / BFD), a voluntary social service established after the suspension of conscription in 2011.

Sources: Bundesamt für Familie und zivilgesellschaftliche Aufgaben [Federal Office for Family and Civil Society Tasks]. "Kriegsdienstverweigerung, Zivildienst [Conscientious Objection, Community Service]". Accessed June 6, 2019. <https://www.bafza.de/aufgaben/kriegsdienstverweigerung-zivildienst.html>.

### 2.5.3. Taxes

#### EMIGRANT\_50. Obligation to pay taxes in state of origin

##### Emigrant must pay income taxes in state of origin:

Answer: No

Code: 0

Explanation: Non-resident emigrants who have left Germany and are subject to unlimited tax liability (because they are registered as residents abroad) in the new states are subject in Germany to limited tax liability (§§ 49 ff Income Tax Act). They are generally exempt from capital gains tax (withholding tax, solidarity contribution and church tax), but emigrants must continue to pay taxes for income in Germany, but not for any income gained abroad. Those who neither have a place of residence nor their habitual residence in Germany are subject to the principle of territoriality in German income tax law. Accordingly, income from foreign sources in Germany is subject to tax liability, e.g. the interest from an investment abroad. However, if the foreign state also taxes these interests, double taxation should be avoided or reduced.

Sources: Ohlwein, Bettina. "Steuerpflicht in Deutschland auch bei Auslandsaufenthalt? [Tax Liability in Germany also when Staying Abroad?]", Accessed January 16, 2019. <https://www.expats-news.com/2392/recht-steuern-im-ausland/steuerpflicht-in-deutschland-%e2%80%93-was-sie-beim-auslandsaufenthalt-beachten-sollten/>. / Deutsche im Ausland e.V [Germans Abroad]. "Einkommensteuer [Income Tax]". Accessed January 16, 2019. <https://www.deutsche-im-ausland.org/absicherung-und-finanzen/finanzen/einkommensteuer.html>.

##### There are special taxes for emigrants:

Answer: No

Code: 0

Explanation: Non-resident emigrants who have left Germany and are subject to unlimited tax liability (because they are registered as residents abroad) in the new states are subject in Germany to limited tax liability (§§ 49 ff Income Tax Act). They are generally exempt from capital gains tax (withholding tax, solidarity contribution and church tax), but emigrants must continue to pay taxes for income in Germany, but not for any income gained abroad. Those who neither have a place of residence nor their habitual residence in Germany are subject to the principle of territoriality in German income tax law. Accordingly, income from foreign sources in Germany is subject to tax liability, e.g. the interest from an investment abroad. However, if the foreign state also taxes these interests, double taxation should be avoided or reduced.

Sources: Ohlwein, Bettina. "Steuerpflicht in Deutschland auch bei Auslandsaufenthalt? [Tax Liability in Germany also when Staying Abroad?]", Accessed January 16, 2019. <https://www.expats-news.com/2392/recht-steuern-im-ausland/steuerpflicht-in-deutschland-%e2%80%93-was-sie-beim-auslandsaufenthalt-beachten-sollten/>. / Deutsche im Ausland e.V [Germans Abroad].



“Einkommensteuer [Income Tax]”. Accessed January 16, 2019. <https://www.deutsche-im-ausland.org/absicherung-und-finanzen/finanzen/einkommensteuer.html>.

## 2.6. Administration

### 2.6.1. Home country administration

**EMIGRANT\_51. Existence of a home country administration agency/body for emigrants in state of origin.**

**Existence of institution/agency with competencies for emigrant policies:**

Answer: Yes

Code: 1

Explanation: None created for the specific purpose of emigration policy. There is the Department 511 in the Ministry of Foreign Affairs (third level of administration in the executive), in charge of Consular Affairs and help to Germans in emergency cases. There is also the “Bundesstelle für Auswanderer und Auslandstätige” inside the Federal Office of Administration, but this has very limited scope, listing some information sources and serving as authority to certify agencies that provide emigration consultation. It is not clear what is the rank of this agency; it could be under Section BS, which deals with proving nationality of Germany abroad as well as claims of Spätaussiedler.

Sources: KonsG - Gesetz Über Die Konsularbeamten, Ihre Aufgaben Und Befugnisse [Law On Consular Officers, their Duties and Powers]. 1974. / AuswSG - Gesetz Zum Schutze Der Auswanderer Und Auswanderinnen [Law for the Protection of Emigrants]. 1975. / Bundesverwaltungsamt [Federal Office of Administration]. “Auswanderer [Emigrants]”. Accessed January 18, 2019. [https://www.bva.bund.de/DE/Das-BVA/Aufgaben/A/Auswanderer\\_Auslandstaetige/auswanderer\\_node.html](https://www.bva.bund.de/DE/Das-BVA/Aufgaben/A/Auswanderer_Auslandstaetige/auswanderer_node.html).

**Name of the institution with competencies for emigrant policies in original language:**

Answer: Referat 551, Auswärtiges Amt

**Name of the institution with competencies for emigrant policies in English:**

Answer: Department 511 in the Ministry of Foreign Affairs

**EMIGRANT\_52. Place in the administrative hierarchy:**

Answer: 3rd Rank in the public administration

Code: 0.5

Explanation: It is in the third level of the administration, inside the Ministry of Foreign Affairs (executive): Division 5-B-2 as of 2018 under state secretary Walter Lindner, Representative for Legal and Consular affairs, legal migration and return issues, Departments 505 – 51. Below it, it seems to be Department 511 of the Ministry of Foreign Affairs in charge for: Emergency aid for Germans abroad, Consular instant care in cases of terrorist attacks, financial help in emergencies, home tours,



evacuations, missing person searches, assistance with the transfer of the deceased; Social assistance for Germans abroad; Council Working Group consular cooperation (COCON).

Sources: Auswärtiges Amt [Ministry of Foreign Office]. "Auswärtiges Amt Organisationsplan [Foreign Office Organization Plan]". Accessed June 6, 2019. <https://www.auswaertiges-amt.de/blob/215270/d2130e6f1258e8803f18f4f2ab3e4235/organisationsplan-data.pdf>.

## 2.6.2. Consular network

**EMIGRANT\_53: Number of consulates.**

**Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):**

Answer: 214

Code: 214

Explanation: 153 Embassies with consulates, 54 general consulates, 7 consulates in some 162 countries. These numbers do not include 12 multilateral representations (with EU members), one further representation (the UN could be meant here), and 337 honorary consulates.

Sources: Auswärtiges Amt [Ministry of Foreign Office]. "Auslandsvertretungen [Foreign Missions]". Accessed August 7, 2019. <https://www.auswaertiges-amt.de/de/aamt/auslandsvertretungen-node/auslandsvertretungen/216424>. / Auswärtiges Amt [Ministry of Foreign Office]. "Auslandsvertretungen Konsulate Liste 2019 [Foreign Missions Consulates List 2019]". <https://www.auswaertiges-amt.de/blob/199314/2a515b2e1e839635e1d0962e8c4aa2a3/dtauslandsvertretungenliste-data.pdf>.

**Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):**

Answer: 162

Code: 162

Explanation: 162.

Sources: Auswärtiges Amt [Ministry of Foreign Office]. "Auslandsvertretungen [Foreign Missions]". Accessed August 7, 2019. <https://www.auswaertiges-amt.de/de/aamt/auslandsvertretungen-node/auslandsvertretungen/216424>. / Auswärtiges Amt [Ministry of Foreign Office]. "Auslandsvertretungen Konsulate Liste 2019 [Foreign Missions Consulates List 2019]". <https://www.auswaertiges-amt.de/blob/199314/2a515b2e1e839635e1d0962e8c4aa2a3/dtauslandsvertretungenliste-data.pdf>.

## 2.6.3. New consular functions

**EMIGRANT\_54: Extensions to the consular network services.**

**Existence of mobile consulates:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Auswärtiges Amt [Ministry of Foreign Office]. "Generalkonsulate und Konsulate [Consulates General and Consulates]". Accessed July 8, 2019. <https://www.auswaertiges-amt.de/de/aamt/auslandsvertretungen-node/konsulate/217692>.

**Consulates open on weekends on a regular basis (e.g. once monthly):**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Auswärtiges Amt [Ministry of Foreign Office]. "Generalkonsulate und Konsulate [Consulates General and Consulates]". Accessed July 8, 2019. <https://www.auswaertiges-amt.de/de/aamt/auslandsvertretungen-node/konsulate/217692>.

**Consulates offer some services online:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Auswärtiges Amt [Ministry of Foreign Office]. "Generalkonsulate und Konsulate [Consulates General and Consulates]". Accessed July 8, 2019. <https://www.auswaertiges-amt.de/de/aamt/auslandsvertretungen-node/konsulate/217692>.

**EMIGRANT\_55: Adoption of new consular functions.**

**Consulates offer financial consultancy:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Auswärtiges Amt [Ministry of Foreign Office]. "Generalkonsulate und Konsulate [Consulates General and Consulates]". Accessed July 8, 2019. <https://www.auswaertiges-amt.de/de/aamt/auslandsvertretungen-node/konsulate/217692>.

#### **Consulates offer psychological consultancy:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Auswärtiges Amt [Ministry of Foreign Office]. "Generalkonsulate und Konsulate [Consulates General and Consulates]". Accessed July 8, 2019. <https://www.auswaertiges-amt.de/de/aamt/auslandsvertretungen-node/konsulate/217692>.

#### **Consulates offer health services:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Auswärtiges Amt [Ministry of Foreign Office]. "Generalkonsulate und Konsulate [Consulates General and Consulates]". Accessed July 8, 2019. <https://www.auswaertiges-amt.de/de/aamt/auslandsvertretungen-node/konsulate/217692>.

### **2.6.4. Special offices**

#### **EMIGRANT\_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):**

Answer: No

Code: 0

Explanation: The German state has no special offices abroad funded by the state for its emigrants.

Sources: Auswärtiges Amt [Ministry of Foreign Office]. "Generalkonsulate und Konsulate [Consulates General and Consulates]". Accessed July 8, 2019. <https://www.auswaertiges-amt.de/de/aamt/auslandsvertretungen-node/konsulate/217692>.

### 3. Emigrant citizenship and nationality policies

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**CITNAT: Does the country make a distinction between citizenship and nationality?**

Answer: No, it uses the terms 'nationality' and 'citizenship' indistinctly

Code: 0

Explanation: These concepts are not clearly differentiated. Legally, citizenship is the right to exercise electoral rights, and nationality is larger (also given to prisoners, who have restricted voting rights or suspended by a judge but keep being nationals), but the law often treats them as synonyms.

Sources: Bundesausländerbeauftragte – Integrationsbeauftragte [Federal Commissioner for Foreigners - Integration Commissioner]. 2017. "Staatsangehörigkeit [Nationality]". Accessed January 16, 2019. <http://www.bundesauslaenderbeauftragte.de/staatsangehoerigkeit.html>.

#### 3.1. Emigrant nationality

##### 3.1.1. Dual nationality for emigrants

**EMINAT\_1. Deprivation of nationality for having acquired a foreign nationality.**

**Loss of nationality for acquisition of foreign citizenship (nationals by birth):**

Answer: Lapse upon acquisition of foreign citizenship

Code: 0

Explanation: A German national is released, at their request, from nationality when they apply and are awarded a foreign nationality.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016).

**Nationality can be withdrawn only if person resides abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person was born abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Loss of nationality can be prevented:**

Answer: Yes

Code: 1

Explanation: The loss of nationality for acquisition of a foreign nationality does not apply to Germans who acquire the nationality of another member state of the European Union, Switzerland or a state with which the Federal Republic of Germany has concluded a contract under international law pursuant to § 12 (3) (if the foreigner cannot give up his previous citizenship or can only do it under particularly difficult conditions. That is to be assumed, when 1. the law of the foreign state does not provide for withdrawal from its nationality, 2. the foreign state regularly denies dismissal, 3. the foreign State has denied dismissal from nationality for reasons for which the foreigner is not responsible, or makes it conditional on unreasonable conditions or has not decided in due time on the full and proper form of application, 4. the naturalization of older persons precludes only the obstacle of multiple nationality, the dismissal disproportionate difficulties and the refusal of naturalization would be a particular hardship, 5. if the foreigner were to give up his foreign nationality, he or she would suffer considerable disadvantages, in particular economic or property rights, beyond the loss of citizenship rights, or 6. the foreigner has a travel document according to Article 28 of the Convention of 28 July 1951 on the Status of Refugees (BGBl. 1953 II p. 559).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec.12, 25.

### **3.1.2. Dual nationality only for some countries of residence**

**EMINAT\_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.**

**Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:**

Answer: Yes

Code: 0

Explanation:

The loss of nationality for acquisition of a foreign nationality does not apply to Germans who acquire the nationality of another member state of the European Union, Switzerland or a state with which the Federal Republic of Germany has concluded a contract under international law pursuant to § 12 (3) (if the foreigner can not give up his previous citizenship or can only do it under particularly difficult conditions).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec.12, 25.

**Which countries:**

Answer: Not applicable

Code: Not applicable

Explanation: The loss of nationality for acquisition of a foreign nationality does not apply to Germans who acquire the nationality of another member state of the European Union, Switzerland or a state with which the Federal Republic of Germany has concluded a contract under international law pursuant to § 12 (3) (if the foreigner can not give up his previous citizenship or can only do it under particularly difficult conditions).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec.12, 25.

### **3.1.3. Loss of nationality after residence abroad**

**EMINAT\_3: Loss of nationality after residence abroad.**

**Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: No such provision.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec.12, 25.

**Nationality can be withdrawn only if person resides abroad for 20 years or more:**

Answer: Not applicable

Code: Not applicable

Explanation: No such provision.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec.12, 25.

**Nationality can be withdrawn only if person has another citizenship:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: No such provision.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec.12, 25.

### **3.1.4. Jus sanguinis for emigrants**

**EMINAT\_4: Transfer of nationality to children born abroad.**

**Country of origin permit parents to confer their nationality on their children who are born abroad:**

Answer: Yes

Code: 1

Explanation: In general, yes, but there is a restriction to the 2nd generation if the German parent was born abroad after 31 December 1999 and has his habitual residence there, unless the child would otherwise be stateless (that is, only Germans who were born abroad before that date can transmit their nationality to their children). However, this can be avoided (i.e. the child can be registered as German) within one year after the birth of the child, if an application pursuant to § 36 of the Civil Status Act is made to certify the birth in the German birth register. It is enough to make the application before the deadline at the relevant diplomatic mission. If both parents are German, the condition applies only if it applies to both (both are Germans born abroad before 31.12.1999).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 4, 4.

**Transfer of nationality is applicable to:**

Answer: More than one generation

Code: 0.25

Explanation: There is a restriction to the 2nd generation if the German parent was born abroad after 31 December 1999 and has his habitual residence there, unless the child would otherwise be stateless (that is, only Germans who were born abroad before that date can transmit their nationality to their children). However, this can be avoided (i.e. the child can be registered as German) within one

year after the birth of the child, if an application pursuant to § 36 of the Civil Status Act is made to certify the birth in the German birth register. It is enough to make the application before the deadline at the relevant diplomatic mission. If both parents are German, the condition applies only if it applies to both (both are Germans born abroad before 31.12.1999).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 4, 4.

### 3.1.5. Jus sanguinis across generations

**EMINAT\_5: Transfer of nationality to children born abroad from former citizens.**

**Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens**

Answer: No

Code: 0

Explanation: The status “ethnic German” according to Art. 116 of the Basic Law is not transferred to descendants. Even for those who intend to acquire German nationality based on the special provision of the Expelees Act, need now to give proof of basic knowledge of the German language for non-German spouses as well as non-German descendants. However, spouses or life partners of Germans can be naturalized (section 9 of the StAG). This applies also if naturalization is applied for within one year of the German spouse’s death or of a ruling dissolving a marriage becoming final, and the applicant is entitled to custody of a child who is German. Previously, the privileged access to naturalisation of former Germans was applicable to their descendants as well as adopted children regardless of their age provided that they fulfilled the minimum requirements of discretionary naturalisation according to section 8 of the nationality law. According to the amended Section 13 of the nationality law only minor children are entitled to the privileged naturalisation procedure since the federal legislator came to the conclusion that there is no public interest in facilitating the naturalisation of adult descendants of former Germans living abroad.

Sources: Gesetz Über Die Angelegenheiten Der Vertriebenen Und Flüchtlinge (BVFG) [Law on the Affairs of Displaced People and Refugees]. 1953. Sec. 27, 3.

**Transfer of nationality is applicable to:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 3.1.6. Renunciation of nationality is possible

**EMINAT\_6: Voluntary renunciation of nationality abroad is possible.**



**Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:**

Answer: Renunciation is possible

Code: 1

Explanation: Yes, if the applicant is, or will become, a citizen of another country. Release cannot be refused if the person has had permanent residence abroad for 10 years or has performed military service for another country and is a citizen of that country. Release is not granted if the person is a civil servant, judge or a similar public employee or is liable to military service.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 18-24.

**Renunciation abroad is only possible if person has another nationality:**

Answer: Yes, person renouncing has to show prove of another nationality

Code: 1

Explanation: Yes, if the applicant is, or will become, a citizen of another country. Release cannot be refused if the person has had permanent residence abroad for 10 years or has performed military service for another country and is a citizen of that country. Release is not granted if the person is a civil servant, judge or a similar public employee or is liable to military service.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 18-24.

**Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:**

Answer: No

Code: 0

Explanation: Renunciation is possible if the applicant is, or will become, a citizen of another country. Release cannot be refused if the person has had permanent residence abroad for 10 years or has performed military service for another country and is a citizen of that country. Release is not granted if the person is a civil servant, judge or a similar public employee or is liable to military service.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 18-24.

### **3.1.7. Reacquisition of nationality**

**EMINAT\_7. Country of origin provides for reacquisition of nationality for former nationals:**

Answer: Yes

Code: 1

Explanation: This is possible in general for person is a former citizen who is resident abroad and had not been sentenced for an unlawful act and is not subject to any court order imposing a measure of

reform and prevention due to a lack of criminal capacity. This is also possible for former Germans who lost their German citizenship as a result of marrying a foreigner (section 38: they pay no fees), and, of course, for Expellees of German ethnic origin or as their spouse or descendant. Conditions: no reason for expulsion, entitlement to naturalisation if person is a former citizen who lost citizenship between 1933 and 1945.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 13-38.

## 3.2. Emigrant citizenship

### 3.2.1. Citizenship restrictions for dual nationals

**EMICIT\_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):**

Answer: No restrictions

Code: 1

Explanation: According to article 33 of the Constitution, each German in any state has the same rights and duties and has equal access to civil service. No restrictions have been found; not even for diplomatic service.

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law for the Federal Republic of Germany]. 1949 (2017). Sec. 33. / Auswärtiges Amt [Ministry of Foreign Affairs]. "Voraussetzungen einer Bewerbung für den gehobenen Auswärtigen Dienst [Requirements for an Application for the Upscale Foreign Service]". Accessed January 21, 2019. <https://www.auswaertiges-amt.de/de/karriere/auswaertiges-amt/gehobenerdienst/-/214532>.

### 3.2.2. Different citizenship for emigrants

**EMICIT\_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?**

Answer: No

Code: 0

Explanation: No, not even for electoral rights, there are no special rights for Germans abroad. In general, Germans not registered as residents in Germany are referred to as "Auslandsdeutsche", but this is not a legal category.

Sources: Der Bundeswahlleiter [The Federal Returning Officer]. "Deutsche Im Ausland [Germans Abroad]". Accessed January 21, 2019. <https://www.bundeswahlleiter.de/bundestagswahlen/2017/informationen-waehler/deutsche-im-ausland.html>.

### 3.2.3. Loss or suspension of citizen rights after residence abroad

**EMICIT\_3: Country deprives their national citizens by birth who emigrated of their citizen rights.**

**Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: No, but Germans abroad have more limited voting rights; they may only vote for Bundestag elections.

Sources: Workwide.de. "Als Deutscher im Ausland wählen [Vote Abroad as a German]". Accessed January 21, 2019. <https://www.workwide.de/wahlrecht-und-wie-man-wahlt/>. / Pedroza, Luicy. 2013. "Access to Electoral Rights: Germany". *EUDO Citizenship Observatory Report* no. 13.

**Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) \*If it is not specified in the regulation, it is coded as restrictions not conditional to return:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4. Immigration policies

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### 4.1. General

#### 4.1.1. Number of entry tracks

##### **IMMIGRATION\_1. How many visa types does the country have?**

Answer: 16

Code: 16

Explanation: Visas differentiate between Schengen visas (C visas) for short-term stays up to three months, and national visas (D visas) for longer stays.

Sources: Gesetz Über Den Aufenthalt, Die Erwerbstätigkeit Und Die Integration von Ausländern Im Bundesgebiet [Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory Residence Act]. 2008. / Grote, Janne, and Michael Vollmer. 2016. "Opportunities to Change the Residence Title and the Purpose of Stay in Germany". *Federal Office for Migration and Refugees Working Paper EMN* no. 67: 93.

##### **IMMIGRATION\_2: Categorical organization of visas**

##### **Are the visas organized by overarching categories?**

Answer: Yes

Code: 1

Explanation: Yes, there are five different purposes of stay, which determine which type of residence is granted, fall into one of four categories: family reasons, education or study, remunerated activities, or reasons of international law or humanitarian or political. Depending on these, there are 2 main residence titles for different purposes of stay (1. a visa -for short stays-, and 2. a residence permit, a settlement permit, an EU long-term residence permit and a EU Blue Card). These are further disaggregated in 16 types.

Sources: Gesetz Über Den Aufenthalt, Die Erwerbstätigkeit Und Die Integration von Ausländern Im Bundesgebiet [Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory Residence Act]. 2008. / Grote, Janne, and Michael Vollmer. 2016. "Opportunities to Change the Residence Title and the Purpose of Stay in Germany". *Federal Office for Migration and Refugees Working Paper EMN* no. 67: 93. / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Studying and Working in Germany- A Brochure on the Legal Requirements of Residence for Third-Country Nationals". Accessed January 21, 2019. [http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/bildung-und-beruf-in-deutschland.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/bildung-und-beruf-in-deutschland.pdf?__blob=publicationFile).

##### **How many categories?**

Answer: 5

Code: 5

Explanation: There are five different purposes of stay, which determine which type of residence is granted, fall into one of four categories: family reasons, education or study, remunerated activities, or reasons of international law or humanitarian or political. Depending on these, there are 2 main residence titles for different purposes of stay (1. a visa -for short stays-, and 2. a residence permit, a settlement permit, an EU long-term residence permit and a EU Blue Card). These are further disaggregated in 16 types.

Sources: Gesetz Über Den Aufenthalt, Die Erwerbstätigkeit Und Die Integration von Ausländern Im Bundesgebiet [Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory Residence Act]. 2008. / Grote, Janne, and Michael Vollmer. 2016. "Opportunities to Change the Residence Title and the Purpose of Stay in Germany". *Federal Office for Migration and Refugees Working Paper EMN* no. 67: 93. / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Studying and Working in Germany- A Brochure on the Legal Requirements of Residence for Third-Country Nationals". Accessed January 21, 2019. [http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/bildung-und-beruf-in-deutschland.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/bildung-und-beruf-in-deutschland.pdf?__blob=publicationFile).

#### 4.1.2. Biometric information

**IMMIGRATION\_3: Collection of biometric information.**

**Does the state collect biometric information from all citizens for example for passports?**

Answer: No

Code: 0

Explanation: Photograph; fingerprints are collected only at the request of the ID card applicant.

Sources: Zuwanderungsgesetz [Immigration Act]. 2004.

**Does the state collect biometric information from immigrants for example for passports?**

Answer: Yes

Code: 1

Explanation: Photograph and fingerprints.

Sources: Gesetz Über Den Aufenthalt, Die Erwerbstätigkeit Und Die Integration von Ausländern Im Bundesgebiet [Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory Residence Act]. 2008. Secs 49, 1.

#### 4.1.3. Visa waivers

**IMMIGRATION\_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spätaussiedler or Jewish immigrants in Germany)?**

Answer: Yes

Code: 1

Explanation: There are special provisions according to both countries and individuals due to biographic and historical circumstances. In Germany, Norway, Liechtenstein, Iceland and Switzerland citizens enjoy the same rights of entry and residence (and to take up any job without a special permission to take remunerated job) as EU citizens. Also, Jewish immigrants have special treatment, but have to fulfil additional, complex criteria that include language skills, qualifications and professional experience and the age of the immigrants. These criteria are especially hard if compared to the symbolic policy that allowed their entry before 2005 if they can prove to: be nationals of a successor state of the former Soviet Union or have lived there as a stateless person since at least 1 January 2005, be of Jewish nationality or have at least one Jewish parent or one Jewish grandparent. Today, the criteria are much more stringent: they must not follow any other religion than Judaism. They must also have German-language skills that satisfy at least A1 level of the Common European Framework of Reference for Languages. This also applies to family members. Exceptions apply to children who have not yet turned 15 if their departure to Germany takes place before their 15th birthday. They must also prove that they will be accepted in a Jewish community in Germany. The BAMF will obtain official documentation from a certificate supplied by the Zentrale Wohlfahrtsstelle der Juden (Central Welfare Office for Jews). The Union of Progressive Jews will be involved in the process. A statement of positive integration prognosis is further needed from the Federal Office for Migration and Refugees based on the application. The BAMF will include the family environment in this. Another group is the victims of National Socialist persecution do not have to prove German-language skills. An integration prognosis is not necessary in this case. In the case of people who were born in a successor state of the former Soviet Union before 1 January 1945, it will be assumed that they were victims of National Socialist persecution. People who were born outside this area before 1 January 1945 can invoke this regulation but must present credible evidence of their persecution. Finally, the "status Germans" (formerly Spätaussiedler): Persons who enter the Federal Republic of Germany as German nationals by way of the admission procedure first acquire the status status German pursuant to Art. 116 (1) Basic Law and, after issuing the certificate pursuant to § 15 (1) BVFG, German citizenship by law within the meaning of Art Article 116 of the Basic Law. At the same time the status acquisition takes place as Spätaussiedler. In addition to the Spätaussiedler (since September 14, 2013 [5]) also family members of the Spätaussiedlers be included in its admission notice (§ 7 para. 2 BVFG), these include: the spouse of the late repatriate, Descendants of the late repatriate (children, grandchildren, great-grandchildren, etc.). These persons are granted a so-called notice of confinement pursuant to § 27 (2) BVFG. The Federal Expellees Act also allows other family members of the Spätaussiedlers, not to o. G. Persons belonging to a group of persons who are in possession of an admission or inclusion certificate (Article 8 (2) BVFG). Legally, this is made possible by a 90-day national visa without the consent of the Immigration Office, which is converted into a residence permit for family reunification after being admitted to the Federal territory in accordance with § 39 no. 1 AufenthV (decision of the Standing Conference of Interior Ministers and Senators of the 6/7 December 2007 [6]). These other family members include: the spouse of a descendant of the Spätaussiedlers (son-in-law / daughter-in-law or sister-in-law's son, etc.), the minor and single offspring of a spouse of the Spätaussiedlers (stepson / daughter or Stiefenkelsohn / - Stiefenkeltochter), the spouse or minor and unmarried descendant of the Spätaussiedlers, who can not be included for legal reasons in the admission notice of Spätaussiedlers, However, these persons do not acquire German citizenship, but are residents under immigration law in the Federal Republic of Germany. Whoever wants to be recognized in Germany as Spätaussiedler, spouse of a Spätaussiedlers or descendant of a Spätaussiedlers, must enter with a notice, proving German ethnicity by means of a formal written admission procedure.

Sources: Bundesamt Für Migration Und Flüchtlinge [Federal Office for Migration and Refugees]. "Acceptance Criteria". Accessed January 21, 2019. URL not available. / Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019).

## 4.2. Documentation

**IMMIGRATION\_5: Issue of legal compulsory identification documents.**

**Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?**

Answer: Yes

Code: 1

Explanation: Citizens must possess an ID once they have reached the age of 16 and to carry it, according to Section 1, Article 1 of the Personalausweisgesetz, PauswG. For all foreigners, Section 3, Art. 1 of the Aufenthaltsgesetz stipulates that they must carry a passport or identity card at all times.

Sources: Aufenthaltsgesetz in der Fassung der Bekanntmachung vom 25. Februar 2008 (BGBl. I S. 162), das zuletzt durch / Artikel 1 des Aufenthaltsgesetz in der Fassung der Bekanntmachung vom 25. Februar 2008 (BGBl. I S. 162), das zuletzt durch Artikel 1 des Gesetzes vom 8. März 2018 (BGBl. I S. 342) geändert worden ist/ Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory Residence Act (Official Translation by the Ministry of the Interior) (2008) [to be abbreviated AufenthG 2004/2018]; Bundestag und Bundesrat (2009).

**Are they required to carry them at all times?**

Answer: Yes

Code: 1

Explanation: Citizens must possess an ID once they have reached the age of 16 and to carry it, according to Section 1, Article 1 of the Personalausweisgesetz, PauswG. For all foreigners, Section 3, Art. 1 of the Aufenthaltsgesetz stipulates that they must carry a passport or identity card at all times.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Art. 1.

## 4.3. Quotas and restrictions

### 4.3.1. General quota

**IMMIGRATION\_6: General quota for immigration.**

**Is there a general quota (numerical limit) for immigration?**

Answer: No

Code: 1

Explanation: No such quota existed in 2017 for immigration in general.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.3.2. Specific quotas**

**IMMIGRATION\_7: Quota for high-skilled migrants.**

**Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?**

Answer: No

Code: 1

Explanation: No such quota existed in 2017.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_8: Quota for low-skilled migrants.**

**Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: No such quota existed in 2017.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).



**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_9: Quota for refugees.**

**Is there a quota (numerical limit) on the number of refugees?**

Answer: Yes

Code: 0

Explanation: 2017 not yet. In 2018 yes, as a policy goal set by the coalition government of the CSU/CDU and SPD: "The figures including war refugees, temporary guardians, family reunion, relocation, resettlement, repatriations and volunteer repatriations of refugees and non-economic migration will not exceed the span of 180,000 to 220,000".

Sources: Christlich Demokratische Union Deutschlands (CDU) [Christian Democratic Union], Christlich-Soziale Union (CSU) [Christian-Social Union], Sozialdemokratische Partei Deutschlands (SPD) [Social Democratic Party of Germany]. "Ein Neuer Aufbruch Für Europa. Eine Neue Dynamik Für Deutschland. Ein Neuer Zusammenhalt Für Unser Land Koalitionsvertrag Zwischen CDU, CSU Und SPD [A New Departure for Europe. A New Dynamic for Germany. A New Cohesion for our Country Coalition Agreement between CDU, CSU and SPD]". Accessed January 23, 2019. [https://www.cdu.de/system/tdf/media/dokumente/koalitionsvertrag\\_2018.pdf?file=1](https://www.cdu.de/system/tdf/media/dokumente/koalitionsvertrag_2018.pdf?file=1).

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_10: Quota for co-ethnics.**

**Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: No such quota found.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.3.3. List of excluded persons**

**IMMIGRATION\_11: Categories of excluded persons.**

**Are there categories of excluded persons from immigration?**

Answer: No

Code: 1

Explanation: No such excluded categories in 2017.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**List of categories of excluded persons:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.3.4. List of excluded countries**

**IMMIGRATION\_12: Countries excluded.**

**Is there a list of countries whose nationals are banned for immigration in this country?**

Answer: No

Code: 1

Explanation: No, there is no ban, but according to the European Visumkodex, according to Article 22 a member state may require that central authorities of other Member States examine the application of nationals of specific third countries or of specific groups of people. The Federal Ministry of the Interior determines in agreement with the Foreign Office and taking into account the current security situation which cases apply. As of 2017, the countries for which this consultation are 32 countries with autocratic regimes and civil wars, mostly in Asia and Africa.

Sources: Verordnung (EG) Nr. 810/2009 des Europäischen Parlaments und des Rates vom 13. Juli 2009 über einen Visakodex der Gemeinschaft (Visakodex) [Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 on a Community Visa Code (Visa Code)]. 2009. / Auswärtiges Amt [Ministry of Foreign Affairs]. "Drittländer, in Bezug auf deren Staatsangehörige oder bestimmte Gruppen von deren Staatsangehörigen eine vorherige Konsultation erforderlich ist [Third Countries whose Nationals or Certain Groups of their Nationals Require Prior Consultation]". Accessed January 24, 2019. <https://www.auswaertiges-amt.de/blob/207812/79a9f931dd29e7c63c13d9eceb64eb03/konsultation-vk-art22-data.pdf>.

#### List of countries excluded:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4.4. Policy incentives

### 4.4.1. Recognized brokers

**IMMIGRATION\_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):**

Answer: No

Code: 0

Explanation: No, there are state recognized brokers for emigration, but not for immigration. However, the state has a number of online information offers (including apps), as well as real offices with opening hours in each of the Länder, and hotlines to provide guidance to immigrants -mostly already resident- but also for those intending to immigrate. Examples of the online offers for anyone in the federation or intending to immigrate to Germany in general are: by the Federal Government: <https://www.make-it-in-germany.com/de/visum/quick-check/?quickcheckpres...>; by the Ministry of Foreign Affairs <https://www.auswaertiges-amt.de/de/einreiseundaufenthalt/02-lernen-und-...>; by the Federal Ministry for Migration and Refugees, <http://www.bamf.de/DE/Willkommen/InformationBeratung/ServiceCenter/serv...>; or by the Ministry of Work and the Federal Agency of Work and Social Issues: <https://www3.arbeitsagentur.de/web/content/DE/service/Ueberuns/WeitereD...> Also, there are lawyers specializing in migration matters, but with no special permit to do that (it is just their specialization).

Sources: Bundesregierung [Federal Government]. "Quick Check- Ich möchte in Deutschland arbeiten, studieren, leben [I want to Work, Study and Live in Germany]". Accessed January 24, 2019. <https://www.make-it-in-germany.com/de/visum/quick-check/?quickcheckpreselect=Arbeiten>. / Bundesagentur für Arbeit [Federal Agency for Work]. "Zentrale Auslands- Und Fachvermittlung [Central International Placement]". Accessed January 24, 2019. <https://www3.arbeitsagentur.de/web/content/DE/service/Ueberuns/WeitereDienststellen/ZentraleAuslandsundFachvermittlung/index.htm>. / Auswärtiges Amt [Ministry of Foreign Affairs], "Lernen und Arbeiten in Deutschland [Learning and Working in Germany]". Accessed January 24 2019. <https://www.auswaertiges-amt.de/de/einreiseundaufenthalt/-/214120>. / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Studying and Working in Germany. A Brochure on the Legal Requirements of Residence for Third-Country Nationals". Accessed January 21, 2019. [http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/bildung-und-beruf-in-deutschland.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/bildung-und-beruf-in-deutschland.pdf?__blob=publicationFile).

#### **IMMIGRATION\_14. State offers pecuniary incentives to citizens willing to immigrate:**

Answer: No

Code: 0

Explanation: There are no financial incentives to foreigners willing to immigrate.

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Einreisebestimmungen [Entry Requirements]". Accessed January 24, 2019. <http://www.bamf.de/DE/Migration/Einreisebestimmungen/einreisebestimmungen-node.html>.

## **4.5. Immigration control and penalties**

### **4.5.1. Irregular residence**

#### **IMMIGRATION\_15: Illegal residence.**

**Is illegal residence in the country considered a criminal offense?**

Answer: Yes

Code: 0

Explanation: Both criminal and administrative offense: with a fine or up to one year of prison ("Mit Freiheitsstrafe bis zu einem Jahr oder mit Geldstrafe"), only for irregular residence; other offences can worsen the case and increase the imprisonment time. Often, the verdicts are not applied because the first consequence of detention of illegally resident migrants is to deport them. Expulsion is the main real consequence.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Art. 1.

**Is illegal residence considered an administrative offense?**

Answer: Yes

Code: 0

Explanation: Both criminal and administrative offense: with a fine or up to one year of prison (“Mit Freiheitsstrafe bis zu einem Jahr oder mit Geldstrafe”), only for irregular residence; other offences can worsen the case and increase the imprisonment time. Often, the verdicts are not applied because the first consequence of detention of illegally resident migrants is to deport them. Expulsion is the main real consequence.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Art. 1.

#### 4.5.2. Forged documents

**IMMIGRATION\_16: Penalties for immigrants with forged documents.**

**Are there penalties for immigrants for forged documents?**

Answer: Yes

Code: 0

Explanation: Expulsion: §62 (3); Fine: §95 (5); Detention: §62 (3); Imprisonment: §95 (2). Anyone who makes false or incomplete information to get visas or other migration status, or fails to give complete information. In addition to the penalties listed, there might also be an immigration ban for particular persons in the future (§11).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Penalty is expulsion:**

Answer: Yes

Code: 2

Explanation: §62 (3): Anyone who makes false or incomplete information to get visas or other migration status, or fails to give complete information. In addition to the penalties listed, there might also be an immigration ban for particular persons in the future (§11).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Fine: §95 (5): Anyone who makes false or incomplete information to get visas or other migration status, or fails to give complete information. In addition to the penalties listed, there might also be an immigration ban for particular persons in the future (§11).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Penalty is detention:**

Answer: Yes

Code: 2

Explanation: Detention: §62 (3): Anyone who makes false or incomplete information to get visas or other migration status, or fails to give complete information. In addition to the penalties listed, there might also be an immigration ban for particular persons in the future (§11).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Imprisonment: §95 (2): Anyone who makes false or incomplete information to get visas or other migration status, or fails to give complete information. In addition to the penalties listed, there might also be an immigration ban for particular persons in the future (§11).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**IMMIGRATION\_17: Penalties for immigrants with expired documents.**

**Are there penalties for immigrants with expired documents?**

Answer: Yes

Code: 0

Explanation: For persons with expired visa, their passport is withheld until the person leaves the territory. Illegal stay is punishable with up to three years imprisonment or a fine, for anyone who “uses false or incomplete information in order to procure a residence title or a suspension of deportation for themselves or for another or to prevent the expiry or subsequent restriction of a residence title or the suspension of deportation or who knowingly uses a document procured in this manner for the purpose of deceit in legal matters. (§95, (2))”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 50 and 95.

**Penalty is expulsion:**

Answer: Yes

Code: 2

Explanation: For persons with expired visa, their passport is withheld until the person leaves the territory. Illegal stay is punishable with up to three years imprisonment or a fine, for anyone who “...uses false or incomplete information in order to procure a residence title or a suspension of deportation for themselves or for another or to prevent the expiry or subsequent restriction of a

residence title or the suspension of deportation or who knowingly uses a document procured in this manner for the purpose of deceit in legal matters. (§95, (2))”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 50 and 95.

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: For persons with expired visa, their passport is withheld until the person leaves the territory. Illegal stay is punishable with up to three years imprisonment or a fine, for anyone who “...uses false or incomplete information in order to procure a residence title or a suspension of deportation for themselves or for another or to prevent the expiry or subsequent restriction of a residence title or the suspension of deportation or who knowingly uses a document procured in this manner for the purpose of deceit in legal matters. (§95, (2))”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 50 and 95.

**Penalty is detention:**

Answer: No

Code: No

Explanation: For persons with expired visa, their passport is withheld until the person leaves the territory. Illegal stay is punishable with up to three years imprisonment or a fine, for anyone who “...uses false or incomplete information in order to procure a residence title or a suspension of deportation for themselves or for another or to prevent the expiry or subsequent restriction of a residence title or the suspension of deportation or who knowingly uses a document procured in this manner for the purpose of deceit in legal matters. (§95, (2))”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 50 and 95.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: For persons with expired visa, their passport is withheld until the person leaves the territory. Illegal stay is punishable with up to three years imprisonment or a fine, for anyone who “...uses false or incomplete information in order to procure a residence title or a suspension of deportation for themselves or for another or to prevent the expiry or subsequent restriction of a residence title or the suspension of deportation or who knowingly uses a document procured in this manner for the purpose of deceit in legal matters. (§95, (2))”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 50 and 95.

### 4.5.3. Aiding undocumented migrants

#### IMMIGRATION\_18: Penalties for aiding undocumented migrants.

**Are there penalties for aiding undocumented migrants?**

Answer: Yes

Code: 1

Explanation: The Migration Law is explicit about punishment regarding cases in which helping migrants to enter the country brought an advantage (pecuniary or otherwise) to the helper -as in smuggling. In a third article of the relevant section it is said that "attempts" are also punishable, but this is not really practiced unless there was a gain from the action.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 96.

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Where proven guilty, the penalty is imprisonment of three months to five years, or in less serious cases, imprisonment up to five years or with a fine.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 96.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Where proven guilty, the penalty is imprisonment of three months to five years, or in less serious cases, imprisonment up to five years or with a fine.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 96.

### 4.5.4. Employment obligations

#### IMMIGRATION\_19: Penalties for employers who hire migrant workers without a legal work permit.

**Are there sanctions for employers hiring migrant workers without a legal work permit?**

Answer: Yes

Code: 0



Explanation: Only when the employer knowingly employed someone with improper immigration status. Employers might also be obliged to pay for the deportation of the person, but also have to pay them their salary (at least three months). Also, “Anyone shall be deemed to have committed an administrative offence who willfully or recklessly in contravention of Section 4 (3), sentence 2 [absence of permission to perform employed work], commissions a foreigner on a sustained basis to perform paid work or services for gain”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 66, 98, 98- 2(a).

**Sanction is a fine:**

Answer: Yes

Code: 2

Explanation: Only when the employer knowingly employed someone with improper immigration status. Employers might also be obliged to pay for the deportation of the person, but also have to pay them their salary (at least three months). Also, “Anyone shall be deemed to have committed an administrative offence who willfully or recklessly in contravention of Section 4 (3), sentence 2 [absence of permission to perform employed work], commissions a foreigner on a sustained basis to perform paid work or services for gain”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 66, 98, 98- 2(a).

**Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: Only when the employer knowingly employed someone with improper immigration status. Employers might also be obliged to pay for the deportation of the person, but also have to pay them their salary (at least three months). Also, “Anyone shall be deemed to have committed an administrative offence who willfully or recklessly in contravention of Section 4 (3), sentence 2 [absence of permission to perform employed work], commissions a foreigner on a sustained basis to perform paid work or services for gain”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 66, 98, 98- 2(a).

### **4.5.5. Landlord obligations**

**IMMIGRATION\_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.**

**Are there penalties for landlords who rent shelter to migrants without a regular migrant status?**

Answer: Yes

Code: 0

Explanation: Prohibited by laws punishing facilitation (indirectly; only if intentional and for profit facilitation can be proved). The aid for the illegal stay is punishable under § 96 AufenthG in conjunction with § 27 StGB, if a landlord is providing help for illegal residence and for receives a financial advantage or a promise of it. This punishable help can theoretically be assumed, for example, if the illegal stay is objectively promoted or facilitated (Bavarian Higher Regional Court, order of 21.05.1999, ref .: 4 St RR 86/99). Practically, however, landlords have little to fear, because the Federal Court makes it clear that the purchase of a dwelling alone is not sufficient to realize the state of aid (Federal Court of Justice, order of 2 September 2009, Az .: 5 StR 266/09). Thus, only by concluding a rental agreement with a foreigner without a residence permit or examination of the relevant documents, a landlord does not automatically provide help for illegal residence. The penalty can be: a prison sentence of three months to five years, in less serious cases with a prison sentence of up to five years or a fine.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 96 (1) a, b. / Hunt, Denis. "Mieter ohne Aufenthaltsgenehmigung – Was müssen Vermieter beachten? [Tenants without a Residence Permit - What must Landlords Consider?]" Accessed January 25, 2019. <https://www.mietrecht.org/mietvertrag/mieter-ohne-aufenthaltsgenehmigung/>.

### **Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Prohibited by laws punishing facilitation (indirectly; only if intentional and for profit facilitation can be proved). The aid for the illegal stay is punishable under § 96 AufenthG in conjunction with § 27 StGB, if a landlord is providing help for illegal residence and for receives a financial advantage or a promise of it. This punishable help can theoretically be assumed, for example, if the illegal stay is objectively promoted or facilitated (Bavarian Higher Regional Court, order of 21.05.1999, ref .: 4 St RR 86/99). Practically, however, landlords have little to fear, because the Federal Court makes it clear that the purchase of a dwelling alone is not sufficient to realize the state of aid (Federal Court of Justice, order of 2 September 2009, Az .: 5 StR 266/09). Thus, only by concluding a rental agreement with a foreigner without a residence permit or examination of the relevant documents, a landlord does not automatically provide help for illegal residence. The penalty can be: a prison sentence of three months to five years, in less serious cases with a prison sentence of up to five years or a fine.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 96 (1) a, b. / Hunt, Denis. "Mieter ohne Aufenthaltsgenehmigung – Was müssen Vermieter beachten? [Tenants without a Residence Permit - What must Landlords Consider?]" Accessed January 25, 2019. <https://www.mietrecht.org/mietvertrag/mieter-ohne-aufenthaltsgenehmigung/>.

### **Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Prohibited by laws punishing facilitation (indirectly; only if intentional and for profit facilitation can be proved). The aid for the illegal stay is punishable under § 96 AufenthG in conjunction with § 27 StGB, if a landlord is providing help for illegal residence and for receives a financial advantage or a promise of it. This punishable help can theoretically be assumed, for example, if the illegal stay is objectively promoted or facilitated (Bavarian Higher Regional Court, order of 21.05.1999, ref .: 4 St RR 86/99). Practically, however, landlords have little to fear, because the Federal Court makes it clear that the purchase of a dwelling alone is not sufficient to realize the state of aid (Federal Court of Justice, order of 2 September 2009, Az .: 5 StR 266/09). Thus, only by

concluding a rental agreement with a foreigner without a residence permit or examination of the relevant documents, a landlord does not automatically provide help for illegal residence. The penalty can be: a prison sentence of three months to five years, in less serious cases with a prison sentence of up to five years or a fine.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 96 (1) a, b. / Hunt, Denis. "Mieter ohne Aufenthaltsgenehmigung – Was müssen Vermieter beachten? [Tenants without a Residence Permit - What must Landlords Consider?]", Accessed January 25, 2019. <https://www.mietrecht.org/mietvertrag/mieter-ohne-aufenthaltsgenehmigung/>.

#### **4.5.6. Airline penalties**

**IMMIGRATION\_21: Penalties for airlines carrying immigrants without documentation.**

**Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?**

Answer: Yes

Code: 0

Explanation: A fine of "no less than 1,000 euros and no more than 5,000 euros for each foreigner whom he transports in contravention of an order pursuant to (§63) subsection 2".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 62, 63 (3).

**Sanction is a fine:**

Answer: Yes

Code: 2

Explanation: A fine of "no less than 1,000 euros and no more than 5,000 euros for each foreigner whom he transports in contravention of an order pursuant to (§63) subsection 2".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 62, 63 (3).

**Penalty is more than a fine:**

Answer: No

Code: 1

Explanation: A fine of "no less than 1,000 euros and no more than 5,000 euros for each foreigner whom he transports in contravention of an order pursuant to (§63) subsection 2".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 62, 63 (3).

## 4.6. Amnesty programs

**IMMIGRATION\_22: Existence of amnesty program.**

**In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?**

Answer: No

Code: 0

Explanation: In cases of "Duldung", which is a sui generis status, the closest there is in Germany to regularisation, but which is not really the same as it does not legally constitute a residence permit, a person who is tolerated, or geduldet on humanitarian reasons or for political reasons, can apply for a working permit if that person has qualifications and the Agency for Work approves, speaks German, has a sufficient space for living, has not misled foreigners' authorities, has no relation to extremist or terrorist organisations and does not support them, has not been judged for a crime. If the tolerated person has been allowed to acquire qualifications in Germany, then with the acquired title the person can acquire a residence permit of two years. For young tolerated persons, a residence permit can be given if the person has been in Germany uninterruptedly for 4 years, visiting a school or has gotten a school or trade title/certificate, applies for the permit before turning 21 years of age and seen that from his previous education in Germany and living conditions can adapt to Germany and shows no signs of not respecting the free democratic order of Germany (AufenthG, §25a, (1)). In German: „(1) Einem jugendlichen oder heranwachsenden geduldeten Ausländer soll eine Aufenthaltserlaubnis erteilt werden, wenn 1. er sich seit vier Jahren ununterbrochen erlaubt, geduldet oder mit einer Aufenthaltsgestattung im Bundesgebiet aufhält, 2. er im Bundesgebiet in der Regel seit vier Jahren erfolgreich eine Schule besucht oder einen anerkannten Schul- oder Berufsabschluss erworben hat, 3. der Antrag auf Erteilung der Aufenthaltserlaubnis vor Vollendung des 21. Lebensjahres gestellt wird, 4. es gewährleistet erscheint, dass er sich auf Grund seiner bisherigen Ausbildung und Lebensverhältnisse in die Lebensverhältnisse der Bundesrepublik Deutschland einfügen kann und 5. keine konkreten Anhaltspunkte dafür bestehen, dass der Ausländer sich nicht zur freiheitlichen demokratischen Grundordnung der Bundesrepublik Deutschland bekennt“.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**The amnesty program is/was:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being employed is/was a condition to qualify for the amnesty program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**A given duration of stay is/was a condition to qualify for the amnesty program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Having a certain nationality is/was a condition to qualify for the amnesty program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Does a case by case regularization for irregular immigrants existed?**

Answer: No

Code: 0

Explanation: In cases of "Duldung", which is a sui generis status, the closest there is in Germany to regularisation, but which is not really the same as it does not legally constitute a residence permit, a person who is tolerated, or geduldet on humanitarian reasons or for political reasons, can apply for a working permit if that person has qualifications and the Agency for Work approves, speaks German, has a sufficient space for living, has not mislead foreigners' authorities, has no relation to extremist or terrorist organisations and does not support them, has not been judged for a crime. If the tolerated person has been allowed to acquire qualifications in Germany, then with the acquired title the person can acquire a residence permit of two years. For young tolerated persons, a residence permit can be given if the person has been in Germany uninterruptedly for 4 years, visiting a school or has gotten a school or trade title/certificate, applies for the permit before turning 21 years of age and seen that from his previous education in Germany and living conditions can adapt to Germany and shows no signs of not respecting the free democratic order of Germany (AufenthG, §25a, (1)). In German: „(1) Einem jugendlichen oder heranwachsenden geduldeten Ausländer soll eine Aufenthaltserlaubnis erteilt werden, wenn 1. er sich seit vier Jahren ununterbrochen erlaubt, geduldet oder mit einer Aufenthaltsgestattung im Bundesgebiet aufhält, 2. er im Bundesgebiet in der Regel seit vier Jahren erfolgreich eine Schule besucht oder einen anerkannten Schul- oder Berufsabschluss erworben hat, 3. der Antrag auf Erteilung der Aufenthaltserlaubnis vor Vollendung des 21. Lebensjahres gestellt wird, 4. es gewährleistet erscheint, dass er sich auf Grund seiner bisherigen Ausbildung und Lebensverhältnisse in die Lebensverhältnisse der Bundesrepublik Deutschland einfügen kann und 5. keine konkreten Anhaltspunkte dafür bestehen, dass der Ausländer sich nicht zur freiheitlichen demokratischen Grundordnung der Bundesrepublik Deutschland bekennt“.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Being employed is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**A given duration of stay is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Having a certain nationality is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is regularization through marriage possible:**

Answer: No

Code: 0

Explanation: In most cities the registration of the marriage is only accepted if the foreigner has a valid right to stay or Aufenthaltbescheinigung. If there is no way to obtain any type of status, or at least a temporary visa, the marriage can only take place outside of Germany (schutuzehe.com 2019).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**IMMIGRATION\_23. The amnesty defines the types of irregular migrants as:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4.7. Administration

### IMMIGRATION\_24\_1: Administration in charge of immigration regulation.

**Which institution is in charge of immigration regulation (in original language)?**

Answer: Bundesministerium des Inneren, Bau und Heimat

Code: Bundesministerium des Inneren, Bau und Heimat

Sources: Bundesministerium des Inneren, Bau und Heimat [Federal Ministry of the Interior, Building and Homeland]. "Migration [Migration]". [http://www.bmi.bund.de/DE/themen/migration/migration-node.html;jsessionid=9B5C5C14923D94D47E6958E52FFC15F9.2\\_cid373](http://www.bmi.bund.de/DE/themen/migration/migration-node.html;jsessionid=9B5C5C14923D94D47E6958E52FFC15F9.2_cid373).

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Federal Ministry of the Interior

### IMMIGRATION\_24\_2: Administration in charge of implementing immigration policies.

**Which institution is in charge of the implementation of immigration policies (in original language)?**

Answer: Bundesministerium des Inneren, Bau und Heimat

Code: Bundesministerium des Inneren, Bau und Heimat

Explanation: Bundesministerium des Inneren, Bau und Heimat.

Sources: Bundesministerium des Inneren, Bau und Heimat [Federal Ministry of the Interior, Building and Homeland]. "Migration [Migration]". [http://www.bmi.bund.de/DE/themen/migration/migration-node.html;jsessionid=9B5C5C14923D94D47E6958E52FFC15F9.2\\_cid373](http://www.bmi.bund.de/DE/themen/migration/migration-node.html;jsessionid=9B5C5C14923D94D47E6958E52FFC15F9.2_cid373).

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Federal Ministry of the Interior

### IMMIGRATION\_24\_3: Administration in charge of border control.

**Which institution is in charge of border control (in original language)?**

Answer: Bundespolizei, BPOL

Code: Bundespolizei, BPOL

Explanation: Bundespolizei, BPOL.

Sources: Gesetz Über Die Bundespolizei (BPolG) [Law on the Federal Police]. 1994.

**Which institution is in charge of border control (in English language)?**

Answer: The Federal Police

**IMMIGRATION\_24\_4: Administration in charge of detentions.**

**Which institution is in charge of detentions (in original language)?**

Answer: Bundespolizei, BPOL

Code: Bundespolizei, BPOL

Explanation: Bundespolizei, BPOL.

Sources: Gesetz Über Die Bundespolizei (BPolG) [Law on the Federal Police]. 1994.

**Which institution is in charge of detentions (in English language)?**

Answer: The Federal Police

## **4.8. Proxy: Labor migration (high- and low-skilled)**

**IMMIGRATION\_25: Visas applied to labor migration.**

**Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?**

Answer: No

Code: 0

**Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?**

Answer: Not applicable

Code: Not applicable

### **4.8.1. Domestic workers**



### Is there a visa scheme (entry track) for domestic workers?

Answer: No

Code: 0

Explanation: There is no visa for domestic workers in Germany. This makes the whole issue a legal gray zone. The freedom of movement for workers, which has been in force since 2011, enables EU citizens to start work in all member states in accordance with the relevant employment law regulations (working hours, continued pay, vacation entitlement, etc.). Since July 1, 2015, household or nursing staff from all Eastern European EU accession states no longer require a permit from the employment office to take up employment. Nursing staff from third countries (that is, foreigners from non-EU countries) need a residence permit to work, but there is a distinction between "domestic help" and "caregiver". Domestic workers may not perform any care-related activities and may not enter through the channels destined to the latter. For the nursing care a professional qualification is required. This is further confirmed by the Ordinance on the Employment of Foreigners, section 13, which states that domestic workers can be brought by diplomatic personnel (an exception to the general lack of entry track for domestic workers), but only when these persons, before their entry, employed the domestic worker for at least a year in charge of the care of a child younger than 16 years of age of a person in need of care in the household. In theory, a domestic worker from a non-EU country could request a residence permit (temporary residence title) for the purpose of employment which, for any potential employee requires an offer of employment, and fulfilling the general requirements for issuing a residence title (to have a passport, secured means of subsistence during residence, no grounds for deportation, etc.). In general, consent is also required from the Federal Employment Agency to obtain employment (with or without qualification training). The Federal Employment Agency may agree to grant a residence permit if the employment of a foreigner is not detrimental to the labor market and negatively impacts the employment in Germany, as well as if German workers as well as foreigners who are legally equal under EU law are not available (Section 39 (2) sentence 1 no. 1 AufenthG, so-called priority check). These checks make visas for domestic workers virtually impossible to obtain. A visa for self-employment, a hypothetical possibility for entry, seems even more difficult to obtain for domestic workers, as it requires an economic interest from Germany or regional need; a proof that the business is likely to generate a positive effect on the economy and financing must be secured. Note that the project 'Triple Win' launched in 2013 as a joint project by the International Placement Services of the Federal Employment Agency and the German Society for International Cooperation (Deutsch Gesellschaft für Internationale Zusammenarbeit, GIZ) has as a goal of recruiting foreign qualified workers for the German labour market, mainly in hospitals and care facilities; but still no domestic workers. In view of all these considerations (no entry track for this professional group, demand is considered fulfilled with the EU workers who have free mobility within the EU, so no chance for third-country nationals to access it, other hypothetically possible tracks seem very hard to fulfill for domestic workers), it has been decided that this entry track is Not applicable in Germany.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Tangermann, Julian, and Janne Grote. 2018. "Labour Market Integration of Third-Country Nationals in Germany". *82 Working Paper*. Nürnberg: BAMF. / Betanet.org. "Häusliche Pflege > Ausländische Kräfte [Home Care> Foreign Workers]". Accessed January 30, 2019. <https://www.betanet.de/haeusliche-pflege-auslaendische-kraefte.html?pdf=1332>. / Verordnung Über Die Beschäftigung von Ausländerinnen Und Ausländern (BeschV) [Ordinance on the Employment of Foreign Nationals]. 2017. Sec. 13.

### IMMIGRATION\_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in explanation).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_30: Restrictions based on age.**

**Are there age limits for migrant domestic workers in order to be admitted to the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_33. Do migrant domestic workers need to prove the ability to support themselves?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_36. How long is the domestic work permit valid for? Indicate the period in months.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_37. Is it possible to renew the work permit granted under the domestic worker entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_38: Possibility of changing jobs.**

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_41. Is a minimum level of education required to apply to the domestic entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_42. Is a test of good health required for migrant domestic worker?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.8.2. Agricultural workers**

#### **Is there a visa scheme (entry track) for agricultural workers?**

Answer: No

Code: 0

Explanation: A visa does not exist in Germany for the kind of agricultural work we intent to capture in the questionnaire. Enlargements of the EU have made short-term labour programs in Germany obsolete; since Jan. 1, 2012, workers from Eastern Europe can come and work in Germany without requiring a work permit. In theory, an agricultural worker could request a residence permit (temporary residence title) for the purpose of employment which, for any potential employee requires an offer of employment, and general requirements for issuing a residence title (to have a passport, secured means of subsistence during residence, no grounds for deportation, etc.). In general, consent is also required from the Federal Employment Agency in order to obtain employment (with or without qualification training). Excluded from this are only types of employment that do not require consent, including managers and those engaged in scientific, research and development activities (sections 3, 5 Employment Regulations). This is further confirmed by this communication of the German government in response to a European Commission query: "The need for seasonal workers in Germany is completely covered by workers from the EU. Therefore, for third country nationals there is no legal possibility to work as a seasonal worker in Germany". This refers, too, to bilateral agreements. The questions related to this proxy in the questionnaire do not fit what in the AufG defines as the temporary residence permit for persons having the status of long-term resident in another member state of the European Union (this questionnaire does not collect information for a group of immigrants only, as EU immigrants are in countries of the EU, but for immigrants in general). The §38a of that law does speak of "seasonal workers", following the official translation of that law. They are, however, de jure excluded from an employment permit by §40: "(1) Approval pursuant to Section 39 must be denied if 1. the employment has come about on the basis of unlawful placement or recruitment or 2. the foreigner intends to take up employment as a temporary worker (Section 1 (1) of the Act on Temporary Employment Businesses)". The spirit of the law is to impede that temporary workers are hired under precarious contracts; if their employment relation exceeds 18 months, they should have an employment relation. Thus, the answers in the remainder of the questionnaire for this proxy correspond to the treatment that foreign workers from states beyond the EU (third-country nationals) would get. They can get either a work permit for seasonal employment of at least 30 hours per week in agriculture, forestry, horticulture, hotels and restaurants, fruit and vegetable processing and sawmills, particularly, a work permit for a period of up to 90 days for each 180-day period if they are nationals of a country listed in Annex II to Regulation (EC) No 539/2001, or get consent if a) the length of stay is more than 90 days per period of 180 days or b) they are nationals of a country listed in Annex I to Regulation (EC) No 539/2001.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 40. / European Migration Network, and European Commission. "Ad-Hoc Query on Bilateral Agreements or Other Frameworks of Cooperation with the Non-EU/Non-EFTA Countries in Order to Improve Recruitment of Short-Term Workers". Accessed January 30, 2019. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/ad-hoc-queries/ad-hoc-queries-2015.694\\_pl\\_bilateral\\_agreements\\_wider\\_dissemination.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/ad-hoc-queries-2015.694_pl_bilateral_agreements_wider_dissemination.pdf). / Bundesministerium des Innern [Ministry of Interior]. "Anwendungshinweise Des Bundesministeriums Des Innern Zu Gesetz Und Verordnung Zur Umsetzung Aufenthaltsrechtlicher Richtlinien Der Europäischen Union Zur Arbeitsmigration [Application Notes from the Federal Ministry of the Interior on the Law and Ordinance for the Implementation of Directives of the European Union on Labor Migration]". Accessed February 4, 2019. [https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2017/arbeitshinweise-umsetzung-aufenthaltsrechtliche-richtlinien-zur-arbeitsmigration.pdf?\\_\\_blob=publicationFile&v=1](https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2017/arbeitshinweise-umsetzung-aufenthaltsrechtliche-richtlinien-zur-arbeitsmigration.pdf?__blob=publicationFile&v=1).

**IMMIGRATION\_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_47: Restrictions based on age.**

**Are age limits for migrant agricultural workers in order to be admitted to the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_48. Is having a certain gender a requisite to be admitted to the country under this entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



**IMMIGRATION\_50. Do migrant agricultural workers need to prove the ability to support themselves?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_53. How long is the work permit valid for? Indicate the period in months.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_54. Is it possible to renew the work permit granted under the agricultural worker entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_55: Possibility of changing jobs.**

**Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_58. Is a minimum level of education required to apply to the agricultural worker entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_59. Is a test of good health required for migrant agricultural workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.8.3. Medical doctors**

**Is there a visa scheme (entry track) for medical doctors?**

Answer: Yes

Code: 1

Explanation: They would be eligible for: (1) Temporary residence permit for qualified skilled workers seeking employment. If the foreigner with a German or a foreign higher education qualification which is recognized or otherwise comparable to a German higher education qualification and whose subsistence is secure may be granted a temporary residence permit for the purpose of seeking a job commensurate with this qualification for a period of up to six months. The residence permit shall not entitle the holder to pursue an economic activity. (2) A EU Blue Card temporary residence title, initially issued for 4 years, or if the employment is issued for less, for the period of employment plus three

months. Applicants must have: A degree from a German or other recognized/comparable foreign university, A firm job offer or employment contract, A minimum gross annual income of currently 1€ 48,400 or € 37,752 in shortage professions. Provided that the required average gross annual income is achieved, consent from the Federal Employment Agency is not required for your profession (section 2 subs. 1 No. 2a Employment Regulations). This does not apply for employments in shortage occupations, and doctors are one of the shortage occupations. Under section 2 subs. 2 Employment Regulations, these include, in particular, natural scientists, mathematicians, engineers, physicians and academic specialists in information and communications technology. If they have a German degree, they do not require consent of the Federal Employment Agency. 3) In special instances, a permanent residence title can also be used under section 19 Residence Act. For its generality, I will apply the EU Blue Card regulations to this proxy (1 is too restrictive for graduates of German institutions, and 3 is on a case-by-case basis).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 18 c, 19 a. / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Studying and Working in Germany. A Brochure on the Legal Requirements of Residence for Third-Country Nationals". Accessed January 21, 2019. [http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/bildung-und-beruf-in-deutschland.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/bildung-und-beruf-in-deutschland.pdf?__blob=publicationFile).

**IMMIGRATION\_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19a.

**IMMIGRATION\_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?**

Answer: Yes, beneficial

Code: 0.5

Explanation: Yes, beneficial (it is required for an employment permit, but beneficial for EU Blue Card, and since this is the easiest possibility, beneficial is the amplest answer).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 18 c, 19 a. / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Studying and Working in Germany. A Brochure on the Legal Requirements of Residence for Third-Country Nationals". Accessed January 21, 2019. [http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/bildung-und-beruf-in-deutschland.pdf?\\_\\_blob=publicationFile](http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschueren/bildung-und-beruf-in-deutschland.pdf?__blob=publicationFile).

**IMMIGRATION\_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?**

Answer: Yes

Code: 0.5

Explanation: implicitly, yes, but not for any individual application, precisely because doctors are (together with engineers, IT professionals, Mathematicians and natural scientists, exempted) among the professions for which a test is not needed, for being in such high demand. It is already negotiated by the Chamber of Medical Doctors that for medical doctors such a test is not needed, since it is defined as a occupation with shortages (the recognition of qualifications is another matter). It is only needed if the income would not surpass 41.808 Euro/year before taxes and the individual did not get their degree from a German University.

Sources: Hanganu, Elisa, and Barbara Heß. "Die Blaue Karte EU in Deutschland Kontext Und Ergebnisse Der BAMF-Befragung [The EU Blue Card in Germany Context and Results of the BAMF Survey]". *Research Report 27*. Nürnberg: BAMF. / Verordnung Über Die Beschäftigung von Ausländerinnen Und Ausländern (BeschV) [Ordinance on the Employment of Foreign Nationals]. 2017. Sec. 2.

**IMMIGRATION\_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**IMMIGRATION\_64: Restrictions based on age.**

**Are there age limits for migrant medical doctors to be admitted to the country?**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**IMMIGRATION\_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No such provision.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**IMMIGRATION\_67. Do migrant medical doctors need to prove the ability to support themselves?**

Answer: Yes

Code: 0.5

Explanation: Yes; but it is a lower income (38.688,- € before taxes) than the income threshold for (49.600 € before taxes) the general highly qualified professional category. Medical practitioners share this with Science and Engineering Professionals, Health Professionals and Information and Communications Technology Professionals. In concrete, the cut-off point is: "If the salary is at least 52 per cent of the annual income threshold in the general pension scheme, approval may be granted for an EU Blue Card".

Sources: Verordnung Über Die Beschäftigung von Ausländerinnen Und Ausländern (BeschV) [Ordinance on the Employment of Foreign Nationals]. 2017. Sec. 2, (2).

**IMMIGRATION\_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?**

Answer: Yes, required

Code: 0.25

Explanation: No, not for the entry visa. However, proof of sufficient general German language skills is typically required when applying for a full or temporary license to practice medicine (e.g., level B2 Intermediate of the common European framework of reference). As of 2014, applicants must also sit for a German medical language proficiency examination (generally conforming to level C1 in the medical field), which is carried out by the state chambers of physicians in most federal states. For more information, visit the websites of the state chambers of physicians.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**IMMIGRATION\_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 60

Code: 60

Explanation: 60 Euros for any visa, with a maximum of 140 Euros stipulated by the Law for a Blue Card.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 69.

**IMMIGRATION\_70. How long is the medical doctor work permit valid for? Indicate the period in months.**

Answer: 48

Code: 48

Explanation: The EU Blue Card shall be issued for a maximum period of four years from the date of initial issue. Where the duration of the employment contract is less than four years, the EU Blue Card shall be issued or extended for the period covering the employment contract plus three months.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19a, (3).

**IMMIGRATION\_71. Is it possible to renew the work permit granted under the medical doctor entry track?**

Answer: Renewal leads to permanent permit

Code: 2

Explanation: No, Blue Cards are issued for a maximum of 4 years. However, holders of an EU Blue Card can “upgrade” to a permanent residence even before those 4 years are completed, so their right is in a way stronger. They must be issued a permanent settlement permit, if they have held a position of employment in line with subsection 1 for at least 33 months and have made mandatory or voluntary contributions to the statutory pension insurance scheme for that period, or if they furnish evidence of an entitlement to comparable benefits from an insurance or pension scheme or from an insurance company and if the requirements of Section 9 (2), sentence 1, nos. 2, 4 to 6, 8 and 9 are met and if they have basic German language skills. Section 9 (2) sentences 2 to 6 apply. The 33 months shall be reduced to 21 months if the foreigner has a sufficient command of the German language.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19a, (3).

**IMMIGRATION\_72: Possibility of changing jobs.**

**Is it possible for a migrant medical doctor to switch employers?**

Answer: Yes

Code: 1

Explanation: Yes, it is possible, but within the first two years they must seek permission: “Holders of the EU Blue Card wishing to change jobs within the first two years of employment shall require permission by the foreigners’ authority; such permission shall be granted if the conditions in subsection 1 are met“. Switching professional sectors and locations would not be a problem either since that freedom to move in the EU is part of the Blue Card definition and the program selects by level of education not necessarily by specific type of profession (that is only one of the possible ways of getting one, not the only one).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19a, (6).

### **Is it possible for a migrant medical doctor to switch professional sectors?**

Answer: Yes

Code: 1

Explanation: Yes, it is possible, but within the first two years they must seek permission: “Holders of the EU Blue Card wishing to change jobs within the first two years of employment shall require permission by the foreigners’ authority; such permission shall be granted if the conditions in subsection 1 are met“. Switching professional sectors and locations would not be a problem either since that freedom to move in the EU is part of the Blue Card definition and the program selects by level of education not necessarily by specific type of profession (that is only one of the possible ways of getting one, not the only one).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19a, (6).

### **Is it possible for a migrant medical doctor to switch locations?**

Answer: Yes

Code: 1

Explanation: Yes, it is possible, but within the first two years they must seek permission: “Holders of the EU Blue Card wishing to change jobs within the first two years of employment shall require permission by the foreigners’ authority; such permission shall be granted if the conditions in subsection 1 are met“. Switching professional sectors and locations would not be a problem either since that freedom to move in the EU is part of the Blue Card definition and the program selects by level of education not necessarily by specific type of profession (that is only one of the possible ways of getting one, not the only one).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19a, (6).

### **IMMIGRATION\_73. Does loss of employment result in the withdrawal of a migrant worker’s resident permit under the medical doctor track?**

Answer: No

Code: 0

Explanation: Not automatically: it depends on the contributions made by the worker to social security schemes already and to the discretion of immigration authorities. Foreigners holding a temporary residence permit pursuant to Sections 18 or 18a or an EU Blue Card or an ICT Card must notify the competent foreigners’ authority should the employment for which the residence title was granted be



terminated earlier than envisaged. The foreigner in question initially still holds a valid residence title, but the immigration authority may stipulate a subsequent time limitation at its discretion. This time limitation may however take account of the possibility to seek employment, particularly if entitlements to unemployment benefit 1 ("ALG I") have arisen as a result of contributions that have been made.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 82, (6).

**IMMIGRATION\_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: It must be equal or higher, or specifically regulated by the Ministry of Work.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19a, (1), 3; 19a, (2), 1.

**IMMIGRATION\_75. Is a minimum level of education required to apply to the medical doctor entry track?**

Answer: Yes

Code: 0

Explanation: Yes, a foreign higher education qualification which is recognized or otherwise comparable to a German higher education qualification.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19 a.

**IMMIGRATION\_76. Is a test of good health required for migrant medical doctors?**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19 a.

## **4.9. Proxy: Refugees**

### **4.9.1. Existence of track**

**IMMIGRATION\_77. Does the country grant refugee status?**

Answer: Yes

Code: 1

Explanation: Yes; "(1) A foreigner shall be eligible for subsidiary protection if he has shown substantial grounds for believing that he would face a real risk of suffering serious harm in his country of origin. Serious harm consists of: 1. Death penalty or execution, 2. Torture or inhuman or degrading treatment or punishment, or 3. Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict".

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018).

**IMMIGRATION\_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?**

Answer: Yes

Code: 0

Explanation: Yes: the European Union member countries plus Norway and Switzerland since 2008.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26a (1) and Annex I.

**IMMIGRATION\_79: Safe countries of origin.**

**Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?**

Answer: Yes

Code: 0

Explanation: Yes: European Union member countries are "safe countries of origin" plus Albania, Bosnia and Herzegovina, Ghana, Kosovo, Former Yugoslav Republic of Macedonia, Montenegro, Senegal and Serbia.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 29a, (1, 2), Annex II

**How many countries?**

Answer: 34

Code: 34

Explanation: European Union member countries are "safe countries of origin" plus Albania, Bosnia and Herzegovina, Ghana, Kosovo, Former Yugoslav Republic of Macedonia, Montenegro, Senegal and Serbia.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 29a, (1, 2), Annex II

## 4.9.2. Restrictions

### IMMIGRATION\_80: Refugee status restricted for certain nationalities.

#### Is refugee status restricted to certain nationalities?

Answer: No

Code: 1

Explanation: No such provision.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 1.

#### Which nationalities?

Answer: Not applicable

Code: Not applicable

Explanation: N/A

Sources: Not applicable

### IMMIGRATION\_81: Restrictions based on age.

#### Are there age limits for potential refugees to be admitted to the country?

Answer: No

Code: 1

Explanation: Not to be granted the status, but it is beneficial to prevent being deported and to receive special protection and welfare services. Minor asylum seekers in the Federal Republic without parents cannot normally be deported from Germany to other EU countries. Even if the minors have already applied for asylum in other states of the EU and a Member State would therefore retake them, Germany must process their asylum application. For minors, as opposed to adult refugees, only the state is responsible for the asylum procedure in which they reside. All this follows from a landmark judgment of the Federal Administrative Court. Unaccompanied minors must be given special protection - for example, the European Union's Reception Directive. In Germany, they have the right to be taken into custody by the youth welfare office, a personal guardian and accommodation in institutions for child and youth welfare, as far as a corresponding need is determined. Like all other refugees, they have legally immediate access to education and training. Asylum-seekers aged under 18 are regarded as not having legal capacity within the asylum application. This means that unaccompanied minors may not file an asylum application with the Federal Office by themselves. In such cases, the asylum application must be filed in writing by the youth welfare office or guardian. If it is lodged by a guardian, a "certificate of appointment" (Bestallungsurkunde) needs to be forwarded. Since unaccompanied minors are regarded as a particularly vulnerable group of individuals enjoying special guarantees for their asylum procedure, their asylum applications are taken care of by specially commissioned case-officers who have been specially trained to take a sensitive approach. Their procedural guarantees include for instance the determination that the interview does not take place until after a guardian has been appointed and is held as a matter of principle in the presence of the latter.

Sources: Bundesverwaltungsgericht [Federal Administrative Court]. Judgement from 16.11.2015 [BVerwG 1 C 4.15]. / Eichstädt, Sven. "Urteil: Abschiebung junger Flüchtlinge ohne Eltern unmöglich [Verdict: Deportation of Young Refugees Without Parents is Impossible]". Access date not available. <https://www.welt.de/politik/deutschland/article148924609/Minderj.>

### **Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?**

Answer: No

Code: 1

Explanation: Not to be granted the status, but it is beneficial to prevent being deported and to receive special protection and welfare services. Minor asylum seekers in the Federal Republic without parents cannot normally be deported from Germany to other EU countries. Even if the minors have already applied for asylum in other states of the EU and a Member State would therefore retake them, Germany must process their asylum application. For minors, as opposed to adult refugees, only the state is responsible for the asylum procedure in which they reside. All this follows from a landmark judgment of the Federal Administrative Court. Unaccompanied minors must be given special protection - for example, the European Union's Reception Directive. In Germany, they have the right to be taken into custody by the youth welfare office, a personal guardian and accommodation in institutions for child and youth welfare, as far as a corresponding need is determined. Like all other refugees, they have legally immediate access to education and training. Asylum-seekers aged under 18 are regarded as not having legal capacity within the asylum application. This means that unaccompanied minors may not file an asylum application with the Federal Office by themselves. In such cases, the asylum application must be filed in writing by the youth welfare office or guardian. If it is lodged by a guardian, a "certificate of appointment" (Bestallungsurkunde) needs to be forwarded. Since unaccompanied minors are regarded as a particularly vulnerable group of individuals enjoying special guarantees for their asylum procedure, their asylum applications are taken care of by specially commissioned case-officers who have been specially trained to take a sensitive approach. Their procedural guarantees include for instance the determination that the interview does not take place until after a guardian has been appointed and is held as a matter of principle in the presence of the latter.

Sources: Bundesverwaltungsgericht [Federal Administrative Court]. Judgement from 16.11.2015 [BVerwG 1 C 4.15]. / Eichstädt, Sven. "Urteil: Abschiebung junger Flüchtlinge ohne Eltern unmöglich [Verdict: Deportation of Young Refugees Without Parents is Impossible]". Access date not available. <https://www.welt.de/politik/deutschland/article148924609/Minderj.>

### **Below which age?**

Answer: Younger than 25 years

Code: 5

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_82. Is having a certain gender a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 1.

#### **IMMIGRATION\_83. Is having a certain marital status a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 1.

### **4.9.3. Place of application**

#### **IMMIGRATION\_84: Place of application**

**Can asylum seekers file an application for asylum from outside the destination country's territory?**

Answer: No

Code: 0

Explanation: "All asylum-seekers arriving in Germany must report to a state organization directly on arrival or immediately thereafter. They can do this as soon as they reach the border or later within the country. Anyone already reporting as seeking asylum on entry approaches the border authority. This authority then sends asylum-seekers on to the closest initial reception center".

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 14, 1. / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "The Stages of the German Asylum Procedure. An Overview of the Individual Procedural Steps and the Legal Basis". Accessed February 8, 2019. <https://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschu.>

**Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?**

Answer: Yes

Code: 1

Explanation: "All asylum-seekers arriving in Germany must report to a state organization directly on arrival or immediately thereafter. They can do this as soon as they reach the border or later within the country. Anyone already reporting as seeking asylum on entry approaches the border authority. This authority then sends asylum-seekers on to the closest initial reception center".

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 14, 1. / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "The Stages of the German Asylum Procedure. An Overview of the Individual Procedural Steps and the Legal Basis". Accessed February 8, 2019. <https://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschu>.

#### **Can asylum seekers file an application for asylum on the destination country's territory?**

Answer: Yes

Code: 1

Explanation: "All asylum-seekers arriving in Germany must report to a state organization directly on arrival or immediately thereafter. They can do this as soon as they reach the border or later within the country. Anyone already reporting as seeking asylum on entry approaches the border authority. This authority then sends asylum-seekers on to the closest initial reception center".

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 14, 1. / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "The Stages of the German Asylum Procedure. An Overview of the Individual Procedural Steps and the Legal Basis". Accessed February 8, 2019. <https://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Broschu>.

### **4.9.4. Permit validity**

#### **IMMIGRATION\_85. How long is the initial residence permit for recognized refugees valid for?**

Answer: Temporary, between 25 and 36 months

Code: 4

Explanation: A temporary resident permit (Aufenthaltserlaubnis) of three years.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26, 1.

#### **IMMIGRATION\_86: Permit renewal.**

##### **Is it possible to renew a temporary residence permit?**

Answer: Yes

Code: 1

Explanation: It is possible to renew permit after three initial years, but a permanent permit can be granted if also the Federal Office for Migration and Refugees has not given notification in accordance with Section 73 (2a) of the Asylum Act that the conditions for revocation or withdrawal apply, he possesses a good command of the German language, his subsistence is for the most part ensured and the conditions of Section 9 (2), sentence 1, nos. 4 to 6 [he possesses a basic knowledge of the legal and social system and the way of life in the federal territory, the granting of such a residence permit is not precluded by reasons of public safety or order, according due consideration to the severity or the nature of the breach of public safety or order or the danger emanating from the foreigner, with due regard to the duration of the foreigner's stay to date and the existence of ties in the federal territory and he possesses sufficient living space for himself and the members of his family forming part of his household.], 8 and 9 [? There are no such numbers, perhaps they have been reformed] are met.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. "Nichtamtliches Inhaltsverzeichnis [Unofficial Table of Contents]". 2008 (2018). Secs. 9 (2); 26 (3) 1-5.

### **Is it possible to apply for a permanent resident permit for recognized refugees?**

Answer: Yes, possible to apply for permanent permit after 2-4 years

Code: 2

Explanation: It is possible to renew permit after three initial years, but a permanent permit can be granted if also the Federal Office for Migration and Refugees has not given notification in accordance with Section 73 (2a) of the Asylum Act that the conditions for revocation or withdrawal apply, he possesses a good command of the German language, his subsistence is for the most part ensured and the conditions of Section 9 (2), sentence 1, nos. 4 to 6 [he possesses a basic knowledge of the legal and social system and the way of life in the federal territory, the granting of such a residence permit is not precluded by reasons of public safety or order, according due consideration to the severity or the nature of the breach of public safety or order or the danger emanating from the foreigner, with due regard to the duration of the foreigner's stay to date and the existence of ties in the federal territory and he possesses sufficient living space for himself and the members of his family forming part of his household.], 8 and 9 [? There are no such numbers, perhaps they have been reformed] are met.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. "Nichtamtliches Inhaltsverzeichnis [Unofficial Table of Contents]". 2008 (2018). Secs. 9 (2); 26 (3) 1-5.

### **IMMIGRATION\_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?**

Answer: Yes

Code: 0

Explanation: "(1) Recognition of asylum and refugee status shall be revoked without delay if the conditions on which such recognition is based have ceased to exist. In particular, this shall be the case if, after the conditions on which his recognition as being entitled to asylum or refugee status is based have ceased to exist, the foreigner can no longer refuse to claim the protection of the country of which he is a citizen, or if he, as a stateless person, is able to return to the country where he had his usual residence. The second sentence shall not apply if the foreigner has compelling reasons, based on earlier persecution, for refusing to return to the country of which he is a citizen, or, if he is a stateless person, in which he had his usual residence".

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 73 (1).

#### 4.9.5. Maximum timeframe for application resolution

**IMMIGRATION\_88: Timeframe for resolution.**

**Is there a maximum of days to process the application of asylum seekers?**

Answer: No

Code: 0

Explanation: No, there is no maximum. A procedure can take anything between three months to two years, but generally they are solved within an average of 7 months. Around 2016 some politicians proposed to set a deadline by when if procedures are not concluded, asylum should be granted (Altfallregelung).

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). / ZEIT ONLINE. "Flüchtlinge: Asylverfahren dauern immer länger [Refugees: Asylum Procedures are Taking Longer and Longer]". Accessed February 11, 2019. <https://www.zeit.de/politik/2016-08/asyl-fluechtlinge-asylverfahren-bearbeitungsdauer>.

**What is the maximum of days?**

Answer: Not applicable

Code: Not applicable

Explanation: N/A

Sources: Not applicable

#### 4.9.6. Possibility to change migratory status

**IMMIGRATION\_89. If an application on refugee status is rejected, does the applicant have the right to appeal?**

Answer: Yes

Code: 1

Explanation: Yes.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 37.

**IMMIGRATION\_90. Is it possible for recognized refugees to change their migratory status?**

Answer: Yes



Code: 1

Explanation: The law seems to make room for such possibility, for instance, in Section 49: "The obligation to reside at a reception center shall be terminated if a deportation warning is enforceable and it is impossible to enforce deportation at short notice; or if the foreigner is to be issued a temporary residence permit pursuant to Section 24 of the Residence Act".

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 24.

#### **4.9.7. Detention**

##### **IMMIGRATION\_91: Detention**

###### **Are asylum seekers detained while their claims are being processed?**

Answer: No

Code: 2

Explanation: In general, for all asylum seekers not falling under the conditions marked above, it is required to live in the reception centers the up to six weeks but no longer than six months after the application is filed (AsylG 1992/2018 §20, §47). However, these reception centers are not understood to be detention centres that impose severe deprivations of basic human rights or that are equivalent to being under custody.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 47.

###### **Are asylum seekers detained after their claims are processed?**

Answer: Yes, under certain circumstances

Code: 1

Explanation: For those whose application has been rejected or was found inadmissible until they have left the territory or under deportation is enforced (AsylG 1992/2018 §47, (1a)).

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 47.

#### **4.9.8. Status after rejection**

##### **IMMIGRATION\_92. What is the status of asylum seekers whose applications are rejected?**

Answer: Issued a temporary certificate and possibility of applying to other visa

Code: 3

Explanation: It depends on the decision taken by the Entscheider; "(2) In decisions on admissible asylum applications and in decisions pursuant to Section 30 (5) it shall be expressly determined

whether the foreigner is granted refugee status or subsidiary protection and whether he is granted asylum. In cases within the meaning of Section 13 (2), second sentence, the limited application shall be decided upon. (3) In cases pursuant to paragraph 2 and in decisions on inadmissible asylum applications it shall be determined whether the conditions of Section 60 (5) or (7) of the Residence Act are met [prevention of deportation when the foreigner has a concrete threat to her body, life or freedom...]. This may be dispensed with if the foreigner is granted asylum or international protection within the meaning of Section 1 (1) no. 2“.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 31 (2), (3).

#### **IMMIGRATION\_93. Do asylum seekers have the possibility to work during the process of application?**

Answer: Yes, under certain circumstances

Code: 0.5

Explanation: Yes, as long as they have been released from the reception centre and three months have gone by since her/his application started (“An asylum applicant who has stayed in the federal territory for three months on the basis of permission to remain pending the asylum decision may, in derogation from Section 4 (3) of the Residence Act, be permitted to take up employment if the Federal Employment Agency has granted its approval or a statutory instrument stipulates that taking up such employment is permissible without the approval of the Federal Employment Agency. Previous periods of tolerated or lawful residence shall be counted as part of the waiting period under the first sentence“.)

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 61.

### **4.9.9. Translation and interpretation**

#### **IMMIGRATION\_94. Does the state provide official translation or interpretation for the process of asylum seekers?**

Answer: Yes

Code: 1

Explanation: After filing the application, “the Federal Office shall inform the foreigner in a language he can reasonably be supposed to understand about the course of the procedure and about his rights and obligations, especially concerning deadlines and the consequences of missing a deadline.(§24)” Thereafter, interpreters or translators are provided for the Hearing (§17) and the Decision must be translated in a language that the applicant understands (“a translation of the decision and the information on legal remedy in a language the foreigner can reasonably be assumed to understand shall be enclosed” §31).

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018).

### **4.10. Proxy: Co-ethnics**

#### 4.10.1. General

**IMMIGRATION\_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).**

**Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?**

Answer: Yes

Code: 1

Explanation: Yes, (Spät-)Aussiedler.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019).

**IMMIGRATION\_96. Register the name of the group(s).**

Answer: (Spät-)Aussiedler

Code: (Spät-)Aussiedler

Explanation: There are four such groups: 1. Vertriebene, 2. (Spät-)Aussiedler, and 3. Heimkehrer, and 4. Jews. For the purposes of our data collection, we include information for Spätaussiedler and Jewish immigrants, but code primarily for the former group, as it is the most numerous. 1. The German Federal Expellees Act (BVFG) refers to those German citizens and ethnic Germans from East Central, Eastern and Southeastern Europe who fled to the West at the end of the Second World War and were not allowed to return later, or who could return to their homes after the end of the war. 1948 were expelled or resettled in the course of the Potsdam agreement 2. Aussiedler is a subset category of the Vertriebene. The German citizens and ethnic Germans from these regions, who were able to immigrate to the Federal Republic of Germany from 1950, are referred to in the BVFG as Aussiedler. Since the 1950s this category was called Spät-Aussiedler (late repatriates). Since 1993, this is a legal category for those immigrants since January 1, 1993. "nach Abschluss der allgemeinen Vertreibungsmaßnahmen die zur Zeit unter fremder Verwaltung stehenden deutschen Ostgebiete, Danzig, Estland, Lettland, Litauen, die Sowjetunion, Polen, die Tschechoslowakei, Ungarn, Rumänien, Bulgarien, Jugoslawien oder Albanien verlassen hat oder verlässt, es sei denn, dass er erst nach dem 8. Mai 1945 einen Wohnsitz in diesen Gebieten begründet hat" / [Having left the general expulsion measures of the German territories currently under foreign administration, Gdansk, Estonia, Latvia, Lithuania, the Soviet Union, Poland, Czechoslovakia, Hungary, Romania, Bulgaria, Yugoslavia or Albania, except where: he only established residence in these areas after 8 May 1945]. 3. In the legal sense, "returnees" according to the Act on Aid for Homecoming (HkG) of 1950 German prisoners of war, who returned to the Federal Republic. Even German civilians who had been interned abroad were recognized as returnees. This applied to most of the Russian Germans, who had been living in Soviet prison camps and under "Kommandantur" for more than a decade. 4. Finally, according to Panagiotidis, the reception, naturalization and integration of (late) resettlers in their origin had a redressive function, since it was justified by the persecution of the persons concerned during the Second World War. At the same time, however, this "compensation through migration" was and is also coded ethno-nationally, since it referred to persecutes of German citizenship or ethnicity. It was a special status for ethnically defined victims of persecution. Similarly, at the beginning of the 1990s, the category of "Jewish contingent refugee" was constructed. In the context of the German migration process of the 1990s, the "ethnic privilege" of both groups resulted from the relative improvement in comparison to other categories of immigrants who were denied access to German citizenship or a legal residence.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). / Gesetz zur Änderung des Heimkehrerstiftungsaufhebungsgesetzes [Law Amending the Homecoming Foundation Abolition Act]. 2008. Part I. Nr. 2.

## 4.10.2. Reasons for co-ethnicity

### IMMIGRATION\_97. Reasons for co-ethnicity.

#### Shared language:

Answer: No

Code: 0

Explanation: No such provision

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 6, (1). / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 23, (2). / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Acceptance Criteria". Accessed January 21, 2019. URL not available.

#### Shared religion:

Answer: No

Code: 0

Explanation: For Jewish immigrants: Not shared religion, bur religion is necessary to recognize the people belonging in one co-ethnic group. A mix of a certain religion (Judaism) with ill treatment by Germany in the past. Jewish immigrants have special treatment for purposes of immigration (akin to a privileged access to a point system) if they can prove to: be nationals of a successor state of the former Soviet Union or have lived there as a stateless person since at least 1 January 2005, be of Jewish nationality or have at least one Jewish parent or one Jewish grandparent. Furthermore, they must not follow any other religion than Judaism but there are further criteria that include language skills, qualifications and professional experience and the age of the immigrants. However, if they were direct victims of Nazism, they are exemted from the German test and the integration prognosis: "Opfer der nationalsozialistischen Verfolgung: bei Personen, die vor dem 1. Januar 1945 in einem Nachfolgestaat der ehemaligen Sowjetunion geboren wurden, wird angenommen, dass sie Opfer nationalsozialistischer Verfolgung sind. Personen, die vor dem 1. Januar 1945 außerhalb dieses Gebietes geboren wurden, können sich auf diese Regelung berufen, müssen ihre Verfolgung aber glaubhaft darlegen. Opfer nationalsozialistischer Verfolgung müssen keine Deutschkenntnisse nachweisen. Eine Integrationsprognose ist für sie nicht vorgesehen"/ [Persons born before 1 January 1945 in a successor state to the former Soviet Union are presumed to be victims of Nazi persecution. Persons born outside this area before 1 January 1945 may rely on this provision but must demonstrate their persecution in a credible manner. Victims of National Socialist persecution do not need to prove German language skills. An integration forecast is not intended for them.].

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 6, (1). / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 23, (2). / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Acceptance Criteria". Accessed January 21, 2019. URL not available.

#### Shared ancestry:

Answer: Yes

Code: 1

Explanation: Mix of shared ancestry with political circumstances that aim to correct ill treatment in the past. Panagiotidis writes: "'Aussiedler" was not a purely ethno-nationally conceived category that would have given every German from anywhere in the world the opportunity to come to Germany. Rather, it was geographically limited, historically linked to the events and consequences of the Second World War, as well as communist rule in East Central, Eastern and Southeastern Europe. In principle, this also implied an "expiry date": as the consequences of the Second World War would be less noticeable over time and the communist systems disappear, the category of "emigrants" would also be called into question".

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 6, (1). / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 23, (2). / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Acceptance Criteria". Accessed January 21, 2019. URL not available.

### **Citizen of former colony:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 6, (1). / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 23, (2). / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Acceptance Criteria". Accessed January 21, 2019. URL not available.

### **Ill treatment by country in the past:**

Answer: No

Code: 0

Explanation: For Jewish immigrants: A mix of a certain religion (Judaism) with ill treatment by Germany in the past. Jewish immigrants have special treatment for purposes of immigration (akin to a privileged access to a point system) if they can prove to: be nationals of a successor state of the former Soviet Union or have lived there as a stateless person since at least 1 January 2005, be of Jewish nationality or have at least one Jewish parent or one Jewish grandparent. Furthermore, they must not follow any other religion than Judaism but there are further criteria that include language skills, qualifications and professional experience and the age of the immigrants. However, if they were direct victims of Nazism, they are exempted from the German test and the integration prognosis: "Opfer der nationalsozialistischen Verfolgung: bei Personen, die vor dem 1. Januar 1945 in einem Nachfolgestaat der ehemaligen Sowjetunion geboren wurden, wird angenommen, dass sie Opfer nationalsozialistischer Verfolgung sind. Personen, die vor dem 1. Januar 1945 außerhalb dieses Gebietes geboren wurden, können sich auf diese Regelung berufen, müssen ihre Verfolgung aber glaubhaft darlegen. Opfer nationalsozialistischer Verfolgung müssen keine Deutschkenntnisse nachweisen. Eine Integrationsprognose ist für sie nicht vorgesehen"/ [Persons born before 1 January 1945 in a successor state to the former Soviet Union are presumed to be victims of Nazi persecution. Persons born outside this area before 1 January 1945 may rely on this provision but must demonstrate their persecution in a credible manner. Victims of National Socialist persecution do not need to prove German language skills. An integration forecast is not intended for them.]

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 6, (1). / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 23, (2). / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Acceptance Criteria". Accessed January 21, 2019. URL not available.

**Self-declaration: avowal to be of country's ethnicity:**

Answer: No

Code: 0

Explanation: No such provision

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 6, (1). / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 23, (2). / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Acceptance Criteria". Accessed January 21, 2019. URL not available.

**Other:**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 6, (1). / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 23, (2). / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Acceptance Criteria". Accessed January 21, 2019. URL not available.

**IMMIGRATION\_98. May converts apply?**

Answer: No

Code: 0

Explanation: For Jewish immigrants: In theory, but this would only be applicable to the Jewish immigrants, and according to the Halakha laws this should be ascertained when someone is the offspring of a Jewish mother or a convert. However, the German law, for purposes of immigration, only recognizes Jewish ancestry (although in a broader conception than the halacha law, as it includes any parent and even the Grandparents): "jüdischer Nationalität sein bzw. von mindestens einem jüdischen Elternteil oder von einem jüdischen Großelternanteil abstammen und sich zu keiner anderen Religion bekennen". [be of Jewish nationality or descended from at least one Jewish parent or a Jewish grandparent and do not profess any other religion].

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Jüdische Zuwanderer – Aufnahmevoraussetzungen [Jewish Immigrants - Admission Requirements]". Accessed February 18, 2019.

[http://www.bamf.de/DE/Migration/JuedischeZuwanderer/Voraussetzungen/voraussetzungen-node.html?jsessionid=B1FBDC103FAD4A2B228DF3865E6032AD.2\\_cid359](http://www.bamf.de/DE/Migration/JuedischeZuwanderer/Voraussetzungen/voraussetzungen-node.html?jsessionid=B1FBDC103FAD4A2B228DF3865E6032AD.2_cid359).

**IMMIGRATION\_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?**

Answer: Degree not defined in regulations

Code: 5

Explanation: Ancestry required, but degree of ancestry not defined (for Spätaussiedler) The German ancestry is defined in §1 and §6 of the BVFG: "Deutscher Volkszugehöriger im Sinne dieses Gesetzes ist, wer sich in seiner Heimat zum deutschen Volkstum bekannt hat, sofern dieses Bekenntnis durch bestimmte Merkmale wie Abstammung, Sprache, Erziehung, Kultur bestätigt wird" [For the purposes of this law, German nationals are those who have professed German nationality in their homeland, insofar as this confession is confirmed by certain characteristics such as descent, language, education, and culture].

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 1, (1).

### **4.10.3. Language test**

**IMMIGRATION\_100. What is the required level of language skills?**

Answer: Basic post-arrival

Code: 2

Explanation: Basic language skills required: Tested post-arrival (both for Spätaussiedler and Jewish immigrants) "Das Bekenntnis auf andere Weise kann insbesondere durch den Nachweis ausreichender deutscher Sprachkenntnisse entsprechend dem Niveau B 1 des Gemeinsamen Europäischen Referenzrahmens für Sprachen oder durch den Nachweis familiär vermittelter Deutschkenntnisse erbracht werden. Das Bekenntnis zum deutschen Volkstum muss bestätigt werden durch den Nachweis der Fähigkeit, zum Zeitpunkt der verwaltungsbehördlichen Entscheidung über den Aufnahmeantrag, in Fällen des § 27 Absatz 1 Satz 2 im Zeitpunkt der Begründung des ständigen Aufenthalts im Geltungsbereich dieses Gesetzes, zumindest ein einfaches Gespräch auf Deutsch führen zu können, es sei denn, der Aufnahmewerber kann diese Fähigkeit wegen einer körperlichen, geistigen oder seelischen Krankheit". ["...Belonging to Germany may be provided in particular by proof of sufficient German language proficiency corresponding to level B 1 of the Common European Framework of Reference for Languages or by proof of proficiency in German. The commitment to German nationality must be confirmed by the proof of the ability, at the time of the administrative decision on the application for admission, in cases of § 27 (1) sentence 2 at the time of the establishment of permanent residence in the scope of this Act, at least a simple conversation in German unless the applicant can exercise this ability because of a physical, mental or emotional illness..."].

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 6 (2).

### **4.10.4. Place of residence**

**IMMIGRATION\_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).**

Answer: Yes



Code: 1

Explanation: Yes, from formerly German-settled eastern territories, Danzig, Estonia, Latvia, Lithuania, the Soviet Union, Poland, Czechoslovakia, Hungary, Romania, Bulgaria, Yugoslavia and Albania or China.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 1, (3).

#### **4.10.5. Place of application**

**IMMIGRATION\_102. Place of application.**

**Can applicants file an application from outside the territory of the host country?**

Answer: Yes

Code: 1

Explanation: Applications could be filed from outside the territory of the host country (for both Spätaussiedler or Jewish immigrants).

Sources: Bundesverwaltungsamt [Federal Office of Administration]. "Spätaussiedler – Spätaussiedleraufnahmeverfahren [Repatriate- Repatriate Admission Procedure]". Accessed February 18, 2019. [https://www.bva.bund.de/DE/Services/Buerger/Migration-Integration/Spaetaussiedler/spaetaussiedler\\_node.html](https://www.bva.bund.de/DE/Services/Buerger/Migration-Integration/Spaetaussiedler/spaetaussiedler_node.html). / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Verfahren Jüdisch Zuwanderer [Procedure Jewish Immigrants]". Accessed February 18, 2019. <http://www.bamf.de/DE/Migration/JuedischeZuwanderer/Verfahren/verfahren-node.html>.

**Can applicants file an application on host country's territory?**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Bundesverwaltungsamt [Federal Office of Administration]. "Spätaussiedler – Spätaussiedleraufnahmeverfahren [Repatriate- Repatriate Admission Procedure]". Accessed February 18, 2019. [https://www.bva.bund.de/DE/Services/Buerger/Migration-Integration/Spaetaussiedler/spaetaussiedler\\_node.html](https://www.bva.bund.de/DE/Services/Buerger/Migration-Integration/Spaetaussiedler/spaetaussiedler_node.html). / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Verfahren Jüdisch Zuwanderer [Procedure Jewish Immigrants]". Accessed February 18, 2019. <http://www.bamf.de/DE/Migration/JuedischeZuwanderer/Verfahren/verfahren-node.html>.

#### **4.10.6. Date of birth**

**IMMIGRATION\_103. Do applicants need to be born before or after a certain date to be eligible?**



Answer: Yes

Code: 1

Explanation: Date of birth before a certain date: 01.01.1993 (for the main applicant of Spätaussiedler).

Sources: Bundesverwaltungsamt [Federal Office of Administration]. "Voraussetzung Antrag auf Aufnahme als Spätaussiedler [Requirement: Application for Admission as a Repatriate]. Accessed February 18, 2019. [https://www.bva.bund.de/DE/Services/Buerger/Migration-Integration/Spaetaussiedler/01\\_Antrag\\_stellen/08\\_Voraussetzungen/06\\_Voraussetzung\\_Aufnahme\\_node.html](https://www.bva.bund.de/DE/Services/Buerger/Migration-Integration/Spaetaussiedler/01_Antrag_stellen/08_Voraussetzungen/06_Voraussetzung_Aufnahme_node.html).

#### **4.10.7. Permit validity**

**IMMIGRATION\_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?**

Answer: Nationality is granted right away/after a short period

Code: 0

Explanation: For Jewish immigrants: Niederlassungserlaubnis for Jewish Immigrants For Spätaussiedler: Nationality is conferred upon immigration. "Mit der Anerkennung als Spätaussiedler erhalten Zugewanderte automatisch die deutsche Staatsangehörigkeit" / [With the recognition as Spätaussiedler immigrants and their families automatically receive German citizenship. (StaG, §7)].

Sources: Flüchtlingsrat Niedersachsen e. V [Refugee Council of Lower Saxony]. "18.6 Flüchtlinge mit Aufenthaltserlaubnis nach § 23 Abs. 1 AufenthG in anderen Fällen – Flüchtlingsrat Niedersachsen [18.6 Refugees with a Residence Permit According to § 23 Abs. 1 AufenthG in Other Cases - Refugee Council Lower Saxony]'. Accessed February 18, 2019. <https://www.nds-fluerat.org/leitfaden/15-hinwe>.

**IMMIGRATION\_105. Permit renewal.**

**Is it possible to renew a temporary residence permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not needed, since they have either a settlement permit (Jewish) or nationality (Spätaussiedler).

Sources: Flüchtlingsrat Niedersachsen e. V [Refugee Council of Lower Saxony]. "18.6 Flüchtlinge mit Aufenthaltserlaubnis nach § 23 Abs. 1 AufenthG in anderen Fällen – Flüchtlingsrat Niedersachsen [18.6 Refugees with a Residence Permit According to § 23 Abs. 1 AufenthG in Other Cases - Refugee Council Lower Saxony]'. Accessed February 18, 2019. <https://www.nds-fluerat.org/leitfaden/15-hinwe>.

**Is it possible to apply for a permanent resident permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not needed, since they have either a settlement permit (Jewish) or nationality (Spätaussiedler).

Sources: Flüchtlingsrat Niedersachsen e. V [Refugee Council of Lower Saxony]. "18.6 Flüchtlinge mit Aufenthaltserlaubnis nach § 23 Abs. 1 AufenthG in anderen Fällen – Flüchtlingsrat Niedersachsen [18.6 Refugees with a Residence Permit According to § 23 Abs. 1 AufenthG in Other Cases - Refugee Council Lower Saxony]'. Accessed February 18, 2019. <https://www.nds-fluerat.org/leitfaden/15-hinwe>.

## 5. Immigrant policies

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### 5.1. Permanent residence

#### 5.1.1. Eligibility

##### **IMMIGRANT\_1: General existence of a permanent residence scheme.**

Answer: Yes

Code: 1

Explanation: Yes. It's name is Niederlassungserlaubnis. Aufenthaltserlaubnis is the name for temporary residence visas, where temporality is always defined by purpose.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 9.

##### **IMMIGRANT\_2: Existence of a permanent residence scheme for different proxies.**

###### **Do asylum seekers have access to permanent residence?**

Answer: No

Code: 0

Explanation: No. Only people who have already secured a residence permit before can access a permanent one; in general, this means recognized refugees or persons with a subsidiary protection, or other migrants with other residence permits who have resided in Germany for 5 years and are able to fulfill other requisites depending on their permit, can access permanent residence.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 9.

###### **Do refugees have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: They can get a permanent settlement permit after 5 years, or only 3 years if they are well-integrated both linguistically and economically. If they have a residence permit for other humanitarian reasons they can also get a settlement permit after 5 years, but under other conditions.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

###### **Do co-ethnics have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: For Aussiedler, they are conferred nationality upon arrival, which means that permanent residence is irrelevant.

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Verfahren Jüdisch Zuwanderer [Procedure Jewish Immigrants]". Accessed February 18, 2019. <http://www.bamf.de/DE/Migration/JuedischeZuwanderer/Verfahren/verfahren-node.html>.

#### **Do domestic workers have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Do agricultural workers have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 9, (2).

#### **Do medical doctors have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Yes, and even shorter than the requirement of 5 years for the average foreigner if they are in possession of a Blue Card. "(4) A foreigner who possesses a temporary residence permit in accordance with this Part may otherwise be granted a permanent settlement permit if the conditions stipulated in Section 9 (2), sentence 1, are met". (§26, Section 4.)

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

#### **IMMIGRANT\_3: Required time of habitual residence.**

##### **How many months of habitual residence are required from asylum seekers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from refugees for accessing permanent residence?**

Answer: 36

Code: 36

Explanation: 36.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26, (3).

**How many months of habitual residence are required from co-ethnics for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from domestic workers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from agricultural workers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from medical doctors for accessing permanent residence?**

Answer: 33

Code: 33

Explanation: 5 years in general and even shorter if they are in possession of a Blue Card: "(4) A foreigner who possesses a temporary residence permit in accordance with this Part may otherwise be granted a permanent settlement permit if the conditions stipulated in Section 9 (2), sentence 1, are met". (§26, Section 4.) §9: "(2) A foreigner shall be granted a permanent settlement permit if 1. he has held a temporary residence permit for five years" (§9, 2), 1). In case they have a Blue Card, the following applies: "Holders of an EU Blue Card must be issued a permanent settlement permit, if they have held a position of employment in line with subsection 1 for at least 33 months and have made mandatory or voluntary contributions to the statutory pension insurance scheme for that period, or if they furnish evidence of an entitlement to comparable benefits from an insurance or pension scheme or from an insurance company and if the requirements of Section 9 (2), sentence 1, nos. 2, 4 to 6, 8 and 9 are met and if they have basic German language skills. Section 9 (2) sentences 2 to 6 shall apply accordingly. The period referred to in sentence 1 shall be reduced to 21 months if the foreigner has a sufficient command of the German language". (§19a, (6)).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

#### **IMMIGRANT\_4: Periods of absence allowed.**

**Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 6

Code: 6

Explanation: This is regarding permanent residence: Up to 10 non-consecutive months and/or 6 consecutive months: "a maximum of six months for each stay outside of the federal territory which did not lead to expiry of the temporary residence permit". However, in another passage of the law (§ 85) it is stated that for the calculation of residence periods, interruptions of lawful residence of up to one year may be ignored.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 9, (4), 2, and 85.

**Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 6

Code: 6

Explanation: Answer: Up to 10 non-consecutive months and/or 6 consecutive months: “a maximum of six months for each stay outside of the federal territory which did not lead to expiry of the temporary residence permit”. However, in another passage of the law (§ 85) it is stated that for the calculation of residence periods, interruptions of lawful residence of up to one year may be ignored.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 9, (4), 2, and 85

#### **IMMIGRANT\_5. Result of a regularization process.**

**The regularization process leads to:**

Answer: sui generis residence permit

Code: 0.5

Explanation: There is no regularization available in Germany. There is a sui generis permit, the Toleration (Duldung), which is a temporary stop to expulsion procedures, is not a residence permit and does not account for a lawful stay; it only means that the foreigner is registered at the foreigner’s office and thus the penalties for legal stay are not applied. This Duldung leads generally only to a 6-month maximum stay, and in cases of qualification or employment to a maximum of 2 year (temporary) permit stay.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 18a, (1a). / Dienelt, Klaus. “Duldung: Was ist eine Duldung und mit welchen Rechten ist sie verbunden? [Duldung: What is a Duldung and What Rights are Associated with it?]”. Accessed March 28, 2019. <http://www.bpb.de/gesellschaft/migration/kurzdossiers/233846/definition-fuer-duldung-und-verbundene-rechte>.

#### **IMMIGRANT\_6: Language test.**

**Is there a language requirement for asylum seekers to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for refugees to access permanent residence?**

Answer: yes, fluency in language of reception is required

Code: 0

Explanation: “Sufficient command of the German language”( §9, (2)). The conceptual clarifications in the same law further define this level as B1 in the Common European language reference system as per §9, (2), 9 of the AufenthG.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).



**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: yes, fluency in language of reception is required

Code: 0

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for domestic workers to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for medical doctors to access permanent residence?**

Answer: yes, fluency in language of reception is required

Code: 0

Explanation: Same answer as for refugees: test of B1/integration course, or when the latter was not an entitlement or a requirement, a simple conversation in German. A simple conversation in German with the migration officer might suffice to attest that level in the cases of foreigners who were not required and did not have the right to attend an integration course or who, for reasons of advanced age, health or hardship, were impeded from taking part in language courses

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**IMMIGRANT\_7: Economic resources.**

**Is there an economic resources requirement for applying to permanent residence for asylum seekers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for refugees?**

Answer: higher than social assistance and no income source is excluded

Code: 0.5

Explanation: Higher than social assistance and no income source is excluded. Recognized refugees may get a residence permit upon 5 years of residence if they can prove that their living conditions are mostly secured (their own income pays for more than 51% of it) and there is enough living space for the refugee and its dependents (per family member below 6 years of age 10 sqm, above 6 years of age 12 sqm, with variations of 10% acceptable). Recognized refugees may get a residence permit upon 3 years if their living conditions are most widely secured (the income pays for above 76% of the living conditions), and also commands a high level of German (C1).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 26, 3.

**Is there an economic resources requirement for applying to permanent residence for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for domestic workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for agricultural workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for medical doctors?**

Answer: higher than social assistance and no income source is excluded

Code: 0.5

Explanation: Income enough to secure own and own family's health insurance and no use of social assistance. It is necessary to prove that own life is secured, and that a 5 year-long contribution to social security insurance and pension funds, according to §9, (2), 2, 3 of the AufenthG. There is further clarification of what it means to have one's own living conditions secured: when the health insurance is provided for without support from the state in the form of transfers for the support of children, according to AufenthG, §2, (3). "According to §19, a highly qualified foreigner (1. researchers with special technical knowledge or 2. teaching personnel in prominent positions or scientific personnel in prominent positions) can also be granted a permanent settlement permit in special cases if the Federal Employment Agency has granted approval or by intergovernmental agreement that the permanent settlement permit may be granted without approval from the Federal Employment Agency in line with Section 39 and there is reason to assume that integration into the way of life in the Federal Republic of Germany and the foreigner's subsistence without state assistance are assured.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**IMMIGRANT\_8: Cost of application.**

**What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?**

Answer: 200

Code: 200

Explanation: According to the law may not surpass 200€ (AufenthG, §69, (5)). For Berlin, these are the costs: 113€ for the issuing of the permanent residence status; in case it is rejected, the process costs the half: 56,50 Euros. Turkish nationals only pay a max. of 28,80 Euro. For refugees it is free.

Sources: Berlin.de. "Niederlassungserlaubnis (Allgemein) - Dienstleistungen - Service Berlin [Settlement Permit (General) - Services - Service Berlin]". Accessed April 2, 2019. <https://service.berlin.de/dienstleistung/121864/>. / Berlin.de. "Niederlassungserlaubnis Für Anerkannte Asylberechtigte Und Flüchtlinge - Dienstleistungen - Service Berlin [Settlement Permit for Recognized Asylum Seekers and Refugees - Services - Service Berlin]". Accessed April 2, 2019. <https://service.berlin.de/dienstleistung/326554/>.

**What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?**

Answer: 221

Code: 221

Explanation: According to the law may not surpass 200€ (AufenthG, §69, (5)). In USD that would be 221.85 [as of 28.10.2019] For Berlin, these are the costs: 113€ for the issuing of the permanent residence status; in case it is rejected, the process costs the half: 56,50 Euros. Turkish nationals only pay a max. of 28,80 Euro. For refugees it is free.

Sources: Berlin.de. "Niederlassungserlaubnis (Allgemein) - Dienstleistungen - Service Berlin [Settlement Permit (General) - Services - Service Berlin]". Accessed April 2, 2019. <https://service.berlin.de/dienstleistung/121864/>. / Berlin.de. "Niederlassungserlaubnis Für Anerkannte Asylberechtigte Und Flüchtlinge - Dienstleistungen - Service Berlin [Settlement Permit for Recognized Asylum Seekers and Refugees - Services - Service Berlin]". Accessed April 2, 2019. <https://service.berlin.de/dienstleistung/326554/>.

#### **IMMIGRANT\_9: Employer sponsorship.**

##### **Do asylum seekers have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Do refugees have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: No, but a certificate from employer (unless applicant is self-employed) is a requisite.

Sources: Berlin.de. "Niederlassungserlaubnis (Allgemein) - Dienstleistungen - Service Berlin [Settlement Permit (General) - Services - Service Berlin]". Accessed April 2, 2019. <https://service.berlin.de/dienstleistung/121864/>.

##### **Do co-ethnics have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: No provision in main regulations.

Sources: Berlin.de. "Niederlassungserlaubnis (Allgemein) - Dienstleistungen - Service Berlin [Settlement Permit (General) - Services - Service Berlin]". Accessed April 2, 2019. <https://service.berlin.de/dienstleistung/121864/>.

##### **Do domestic have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: No such provision.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 19a.

### **5.1.2. Security of status**

**IMMIGRANT\_10: Maximum length of application procedure.**

**Maximum length of application procedure for asylum seekers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for asylum seekers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for refugees in months:**

Answer: 97

Code: 97

Explanation: no regulation on maximum length

Sources: Not applicable

**Maximum length of application procedure for refugees:**

Answer: no regulation on maximum length

Code: 0

Explanation: no regulation on maximum length

Sources: Not applicable

**Maximum length of application procedure for co-ethnics in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for co-ethnics:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for domestic workers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for domestic workers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for agricultural workers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for agricultural workers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for medical doctors in months:**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Bundesministerium des Innern [Federal Ministry of Interior]. "Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz [General Administrative Regulation for the Residence Act]". Accessed 2 April 2019. <http://www.verwaltungsvorschriften-im-internet.de/pdf/BMI-MI3-20091026-SF-A001.pdf>.

**Maximum length of application procedure for medical doctors:**

Answer: no regulation on maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Bundesministerium des Innern [Federal Ministry of Interior]. "Allgemeine Verwaltungsvorschrift zum Aufenthaltsgesetz [General Administrative Regulation for the Residence Act]". Accessed 2 April 2019.  
<http://www.verwaltungsvorschriften-im-internet.de/pdf/BMI-MI3-20091026-SF-A001.pdf>.

#### **IMMIGRANT\_11: Grounds for rejection.**

**Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:**

Answer: no

Code: 0

Explanation: Only 1. Proven fraud in the acquisition of permit and 2. actual and serious threat to public policy or national security, can be considered for the PR rejection. "If a foreigner who is under investigation on suspicion of having committed a criminal or administrative offence applies for issuance or extension of a residence title, the decision on the residence title shall be suspended until the attendant proceedings are completed" (§79); "fails to furnish an item of information or furnishes incorrect or incomplete information [...] furnishes or uses false or incomplete information in order to procure a residence title [...] belongs to an organisation or group in the federal territory which consists primarily of foreigners and whose existence, aims or activities are concealed from the authorities in order to avert the prohibition of said organisation or group" (§95)

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 52, 54, 79 and 95.

#### **IMMIGRANT\_12: Legal guarantees.**

**Rejection of applications must be reasoned:**

Answer: yes

Code: 1

Explanation: Rejection must be reasoned.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80.

**Rejected applicants have the right to appeal:**

Answer: yes

Code: 1

Explanation: Appeal is possible.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80.

#### **IMMIGRANT\_13: Expulsion is precluded for victims of violence or crime.**



**Expulsion is precluded for immigrants of all categories who are victims of violence or crime:**

Answer: yes

Code: 1

Explanation: Yes, according to §31, (1) and (2) spouses might get an independent right of residence disregarding the general requirement of marital cohabitation, "if the continuation of marital cohabitation is unreasonable due to the harm to the foreigner's legitimate interests; in particular this is to be assumed where the spouse is the victim of domestic violence".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

## **5.2. Policies of representation**

**IMMIGRANT\_14: Regulation of electoral rights.**

**Subnational electoral rights can be regulated at the subnational level:**

Answer: no

Code: 0

Explanation: No. The Federal Constitutional Court (BVerfG) ruled in 1990 that this is not possible. Any change to electoral rights must be made at the federal level.

Sources: Bundesverfassungsgericht (BverfG) [Federal Constitutional Court]. 1990. Rechtsprechung 31.10.1990 - 2 BvF 3/89.

### **5.2.1. Electoral rights**

**IMMIGRANT\_15: Voting eligibility for non-citizens.**

**Does the country have presidential elections?**

Answer: no, the country has a parliamentary system

Code: 2

**Does the country have a bicameral system (composed of a lower house and an upper house)?**

Answer: yes

Code: 1

**Can non-citizen residents vote in national presidential elections?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can non-citizen residents vote in national legislative elections (lower house)? :**

Answer: generally disenfranchised

Code: 0

Explanation: Non-citizens are disenfranchised at both national and sub-national levels.

Sources: Bundeswahlgesetz (BwahlG) [Federal Election Act]. 1956 (2018). Sec. 15.

**Can non-citizen residents vote in national legislative elections (upper house)? :**

Answer: Not applicable

Code: Not applicable

Explanation: No upper house elections in the country (no direct popular elections for Bundesrat).

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017). / Bundeswahlgesetz (BwahlG) [Federal Election Act]. 1956 (2018).

**IMMIGRANT\_16: Residence duration-based requirements for active electoral rights.**

**Previous residence required for being eligible to vote in presidential elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in lower house elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in upper house elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_17: Registration in the electoral roll for non-citizen residents.**

**Registration in the electoral roll for non-citizen residents:**

Answer: Not applicable (non-citizen residents cannot vote)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_18: Passive electoral rights for non-citizen residents.**

**Can non-citizen residents stand as candidates in national presidential elections?**

Answer: Not applicable (no presidential elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can non-citizen residents stand as candidates in national legislative elections (lower house)?**

Answer: generally disenfranchised

Code: 0

Explanation: Non-citizens are disenfranchised at both national and sub-national levels.

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017). / Bundeswahlgesetz (BwahlG) [Federal Election Act]. 1956 (2018).

**Can non-citizen residents stand as candidates in national legislative elections (upper house)?**

Answer Not applicable (no presidential elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRANT\_19: Residence duration-based restrictions for passive electoral rights.**

##### **Previous residence required for being eligible to stand as candidate in presidential elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Previous residence required for being eligible to stand as candidate in lower house elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **5.2.2. Regulation of participation in parties**

#### **IMMIGRANT\_20: Emigrant membership to home country political parties.**

##### **Non-citizen resident membership to state or reception political parties:**

Answer: not regulated

Code: 0.25

Explanation: No restrictions imposed by authorities on parties: parties themselves decide if membership is reserved to nationals or not. Most do NOT restrict membership to nationals (SPD, FDP, AfD, Linke and Greens: No; CDU/CSU: Yes).

Sources: Schupelius, Gunnar. "Wer Einer Politischen Partei Beitrete, Sollte Einen Deutschen Pass Haben [Anyone Joining a Political Party should have a German Passport]". Accessed April 3, 2019. <https://www.bz-berlin.de/berlin/kolumne/wer-einer-politischen-partei-beitritt-sollte-einen-deutschen-pass-haben>. / Die Grünen (On the Greens). "FAQ - Fragen und Antworten zur Mitgliedschaft [FAQ - Questions and Answers about Membership]". Accessed April 3, 2019. <https://www.gruene.de/ueber-uns/2018/faq-fragen-und-antworten-zur-mitgliedschaft.html>. / Sozialdemokratische Partei Deutschlands (SPD) [Social Democratic Party of Germany]. "Mitglied werden [Become a Member]".

Accessed April 3, 2019. <https://www.spd.de/unterstuetzen/mitglied-werden/>. / Alternative für Deutschland (AfD) [Alternative for Germany]. 'Mitglied werden [Become a Member]'. Accessed September 26, 2018. <https://www.afd.de/mitglied-werden/>.

### 5.2.3. Consultative bodies

**IMMIGRANT\_21: Existence of a consultative body of immigrants acting at the national level.**

**Existence of a consultative body on immigrant issues:**

Answer: no

Code: 0

Explanation: One was constituted in 2011, called the Federal Council for Integration (Bundesbeirat für Integration). After its initial meeting in May 2011 and reports of a Plan it drafted in 2012 there are no further signs that it still exists. Also, no constitutive charter was found. The information for the next questions are based on the assumption that this still exists. Beware that a similarly named organ, the Council for Migration (Rat für Migration) is a self-created civil association of scientists working on migration, not a consultative body created by the government to consult with immigrants. As well, there is a Bundeszuwanderungs und integrationsrat, (<https://www.bzi-bundesintegrationsrat.de/%C3%BCberuns>), an umbrella organisation that contains lower level associations that represent migrants in the advisory councils and representatives of foreigners in municipal councils. The BZI stands for 6,000 politically active migrants in 400 democratically legitimized municipal migration advisory councils in 13 federal states, but it has not been funded by the state.

Sources: Deutschlandradio. 2011. "Bundesbeirat für Integration nimmt Arbeit auf [Federal Advisory Council for Integration Starts Work]". Accessed April 3, 2019. [https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article\\_id=204118](https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article_id=204118).

**IMMIGRANT\_22: Structural or ad hoc consultation.**

**The consultation is:**

Answer: ad hoc

Code: 0

Explanation: No provision.

Sources: Deutschlandradio. 2011. "Bundesbeirat für Integration nimmt Arbeit auf [Federal Advisory Council for Integration Starts Work]". Accessed April 3, 2019. [https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article\\_id=204118](https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article_id=204118).

**IMMIGRANT\_23: Composition of the consultative body.**

**Composition of the consultative body:**

Answer: only members of the government

Code: 0

Explanation: only members of the government.

Sources: Deutschlandradio. 2011. "Bundesbeirat für Integration nimmt Arbeit auf [Federal Advisory Council for Integration Starts Work]". Accessed April 3, 2019.  
[https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article\\_id=204118](https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article_id=204118).

#### **IMMIGRANT\_24: Leadership of the consultative body.**

##### **Who chairs the consultative body?**

Answer: member of the government

Code: 0.25

Explanation: member of the government.

Sources: Deutschlandradio. 2011. "Bundesbeirat für Integration nimmt Arbeit auf [Federal Advisory Council for Integration Starts Work]". Accessed April 3, 2019.  
[https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article\\_id=204118](https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article_id=204118).

#### **IMMIGRANT\_25: Right of initiative to make its own reports or recommendations.**

**The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: no

Code: 0

Explanation: no such provision.

Sources: Deutschlandradio. 2011. "Bundesbeirat für Integration nimmt Arbeit auf [Federal Advisory Council for Integration Starts Work]". Accessed April 3, 2019.  
[https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article\\_id=204118](https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article_id=204118).

#### **IMMIGRANT\_26: Right to get a response from the government to recommendation.**

**Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: no

Code: 0

Explanation: no such provision.

Sources: Deutschlandradio. 2011. "Bundesbeirat für Integration nimmt Arbeit auf [Federal Advisory Council for Integration Starts Work]". Accessed April 3, 2019. [https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article\\_id=204118](https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article_id=204118).

#### **IMMIGRANT\_27: Selection criteria to ensure representativeness.**

##### **Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: no

Code: 0

Explanation: no such provision.

Sources: Deutschlandradio. 2011. "Bundesbeirat für Integration nimmt Arbeit auf [Federal Advisory Council for Integration Starts Work]". Accessed April 3, 2019. [https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article\\_id=204118](https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article_id=204118).

##### **Existence of selection criteria to ensure a geographic-balanced consultative body:**

Answer: no

Code: 0

Explanation: no such provision.

Sources: Deutschlandradio. 2011. "Bundesbeirat für Integration nimmt Arbeit auf [Federal Advisory Council for Integration Starts Work]". Accessed April 3, 2019. [https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article\\_id=204118](https://www.deutschlandradio.de/bundesbeirat-fuer-integration-nimmt-arbeit-auf.331.de.html?dram:article_id=204118).

### **5.3. Economic policies**

#### **5.3.1. Access to labor market**

##### **IMMIGRANT\_28: Migrant access to labor market.**

###### **Can asylum seekers access the labor market?**

Answer: yes, but under certain conditions

Code: 0

Explanation: No. As a matter of principle, the Immigration Office can issue a work permit for asylum seekers after 3 months of residence in Germany. However, asylum seekers may still be banned from work for up to six months because the obligation to live in the initial reception has been raised for six

months and no gainful employment is allowed for that period. In principle, the authority has leeway in its decision. After expiry of the so-called waiting period, there is generally a subordinate labor market access: for a specific employment, a permit must be applied for from the foreign office, which in turn must ask the Federal Employment Agency (BA) for consent. Generally it will be verified if the position cannot be filled with a German, European citizen or a person with permanent residence. In sum: For the time in the initial admission is a work ban (§ 61 Abs. 1 AsylG). For asylum seekers from safe countries of origin who have applied for asylum after 31.08.2015, a general prohibition of work is valid for an indefinite period (§ 61 (2) AsylG). Otherwise, work may be allowed after three months of residence. For asylum seekers and tolerated persons (Geduldete) who have lived uninterruptedly for 15 months in Germany this verification process is not carried out. After 4 years of residence the BA must not even be involved in processes of hiring.

Sources: Bundesagentur für Arbeit [Federal Agency for Work]. "Potenziale Nutzen: Geflüchtete Menschen Beschäftigen [Potential Benefits: Employing Refugees]". Accessed April 3, 2019. <https://www3.arbeitsagentur.de/web/wcm/idc/groups/public/documents/webdatei/mdaw/mdgw/~edisp/6019022dstbai810747.pdf>.

### **Can refugees access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: Yes. Refugees with a residence title that recognizes their residence for humanitarian, or political motives can take up any occupation and job.

Sources: Bundesagentur für Arbeit [Federal Agency for Work]. "Potenziale Nutzen: Geflüchtete Menschen Beschäftigen [Potential Benefits: Employing Refugees]". Accessed April 3, 2019. <https://www3.arbeitsagentur.de/web/wcm/idc/groups/public/documents/webdatei/mdaw/mdgw/~edisp/6019022dstbai810747.pdf>.

### **Can co-ethnics access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: Yes. There is no difference made about their access to the labor market, as they are considered Germans. For Aussiedler and Vertriebene the law stipulates that: "Deutschen Volkszugehörigen, die einen Aufnahmebescheid nach dem Bundesvertriebenengesetz besitzen, kann die Zustimmung zu einem Aufenthaltstitel zur Ausübung einer vorübergehenden Beschäftigung erteilt werden". Jewish immigrants admitted for political reasons (retribution) are treated for purposes of employment as permanent residents.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). / Classen, Georg. "Sozialleistungen für MigrantInnen und Flüchtlinge. Die Aufenthaltstitel nach dem AufenthG, dem AsylVfG und dem FreizügG/EU [Social Benefits for Migrants and Refugees. The Residence Permits According to the AufenthG, the AsylVfG and the FreizügG / EU]. 101.

### **Can domestic workers access the labor market?**

Answer: Not applicable

Code: Not applicable



Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access the labor market?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can medical doctors access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Yes, but under certain conditions: only if they have acquired their degree in Germany and have a residence permit already. Depending on the legal basis on which a residence title is issued, there are differences in access to the labour market for third-country nationals. Every residence title must indicate whether the pursuit of an economic activity is permitted. If the medical doctor entered Germany with a settlement permit for the highly qualified (according to the §19 of the AufenthG), then this person will have, in principle, unrestricted access to the labor market. However, even in this case the access to the labour market will be unequal to those trained in Germany, because they need to get their qualifications recognized first. If not, a foreigner who does not hold a residence permit for the purpose of employment (§ 18 of the AufenthG) may only be permitted to pursue employment if the Federal Employment Agency has given its consent or if a statutory provision stipulates that the pursuit of employment without the consent of the Federal Employment Agency is permissible (§ 4 (2) first to third sentences of the AufenthG). The approval may stipulate the duration and form of occupational activity and restrict the employment to specific plants or regions (§ 39 (4) of the AufenthG).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Informationsbroschüre: Anerkennung Und Berufszugang Für Ärzte Und Fachärzte Mit Ausländischen Qualifikationen in Deutschland Informationsbroschüre Für Zugewanderte Und Beratungsstellen [Information Brochure: Recognition and Professional Access for Doctors and Specialists with Foreign Qualifications in Germany]". Accessed April 5, 2019.  
[https://www.bda.de/files/Broschueren/BAMF\\_Informationsbroschuere\\_Aerzte\\_web.pdf](https://www.bda.de/files/Broschueren/BAMF_Informationsbroschuere_Aerzte_web.pdf).

### **Can permanent residents access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: Yes

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 9, (1).

## **IMMIGRANT\_29: Migrant access to self-employment.**

### **Can asylum seekers access self-employment?**

Answer: no

Code: 0

Explanation: Same rules apply to all foreigners seeking to obtain a self-employment visa, which are much more stringent than for Germans: (1) A foreigner may be granted a temporary residence permit for the purpose of self-employment if 1. an economic interest or a regional need applies, 2. the activity is expected to have positive effects on the economy and 3. the foreigner has personal capital or an approved loan to realise the business idea. Assessment of the prerequisites in accordance with sentence 1 shall focus in particular on the viability of the business idea on which the application is based, the foreigner's entrepreneurial experience, the level of capital investment, the effects on the employment and training situation and the contribution to innovation and research. The competent bodies for the planned business location, the competent trade and industry authorities, the representative bodies for public-sector professional groups and the competent authorities regulating admission to the profession concerned must be involved in examining the application. (2) A temporary residence permit for the purpose of self-employment may also be granted if special privileges apply according to agreements under international law on the basis of reciprocity. (2a) A foreigner who has successfully completed his studies at a state or state-recognised university or a comparable educational institution in the federal territory or who holds a temporary residence permit as a researcher or scientist in accordance with Sections 18 or 20 may be issued a temporary residence permit for self-employment purposes by way of derogation from subsection 1. The envisaged self-employment must demonstrate a connection to the knowledge acquired during the higher education studies or the research or scientific activities. (3) Foreigners older than 45 should be issued a temporary residence permit only if they possess adequate provision for old age. (4) The period of validity of the temporary residence permit shall be limited to a maximum of three years. By way of derogation from Section 9 (2), a permanent settlement permit may be issued after a period of three years, if the foreigner has successfully carried out the planned activity and adequate income ensures the subsistence of the foreigner and the dependents living with him as a family unit and whom he is required to support. (5) By way of derogation from subsection 1, a foreigner may be granted a temporary residence permit for the purpose of self-employment. A required permit to practice the profession must have been issued or confirmation must have been provided that such permit will be issued. Subsection 1, sentence 3, shall apply accordingly. Subsection 4 shall not apply. (6) A foreigner who will be or has been granted a temporary residence permit for another purpose may be permitted to pursue self-employment while retaining the aforesaid purpose of residence, if the permits required pursuant to other provisions have been issued or the authorities have indicated that such permits will be issued.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 21. / Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Zugang zum Arbeitsmarkt für geflüchtete Menschen [Access to the Labor Market for Refugees]". Accessed April 8, 2019. <http://www.bamf.de/DE/Infothek/FragenAntworten/ZugangArbeitFluechtlinge/zugang-arbeit-fluechtlinge-node.html>.

### **Can refugees access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: The possibility is granted in main provisions.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 9, (1).

### **Can co-ethnics access self-employment?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers access self-employment?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access self-employment?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can medical doctors access self-employment?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Yes, but under certain conditions (recognition of qualifications). "Physicians with degrees from other countries need a license to practice their profession or at least a work permit as well as doctors trained in Germany (the work permit authorizes the employment as a salaried employee only for a certain period of time and a certain region)".

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Informationsbroschüre: Anerkennung Und Berufszugang Für Ärzte Und Fachärzte Mit Ausländischen Qualifikationen In Deutschland Informationsbroschüre Für Zugewanderte Und Beratungsstellen [Information Brochure: Recognition and Professional Access for Doctors and Specialists with Foreign Qualifications in Germany]". Accessed April 5, 2019. [https://www.bda.de/files/Broschueren/BAMF\\_Informationbroschuere\\_Aerzte\\_web.pdf](https://www.bda.de/files/Broschueren/BAMF_Informationbroschuere_Aerzte_web.pdf).

### **Can permanent residents access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Provision is granted in main regulations.

Sources:

### **IMMIGRANT\_30: Migrant access to civil service.**

#### **Can asylum seekers access employment in schools (primary and secondary)?**

Answer: yes, under certain conditions

Code: 1

Explanation: For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

#### **Can refugees access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can co-ethnics access employment in schools (primary and secondary)?**

Answer: yes

Code: 0

Explanation: Yes. There is no difference made about their access to the labor market, as they are considered Germans. For Aussiedler and Vertriebene the law stipulates that: "Deutschen Volkszugehörigen, die einen Aufnahmebescheid nach dem Bundesvertriebenengesetz besitzen, kann die Zustimmung zu einem Aufenthaltstitel zur Ausübung einer vorübergehenden Beschäftigung erteilt werden". Jewish immigrants admitted for political reasons (retribution) are treated for purposes of employment as permanent residents.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). / Classen, Georg. "Sozialleistungen für MigrantInnen und Flüchtlinge. Die Aufenthaltstitel nach dem AufenthG, dem AsylVfG und dem FreizügG/EU [Social Benefits for Migrants and Refugees. The Residence Permits According to the AufenthG, the AsylVfG and the FreizügG / EU]. 101.

### **Can domestic workers access employment in schools (primary and secondary)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access employment in schools (primary and secondary)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can medical doctors access employment in schools (primary and secondary)?**

Answer: yes

Code: 0

Explanation: For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position

applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can permanent residents access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can asylum seekers access employment in public administration?**

Answer: no

Code: 0

Explanation: No. For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can refugees access employment in public administration?**

Answer: no

Code: 0

Explanation: No. For all other migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can co-ethnics access employment in public administration?**

Answer: yes

Code: 0

Explanation: Yes. There is no difference made about their access to the labor market, as they are considered Germans. For Aussiedler and Vertriebene the law stipulates that: "Deutschen Volkszugehörigen, die einen Aufnahmebescheid nach dem Bundesvertriebenengesetz besitzen, kann die Zustimmung zu einem Aufenthaltstitel zur Ausübung einer vorübergehenden Beschäftigung erteilt werden". Jewish immigrants admitted for political reasons (retribution) are treated for purposes of employment as permanent residents.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). / Classen, Georg. "Sozialleistungen für MigrantInnen und Flüchtlinge. Die Aufenthaltstitel nach dem AufenthG, dem AsylVfG und dem FreizügG/EU [Social Benefits for Migrants and Refugees. The Residence Permits According to the AufenthG, the AsylVfG and the FreizügG / EU]. 101.

### **Can domestic workers access employment in public administration?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access employment in public administration?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can medical doctors access employment in public administration?**

Answer: no

Code: 0

Explanation: No. For all other migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can permanent residents access employment in public administration?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Only if they are EU citizens or from Iceland, Lichtenstein, Norway or Switzerland.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can asylum seekers access employment in the police?**

Answer: no

Code: 0

Explanation: No. For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of



technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can refugees access employment in the police?**

Answer: no

Code: 0

Explanation: No. For this as for all other migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can co-ethnics access employment in the police?**

Answer: yes

Code: 0

Explanation: Yes. There is no difference made about their access to the labor market, as they are considered Germans. For Aussiedler and Vertriebene the law stipulates that: "Deutschen Volkszugehörigen, die einen Aufnahmebescheid nach dem Bundesvertriebenengesetz besitzen, kann die Zustimmung zu einem Aufenthaltstitel zur Ausübung einer vorübergehenden Beschäftigung erteilt werden". Jewish immigrants admitted for political reasons (retribution) are treated for purposes of employment as permanent residents.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). / Classen, Georg. "Sozialleistungen für MigrantInnen und Flüchtlinge. Die Aufenthaltstitel nach dem AufenthG, dem AsylVfG und dem FreizügG/EU [Social Benefits for Migrants and Refugees. The Residence Permits According to the AufenthG, the AsylVfG and the FreizügG / EU]. 101.

### **Can domestic workers access employment in the police?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access employment in the police?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can medical doctors access employment in the police?**

Answer: no

Code: 0

Explanation: No. For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can permanent residents access employment in the police?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Only if they are EU citizens or from Iceland, Lichtenstein, Norway or Switzerland.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Quotas for preferential hiring of asylum seekers exist:**

Answer: no

Code: 0

Explanation: No. For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

#### **Quotas for preferential hiring of refugees exist:**

Answer: no

Code: 0

Explanation: No. For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

#### **Quotas for preferential hiring of co-ethnics exist:**

Answer: no

Code: 0

Explanation: No. For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

#### **Quotas for preferential hiring of domestic workers exist:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Quotas for preferential hiring of agricultural workers exist:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Quotas for preferential hiring of medical doctors:**

Answer: no

Code: 0

Explanation: No. For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

#### **Quotas for preferential hiring of permanent residents:**

Answer: no

Code: 0

Explanation: Only if they are EU citizens or from Iceland, Lichtenstein, Norway or Switzerland.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can asylum seekers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: No. For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can refugees access employment in the armed forces?**

Answer: no

Code: 0

Explanation: No. For this as for all other migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesregierung [Federal Government]. "Zugang zum öffentlichen Dienst [Access to the Public Service]". Accessed April 5, 2019. <https://www.bundesregierung.de/breg-de/service/jetzt-durchstaaten-de/zugang-zum-oeffentlichen-dienst-317026>.

### **Can co-ethnics access employment in the armed forces?**

Answer: yes

Code: 0

Explanation: Yes. There is no difference made about their access to the labor market, as they are considered Germans. For Aussiedler and Vertriebene the law stipulates that: "Deutschen Volkszugehörigen, die einen Aufnahmebescheid nach dem Bundesvertriebenengesetz besitzen, kann die Zustimmung zu einem Aufenthaltstitel zur Ausübung einer vorübergehenden Beschäftigung erteilt werden". Jewish immigrants admitted for political reasons (retribution) are treated for purposes of employment as permanent residents.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). / Classen, Georg. "Sozialleistungen für MigrantInnen und Flüchtlinge. Die Aufenthaltstitel nach dem AufenthG, dem AsylVfG und dem FreizügG/EU [Social Benefits for Migrants and Refugees. The Residence Permits According to the AufenthG, the AsylVfG and the FreizügG / EU]. 101.

### **Can domestic workers access employment in the armed forces?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access employment in the armed forces?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can medical doctors access employment in the armed forces?**

Answer: no

Code: 0

Explanation: No. For all migrants it is difficult to access public sector employment in the same terms as nationals, because non-Germans cannot enter the civil service, but only be employed in them as contract workers. This includes Police, fire brigades, customs, tax administration as well as management functions in the highest federal and state authorities and the diplomatic service. The place reservation for German nationals includes the classic careers of the state administration such as the police transit service, the tax administration. In the careers of the general administration (municipalities, districts, etc.) and the social administration one will have to differentiate according to whether the concrete function is (predominantly) of an intrusive nature (then the retention of position applies) or (again) predominantly purely administrative. Teachers' careers, the vast majority of technical careers and the health service are not covered by the reservation. No quotas for the preferential hiring of migrants exist.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). / Classen, Georg. "Sozialleistungen für MigrantInnen und Flüchtlinge. Die Aufenthaltstitel nach dem AufenthG, dem AsylVfG und dem FreizügG/EU [Social Benefits for Migrants and Refugees. The Residence Permits According to the AufenthG, the AsylVfG and the FreizügG / EU]. 101.

### **Can permanent residents access employment in the armed forces?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Only if they are EU citizens or from Iceland, Lichtenstein, Norway or Switzerland.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). / Classen, Georg. "Sozialleistungen für MigrantInnen und Flüchtlinge. Die Aufenthaltstitel nach dem AufenthG, dem AsylVfG und dem FreizügG/EU [Social Benefits for Migrants and Refugees. The Residence Permits According to the AufenthG, the AsylVfG and the FreizügG / EU]. 101.

## **5.3.2. Access to support**

### **IMMIGRANT\_31: Public employment services.**

#### **Can asylum seekers access public employment services?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but under certain circumstances: the period of their job ban must have passed and they must be authorized to work.

Sources: Bundesagentur für Arbeit [Federal Agency for Work]. "Potenziale Nutzen: Geflüchtete Menschen Beschäftigen [Potential Benefits: Employing Refugees]". Accessed April 3, 2019. <https://www3.arbeitsagentur.de/web/wcm/idc/groups/public/documents/webdatei/mdaw/mdgw/~edisp/6019022dstbai810747.pdf>.

#### **Can refugees access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals. Recognized refugees have a far-reaching labor market access. They have a residence permit under Section 5 of the Residence Act, which allows them full access to the labor market.

Sources: Verordnung Über Die Beschäftigung von Ausländerinnen Und Ausländern (BeschV) [Ordinance on the Employment of Foreign Nationals]. 2017. Sec. 31.

### **Can co-ethnics access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals.

Sources: Bundesagentur für Arbeit [Federal Agency for Work]. "Beschäftigung in Deutschland - Perspektiven Für Rückkehrer [Employment in Germany - Perspectives for Returnees]". Accessed November 26, 2018. <https://www3.arbeitsagentur.de/web/content/DE/service/Ueberuns/Weitered>.

### **Can domestic workers access public employment services?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access public employment services?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can medical doctors access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, and even to special ones. For the medical profession, which generally cannot be exercised in Germany without formal recognition, there are adaptation qualifications that aim to contribute to integration into the labour market: they support medical doctors from other countries on the one hand when preparing for a knowledge level or deficit check (see page 57 f) and on the other hand often introduce them into the occupational system and provide technical language support.

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Informationsbroschüre: Anerkennung Und Berufszugang Für Ärzte Und Fachärzte Mit Ausländischen Qualifikationen in Deutschland Informationsbroschüre Für Zugewanderte Und Beratungsstellen [Information Brochure: Recognition and Professional Access for Doctors and Specialists with Foreign Qualifications in Germany]". Accessed April 5, 2019. [https://www.bda.de/files/Broschueren/BAMF\\_Informationbroschuere\\_Aerzte\\_web.pdf](https://www.bda.de/files/Broschueren/BAMF_Informationbroschuere_Aerzte_web.pdf).



### **Can permanent residents access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Yes, equal access as nationals.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 9. / Bundesagentur für Arbeit [Federal Agency for Work]. "Anspruch, Höhe, Dauer, Arbeitslosengeld [Entitlement, Amount, Duration, Unemployment Benefit]". Accessed April 5, 2019.

<https://www.arbeitsagentur.de/arbeitslos-arbeit-finden/anspruch-hoehe-dauer-arbeitslosengeld>.

### **IMMIGRANT\_32: Recognition of qualifications.**

#### **Recognition of qualifications acquired abroad by asylum seekers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals.

Sources: Bundesministerium für Bildung und Forschung- Anerkennung in Deutschland (Das Informationsportal der Bundesregierung zur Anerkennung ausländischer Berufsqualifikationen) [Federal Ministry of Education and Research- Recognition in Germany (The Information Portal of the Federal Government for the Recognition of Foreign Professional Qualifications)].

"Anerkennungsverfahren [Recognition Procedure]". Accessed November 26, 2018.

<https://www.anerkennung-in-deutschland.de/html/de/anerkennungsverfahren.php>.

#### **Recognition of qualifications acquired abroad by refugees:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals.

Sources: Bundesministerium für Bildung und Forschung- Anerkennung in Deutschland (Das Informationsportal der Bundesregierung zur Anerkennung ausländischer Berufsqualifikationen) [Federal Ministry of Education and Research- Recognition in Germany (The Information Portal of the Federal Government for the Recognition of Foreign Professional Qualifications)].

"Anerkennungsverfahren [Recognition Procedure]". Accessed November 26, 2018.

<https://www.anerkennung-in-deutschland.de/html/de/anerkennungsverfahren.php>.

#### **Recognition of qualifications acquired abroad by co-ethnics:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals; except if they want to work in trades, which are protected, or as doctors; then the procedure is much more complicated (see medical doctors): They have a legal right to recognition and equality of their professional qualifications or qualifications obtained in the country of origin, which correspond to the field of dual training according to the Vocational Training Act and the Craft Code. These are skilled workers but also commercial degrees and degrees in the medical helpers professions, such. B. medical or dental specialist. This also includes the continuing training examinations, such as master craftsmen or industrial master craftsmen or specialists, etc. The equality is examined and pronounced in individual cases.

Sources: Bundesministerium für Bildung und Forschung- Anerkennung in Deutschland (Das Informationsportal der Bundesregierung zur Anerkennung ausländischer Berufsqualifikationen) [Federal Ministry of Education and Research- Recognition in Germany (The Information Portal of the Federal Government for the Recognition of Foreign Professional Qualifications)]. "Anerkennungsverfahren [Recognition Procedure]". Accessed November 26, 2018. <https://www.anerkennung-in-deutschland.de/html/de/anerkennungsverfahren.php>.

#### **Recognition of qualifications acquired abroad by domestic workers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Recognition of qualifications acquired abroad by agricultural workers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Recognition of qualifications acquired abroad by medical doctors:**

Answer: Yes, but different procedure than for nationals

Code: 0.5

Explanation: Different procedure than for nationals (e.g. more documents and/or higher fees are required) and ad hoc/ special procedure required for medical doctors coming from certain countries (it is even more difficult). Whether a procedure for obtaining a professional license, for approving or for recognizing a specialized training of immigrant physicians will depend mainly on the type of qualification, the state in which it was acquired, and the origin of the applicant. For EU nationals it is required to acquire a license to practise (quasi automatic), for Spätaussiedler a more complicated procedure with exams, and for TCNs an even more complicated one. After the professional admission (or, in exceptional cases, the license to practice) has been granted, a review of the foreign specialist training can be carried out at the medical board. The competent state medical chamber examines with third-country nationals with foreign qualifications, to what extent the foreign further education for specialist training in the respective federal state can be counted.

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. “Informationsbroschüre: Anerkennung Und Berufszugang Für Ärzte Und Fachärzte Mit Ausländischen Qualifikationen in Deutschland Informationsbroschüre Für Zugewanderte Und Beratungsstellen [Information Brochure: Recognition and Professional Access for Doctors and Specialists with Foreign Qualifications in Germany]”. Accessed April 5, 2019. [https://www.bda.de/files/Broschueren/BAMF\\_Informationsbroschuere\\_Aerzte\\_web.pdf](https://www.bda.de/files/Broschueren/BAMF_Informationsbroschuere_Aerzte_web.pdf).

### **Recognition of qualifications acquired abroad by permanent residents:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Yes, same procedures and fees as for nationals.

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. “Informationsbroschüre: Anerkennung Und Berufszugang Für Ärzte Und Fachärzte Mit Ausländischen Qualifikationen in Deutschland Informationsbroschüre Für Zugewanderte Und Beratungsstellen [Information Brochure: Recognition and Professional Access for Doctors and Specialists with Foreign Qualifications in Germany]”. Accessed April 5, 2019. [https://www.bda.de/files/Broschueren/BAMF\\_Informationsbroschuere\\_Aerzte\\_web.pdf](https://www.bda.de/files/Broschueren/BAMF_Informationsbroschuere_Aerzte_web.pdf).

### **5.3.3. Worker's rights**

#### **IMMIGRANT\_33: Membership in trade unions.**

**Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals.

Sources: Dernbach, Andrea. “Migranten und Gewerkschaft. Metaller sind ,ein Spiegel der Gesellschaft [Migrants and Union. Metallers are 'a Mirror of Society]”. Access date not available. <https://www.tagesspiegel.de/wirtschaft/migranten-und-gewerkschaft-metal...> / Bergfeld, Mark. “Germany’s Willkommenskultur: Trade Unions, Refugees and Labour Market Integration”. *Global Labour Union* 8 (1): 80–89. / Ver.di. “Bundesmigrationsausschuss [Federal Migration Committee]”. Accessed April 5, 2019. <https://arbeitsmarkt-und-sozialpolitik.verdi.de/politikfelder/migration>.

**Can refugees be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals.

Sources: Dernbach, Andrea. "Migranten und Gewerkschaft. Metaller sind ,ein Spiegel der Gesellschaft [Migrants and Union. Metallers are 'a Mirror of Society]". Access date not available. <https://www.tagesspiegel.de/wirtschaft/migranten-und-gewerkschaft-metal....> / Bergfeld, Mark. "Germany's Willkommenskultur: Trade Unions, Refugees and Labour Market Integration". *Global Labour Union* 8 (1): 80–89. / Ver.di. "Bundesmigrationsausschuss [Federal Migration Committee]". Accessed April 5, 2019. <https://arbeitsmarkt-und-sozialpolitik.verdi.de/politikfelder/migration>.

### **Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals.

Sources: Dernbach, Andrea. "Migranten und Gewerkschaft. Metaller sind ,ein Spiegel der Gesellschaft [Migrants and Union. Metallers are 'a Mirror of Society]". Access date not available. <https://www.tagesspiegel.de/wirtschaft/migranten-und-gewerkschaft-metal....> / Bergfeld, Mark. "Germany's Willkommenskultur: Trade Unions, Refugees and Labour Market Integration". *Global Labour Union* 8 (1): 80–89. / Ver.di. "Bundesmigrationsausschuss [Federal Migration Committee]". Accessed April 5, 2019. <https://arbeitsmarkt-und-sozialpolitik.verdi.de/politikfelder/migration>.

### **Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals.

Sources: Dernbach, Andrea. "Migranten und Gewerkschaft. Metaller sind ,ein Spiegel der Gesellschaft [Migrants and Union. Metaller are 'a Mirror of Society]". Access date not available. <https://www.tagesspiegel.de/wirtschaft/migranten-und-gewerkschaft-metal...> / Bergfeld, Mark. "Germany's Willkommenskultur: Trade Unions, Refugees and Labour Market Integration". *Global Labour Union* 8 (1): 80–89. / Ver.di. "Bundesmigrationsausschuss [Federal Migration Committee]". Accessed April 5, 2019. <https://arbeitsmarkt-und-sozialpolitik.verdi.de/politikfelder/migration>.

**Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: Equal access with nationals.

Sources: Dernbach, Andrea. "Migranten und Gewerkschaft. Metaller sind ,ein Spiegel der Gesellschaft [Migrants and Union. Metaller are 'a Mirror of Society]". Access date not available. <https://www.tagesspiegel.de/wirtschaft/migranten-und-gewerkschaft-metal...> / Bergfeld, Mark. "Germany's Willkommenskultur: Trade Unions, Refugees and Labour Market Integration". *Global Labour Union* 8 (1): 80–89. / Ver.di. "Bundesmigrationsausschuss [Federal Migration Committee]". Accessed April 5, 2019. <https://arbeitsmarkt-und-sozialpolitik.verdi.de/politikfelder/migration>.

**IMMIGRANT\_34: Job transferability.**

**Can asylum seekers change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Yes, but only under certain circumstances. The Federal Office grants asylum seekers who are still in the asylum procedure, a Aufenthaltsgestattung. This entitles them to live in Germany until the end of the asylum procedure, that is until the decision on the asylum application, and to work under certain conditions. For any visa the Federal Agency of Work conducts labor market tests and can restrict entry. The restrictions come in the form of "Nebenbestimmungen", which are printed in the visa on the passport and saved in the chip. These restrict employment only to a specifically defined employment may be exercised. The change of activity within the company requires a renewed agreement from the Foreigners' authority.

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Zugang zum Arbeitsmarkt für geflüchtete Menschen [Access to the Labor Market for Refugees]". Accessed April 8, 2019.

<http://www.bamf.de/DE/Infothek/FragenAntworten/ZugangArbeitFluechtlinge/zugang-arbeit-fluechtlinge-node.html>.

### **Can refugees change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Normally yes, but the individual visa might specify restrictions. The restriction to one employer does not apply if the employee has legally exercised an insurance-liable employment in Germany for at least 2 years, whereby time-limited occupations are not counted (seasonal work). If the foreigner wants to change his job before the expiration of 2 years, he must apply for a new residence permit at the Immigration Office. For this purpose, a new employment contract must be submitted, on the basis of which the Employment Agency will check whether consent is given. The examination is carried out under the same criteria as for the initial examination of the application.

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Zugang zum Arbeitsmarkt für geflüchtete Menschen [Access to the Labor Market for Refugees]". Accessed April 8, 2019.

<http://www.bamf.de/DE/Infothek/FragenAntworten/ZugangArbeitFluechtlinge/zugang-arbeit-fluechtlinge-node.html>. / NETZWERK Unternehmen integrieren Flüchtlinge [NETWORK Companies Integrate Refugees]. "Kurzübersicht Aufenthaltspapiere: Wo Steht, Ob Jemand Arbeiten Darf? [Brief Overview of Residence Papers: Where is it, Whether Someone is Allowed to Work]". Accessed April 8, 2019.

[https://www.leipzig.ihk.de/fileadmin/user\\_upload/Dokumente/SOP/Fachkrae....](https://www.leipzig.ihk.de/fileadmin/user_upload/Dokumente/SOP/Fachkrae....)

### **Can co-ethnics change their employer without risking their immigration status?**

Answer: Yes

Code: 0.5

Explanation: Yes. There is no difference made about their access to the labor market, as they are considered Germans. For Aussiedler and Vertriebene the law stipulates that: "Deutschen Volkszugehörigen, die einen Aufnahmebescheid nach dem Bundesvertriebenengesetz besitzen, kann die Zustimmung zu einem Aufenthaltstitel zur Ausübung einer vorübergehenden Beschäftigung erteilt werden". Jewish immigrants admitted for political reasons (retribution) are treated for purposes of employment as permanent residents.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). / Classen, Georg. "Sozialleistungen für MigrantInnen und Flüchtlinge. Die Aufenthaltstitel nach dem AufenthG, dem AsylVfG und dem FreizügG/EU [Social Benefits for Migrants and Refugees. The Residence Permits According to the AufenthG, the AsylVfG and the FreizügG / EU]. 101.

### **Can domestic workers change their employer without risking their immigration status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers change their employer without risking their immigration status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can medical doctors change their employer without risking their immigration status?**

Answer: No

Code: 0

Explanation: Neither if they hold an EU Blue Card, nor if they entered as third-country nationals with a highly qualified visa, since due to their profession they are bound to the same workplace for the first two years or in the best case (EU Blue card) they need to ask permission from the Foreigners' authority to change employer: „Für jeden Arbeitsplatzwechsel eines Inhabers einer Blauen Karte EU ist in den ersten zwei Jahren der Beschäftigung die Erlaubnis durch die Ausländerbehörde erforderlich; die Erlaubnis wird erteilt, wenn die Voraussetzungen nach Absatz 1 vorliegen". (AufenthG, 19a, (4)). For third-country nationals with no permanent residence and no long-term residence title due to other reasons (being married to an EU National, for instance), the situation is more difficult; they get a working permit that is limited in time and place (they may not move from state of the federation).

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Informationsbroschüre: Anerkennung Und Berufszugang Für Ärzte Und Fachärzte Mit Ausländischen Qualifikationen in Deutschland Informationsbroschüre Für Zugewanderte Und Beratungsstellen [Information Brochure: Recognition and Professional Access for Doctors and Specialists with Foreign Qualifications in Germany]". Accessed April 5, 2019. [https://www.bda.de/files/Broschueren/BAMF\\_Informationsbroschuere\\_Aerzte\\_web.pdf](https://www.bda.de/files/Broschueren/BAMF_Informationsbroschuere_Aerzte_web.pdf).

### **Can permanent residents change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Yes, without conditions. Holders of a settlement permit may take any occupation or self-employment. Therefore, in their visas there is the specification „Economic activity permitted"/ ["Inhaber einer Niederlassungserlaubnis dürfen jeder beliebigen Beschäftigung und selbstständigen Arbeit nachgehen. Auf ihrem elektronischen Aufenthaltstitel ist deshalb der Hinweis „Erwerbstätigkeit gestattet“ vermerkt“ .].

Sources: NETZWERK Unternehmen integrieren Flüchtlinge [NETWORK Companies Integrate Refugees]. "Kurzübersicht Aufenthaltspapiere: Wo Steht, Ob Jemand Arbeiten Darf? [Brief Overview of Residence Papers: Where is it, Whether Someone is Allowed to Work]". Accessed April 8, 2019. [https://www.leipzig.ihk.de/fileadmin/user\\_upload/Dokumente/SOP/Fachkrae....](https://www.leipzig.ihk.de/fileadmin/user_upload/Dokumente/SOP/Fachkrae....)

### **IMMIGRANT\_35: Right to redress.**

**Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The law foresees that “an employer shall be obliged to pay the agreed remuneration to a foreigner whom he has employed who lacks the authorization for employment required pursuant to Section 284 (1) of Book Three of the Social Code or the authorization to pursue an economic activity required pursuant to Section 4 (3). For the purpose of remuneration, it shall be assumed that the foreigner has been employed by the employer for three months. (2) The agreed remuneration shall be considered to be the usual remuneration unless the employer agreed a lower or higher remuneration with the foreigner on a permissible basis”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 98a.

**Do refugees have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The law foresees that “an employer shall be obliged to pay the agreed remuneration to a foreigner whom he has employed who lacks the authorization for employment required pursuant to Section 284 (1) of Book Three of the Social Code or the authorization to pursue an economic activity required pursuant to Section 4 (3). For the purpose of remuneration, it shall be assumed that the foreigner has been employed by the employer for three months. (2) The agreed remuneration shall be considered to be the usual remuneration unless the employer agreed a lower or higher remuneration with the foreigner on a permissible basis”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 98a.

**Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: The law foresees that “an employer shall be obliged to pay the agreed remuneration to a foreigner whom he has employed who lacks the authorization for employment required pursuant to Section 284 (1) of Book Three of the Social Code or the authorization to pursue an economic activity required pursuant to Section 4 (3). For the purpose of remuneration, it shall be assumed that the foreigner has been employed by the employer for three months. (2) The agreed remuneration shall be considered to be the usual remuneration unless the employer agreed a lower or higher remuneration with the foreigner on a permissible basis”.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 98a.



**Do domestic workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: Foreigners shall not be employed on less favorable working conditions than comparable German workers.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 39, (2).

**Do permanent residents have the right to redress if the terms of their employment contracts have been violated?**

Answer: Yes, without restrictions

Code: 1

Explanation: Foreigners shall not be employed on less favourable working conditions than comparable German workers.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 39, (2).

### 5.3.4. Property rights

#### IMMIGRANT\_36: Property rights.

##### Can asylum seekers acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, there are no restrictions to acquiring property.

Sources: Terrafinanz Wohnbau. "Als Ausländer ein Haus kaufen – geht das in Deutschland? [Buying a House as a Foreigner - Is That Possible in Germany?]". Access date not available. <https://www.terrafinanz.de/ratgeber/als-auslaender-ein-haus-kaufen-geht>.

##### Can refugees acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Not applicable

Sources: Terrafinanz Wohnbau. "Als Ausländer ein Haus kaufen – geht das in Deutschland? [Buying a House as a Foreigner - Is That Possible in Germany?]". Access date not available. <https://www.terrafinanz.de/ratgeber/als-auslaender-ein-haus-kaufen-geht>.

##### Can co-ethnics acquire property in the state of reception?

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, there are no restrictions to acquiring property.

Sources: Terrafinanz Wohnbau. "Als Ausländer ein Haus kaufen – geht das in Deutschland? [Buying a House as a Foreigner - Is That Possible in Germany?]". Access date not available. <https://www.terrafinanz.de/ratgeber/als-auslaender-ein-haus-kaufen-geht>.

##### Can domestic workers acquire property in the state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### Can agricultural workers acquire property in the state of reception?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can medical doctors acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, there are no restrictions to acquiring property.

Sources: Terrafinanz Wohnbau. "Als Ausländer ein Haus kaufen – geht das in Deutschland? [Buying a House as a Foreigner - Is That Possible in Germany?]", Access date not available. <https://www.terrafinanz.de/ratgeber/als-auslaender-ein-haus-kaufen-geht>.

### **Can permanent residents acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: Yes, there are no restrictions to acquiring property.

Sources: Terrafinanz Wohnbau. "Als Ausländer ein Haus kaufen – geht das in Deutschland? [Buying a House as a Foreigner - Is That Possible in Germany?]", Access date not available. <https://www.terrafinanz.de/ratgeber/als-auslaender-ein-haus-kaufen-geht>.

## **5.4. Social policies**

### **5.4.1. Family reunification**

#### **Can asylum seekers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: No residence requirement. People who have started an asylum process can already apply for their dependent family members. In fact, an asylum application is also considered to be valid for every minor child of the foreigner who is currently resident in Germany.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 14a.

**Can refugees bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: No residence requirement. If the person is recognized as a refugee, this is a right.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 14a, 26.

**Can co-ethnics bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: No residence requirement. Family members of the applicant can be included in the process of recognition and distribution in the federal states: „(2) Familienangehörige des Spätaussiedlers, die, ohne die Voraussetzungen des § 7 Abs. 2 zu erfüllen, gemeinsam mit dem Spätaussiedler eintreffen, können in das Verteilungsverfahren einbezogen werden“.

Sources: Bundesvertriebenengesetz (BVFG) [Federal Expellees Act]. 1953 (2019). Sec. 8. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, (1).

**Can domestic workers bring their families to their country of residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can agricultural workers bring their families to their country of residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can medical doctors bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: (1) The temporary residence permit to enable foreigners to be joined by foreign dependents so that they can live together as a family (subsequent immigration of dependents) shall be granted and extended to protect marriage and the family in accordance with Article 6 of the Basic Law.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, (1).

### **Can permanent residents bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: No residence requirement (1) The temporary residence permit to enable foreigners to be joined by foreign dependents so that they can live together as a family (subsequent immigration of dependents) shall be granted and extended to protect marriage and the family in accordance with Article 6 of the Basic Law.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, (1).

## *Eligibility*

### **IMMIGRANT\_37: Resident requirement for ordinary legal residents.**

#### **Residence requirement for ordinary legal residents (asylum seekers). In months:**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 14a.

#### **Residence requirement for ordinary legal residents (asylum seekers):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement People who have started an asylum process can already apply for their dependent family members. In fact, an asylum application is also considered to be valid for every minor child of the foreigner who is currently resident in Germany.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 14a

#### **Residence requirement for ordinary legal residents (refugees). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement. If the person is recognized as a refugee, this is a right.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 14a, 26.

**Residence requirement for ordinary legal residents (refugees):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. If the person is recognized as a refugee, this is a right.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 14a, 26.

**Residence requirement for ordinary legal residents (co-ethnics). In months:**

Answer: 0

Code: 0

Explanation: Family members of the applicant can be included in the process of recognition and distribution in the federal states: „(2) Familienangehörige des Spätaussiedlers, die, ohne die Voraussetzungen des § 7 Abs. 2 zu erfüllen, gemeinsam mit dem Spätaussiedler eintreffen, können in das Verteilungsverfahren einbezogen werden“.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, (1).

**Residence requirement for ordinary legal residents (co-ethnics):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement (1) The temporary residence permit to enable foreigners to be joined by foreign dependentdependents so that they can live together as a family (subsequent immigration of dependentdependents) shall be granted and extended to protect marriage and the family in accordance with Article 6 of the Basic Law.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, (1).

**Residence requirement for ordinary legal residents (domestic workers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (agricultural workers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (medical doctors). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement (1) The temporary residence permit to enable foreigners to be joined by foreign dependents so that they can live together as a family (subsequent immigration of dependents) shall be granted and extended to protect marriage and the family in accordance with Article 6 of the Basic Law.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, (1).

**Residence requirement for ordinary legal residents (medical doctors):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement (1) The temporary residence permit to enable foreigners to be joined by foreign dependents so that they can live together as a family (subsequent immigration of dependents) shall be granted and extended to protect marriage and the family in accordance with Article 6 of the Basic Law.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, (1).

**Residence requirement for ordinary legal residents (permanent residents). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement (1) The temporary residence permit to enable foreigners to be joined by foreign dependents so that they can live together as a family (subsequent immigration of dependents) shall be granted and extended to protect marriage and the family in accordance with Article 6 of the Basic Law.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, (1).

**Residence requirement for ordinary legal residents (permanent residents):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement (1) The temporary residence permit to enable foreigners to be joined by foreign dependents so that they can live together as a family (subsequent immigration of dependents) shall be granted and extended to protect marriage and the family in accordance with Article 6 of the Basic Law.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, (1).

**IMMIGRANT\_38: Family members considered for reunification.**

**Family member eligible for reunification (asylum seekers): Spouse.**

Answer: yes

Code: 1

Explanation: Minor children of the asylum seeker; if the asylum seeker is a minor, for their parents; spouses and partners in recognized civil unions; sibling minors of the minor applicant (AsylG 1992/2018, §26).

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26;14 a; 43 (3), 1. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 36.

**Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.**

Answer: yes



Code: 1

Explanation: Minor children of the asylum seeker; if the asylum seeker is a minor, for their parents; spouses and partners in recognized civil unions; sibling minors of the minor applicant (AsylG 1992/2018, §26).

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26;14 a; 43 (3), 1. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 36.

**Family member eligible for reunification (asylum seekers): Children.**

Answer: yes

Code: 1

Explanation: Minor children of the asylum seeker; if the asylum seeker is a minor, for their parents; spouses and partners in recognized civil unions; sibling minors of the minor applicant (AsylG 1992/2018, §26).

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26;14 a; 43 (3), 1. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 36.

**Family member eligible for reunification (asylum seekers): Parents.**

Answer: yes

Code: 1

Explanation: Minor children of the asylum seeker; if the asylum seeker is a minor, for their parents; spouses and partners in recognized civil unions; sibling minors of the minor applicant (AsylG 1992/2018, §26).

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26;14 a; 43 (3), 1. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 36.

**Family member eligible for reunification (asylum seekers): Grandparents.**

Answer: no

Code: 0

Explanation: Minor children of the asylum seeker; if the asylum seeker is a minor, for their parents; spouses and partners in recognized civil unions; sibling minors of the minor applicant (AsylG 1992/2018, §26).

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26;14 a; 43 (3), 1. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 36.

**Family member eligible for reunification (refugees): Spouse.**

Answer: yes

Code: 1

Explanation: Minor children of the asylum seeker; if the asylum seeker is a minor, for their parents, spouses and partners in recognized civil unions, sibling minors of the minor applicant (AsylG, §26). Even Grandparents might be covered according to the AufenthG, §36:” Other dependants of a foreigner may be granted a temporary residence permit for the purpose of subsequent immigration to join the foreigner, if necessary in order to avoid particular hardship. Section 30 (3) and Section 31 shall apply accordingly to adult dependants and Section 34 shall apply accordingly to minor dependants“.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26;14 a; 43 (3), 1. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 36.

**Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Minor children of the asylum seeker; if the asylum seeker is a minor, for their parents, spouses and partners in recognized civil unions, sibling minors of the minor applicant (AsylG, §26). Even Grandparents might be covered according to the AufenthG, §36:” Other dependants of a foreigner may be granted a temporary residence permit for the purpose of subsequent immigration to join the foreigner, if necessary in order to avoid particular hardship. Section 30 (3) and Section 31 shall apply accordingly to adult dependants and Section 34 shall apply accordingly to minor dependants“.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26;14 a; 43 (3), 1. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 36.

**Family member eligible for reunification (refugees): Children.**

Answer: yes

Code: 1

Explanation: Minor children of the asylum seeker; if the asylum seeker is a minor, for their parents, spouses and partners in recognized civil unions, sibling minors of the minor applicant (AsylG, §26). Even Grandparents might be covered according to the AufenthG, §36:” Other dependants of a foreigner may be granted a temporary residence permit for the purpose of subsequent immigration to join the foreigner, if necessary in order to avoid particular hardship. Section 30 (3) and Section 31 shall apply accordingly to adult dependants and Section 34 shall apply accordingly to minor dependants“.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26;14 a; 43 (3), 1. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 36.

**Family member eligible for reunification (refugees): Parents.**

Answer: yes

Code: 1

Explanation: Minor children of the asylum seeker; if the asylum seeker is a minor, for their parents, spouses and partners in recognized civil unions, sibling minors of the minor applicant (AsylG, §26). Even Grandparents might be covered according to the AufenthG, §36:” Other dependants of a foreigner may be granted a temporary residence permit for the purpose of subsequent immigration to join the foreigner, if necessary in order to avoid particular hardship. Section 30 (3) and Section 31 shall apply accordingly to adult dependants and Section 34 shall apply accordingly to minor dependants“.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26;14 a; 43 (3), 1. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 36.

#### **Family member eligible for reunification (refugees): Grandparents.**

Answer: yes

Code: 1

Explanation: Minor children of the asylum seeker; if the asylum seeker is a minor, for their parents, spouses and partners in recognized civil unions, sibling minors of the minor applicant (AsylG, §26). Even Grandparents might be covered according to the AufenthG, §36:” Other dependants of a foreigner may be granted a temporary residence permit for the purpose of subsequent immigration to join the foreigner, if necessary in order to avoid particular hardship. Section 30 (3) and Section 31 shall apply accordingly to adult dependants and Section 34 shall apply accordingly to minor dependants“.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 26;14 a; 43 (3), 1. / Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 36.

#### **Family member eligible for reunification (co-ethnics): Spouse.**

Answer: yes

Code: 1

Explanation: Spouse, Minor unmarried children, parent of a minor unmarried German.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 28.

#### **Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.**

Answer: no

Code: 0

Explanation: Spouse, Minor unmarried children, parent of a minor unmarried German.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 28.

#### **Family member eligible for reunification (co-ethnics): Children.**

Answer: yes

Code: 1

Explanation: Spouse, Minor unmarried children, parent of a minor unmarried German.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 28.

**Family member eligible for reunification (co-ethnics): Parents.**

Answer: yes

Code: 1

Explanation: Spouse, Minor unmarried children, parent of a minor unmarried German.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 28.

**Family member eligible for reunification (co-ethnics): Grandparents.**

Answer: no

Code: 0

Explanation: Spouse, Minor unmarried children, parent of a minor unmarried German.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 28.

**Family member eligible for reunification (domestic workers): Spouse.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Children.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Parents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Grandparents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Spouse.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Children.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Parents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Grandparents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (medical doctors): Spouse.**

Answer: yes

Code: 1

Explanation: Spouse and children, other dependants if that is necessary to avoid particular hardship.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, 36 (2).

**Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Spouse and children, other dependants if that is necessary to avoid particular hardship.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, 36 (2).

**Family member eligible for reunification (medical doctors): Children.**

Answer: yes

Code: 1

Explanation: Spouse and children, other dependants if that is necessary to avoid particular hardship.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, 36 (2).

**Family member eligible for reunification (medical doctors): Parents.**

Answer: no

Code: 0

Explanation: Spouse and children, other dependants if that is necessary to avoid particular hardship.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, 36 (2).

**Family member eligible for reunification (medical doctors): Grandparents.**

Answer: no

Code: 0

Explanation: Spouse and children, other dependants if that is necessary to avoid particular hardship.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, 36 (2).

**Family member eligible for reunification (permanent residents): Spouse.**

Answer: yes

Code: 1

Explanation: Spouse and children. Also: "(2) As a rule, the foreigner must be granted a permanent settlement permit if he has possessed a temporary residence permit for three years, the family unit with the German continues to exist in the federal territory, there is no public interest in expelling the foreigner and the foreigner has a sufficient command of the German language. Section 9 (2) sentences 2 to 5 shall apply accordingly. The temporary residence permit shall otherwise be extended as long as the family unit continues to exist".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, 36 (2).

**Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.**

Answer: no

Code: 0

Explanation: Spouse and children. Also: "(2) As a rule, the foreigner must be granted a permanent settlement permit if he has possessed a temporary residence permit for three years, the family unit with the German continues to exist in the federal territory, there is no public interest in expelling the foreigner and the foreigner has a sufficient command of the German language. Section 9 (2) sentences 2 to 5 shall apply accordingly. The temporary residence permit shall otherwise be extended as long as the family unit continues to exist".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, 36 (2).

**Family member eligible for reunification (permanent residents): Children.**

Answer: yes

Code: 1

Explanation: Spouse and children. Also: "(2) As a rule, the foreigner must be granted a permanent settlement permit if he has possessed a temporary residence permit for three years, the family unit with the German continues to exist in the federal territory, there is no public interest in expelling the foreigner and the foreigner has a sufficient command of the German language. Section 9 (2) sentences 2 to 5 shall apply accordingly. The temporary residence permit shall otherwise be extended as long as the family unit continues to exist".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, 36 (2).

**Family member eligible for reunification (permanent residents): Parents.**

Answer: no

Code: 0

Explanation: Spouse and children. Also: "(2) As a rule, the foreigner must be granted a permanent settlement permit if he has possessed a temporary residence permit for three years, the family unit with the German continues to exist in the federal territory, there is no public interest in expelling the foreigner and the foreigner has a sufficient command of the German language. Section 9 (2) sentences 2 to 5 shall apply accordingly. The temporary residence permit shall otherwise be extended as long as the family unit continues to exist".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, 36 (2).

**Family member eligible for reunification (permanent residents): Grandparents.**

Answer: no

Code: 0

Explanation: Spouse and children. Also: "(2) As a rule, the foreigner must be granted a permanent settlement permit if he has possessed a temporary residence permit for three years, the family unit with the German continues to exist in the federal territory, there is no public interest in expelling the foreigner and the foreigner has a sufficient command of the German language. Section 9 (2)



sentences 2 to 5 shall apply accordingly. The temporary residence permit shall otherwise be extended as long as the family unit continues to exist“.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27, 36 (2).

### *Security of status*

#### **IMMIGRANT\_39: Length of application procedure.**

##### **Length of application procedure in months (asylum seekers).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Not applicable

##### **Length of application procedure (asylum seekers).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Not applicable

##### **Length of application procedure in months (refugees).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Not applicable

##### **Length of application procedure (refugees).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Not applicable

**Length of application procedure in months (co-ethnics).**

Answer: 97

Code: 97

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (co-ethnics).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für Das Europäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Length of application procedure in months (domestic workers).**

Answer: 97

Code: 97

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (domestic workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (agricultural workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Length of application procedure (agricultural workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Length of application procedure in months (medical doctors).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

#### **Length of application procedure (medical doctors).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

#### **Length of application procedure in months (permanent residents).**

Answer: 97

Code: 97

Explanation: No regulation on maximum length.

Sources: Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

### **Length of application procedure (permanent residents).**

Answer: No regulation of maximum length

Code: 0

Explanation: No regulation on maximum length.

Sources: Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für Das Europäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

### **IMMIGRANT\_40: Duration of permit.**

#### **Duration of validity of permit (asylum seekers):**

Answer: Equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable As a rule, the residence permit for family reunification is granted for at least one year and for the period of validity of the residence permit of the family member, spouse or spouse residing in Germany: "The period of validity of a temporary residence permit for the purpose of the subsequent immigration of dependents must not exceed the period of validity of the temporary residence permit held by the foreigner whom the dependents concerned are joining in the federal territory. It must be issued for this period if the foreigner who is to be joined in the federal territory by the dependents immigrating subsequently holds a temporary residence permit pursuant to Sections 20, 20b or 38a, an EU Blue Card, an ICT Card or a Mobile ICT Card, or is entitled to stay in the federal territory in accordance with Section 20a. The period of validity of the temporary residence permit must not exceed that of the dependent's passport or passport substitute, however. The temporary residence permit must otherwise be issued for an initial period of at least one year".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27

#### **Duration of validity of permit (refugees):**

Answer: Equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27.

#### **Duration of validity of permit (co-ethnics):**

Answer: Equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27.

**Duration of validity of permit (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (medical doctors):**

Answer: Equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 27.

**Duration of validity of permit (permanent residents):**

Answer: Equal to sponsor's residence permit

Code: 1

Explanation: Equal to sponsor's residence permit and renewable "As a rule, the foreigner must be granted a permanent settlement permit if he has possessed a temporary residence permit for three years, the family unit with the German continues to exist in the federal territory, there is no public interest in expelling the foreigner and the foreigner has a sufficient command of the German language" (AufenthG, §28, (2)).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**IMMIGRANT\_41: Grounds for rejection, withdrawing or refusing to renew status.**

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für Das Europäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für Das Europäische Migrationsnetzwerk (EMN) [Family reunification of

**Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für Das Europäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Break-up of family relationship is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at



least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended

by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für Das Europäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für Das Europäische Migrationsnetzwerk (EMN) [Family reunification of

**Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für Das Europäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

**Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: It can be rejected for those persons who are a danger for the security of the German Federation or in general because of a crime committed for which they were condemned to prison for more than three years, because they can be justifiably suspected or having had committed a crime against humanity, peace, war crime (AufenthG §60). It shall not be permitted if it is established that the marriage has been entered solely for the purpose of enabling the persons immigrating subsequently to enter and stay in the federal territory or if there are concrete indications that one of the spouses has been forced into marriage" (§27, (1a)). Also, for not fulfilling the condition of taking an integration course or orientation course, if this is required (Grote 2017, 47), as it is for spouses and civil partners of Germans and third country nationals resident in Germany. For all, in case of renewal, it can be denied for partners if the relation of co-habitation breaks up before three years, after three years the spouse gains an independent right of residence: the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at

least three years or the foreigner has died while marital cohabitation existed in the federal territory (AufenthG, §31).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Grote, Janne. "Familiennachzug von Drittstaatsangehörigen Nach Deutschland Fokusstudie Der Deutschen Nationalen Kontaktstelle Für DasEuropäische Migrationsnetzwerk (EMN) [Family reunification of Third-country Nationals to Germany Focus Study by the German National Contact Point for the European Migration Network (EMN)]". *Working Paper 73*. Nürnberg: BAMF.

#### **IMMIGRANT\_42: Special circumstances.**

##### **Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):**

Answer: no

Code: 0

Explanation: No such provision in main regulation, AufenthG, §8, (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

##### **Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):**

Answer: no

Code: 0

Explanation: No such provision in main regulation, AufenthG, §8, (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

##### **Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):**

Answer: yes

Code: 1

Explanation: "In deciding on [a temporary residence extension], due consideration shall be given to the duration of lawful stay, the foreigner's legitimate ties to the federal territory and consequences of the termination of residence for dependants of the foreigner who are lawfully resident in the federal territory". AufenthG, §8, (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

##### **Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):**

Answer: yes



Code: 1

Explanation: "The requirement stipulated for marital cohabitation to have existed lawfully for three years shall be waived if necessary to avoid particular hardship, especially if the marriage is not valid or has been suspended under German law owing to the spouse's minority, if the obligation to return to the country of origin resulting from the termination of marital cohabitation threatens to substantially harm the foreigner's legitimate interests, or if the continuation of marital cohabitation is unreasonable due to the harm to the foreigner's legitimate interests; in particular this is to be assumed where the spouse is the victim of domestic violence". (AufenthG, §31, (2) "In deciding on [a temporary residence extension], due consideration shall be given to the duration of lawful stay, the foreigner's legitimate ties to the federal territory and consequences of the termination of residence for dependants of the foreigner who are lawfully resident in the federal territory". AufenthG, §8, (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):**

Answer: no

Code: 0

Explanation: No such provision in main regulation, AufenthG, §8, (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):**

Answer: no

Code: 0

Explanation: No such provision in main regulation, AufenthG, §8, (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):**

Answer: yes

Code: 1

Explanation: "In deciding on [a temporary residence extension], due consideration shall be given to the duration of lawful stay, the foreigner's legitimate ties to the federal territory and consequences of the termination of residence for dependants of the foreigner who are lawfully resident in the federal territory". AufenthG, §8, (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).



**Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):**

Answer: yes

Code: 1

Explanation: "The requirement stipulated for marital cohabitation to have existed lawfully for three years shall be waived if necessary to avoid particular hardship, especially if the marriage is not valid or has been suspended under German law owing to the spouse's minority, if the obligation to return to the country of origin resulting from the termination of marital cohabitation threatens to substantially harm the foreigner's legitimate interests, or if the continuation of marital cohabitation is unreasonable due to the harm to the foreigner's legitimate interests; in particular this is to be assumed where the spouse is the victim of domestic violence". (AufenthG, §31, (2) "In deciding on [a temporary residence extension], due consideration shall be given to the duration of lawful stay, the foreigner's legitimate ties to the federal territory and consequences of the termination of residence for dependants of the foreigner who are lawfully resident in the federal territory". AufenthG, §8, (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):**

Answer: yes

Code: 1

Explanation: As a rule, the foreigner must be granted a permanent settlement permit if he has possessed a temporary residence permit for three years, the family unit with the German continues to exist in the federal territory, there is no public interest in expelling the foreigner and the foreigner has a sufficient command of the German language".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):**

Answer: yes

Code: 1

Explanation: As a rule, the foreigner must be granted a permanent settlement permit if he has possessed a temporary residence permit for three years, the family unit with the German continues to exist in the federal territory, there is no public interest in expelling the foreigner and the foreigner has a sufficient command of the German language".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):**

Answer: no

Code: 0

Explanation: As a rule, the foreigner must be granted a permanent settlement permit if he has possessed a temporary residence permit for three years, the family unit with the German continues to exist in the federal territory, there is no public interest in expelling the foreigner and the foreigner has a sufficient command of the German language“.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):**

Answer: no

Code: 0

Explanation: As a rule, the foreigner must be granted a permanent settlement permit if he has possessed a temporary residence permit for three years, the family unit with the German continues to exist in the federal territory, there is no public interest in expelling the foreigner and the foreigner has a sufficient command of the German language“.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):**

Answer: yes

Code: 1

Explanation: "In deciding on [a temporary residence extension], due consideration shall be given to the duration of lawful stay, the foreigner's legitimate ties to the federal territory and consequences of the termination of residence for dependants of the foreigner who are lawfully resident in the federal territory". AufenthG, §8, (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):**

Answer: yes

Code: 1

Explanation: "The requirement stipulated for marital cohabitation to have existed lawfully for three years shall be waived if necessary to avoid particular hardship, especially if the marriage is not valid or has been suspended under German law owing to the spouse's minority, if the obligation to return to the country of origin resulting from the termination of marital cohabitation threatens to substantially harm the foreigner's legitimate interests, or if the continuation of marital cohabitation is unreasonable due to the harm to the foreigner's legitimate interests; in particular this is to be assumed where the spouse is the victim of domestic violence". (AufenthG, §31, (2))

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in main regulations.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):**

Answer: yes

Code: 1

Explanation: "The requirement stipulated for marital cohabitation to have existed lawfully for three years shall be waived if necessary to avoid particular hardship, especially if the marriage is not valid or has been suspended under German law owing to the spouse's minority, if the obligation to return to the country of origin resulting from the termination of marital cohabitation threatens to substantially harm the foreigner's legitimate interests, or if the continuation of marital cohabitation is unreasonable due to the harm to the foreigner's legitimate interests; in particular this is to be assumed where the spouse is the victim of domestic violence". (AufenthG, §31, (2))

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):**

Answer: yes

Code: 1

Explanation: "The requirement stipulated for marital cohabitation to have existed lawfully for three years shall be waived if necessary to avoid particular hardship, especially if the marriage is not valid or has been suspended under German law owing to the spouse's minority, if the obligation to return to the country of origin resulting from the termination of marital cohabitation threatens to substantially harm the foreigner's legitimate interests, or if the continuation of marital cohabitation is unreasonable due to the harm to the foreigner's legitimate interests; in particular this is to be assumed where the spouse is the victim of domestic violence". (AufenthG, §31, (2))

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**IMMIGRANT\_43: Legal guarantees and redress in case of refusal or withdrawal.**

**Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):**

Answer: yes

Code: 1

Explanation: 1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):**

Answer: Not applicable



Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):**

Answer: yes

Code: 1

Explanation: "(1) A foreigner who is of age shall be capable of performing procedural actions pursuant to this Act, provided that he would not be legally incapacitated according to the Civil Code or would not require supervision and prior approval in this matter".

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 80, (1).

#### **IMMIGRANT\_44: Right to autonomous permit.**

##### **Right to autonomous residence permit for partners and children at age of majority (asylum seekers):**

Answer: after between 3 and 5 years

Code: 0.5

Explanation: For children it is possible to get a permanent residence permit independent on the applicant upon reaching the age of 16, after more than 5 years with temporary resident permits, upon certain conditions: "he has a sufficient command of the German language, and his subsistence is ensured or he is in education or training which leads to a recognised school, vocational or higher education qualification" (§35, (1)). For spouses, this is after less or equal to three years: "the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or if the foreigner has died while marital cohabitation existed in the federal territory" (§31, (1). "the spouse shall also be granted a permanent settlement permit if the spouse's subsistence is ensured after the termination of marital cohabitation by maintenance payments from the foreigner's own funds and the foreigner possesses a permanent settlement permit or an EU long-term residence permit". (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

##### **Right to autonomous residence permit for partners and children at age of majority (refugees):**

Answer: after between 3 and 5 years

Code: 0.5

Explanation: For children it is possible to get a permanent residence permit independent on the applicant upon reaching the age of 16, after more than 5 years with temporary resident permits, upon certain conditions: "he has a sufficient command of the German language, and his subsistence is ensured or he is in education or training which leads to a recognised school, vocational or higher education qualification" (§35, (1)). For spouses, this is after less or equal to three years: "the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or if the foreigner has died while marital cohabitation existed in the federal territory" (§31, (1). "the spouse shall also be granted a permanent settlement permit if the spouse's subsistence is ensured after the termination of marital cohabitation by maintenance payments from the foreigner's own funds and the foreigner possesses a permanent settlement permit or an EU long-term residence permit". (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Right to autonomous residence permit for partners and children at age of majority (co-ethnics):**

Answer: after between 3 and 5 years

Code: 0.5

Explanation: For children it is possible to get a permanent residence permit independent on the applicant upon reaching the age of 16, after more than 5 years with temporary resident permits, upon certain conditions: "he has a sufficient command of the German language, and his subsistence is ensured or he is in education or training which leads to a recognised school, vocational or higher education qualification" (§35, (1)). For spouses, this is after less or equal to three years: "the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or if the foreigner has died while marital cohabitation existed in the federal territory" (§31, (1). "the spouse shall also be granted a permanent settlement permit if the spouse's subsistence is ensured after the termination of marital cohabitation by maintenance payments from the foreigner's own funds and the foreigner possesses a permanent settlement permit or an EU long-term residence permit". (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

**Right to autonomous residence permit for partners and children at age of majority (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (medical doctors):**

Answer: after between 3 and 5 years

Code: 0.5

Explanation: For children it is possible to get a permanent residence permit independent on the applicant upon reaching the age of 16, after more than 5 years with temporary resident permits, upon certain conditions: "he has a sufficient command of the German language, and his subsistence is ensured or he is in education or training which leads to a recognised school, vocational or higher education qualification" (§35, (1)). For spouses, this is after less or equal to three years: "the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or if the foreigner has died while marital cohabitation existed in the federal territory" (§31, (1). "the spouse shall also be granted a permanent settlement permit if the spouse's subsistence is ensured after the termination of marital cohabitation by maintenance payments from the foreigner's own funds and the foreigner possesses a permanent settlement permit or an EU long-term residence permit". (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

### **Right to autonomous residence permit for partners and children at age of majority (permanent residents):**

Answer: after between 3 and 5 years

Code: 0.5

Explanation: For children it is possible to get a permanent residence permit independent on the applicant upon reaching the age of 16, after more than 5 years with temporary resident permits, upon certain conditions: "he has a sufficient command of the German language, and his subsistence is ensured or he is in education or training which leads to a recognised school, vocational or higher education qualification" (§35, (1)). For spouses, this is after less or equal to three years: "the spouse's temporary residence permit shall be extended by one year as an independent right of residence unrelated to the purpose of the subsequent immigration of dependants if marital cohabitation has lawfully existed in the federal territory for at least three years or if the foreigner has died while marital cohabitation existed in the federal territory" (§31, (1). "the spouse shall also be granted a permanent settlement permit if the spouse's subsistence is ensured after the termination of marital cohabitation by maintenance payments from the foreigner's own funds and the foreigner possesses a permanent settlement permit or an EU long-term residence permit". (3).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018).

## **5.4.2. Education**

### **IMMIGRANT\_45: Access to education.**

#### **Children of asylum seekers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: There is an obligation for all children (no impediment to equal access in law, and no category of migrants excluded) to attend school in Germany as long as they are resident in Germany. Asylum seekers have not established residence or their habitual abode in the Federal Republic of Germany after their entry into the Federal Republic of Germany until they get recognition as persons entitled to asylum. For this reason, the attendance to school of children of asylum seekers is non-compulsory until their recognition as refugees, but they are entitled to attend school. There is

controversy about this according to the laws of some Länder, but there is a judicial controversy if the right of parents (or no right) should extend to children, or if the right to education is an individual right that trumps the status of the parents. In practice, there is no proving of the legal status of the children's residence in the procedures to accept a child in school and schools are not obliged to research it/prove it either. In Bremen, Hamburg, Berlin and Saarland the children of asylum seekers are also obligated to attend school.

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017). Art. 7, (1). / Landtag Nordrhein Westfalen, Claudia Heiermann, and Andrea Glende. "Schulpflicht Und Schulrecht Ausländischer Kinder- Parlamentarischer Beratungs- und Gutachterdienst des Landtags NRW [Compulsory Education and School Law for Foreign Children-Parliamentary Advisory and Expert Service of the State Parliament of North Rhine-Westphalia]". Accessed 9 April 2019.

[https://www.landtag.nrw.de/portal/WWW/GB\\_I/I.5/PBGD/Archiv\\_Veroeffentlichungen\\_der\\_13.WP/Kind er\\_und\\_Jugend/Schulpflicht\\_und\\_Schulrecht\\_auslndischer\\_Kinder\\_Feb2004\\_.pdf](https://www.landtag.nrw.de/portal/WWW/GB_I/I.5/PBGD/Archiv_Veroeffentlichungen_der_13.WP/Kind er_und_Jugend/Schulpflicht_und_Schulrecht_auslndischer_Kinder_Feb2004_.pdf). / D.A.S. Rechtsportal. "Allgemeine Schulpflicht [General School Attendance]". Accessed April 9, 2019. <http://www.das.de/de/rechtsportal/schule-und-unterricht/schulpflicht/allgemeine-schulpflicht.aspx>.

### **Children of refugees have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: There is an obligation for all children (no impediment to equal access in law, and no category of migrants excluded) to attend school in Germany as long as they are resident in Germany. This is anchored in the Constitution, which specifies that "(1) The entire school system is under the supervision of the state. (2) The legal guardians have the right to decide on the participation of the child on to determine religious education", leaving choice only to the participation of children in religion class. Education is mandatory for at least 9 years, and half time for the next three years in case of dual education. The Länder regulate the rest. (art. 7).

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017). Art. 7, (1).

### **Children of co-ethnics have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: There is an obligation for all children (no impediment to equal access in law, and no category of migrants excluded).

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017). Art. 7, (1).

### **Children of domestic workers have access to compulsory education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Children of agricultural workers have access to compulsory education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Children of medical doctors have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: There is an obligation for all children (no impediment to equal access in law, and no category of migrants excluded).

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017). Art. 7, (1).

**Children of permanent residents have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: There is an obligation for all children (no impediment to equal access in law, and no category of migrants excluded).

Sources: Grundgesetz für die Bundesrepublik Deutschland (GG) [Basic Law of the Federal Republic of Germany]. 1949 (2017). Art. 7, (1).

**IMMIGRANT\_46: Access to higher education.**

**Asylum seekers and their children have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Access is granted, attention is put to the needs of asylum seekers. It is now possible to start a course of study without the permission of the Immigration Office, regardless of the status of residence. Far more problematic in practice are the recognition of foreign educational qualifications, lack of language skills as well as lost or missing documents proving the level of education.

Sources: Informationsverbund Asyl & Migration [Asylum & Migration Information Network]. "Studium [Study]". Accessed April 9, 2019. <https://www.asyl.net/themen/bildung-und-arbeit/zugang-zu-bildung/studiu>.

#### **Refugees have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Access is granted and attention is put to the needs of refugees. The basic requirement for studying in Germany is the university admission in the country of origin. If the school-leaving certificate does not correspond to the German Abitur or if it is not recognized as equivalent, an examination with prior preparation must be taken at a Studienkolleg in order to apply to a university. In addition, there are now a number of additional offers from the universities themselves to allow refugees to start. Recognized refugees and those with a humanitarian residence permit have been able to gain access to the university since December 2015 even without (complete) submission of educational certificates. There are certain procedures that vary from university to university.

Sources: Informationsverbund Asyl & Migration [Asylum & Migration Information Network]. "Studium [Study]". Accessed April 9, 2019. <https://www.asyl.net/themen/bildung-und-arbeit/zugang-zu-bildung/studiu>.

#### **Co-ethnics have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Access is granted irrespective of status and there is explicit mention of the need to recognize needs of foreign students.

Sources: Hochschulrahmengesetz (HRG) [University Framework Act]. 1976 (2017).

#### **Domestic workers have access to higher education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Agricultural workers have access to higher education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**Medical doctors have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Access is granted irrespective of status and there is explicit mention of the need to recognize needs of foreign students.

Sources: Hochschulrahmengesetz (HRG) [University Framework Act]. 1976(2017). Sec. 2, (5).

**Permanent residents have access to higher education:**

Answer: Yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Access is granted irrespective of status and there is explicit mention of the need to recognize needs of foreign students.

Sources: Hochschulrahmengesetz (HRG) [University Framework Act]. 1976(2017). Sec. 2, (5).

**IMMIGRANT\_47: Support for language instruction.**

**Provision of education support in language(s) of instruction for migrant pupils:**

Answer: yes

Code: 1

Explanation: Yes, the different federal states in Germany started in 2015 with such model in elementary and secondary schools with different names “welcome/migrant/transition/language-learning/reception classes” all with the purpose of helping children who did not speak German to get started in the school system, acquire language skills enough to “join” the regular classes. However, this is not a federal policy, and there is wide variation across Länder as to the implementation of this idea, besides a growing critique about its effects in the medium and long term. The Federation has pledged -through the Ministry of Education and Research- to invest “around 130 million euros to acquire the German language, recognize the skills and potential of refugees, and integrate it into education and work“. But it does not list this as a specific measure.

Sources: Ufuq.de. “Studie zu Willkommensklassen: Neues Konzept ohne Zukunft? [Study on Welcome Classes: A New Concept with no Future?]”. Accessed April 9, 2019. <https://www.ufuq.de/studie-zu-willkommensklassen-neues-konzept-ohne-zukunft/>. / Bundesministerium für Bildung und Forschung (BMBF). “Flüchtlinge durch Bildung integrieren [Integrate Refugees Through Education]”. Accessed April 9, 2019. <https://www.bmbf.de/de/fluechtlinge-durch-bildung-integrieren.html>.

**IMMIGRANT\_48: Intercultural education.**

**Intercultural education is included in pre-service training in order to qualify as a teacher:**

Answer: no

Code: 0

Explanation: No, and this is not regulated at federal level. At the Länder level there are some initiatives for multicultural/intercultural qualification modules for teachers (for example, in Hamburg), but this is not mandatory, rather an “additional” qualification.

Sources: Studis-online.de. “Studienführer Lehramt: Beruf Lehrer/in [Study Guide Teaching Position: Profession of Teacher]”. Accessed 9 April 2019. <https://www.studis-online.de/Studienfuehrer/lehramt.php?seite=2>. / Cities of Migration. “Aus Dem Multikulturellen Klassenzimmer in Das Multikulturelle Lehrerzimmer [From the Multicultural Classroom to the Multicultural Teachers’ Room]”. Accessed April 9, 2019. [http://citiesofmigration.ca/good\\_idea/from-the-multicultural-classroom-to-the-multicultural-staff-room/?lang=de](http://citiesofmigration.ca/good_idea/from-the-multicultural-classroom-to-the-multicultural-staff-room/?lang=de).

**IMMIGRANT\_49: Integration in teachers' syllabus.**

**Migration and integration are obligatory topics in professional development training:**

Answer: no

Code: 0

Explanation: No, and this is not regulated at federal level. At the Länder level there are some initiatives for multicultural/intercultural qualification modules for teachers (for example, in Hamburg), but this is not mandatory, rather an “additional” qualification.

Sources: ‘Studis-online.de. “Studienführer Lehramt: Beruf Lehrer/in [Study Guide Teaching Position: Profession of Teacher]”. Accessed 9 April 2019. <https://www.studis-online.de/Studienfuehrer/lehramt.php?seite=2>. / Cities of Migration. “Aus Dem Multikulturellen Klassenzimmer in Das Multikulturelle Lehrerzimmer [From the Multicultural Classroom to the Multicultural Teachers’ Room]”. Accessed April 9, 2019. [http://citiesofmigration.ca/good\\_idea/from-the-multicultural-classroom-to-the-multicultural-staff-room/?lang=de](http://citiesofmigration.ca/good_idea/from-the-multicultural-classroom-to-the-multicultural-staff-room/?lang=de).

**5.4.3. Health care**

**IMMIGRANT\_50: Conditions for inclusion in the health care system**

**Conditions for inclusion of asylum seekers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. Asylum seekers get a limited/basic health provision. The asylum provision law states that for asylum seekers in case of accommodation in reception facilities they will be provided to meet their household needs of nutrition, housing, heating, clothing, health care and utility and consumer goods (AsylbLG §3). After 15 months they have right to access the full range of health services that other insured persons have access to.

Sources: Asylbewerberleistungsgesetz (AsylbLG) [Asylum Seekers Benefits Act]. 1993 (2017).

#### **Conditions for inclusion of refugees in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. The health care of foreigners who are in possession of a residence or residency permit, does not differ in principle from the health care of German nationals: it is a contributions-based system in which persons contribute from their earnings, and also partly by employer's contributions. A majority of Germans get their coverage through the national public system, with a minority (11%) choosing voluntary private health insurance. Most premiums for the public system are based on income and paid for by employers and employees, with subsidies available for low-income people, reduced for care of those with chronic illnesses, and nonexistent for services to children.

Sources: Estol, Maria-Antonia, and Nara Faul. 2017. "Aufenthaltstitel, Ihre Möglichkeiten, Ihre Beschränkungen [Residence Permits, Your Options, Your Restrictions]". *Informationen für Mitarbeitende im Caritasverband Darmstadt e. V.* Darmstadt: Caritas e. V.

#### **Conditions for inclusion of co-ethnics in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. The health care of foreigners who are in possession of a residence or residency permit, does not differ in principle from the health care of German nationals: it is a contributions-based system in which persons contribute from their earnings, and also partly by employer's contributions. A majority of Germans get their coverage through the national public system, with a minority (11%) choosing voluntary private health insurance. Most premiums for the public system are based on income and paid for by employers and employees, with subsidies available for low-income people, reduced for care of those with chronic illnesses, and nonexistent for services to children.

Sources: Estol, Maria-Antonia, and Nara Faul. 2017. "Aufenthaltstitel, Ihre Möglichkeiten, Ihre Beschränkungen [Residence Permits, Your Options, Your Restrictions]". *Informationen für Mitarbeitende im Caritasverband Darmstadt e. V.* Darmstadt: Caritas e. V.

#### **Conditions for inclusion of domestic workers in the health care system:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Conditions for inclusion of agricultural workers in the health care system:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Conditions for inclusion of medical doctors in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. The health care of foreigners who are in possession of a residence or residency permit, does not differ in principle from the health care of German nationals: it is a contributions-based system in which persons contribute from their earnings, and also partly by employer's contributions. A majority of Germans get their coverage through the national public system, with a minority (11%) choosing voluntary private health insurance. Most premiums for the public system are based on income and paid for by employers and employees, with subsidies available for low-income people, reduced for care of those with chronic illnesses, and nonexistent for services to children.

Sources: Estol, Maria-Antonia, and Nara Faul. 2017. "Aufenthaltstitel, Ihre Möglichkeiten, Ihre Beschränkungen [Residence Permits, Your Options, Your Restrictions]". *Informationen für Mitarbeitende im Caritasverband Darmstadt e. V.* Darmstadt: Caritas e. V.

### **Conditions for inclusion of permanent residents in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Inclusion is unconditional. The health care of foreigners who are in possession of a residence or residency permit, does not differ in principle from the health care of German nationals: it is a contributions-based system in which persons contribute from their earnings, and also partly by employer's contributions. A majority of Germans get their coverage through the national public system, with a minority (11%) choosing voluntary private health insurance. Most premiums for the public system are based on income and paid for by employers and employees, with subsidies available for low-income people, reduced for care of those with chronic illnesses, and nonexistent for services to children.

Sources: Estol, Maria-Antonia, and Nara Faul. 2017. "Aufenthaltstitel, Ihre Möglichkeiten, Ihre Beschränkungen [Residence Permits, Your Options, Your Restrictions]". *Informationen für Mitarbeitende im Caritasverband Darmstadt e. V.* Darmstadt: Caritas e. V.

### **IMMIGRANT\_51: Coverage of health care services.**

#### **Health care coverage for asylum seekers.**

Answer: more than emergency care, but less than for nationals

Code: 0.75

Explanation: More than emergency care, but less than for nationals.

Sources: Asylbewerberleistungsgesetz (AsylbLG) [Asylum Seekers Benefits Act]. 1993 (2017).

### **Health care coverage for refugees.**

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). / Estol, Maria-Antonia, and Nara Faul. 2017. "Aufenthaltstitel, Ihre Möglichkeiten, Ihre Beschränkungen [Residence Permits, Your Options, Your Restrictions]". *Informationen für Mitarbeitende im Caritasverband Darmstadt e. V.* Darmstadt: Caritas e. V.

### **Health care coverage for co-ethnics.**

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals.

Sources: Estol, Maria-Antonia, and Nara Faul. 2017. "Aufenthaltstitel, Ihre Möglichkeiten, Ihre Beschränkungen [Residence Permits, Your Options, Your Restrictions]". *Informationen für Mitarbeitende im Caritasverband Darmstadt e. V.* Darmstadt: Caritas e. V.

### **Health care coverage for domestic workers.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Health care coverage for agricultural workers.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Health care coverage for medical doctors.**

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals.

Sources: Estol, Maria-Antonia, and Nara Faul. 2017. "Aufenthaltstitel, Ihre Möglichkeiten, Ihre Beschränkungen [Residence Permits, Your Options, Your Restrictions]". *Informationen für Mitarbeitende im Caritasverband Darmstadt e. V.* Darmstadt: Caritas e. V.

### **Health care coverage for permanent residents.**

Answer: same coverage as nationals

Code: 1

Explanation: Same coverage as nationals

Sources: Estol, Maria-Antonia, and Nara Faul. 2017. "Aufenthaltstitel, Ihre Möglichkeiten, Ihre Beschränkungen [Residence Permits, Your Options, Your Restrictions]". *Informationen für Mitarbeitende im Caritasverband Darmstadt e. V.* Darmstadt: Caritas e. V.

## **5.4.4. Unemployment benefits**

### **IMMIGRANT\_52: Unemployment benefits.**

#### **Access of asylum seekers to unemployment benefits as compared to citizen residents:**

Answer: limited access

Code: 0.5

Explanation: Other limiting conditions apply. From the very beginning of their stay in Germany, asylum seekers can register for a jobseeker at the employment agency. Although they will not receive any cash benefits, the Employment Agency will be responsible for advising and assisting them in their search for work.

Sources: Netzwerk Bleiberecht Stuttgart-Tübingen-Pforzheim [Network Right to Stay Stuttgart-Tübingen-Pforzheim]. "Basisinformationen Aufenthalts-Gestattung. Informationen Für Flüchtlinge [Basic Information Residence Permit. Information for Refugees]". Accessed April 9, 2019. <https://fluechtlingsrat-bw.de/files/Dateien/Dokumente/Materialbestellung/2014-12-flyer-aufenthaltsgestattung%20WEB.pdf>.

#### **Access of refugees to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. Any person who was employed on an insurable basis and has paid into unemployment insurance long enough: at least 12 months in the last 2 years (under certain circumstances different conditions apply) is eligible for unemployment insurance if she/he registered for it accordingly. Also, any employed person, employee or self-employed whose income does not suffice to provide for a living can apply for unemployment benefit II. They can also get unemployment benefit II if the person comes from the European Union (EU), the European Economic Area (EEA) or Switzerland, or was previously employed in Germany and are involuntarily unemployed or has a residence permit for humanitarian reasons. This applies to people entitled to asylum or asylum, recognized refugees. People excluded: if not legally resident in Germany, if only came to Germany to look for a job, if the person is only in Germany because a child is attending school here, or if they receive financial support under the Asylum Seekers Benefits Act.

Sources: Bundesagentur für Arbeit [Federal Agency for Work]. "Infos Rund Um Finanzielle Leistungen [Information About Financial Services]". Accessed April 9, 2019. <https://www.arbeitsagentur.de/fuer-menschen-aus-dem-ausland/infos-finanzielle-leistungen>. / Bundesagentur für Arbeit [Federal Agency for Work]. "Anspruch, Höhe, Dauer, Arbeitslosengeld [Entitlement, Amount, Duration, Unemployment Benefit]". Accessed April 5, 2019. <https://www.arbeitsagentur.de/arbeitslos-arbeit-finden/anspruch-hoehe-dauer-arbeitslosengeld>.

#### **Access of co-ethnics to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation:

Equal access. Any person who was employed on an insurable basis and has paid into unemployment insurance long enough: at least 12 months in the last 2 years (under certain circumstances different conditions apply) is eligible for unemployment insurance if she/he registered for it accordingly. Also, any employed person, employee or self-employed whose income does not suffice to provide for a living can apply for unemployment benefit II. They can also get unemployment benefit II if the person comes from the European Union (EU), the European Economic Area (EEA) or Switzerland, or was previously employed in Germany and are involuntarily unemployed or has a residence permit for humanitarian reasons. This applies to people entitled to asylum or asylum, recognized refugees. People excluded: if not legally resident in Germany, if only came to Germany to look for a job, if the person is only in Germany because a child is attending school here, or if they receive financial support under the Asylum Seekers Benefits Act.

Sources: Bundesagentur für Arbeit [Federal Agency for Work]. "Infos Rund Um Finanzielle Leistungen [Information About Financial Services]". Accessed April 9, 2019. <https://www.arbeitsagentur.de/fuer-menschen-aus-dem-ausland/infos-finanzielle-leistungen>. / Bundesagentur für Arbeit [Federal Agency for Work]. "Anspruch, Höhe, Dauer, Arbeitslosengeld [Entitlement, Amount, Duration, Unemployment Benefit]". Accessed April 5, 2019. <https://www.arbeitsagentur.de/arbeitslos-arbeit-finden/anspruch-hoehe-dauer-arbeitslosengeld>.

#### **Access of domestic workers to unemployment benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of agricultural workers to unemployment benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of medical doctors to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. Any person who was employed on an insurable basis and has paid into unemployment insurance long enough: at least 12 months in the last 2 years (under certain circumstances different conditions apply) is eligible for unemployment insurance if she/he registered for it accordingly. Also, any employed person, employee or self-employed whose income does not suffice to provide for a living can apply for unemployment benefit II. They can also get unemployment benefit II if the person comes from the European Union (EU), the European Economic Area (EEA) or Switzerland, or was previously employed in Germany and are involuntarily unemployed or has a residence permit for humanitarian reasons. This applies to people entitled to asylum or asylum, recognized refugees. People excluded: if not legally resident in Germany, if only came to Germany to look for a job, if the person is only in Germany because a child is attending school here, or if they receive financial support under the Asylum Seekers Benefits Act.

Sources: Bundesagentur für Arbeit [Federal Agency for Work]. "Infos Rund Um Finanzielle Leistungen [Information About Financial Services]". Accessed April 9, 2019. <https://www.arbeitsagentur.de/fuer-menschen-aus-dem-ausland/infos-finanzielle-leistungen>. / Bundesagentur für Arbeit [Federal Agency for Work]. "Anspruch, Höhe, Dauer, Arbeitslosengeld [Entitlement, Amount, Duration, Unemployment Benefit]". Accessed April 5, 2019. <https://www.arbeitsagentur.de/arbeitslos-arbeit-finden/anspruch-hoehe-dauer-arbeitslosengeld>.

**Access of permanent residents to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access. Any person who was employed on an insurable basis and has paid into unemployment insurance long enough: at least 12 months in the last 2 years (under certain circumstances different conditions apply) is eligible for unemployment insurance if she/he registered for it accordingly. Also, any employed person, employee or self-employed whose income does not suffice to provide for a living can apply for unemployment benefit II. They can also get unemployment benefit II if the person comes from the European Union (EU), the European Economic Area (EEA) or Switzerland, or was previously employed in Germany and are involuntarily unemployed or has a residence permit for humanitarian reasons. This applies to people entitled to asylum or asylum, recognized refugees. People excluded: if not legally resident in Germany, if only came to Germany to look for a job, if the person is only in Germany because a child is attending school here, or if they receive financial support under the Asylum Seekers Benefits Act.



Sources: Bundesagentur für Arbeit [Federal Agency for Work]. "Infos Rund Um Finanzielle Leistungen [Information About Financial Services]". Accessed April 9, 2019. <https://www.arbeitsagentur.de/fuer-menschen-aus-dem-ausland/infos-finanzielle-leistungen>. / Bundesagentur für Arbeit [Federal Agency for Work]. "Anspruch, Höhe, Dauer, Arbeitslosengeld [Entitlement, Amount, Duration, Unemployment Benefit]". Accessed April 5, 2019. <https://www.arbeitsagentur.de/arbeitslos-arbeit-finden/anspruch-hoehe-dauer-arbeitslosengeld>.

#### 5.4.5. Retirement benefits

##### IMMIGRANT\_53: Retirement benefits.

###### Access of asylum seekers to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: If asylum seekers are granted the right to work and contribute to the pension fund, they are eligible for retirement benefits under the same conditions.

Sources: Deutsche Rentenversicherung [German Pension Insurance]. "Häufige Fragen - Beschäftigung in Deutschland [Frequently Asked Questions - Employment in Germany]". Accessed April 9, 2019. [https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung\\_deutschland/00\\_faq\\_liste\\_beschaeftigung\\_deutschland.html](https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung_deutschland/00_faq_liste_beschaeftigung_deutschland.html).

###### Access of refugees to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access, as long as they have contributed to the pensions system, which is optional. In principle, the German social security legislation applies to all employment in Germany. Thus, in principle, social security contributions are to be paid also for foreign workers. This does not apply to seasonal workers, for example, who work for a short period of up to three months within one calendar year. Every foreign national living in the Federal Republic can pay the statutory pension insurance from the age of 16 years onwards and thereby acquire pension rights. For the entitlements to pay a statutory old-age pension are only linked to the three conditions: age, insurance and waiting conditions. Citizenship basically does not matter.

Sources: Deutsche Rentenversicherung [German Pension Insurance]. "Häufige Fragen - Beschäftigung in Deutschland [Frequently Asked Questions - Employment in Germany]". Accessed April 9, 2019. [https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung\\_deutschland/00\\_faq\\_liste\\_beschaeftigung\\_deutschland.html](https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung_deutschland/00_faq_liste_beschaeftigung_deutschland.html).

###### Access of co-ethnics to retirement benefits as compared to citizen residents:

Answer: equal access

Code: 1

Explanation: Equal access, as long as they have contributed to the pensions system, which is optional. In principle, the German social security legislation applies to all employment in Germany. Thus, in principle, social security contributions are to be paid also for foreign workers. This does not apply to seasonal workers, for example, who work for a short period of up to three months within one calendar year. Every foreign national living in the Federal Republic can pay the statutory pension insurance from the age of 16 years onwards and thereby acquire pension rights. For the entitlements to pay a statutory old-age pension are only linked to the three conditions: age, insurance and waiting conditions. Citizenship basically does not matter.

Sources: Deutsche Rentenversicherung [German Pension Insurance]. "Häufige Fragen - Beschäftigung in Deutschland [Frequently Asked Questions - Employment in Germany]". Accessed April 9, 2019. [https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung\\_deutschland/00\\_faq\\_liste\\_beschaeftigung\\_deutschland.html](https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung_deutschland/00_faq_liste_beschaeftigung_deutschland.html).

**Access of domestic workers to retirement benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of agricultural workers to retirement benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of medical doctors to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access, as long as they have contributed to the pensions system, which is optional. In principle, the German social security legislation applies to all employment in Germany. Thus, in principle, social security contributions are to be paid also for foreign workers. This does not apply to seasonal workers, for example, who work for a short period of up to three months within one calendar year. Every foreign national living in the Federal Republic can pay the statutory pension insurance from the age of 16 years onwards and thereby acquire pension rights. For the entitlements to pay a statutory old-age pension are only linked to the three conditions: age, insurance and waiting conditions. Citizenship basically does not matter.

Sources: Deutsche Rentenversicherung [German Pension Insurance]. "Häufige Fragen - Beschäftigung in Deutschland [Frequently Asked Questions - Employment in Germany]". Accessed April 9, 2019. [https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung\\_deutschland/00\\_faq\\_liste\\_beschaeftigung\\_deutschland.html](https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung_deutschland/00_faq_liste_beschaeftigung_deutschland.html).

#### **Access of permanent residents to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Equal access, as long as they have contributed to the pensions system, which is optional. In principle, the German social security legislation applies to all employment in Germany. Thus, in principle, social security contributions are to be paid also for foreign workers. This does not apply to seasonal workers, for example, who work for a short period of up to three months within one calendar year. Every foreign national living in the Federal Republic can pay the statutory pension insurance from the age of 16 years onwards and thereby acquire pension rights. For the entitlements to pay a statutory old-age pension are only linked to the three conditions: age, insurance and waiting conditions. Citizenship basically does not matter.

Sources: Deutsche Rentenversicherung [German Pension Insurance]. "Häufige Fragen - Beschäftigung in Deutschland [Frequently Asked Questions - Employment in Germany]". Accessed April 9, 2019. [https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung\\_deutschland/00\\_faq\\_liste\\_beschaeftigung\\_deutschland.html](https://www.deutsche-rentenversicherung.de/Allgemein/de/Inhalt/Allgemeines/FAQ/International/beschaeftigung_deutschland/00_faq_liste_beschaeftigung_deutschland.html).

## **5.5. Cultural policies**

### **IMMIGRANT\_54: Funding for bilingual education.**

**Is there public funding for bilingual education in the language of majoritarian migrant groups?**

Answer: no

Code: 0

Explanation: No. Few bilingual classes have been tried in some schools in the country. For the legally recognized minority of "Sorben" (with 6000 persons, far from being a majoritarian migrant group) resident in Lausitz there have been bilingual schools, and Sorbian is a language in public administration.

Sources: Wolf, Sonja. "Zur sozialen und politischen Lage der anerkannten nationalen Minderheiten in Deutschland [On the Social and Political Situation of the Recognized National Minorities in Germany]". Accessed April 9, 2019. <http://www.bpb.de/apuz/243860/zur-sozialen-und-politischen-lage-der-anerkannten-nationalen-minderheiten-in-deutschland>.

### **IMMIGRANT\_55: Funding for media on main migrant group's language.**

**Is there public funding for media in the language of the main migrant group?**

Answer: no

Code: 0

Explanation: In politics and in studies on the media there is complacency about the representation and presence of migrant voices, so there are no directions from politics on this.

Sources: Bayer, Julia. 2013. 'Media Diversity in Deutschland'. Dissertation. München.

## 5.6. Mobility policies

### 5.6.1. Identity documents

**IMMIGRANT\_56: Confiscation of identification documents.**

**Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: no

Code: 0

Explanation: No. Obligations relating to identification papers (1) On request, a foreigner shall be obliged to present and surrender 1. his passport, passport substitute or substitute identity document and 2. his residence title or a document confirming suspension of deportation to the authorities entrusted with enforcing the law on foreigners and to leave such documents with the said authorities for a temporary period, where necessary in order to implement or ensure measures in accordance with this Act.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 48.

**Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: Obligations relating to identification papers (1) On request, a foreigner shall be obliged to present and surrender 1. his passport, passport substitute or substitute identity document and 2. his residence title or a document confirming suspension of deportation to the authorities entrusted with enforcing the law on foreigners and to leave such documents with the said authorities for a temporary period, where necessary in order to implement or ensure measures in accordance with this Act.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 48.

**Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: Obligations relating to identification papers (1) On request, a foreigner shall be obliged to present and surrender 1. his passport, passport substitute or substitute identity document and 2. his residence title or a document confirming suspension of deportation to the authorities entrusted with enforcing the law on foreigners and to leave such documents with the said authorities for a temporary period, where necessary in order to implement or ensure measures in accordance with this Act.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 48.

**Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: Obligations relating to identification papers (1) On request, a foreigner shall be obliged to present and surrender 1. his passport, passport substitute or substitute identity document and 2. his residence title or a document confirming suspension of deportation to the authorities entrusted with enforcing the law on foreigners and to leave such documents with the said authorities for a temporary period, where necessary in order to implement or ensure measures in accordance with this Act.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 48.

**Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: Obligations relating to identification papers (1) On request, a foreigner shall be obliged to present and surrender 1. his passport, passport substitute or substitute identity document and 2. his residence title or a document confirming suspension of deportation to the authorities entrusted with enforcing the law on foreigners and to leave such documents with the said authorities for a temporary period, where necessary in order to implement or ensure measures in accordance with this Act.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Sec. 48.

## 5.6.2. Freedom of movement

### IMMIGRANT\_57: Freedom of movement within country.

#### Do asylum seekers have the right to move freely within the country?

Answer: no

Code: 0

Explanation: No. For the first three months the asylum seekers must reside either in a reception facility or in the commune where his/her case is being processed.

Sources: Asylgesetz (AsylG) [Asylum Act]. 1992 (2018). Sec. 59.

#### Do refugees have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: Yes. This right applies to employed persons (employed, self-employed, service providers), but also to the inactive, if they have sufficient means of subsistence and sufficient health insurance coverage.

Sources: Bundesministerium des Inneren [Federal Ministry of Interior]. "Aufenthaltsrecht [Right of Residence]". Accessed April 9, 2019.  
<http://www.bmi.bund.de/DE/themen/migration/aufenthaltsrecht/aufenthaltsrecht-node.html>.

#### Do co-ethnics have the right to move freely within the country?

Answer: yes

Code: 1

Explanation: Yes. This right applies to employed persons (employed, self-employed, service providers), but also to the inactive, if they have sufficient means of subsistence and sufficient health insurance coverage.

Sources: Bundesministerium des Inneren [Federal Ministry of Interior]. "Aufenthaltsrecht [Right of Residence]". Accessed April 9, 2019.  
<http://www.bmi.bund.de/DE/themen/migration/aufenthaltsrecht/aufenthaltsrecht-node.html>.

**Do domestic workers have the right to move freely within the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right to move freely within the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes. This right applies to employed persons (employed, self-employed, service providers), but also to the inactive, if they have sufficient means of subsistence and sufficient health insurance coverage.

Sources: Bundesministerium des Inneren [Federal Ministry of Interior]. "Aufenthaltsrecht [Right of Residence]". Accessed April 9, 2019.  
<http://www.bmi.bund.de/DE/themen/migration/aufenthaltsrecht/aufenthaltsrecht-node.html>.

**Do permanent residents have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Yes. This right applies to employed persons (employed, self-employed, service providers), but also to the inactive, if they have sufficient means of subsistence and sufficient health insurance coverage.

Sources: Bundesministerium des Inneren [Federal Ministry of Interior]. "Aufenthaltsrecht [Right of Residence]". Accessed April 9, 2019. <http://www.bmi.bund.de/DE/themen/migration/aufenthaltsrecht/aufenthaltsrecht-node.html>.

#### **IMMIGRANT\_58: Freedom to move outside the country.**

##### **Do asylum seekers have the right to leave the country?**

Answer: no

Code: 0

Explanation: No; at least not during the first 3 months upon filing their application, when asylum seekers have an obligation to live inside reception centres and to remain in the federal state where they were assigned to and their application is running. While foreign travel is not allowed, traveling in Germany is, with exception of the first three months, where the residence obligation applies in the respective federal state or even individual municipality. Travel to other states is only possible with written permission. According to a radio/website media article by Brandau, "If someone wants to leave (the country) voluntarily, he/she formally withdraws his asylum application".

Sources: Asylbewerberleistungsgesetz (AsylbLG) [Asylum Seekers Benefits Act]. 1993(2017). Arts. 47-48. / Deutschlandfunk".Asylpolitik - Wenn Flüchtlinge ausreisen wollen - und nicht dürfen [Asylum Policy - When Refugees Want to Leave - and are not Allowed to]". Accessed November 19, 2019. [https://www.deutschlandfunk.de/asylpolitik-wenn-fluechtlinge-ausreisen-wollen-und-nicht.862.de.html?dram:article\\_id=344677](https://www.deutschlandfunk.de/asylpolitik-wenn-fluechtlinge-ausreisen-wollen-und-nicht.862.de.html?dram:article_id=344677).

##### **Number of months of absence allowed per year (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Do refugees have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, they can travel with the gray passport -established by the Geneva Convention- to countries that have signed and ratified this convention and within all the Schengen space of the European Union, but they cannot take up a job there, in contrast to German or EU citizens.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Art. 51, (7). / Flüchtlingsrat Niedersachsen e.V [Refugee Council Lower Saxony e.V]. "Erlaubnis von Reisen je nach Aufenthaltstitel oder -papier [Permission to Travel Depending on the Residence Permit or Paper]". <https://www.nds-fluerat.org/wp-content/uploads/2018/08/Erlaubnis-von-Reisen-je-nach-Aufenthaltstitel-oder-papier.pdf>.



**Number of months of absence allowed per year (refugees):**

Answer: Not applicable

Code: Not applicable

Explanation: They can travel with the gray passport -established by the Geneva Convention- to countries that have signed and ratified this convention and within all the Schengen space of the European Union, but they cannot take up a job there, in contrast to German or EU citizens.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Art. 51, (7). / Flüchtlingsrat Niedersachsen e.V [Refugee Council Lower Saxony e.V]. "Erlaubnis von Reisen je nach Aufenthaltstitel oder -papier [Permission to Travel Depending on the Residence Permit or Paper]". <https://www.nds-fluerat.org/wp-content/uploads/2018/08/Erlaubnis-von-Reisen-je-nach-Aufenthaltstitel-oder-papier.pdf>.

**Do co-ethnics have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, since they have a German passport -and apparently they do not have to unregister themselves, according to a Deutschlandfunk reportage.

Sources: Baeva, Nadja. "So schnell wie möglich zurück. Russlanddeutsche kehren Deutschland den Rücken [Get Back As Soon As Possible. Russian Germans Turn Their Backs on Germany]". Access date not available. [https://www.deutschlandfunk.de/so-schnell-wie-moeglich-zurueck.862.de.html?dram:article\\_id=123357](https://www.deutschlandfunk.de/so-schnell-wie-moeglich-zurueck.862.de.html?dram:article_id=123357).

**Number of months of absence allowed per year (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Yes, since they have a German passport -and apparently they do not have to unregister themselves, according to a Deutschlandfunk reportage.

Sources: Baeva, Nadja. "So schnell wie möglich zurück. Russlanddeutsche kehren Deutschland den Rücken [Get Back As Soon As Possible. Russian Germans Turn Their Backs on Germany]". Access date not available. [https://www.deutschlandfunk.de/so-schnell-wie-moeglich-zurueck.862.de.html?dram:article\\_id=123357](https://www.deutschlandfunk.de/so-schnell-wie-moeglich-zurueck.862.de.html?dram:article_id=123357).

**Do domestic workers have the right to leave the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of months of absence allowed per year (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right to leave the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of months of absence allowed per year (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Yes, but their residence permit expires if they exceed 12 months outside of Germany. This deadline also applies to family members of an EU Blue Card holder if they have a residence permit for family reunification reasons. A longer period may be allowed on request, if the stay abroad serves the interests of the Federal Republic of Germany. This is the case, for example, of a foreign assignment for an international company based in Germany. For any person holding any residence permit, if the deadline was exceeded only because of a military service, then the residence permit does not expire if the return to Germany takes place within three months after discharge from military service.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Art. 51, (10). / Landesamt für Bürger- und Ordnungsangelegenheiten [State Agency for Civil and Regulatory Affairs]. "Erlöschen eines Aufenthaltstitels bei einem Auslandsaufenthalt [The Expiry of a Residence Permit During a Stay Abroad]". Accessed November 19, 2019. <https://www.berlin.de/labowillkommen-in-berlin/aufenthalt/erloeschen-eines-aufenthaltstitels/>.

**Number of months of absence allowed per year (medical doctors):**

Answer: 12

Code: 12

Explanation: Yes, but their residence permit expires if they exceed 12 months outside of Germany. This deadline also applies to family members of an EU Blue Card holder if they have a residence permit for family reunification reasons. A longer period may be allowed on request, if the stay abroad serves the interests of the Federal Republic of Germany. This is the case, for example, of a foreign assignment for an international company based in Germany. For any person holding any residence permit, if the deadline was exceeded only because of a military service, then the residence permit does not expire if the return to Germany takes place within three months after discharge from military service.

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Art. 51, (10). / Landesamt für Bürger- und Ordnungsangelegenheiten [State Agency for Civil and Regulatory Affairs]. "Erlöschen eines Aufenthaltstitels bei einem Auslandsaufenthalt [The Expiry of a Residence Permit During a Stay Abroad]". Accessed November 19, 2019. <https://www.berlin.de/labo/willkommen-in-berlin/aufenthalt/erloeschen-eines-aufenthaltstitels/>.

**Do permanent residents have the right to leave the country?**

Answer: yes

Code: 1

Explanation: All permanent residents may leave the country, but the periods of absence allowed before they lose their permanent residence are quite differentiated and depend on several factors: In general, a settlement permit expires 6 months after departure from Germany. However, the period is longer (12 months after departure from Germany) if the foreigner has reached the age of 60 and has been lawfully resident in the Federal territory for at least 15 years. The same applies to the cohabiting spouse with a residence permit, if he/she is also at least 60 years old. A settlement permit does not expire even for a longer stay abroad for a lawful stay in Germany of at least 15 years and if the livelihood is secured (this also applies to the spouse with a permanent residence permit) or the person is in a conjugal partnership or registered partnership with a German citizen. The foreigners authority or the citizens' offices may issue a certificate about this. This certificate may be required for re-entry into Germany. In all other cases, a longer period may be allowed on request if the stay abroad is only temporary (for example for the care of a close relative, for a guest semester during a study) or if the stay abroad serves the interests of the Federal Republic of Germany (see above under residence permit).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Art. 51, (10). / Landesamt für Bürger- und Ordnungsangelegenheiten [State Agency for Civil and Regulatory Affairs]. "Erlöschen eines Aufenthaltstitels bei einem Auslandsaufenthalt [The Expiry of a Residence Permit During a Stay Abroad]". Accessed November 19, 2019. <https://www.berlin.de/labo/willkommen-in-berlin/aufenthalt/erloeschen-eines-aufenthaltstitels/>.

**Number of months of absence allowed per year (permanent residents):**

Answer: 6

Code: 6

Explanation: All permanent residents may leave the country, but the periods of absence allowed before they lose their permanent residence are quite differentiated and depend on several factors: In general, a settlement permit expires 6 months after departure from Germany. However, the period is longer (12 months after departure from Germany) if the foreigner has reached the age of 60 and has been lawfully resident in the Federal territory for at least 15 years. The same applies to the cohabiting spouse with a residence permit, if he/she is also at least 60 years old. A settlement permit does not expire even for a longer stay abroad for a lawful stay in Germany of at least 15 years and if the livelihood is secured (this also applies to the spouse with a permanent residence permit) or the person is in a conjugal partnership or registered partnership with a German citizen. The foreigners authority or the citizens' offices may issue a certificate about this. This certificate may be required for re-entry into Germany. In all other cases, a longer period may be allowed on request if the stay abroad is only temporary (for example for the care of a close relative, for a guest semester during a study) or if the stay abroad serves the interests of the Federal Republic of Germany (see above under residence permit).

Sources: Aufenthaltsgesetz (AufenthG) [Residence Act]. 2008 (2018). Art. 51. / Landesamt für Bürger- und Ordnungsangelegenheiten [State Agency for Civil and Regulatory Affairs]. "Erlöschen eines Aufenthaltstitels bei einem Auslandsaufenthalt [The Expiry of a Residence Permit During a Stay Abroad]". Accessed November 19, 2019. <https://www.berlin.de/labo/willkommen-in-berlin/aufenthalt/erloeschen-eines-aufenthaltstitels/>.

### **5.6.3. Obligations**

### **5.6.4. Military service**

**IMMIGRANT\_59: Military service.**

**Do asylum seekers have the obligation to comply with military service?**

Answer: no military service in state of reception

Code: 97

Explanation: No military conscription exists in Germany since 2011. Ever since, there is an obligation to military service only in the event of tension or defense.

Sources: Wehrpflichtgesetz (WPfIG) [Military Service Law and Conscription Act]. 1956 (2011).

**Do refugees have the obligation to comply with military service?**

Answer: no military service in state of reception

Code: 97

Explanation: No military conscription exists in Germany since 2011. Ever since, there is an obligation to military service only in the event of tension or defense.

Sources: Wehrpflichtgesetz (WPfIG) [Military Service Law and Conscription Act]. 1956 (2011).

**Do co-ethnics have the obligation to comply with military service?**

Answer: no military service in state of reception

Code: 97

Explanation: No military conscription exists in Germany since 2011. Ever since, there is an obligation to military service only in the event of tension or defense.

Sources: Wehrpflichtgesetz (WPfIG) [Military Service Law and Conscription Act]. 1956 (2011).

**Do domestic workers have the obligation to comply with military service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the obligation to comply with military service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have the obligation to comply with military service?**

Answer: no military service in state of reception

Code: 97

Explanation: No military conscription exists in Germany since 2011. Ever since, there is an obligation to military service only in the event of tension or defense.

Sources: Wehrpflichtgesetz (WPfIG) [Military Service Law and Conscription Act]. 1956 (2011).

**Do permanent residents have the obligation to comply with military service?**

Answer: no military service in state of reception

Code: 97

Explanation: No military conscription exists in Germany since 2011. Ever since, there is an obligation to military service only in the event of tension or defense.

Sources: Wehrpflichtgesetz (WPfLG) [Military Service Law and Conscription Act]. 1956 (2011).

### 5.6.5. Social service

**IMMIGRANT\_60: Social service.**

**Do asylum seekers have the obligation to comply with social service?**

Answer: Not applicable

Code: Not applicable

Explanation: Currently the German social service (Zivildienst) is suspended, together with the military service, so no German has to comply with it. The Federal Office for Family and Civil Society Duties (in German: Bundesamt für Familie und zivilgesellschaftliche Aufgaben / BAFzA) which prior to 2011 administered social service for people who refused to make military service is now responsible for the Federal Volunteer Service (in German: Bundesfreiwilligendienst / BFD), a voluntary social service established after the suspension of conscription in 2011.

Sources: Bundesamt für Familien- und Zivilgesellschaftliche Aufgaben (BAFzA) [Federal Office for Family and Civil Society Tasks]. "Kriegsdienstverweigerung, Zivildienst: Bundesamt für Familie und zivilgesellschaftliche Aufgaben [Conscientious Objection, Community Service: Federal Office for Family and Civil Society Tasks]". Accessed January 16, 2019. <https://www.bafza.de/aufgaben/kriegsdienstverweigerung-zivildienst.html>.

**Do refugees have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Currently the German social service (Zivildienst) is suspended, together with the military service, so no German has to comply with it. The Federal Office for Family and Civil Society Duties (in German: Bundesamt für Familie und zivilgesellschaftliche Aufgaben / BAFzA) which prior to 2011 administered social service for people who refused to make military service is now responsible for the Federal Volunteer Service (in German: Bundesfreiwilligendienst / BFD), a voluntary social service established after the suspension of conscription in 2011.

Sources: Bundesamt für Familien- und Zivilgesellschaftliche Aufgaben (BAFzA) [Federal Office for Family and Civil Society Tasks]. "Kriegsdienstverweigerung, Zivildienst: Bundesamt für Familie und zivilgesellschaftliche Aufgaben [Conscientious Objection, Community Service: Federal Office for Family and Civil Society Tasks]". Accessed January 16, 2019. <https://www.bafza.de/aufgaben/kriegsdienstverweigerung-zivildienst.html>.

**Do co-ethnics have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Currently the German social service (Zivildienst) is suspended, together with the military service, so no German has to comply with it. The Federal Office for Family and Civil Society Duties (in German: Bundesamt für Familie und zivilgesellschaftliche Aufgaben / BAFzA) which prior to 2011 administered social service for people who refused to make military service is now responsible for the Federal Volunteer Service (in German: Bundesfreiwilligendienst / BFD), a voluntary social service established after the suspension of conscription in 2011.

Sources: Bundesamt für Familien- und Zivilgesellschaftliche Aufgaben (BAFzA) [Federal Office for Family and Civil Society Tasks]. "Kriegsdienstverweigerung, Zivildienst: Bundesamt für Familie und zivilgesellschaftliche Aufgaben [Conscientious Objection, Community Service: Federal Office for Family and Civil Society Tasks]". Accessed January 16, 2019.  
<https://www.bafza.de/aufgaben/kriegsdienstverweigerung-zivildienst.html>.

### **Do domestic workers have the obligation to comply with social service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do agricultural workers have the obligation to comply with social service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do medical doctors have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Currently the German social service (Zivildienst) is suspended, together with the military service, so no German has to comply with it. The Federal Office for Family and Civil Society Duties (in German: Bundesamt für Familie und zivilgesellschaftliche Aufgaben / BAFzA) which prior to 2011 administered social service for people who refused to make military service is now responsible for the Federal Volunteer Service (in German: Bundesfreiwilligendienst / BFD), a voluntary social service established after the suspension of conscription in 2011.

Sources: Bundesamt für Familien- und Zivilgesellschaftliche Aufgaben (BAFzA) [Federal Office for Family and Civil Society Tasks]. "Kriegsdienstverweigerung, Zivildienst: Bundesamt für Familie und zivilgesellschaftliche Aufgaben [Conscientious Objection, Community Service: Federal Office for Family and Civil Society Tasks]". Accessed January 16, 2019.  
<https://www.bafza.de/aufgaben/kriegsdienstverweigerung-zivildienst.html>.

### **Do permanent residents have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: Currently the German social service (Zivildienst) is suspended, together with the military service, so no German has to comply with it. The Federal Office for Family and Civil Society Duties (in German: Bundesamt für Familie und zivilgesellschaftliche Aufgaben / BAFzA) which prior to 2011 administered social service for people who refused to make military service is now responsible for the Federal Volunteer Service (in German: Bundesfreiwilligendienst / BFD), a voluntary social service established after the suspension of conscription in 2011.

Sources: Bundesamt für Familien- und Zivilgesellschaftliche Aufgaben (BAFzA) [Federal Office for Family and Civil Society Tasks]. "Kriegsdienstverweigerung, Zivildienst: Bundesamt für Familie und zivilgesellschaftliche Aufgaben [Conscientious Objection, Community Service: Federal Office for Family and Civil Society Tasks]". Accessed January 16, 2019.

<https://www.bafza.de/aufgaben/kriegsdienstverweigerung-zivildienst.html>.

## **5.6.6. Taxes**

### **IMMIGRANT\_61: Income taxes.**

#### **Do asylum seekers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Yes, as soon foreigners are allowed to work in Germany and they do so, they are subject to German social security law. Citizenship or residence do not matter. Employees employed in Germany or self-employed persons from another EU, EEA or Switzerland are subject to German legislation in all social security branches under Regulation (EC) on social security No. 883/2004. This also applies to persons who work in Germany, live in another member state and return to their country of residence daily or at least once a week. A contiguous stay of more than six months is an ordinary stay in Germany is enough to pay income taxes here. A habitual residence or residence in Germany means that you are fully taxable in Germany and have to tax your worldwide income there.

Sources: Not applicable

#### **Do refugees have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Yes, as soon foreigners are allowed to work in Germany and they do so, they are subject to German social security law. Citizenship or residence do not matter. Employees employed in Germany or self-employed persons from another EU, EEA or Switzerland are subject to German legislation in all social security branches under Regulation (EC) on social security No. 883/2004. This also applies to persons who work in Germany, live in another member state and return to their country of residence daily or at least once a week. A contiguous stay of more than six months is an ordinary



stay in Germany is enough to pay income taxes here. A habitual residence or residence in Germany means that you are fully taxable in Germany and have to tax your worldwide income there.

Sources: Not applicable

#### **Do co-ethnics have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Yes, as soon foreigners are allowed to work in Germany and they do so, they are subject to German social security law. Citizenship or residence do not matter. Employees employed in Germany or self-employed persons from another EU, EEA or Switzerland are subject to German legislation in all social security branches under Regulation (EC) on social security No. 883/2004. This also applies to persons who work in Germany, live in another member state and return to their country of residence daily or at least once a week. A contiguous stay of more than six months is an ordinary stay in Germany is enough to pay income taxes here. A habitual residence or residence in Germany means that you are fully taxable in Germany and have to tax your worldwide income there.

Sources: Not applicable

#### **Do domestic workers have to pay income taxes in state of reception?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Do agricultural workers have to pay income taxes in state of reception?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Do medical doctors have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Yes, as soon foreigners are allowed to work in Germany and they do so, they are subject to German social security law. Citizenship or residence do not matter. Employees employed in Germany or self-employed persons from another EU, EEA or Switzerland are subject to German legislation in all social security branches under Regulation (EC) on social security No. 883/2004. This

also applies to persons who work in Germany, live in another member state and return to their country of residence daily or at least once a week. A contiguous stay of more than six months is an ordinary stay in Germany is enough to pay income taxes here. A habitual residence or residence in Germany means that you are fully taxable in Germany and have to tax your worldwide income there.

Sources: Not applicable

### **Do permanent residents have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Yes, as soon foreigners are allowed to work in Germany and they do so, they are subject to German social security law. Citizenship or residence do not matter. Employees employed in Germany or self-employed persons from another EU, EEA or Switzerland are subject to German legislation in all social security branches under Regulation (EC) on social security No. 883/2004. This also applies to persons who work in Germany, live in another member state and return to their country of residence daily or at least once a week. A contiguous stay of more than six months is an ordinary stay in Germany is enough to pay income taxes here. A habitual residence or residence in Germany means that you are fully taxable in Germany and have to tax your worldwide income there.

Sources: Not applicable

## **5.7. Administration**

### **IMMIGRANT\_62: Existence of immigrant integration agency in state of reception.**

#### **Existence of institution/agency with competencies for immigrant policies:**

Answer: yes

Code: 1

Explanation: Yes, the BAMF: Bundesamt für Migration und Flüchtlinge/ Federal Office for Migration and Refugees As the competence center for migration and integration in Germany (with the 4th rank in the PA), the Federal Office is not only responsible for the implementation of asylum procedures and refugee protection, but also the driving force for nationwide promotion of integration. The range of tasks also includes migration research. The Federal Office is a federal authority under the technical and legal supervision of the Federal Ministry of the Interior (BMI). With its decentralized locations, including field offices, arrival centers and decision-making centers, it is in direct contact with all actors in refugee protection and integration work.

Sources: Bundesamt für Migration und Flüchtlinge (BAMF) [Federal Office for Migration and Refugees]. "Das BAMF [The BAMF]". Accessed April 9, 2019. <http://www.bamf.de/DE/DasBAMF/dasbamf-node.html>

#### **Name of the institution with competencies for immigrant policies in original language:**

Answer: BAMF: Bundesamt für Migration und Flüchtlinge

**Name of the institution with competencies for immigrant policies in English:**

Answer: Federal Office for Migration and Refugees

**Access to antidiscrimination body.**

**Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):**

Answer: Yes

Code: 1

Explanation: The Antidiskriminierungsstelle des Bundes. They are explicitly mentioned as eligible: "Refugees and newcomers. The protection of the General Equal Treatment Act applies to all people, regardless of their residence status. For people who have not been living in Germany for a long time, this protection is very important, especially in the areas of work, housing and services. However, various studies by the Anti-Discrimination Agency show that especially in these areas of life, refugees often experience discrimination". ./ "Geflüchtete und Neuzugewanderte. Der Schutz des Allgemeinen Gleichbehandlungsgesetzes gilt für alle Menschen, unabhängig von ihrem Aufenthaltsstatus. Für Menschen, die noch nicht lange in Deutschland leben, ist dieser Schutz insbesondere in den Bereichen Arbeit, Wohnen und Dienstleistungen sehr wichtig. Verschiedene Untersuchungen der Antidiskriminierungsstelle zeigen jedoch: Gerade in diesen Lebensbereichen erleben Geflüchtete besonders häufig Diskriminierung".

Sources: Antidiskriminierungsstelle [Anti-Discrimination Agency]. "Geflüchtete und Neuzugewanderte [Refugees and New Immigrants]". Accessed April 9, 2019.  
[http://www.antidiskriminierungsstelle.de/DE/Beratung/Gefluechtete\\_und\\_N...](http://www.antidiskriminierungsstelle.de/DE/Beratung/Gefluechtete_und_N...)

## 6. Immigrant citizenship and nationality

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### 6.1. Immigrant nationality

#### 6.1.1. Immigrant dual nationality

##### IMNAT\_1: Renunciation of previous nationality.

**Does the country require applicants to naturalization by residence to renounce their previous nationality?**

Answer: Yes

Code: 0

Explanation: Yes. StaG, §10: "A foreigner who has been lawfully resident in Germany for eight years and who is capable of acting in accordance with Section 80 of the Residence Act or is legally represented shall be registered on request if he [...] (4) gives up or loses his previous nationality". / 1Ein Ausländer, der seit acht Jahren rechtmäßig seinen gewöhnlichen Aufenthalt im Inland hat und handlungsfähig nach Maßgabe des § 80 des Aufenthaltsgesetzes oder gesetzlich vertreten ist, ist auf Antrag einzubürgern, wenn er [...] (4) seine bisherige Staatsangehörigkeit aufgibt oder verliert. If yes, are there exceptions? o For some countries officially o For some countries non-renunciation is tolerated because of those countries inalienable nationality o Only in exceptional personal circumstances.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). / Kopp, Martin. "Innenbehörde Überprüft Den Status von 6000 Türken [Interior Authority Checks the Status of 6000 Turks]". Accessed April 10, 2019. <https://www.welt.de/print-welt/article675099/Innenbehoerde-ueberprueft-den-Status-von-6000-Tuerken.html>.

**Citizenship can be withdrawn only if person resides outside the country:**

Answer: No

Code: 0

Explanation: No, there are no exemptions given for withdrawal. They are deprived of German nationality, according to §25, (1), unless they are nationals of another EU country or Switzerland.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). / Kopp, Martin. "Innenbehörde Überprüft Den Status von 6000 Türken [Interior Authority Checks the Status of 6000 Turks]". Accessed April 10, 2019. <https://www.welt.de/print-welt/article675099/Innenbehoerde-ueberprueft-den-Status-von-6000-Tuerken.html>.

**Are there exceptions?**

Answer: For some countries officially

Code: 1

Explanation: Nationals of EU member-states are exempt from the renunciation requirement, as are those from countries where renunciation is not possible.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 10.

#### **IMNAT\_1\_1: Sanctions.**

**Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?**

Answer: Yes

Code: 1

Explanation: StaG, §10: "A foreigner who has been lawfully resident in Germany for eight years and who is capable of acting in accordance with Section 80 of the Residence Act or is legally represented shall be registered on request if he [...] (4) gives up or loses his previous nationality". / 1Ein Ausländer, der seit acht Jahren rechtmäßig seinen gewöhnlichen Aufenthalt im Inland hat und handlungsfähig nach Maßgabe des § 80 des Aufenthaltsgesetzes oder gesetzlich vertreten ist, ist auf Antrag einzubürgern, wenn er [...] (4) seine bisherige Staatsangehörigkeit aufgibt oder verliert. If yes, are there exceptions? o For some countries officially o For some countries non-renunciation is tolerated because of those countries inalienable nationality o Only in exceptional personal circumstances.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). / Kopp, Martin. "Innenbehörde Überprüft Den Status von 6000 Türken [Interior Authority Checks the Status of 6000 Turks]". Accessed April 10, 2019. <https://www.welt.de/print-welt/article675099/Innenbehoerde-ueberprueft-den-Status-von-6000-Tuerken.html>.

### **6.1.2. Emigrant dual nationality for immigrants who naturalized**

#### **IMNAT\_2: Emigrant dual nationality for naturalized immigrants.**

**Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?**

Answer: Authorities have arbitrary power to withdraw citizenship

Code: 0

Explanation: They are deprived of German nationality, according to §25, (1), unless they are nationals of another EU country or Switzerland.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). / Kopp, Martin. "Innenbehörde Überprüft Den Status von 6000 Türken [Interior Authority Checks the Status of 6000 Turks]". Accessed April 10, 2019. <https://www.welt.de/print-welt/article675099/Innenbehoerde-ueberprueft-den-Status-von-6000-Tuerken.html>.

### **6.1.3. Loss of nationality after residence abroad for naturalized immigrants**

#### **IMNAT\_3 Loss after residence abroad for naturalized immigrants**

**For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad**

Answer: No provision

Code: 1

Explanation: No. There is no provision for this

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016).

#### **After how many years abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **6.1.4. Unrestrictive jus soli**

#### **IMNAT\_4: Unrestrictive jus soli.**

**Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?**

Answer: No

Code: 0

Explanation: No; it has some conditions. The parent(s) must have been resident in Germany for 8 years, or citizens of Switzerland who hold a permanent residence permit.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016).

### **6.1.5. Qualified jus soli**

#### **IMNAT\_5: Qualified jus soli.**

**Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?**

Answer: No

Code: 0

Explanation: No. Children of foreign parents can also acquire nationality by birth

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 4.

### **6.1.6. Standard naturalization procedure for immigrants due to residence**

**IMNAT\_6: Ordinary naturalization.**

**Does the country provide for standard naturalization procedure for immigrants due to residence in it?**

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: Being legally able (majority of age: 16), not having been condemned to a sentence, having somewhere to live, and being able to provide for his/her family (§8); having resided for more than 8 years in Germany, express commitment to the Constitution (declaration of loyalty), no activities hostile to the Constitution, ability to support oneself and one's family without social security or unemployment benefit, no criminal convictions (minor offenses excepted), renunciation or automatic loss of citizenship of another country (unless this is legally impossible or unreasonable); sufficient knowledge of the German language and about knowledge of the legal and social order and the living conditions in Germany (B1 level of the common European reference system and integration course/test).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 10.

**Number of years of residence required for naturalization:**

Answer: 8

Code: 8

Explanation: Being legally able (majority of age: 16), not having been condemned to a sentence, having somewhere to live, and being able to provide for his/her family (§8); having resided for more than 8 years in Germany, express commitment to the Constitution (declaration of loyalty), no activities hostile to the Constitution, ability to support oneself and one's family without social security or unemployment benefit, no criminal convictions (minor offenses excepted), renunciation or automatic loss of citizenship of another country (unless this is legally impossible or unreasonable); sufficient knowledge of the German language and about knowledge of the legal and social order and the living conditions in Germany (B1 level of the common European reference system and integration course/test).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 10.

**Number of continuous years of residence required for naturalization:**

Answer: 8

Code: 8

Explanation: Being legally able (majority of age: 16), not having been condemned to a sentence, having somewhere to live, and being able to provide for his/her family (§8); having resided for more than 8 years in Germany, express commitment to the Constitution (declaration of loyalty), no activities hostile to the Constitution, ability to support oneself and one's family without social security or unemployment benefit, no criminal convictions (minor offenses excepted), renunciation or automatic loss of citizenship of another country (unless this is legally impossible or unreasonable); sufficient knowledge of the German language and about knowledge of the legal and social order and the living conditions in Germany (B1 level of the common European reference system and integration course/test).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 10.

**Permanent residence status is required for naturalization:**

Answer: No

Code: 0

Explanation: Being legally able (majority of age: 16), not having been condemned to a sentence, having somewhere to live, and being able to provide for his/her family (§8); having resided for more than 8 years in Germany, express commitment to the Constitution (declaration of loyalty), no activities hostile to the Constitution, ability to support oneself and one's family without social security or unemployment benefit, no criminal convictions (minor offenses excepted), renunciation or automatic loss of citizenship of another country (unless this is legally impossible or unreasonable); sufficient knowledge of the German language and about knowledge of the legal and social order and the living conditions in Germany (B1 level of the common European reference system and integration course/test).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 10.

**Renunciation of previous nationality is required:**

Answer: General renunciation except for some countries

Code: 0.35

Explanation: StaG, §10: "A foreigner who has been lawfully resident in Germany for eight years and who is capable of acting in accordance with Section 80 of the Residence Act or is legally represented shall be registered on request if he [...] (4) gives up or loses his previous nationality".

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 10.

**Language condition for naturalization:**

Answer: With certification or test at B1 level

Code: 0.75



Explanation: Being legally able (majority of age: 16), not having been condemned to a sentence, having somewhere to live, and being able to provide for his/her family (§8); having resided for more than 8 years in Germany, express commitment to the Constitution (declaration of loyalty), no activities hostile to the Constitution, ability to support oneself and one's family without social security or unemployment benefit, no criminal convictions (minor offenses excepted), renunciation or automatic loss of citizenship of another country (unless this is legally impossible or unreasonable); sufficient knowledge of the German language and about knowledge of the legal and social order and the living conditions in Germany (B1 level of the common European reference system and integration course/test).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 10.

#### **Civil knowledge is a requisite for naturalization:**

Answer: Formal naturalization test containing civic and cultural knowledge questions, not very demanding with questions and study material available and/or exemptions for applicants who have attended schools in the country; or alternative of more onerous or expensive course

Code: 0.75

Explanation: Being legally able (majority of age: 16), not having been condemned to a sentence, having somewhere to live, and being able to provide for his/her family (§8); having resided for more than 8 years in Germany, express commitment to the Constitution (declaration of loyalty), no activities hostile to the Constitution, ability to support oneself and one's family without social security or unemployment benefit, no criminal convictions (minor offenses excepted), renunciation or automatic loss of citizenship of another country (unless this is legally impossible or unreasonable); sufficient knowledge of the German language and about knowledge of the legal and social order and the living conditions in Germany (B1 level of the common European reference system and integration course/test).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 10.

#### **Clean criminal record is a requisite:**

Answer: No criminal record or good character condition

Code: 0

Explanation: Being legally able (majority of age: 16), not having been condemned to a sentence, having somewhere to live, and being able to provide for his/her family (§8); having resided for more than 8 years in Germany, express commitment to the Constitution (declaration of loyalty), no activities hostile to the Constitution, ability to support oneself and one's family without social security or unemployment benefit, no criminal convictions (minor offenses excepted), renunciation or automatic loss of citizenship of another country (unless this is legally impossible or unreasonable); sufficient knowledge of the German language and about knowledge of the legal and social order and the living conditions in Germany (B1 level of the common European reference system and integration course/test).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 10.

#### **Economic resources as requisite for naturalization:**

Answer: Includes employment condition or no welfare dependency ONLY at time of application

Code: 0.75

Explanation: Being legally able (majority of age: 16), not having been condemned to a sentence, having somewhere to live, and being able to provide for his/her family (§8); having resided for more than 8 years in Germany, express commitment to the Constitution (declaration of loyalty), no activities hostile to the Constitution, ability to support oneself and one's family without social security or unemployment benefit, no criminal convictions (minor offenses excepted), renunciation or automatic loss of citizenship of another country (unless this is legally impossible or unreasonable); sufficient knowledge of the German language and about knowledge of the legal and social order and the living conditions in Germany (B1 level of the common European reference system and integration course/test).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 10.

### **6.1.7. Socialization based acquisition of citizenship**

**IMNAT\_7: Naturalization by socialization.**

**Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?**

Answer: No provision

Code: 0

Explanation: Not only through residence. However, this looks a lot like the opting obligation for children who were born in Germany and acquire nationality at birth, along with another nationality (through her/his parents) but are required to decide which one to preserve before turning 21 years of age (Stag, §29, (1)). Now this is waived for German children with double nationality who lived in Germany 8 years, attending school for six years in Germany or having a German school certificate or trade certificate (StaG, §29, (1a)).

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016).

### **6.1.8. Special procedure for immigrants with very long residence in country**

**IMNAT\_8: Long residence.**

**Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?**

Answer: Yes

Code: 1

Explanation: There is no explicit provision for naturalisation for very long residence. However, there is discretionary naturalisation and this could apply if the person has been resident in Germany for 8 years, but is not (yet) entitled to permanent residence. The conditions are the ability to support oneself and one's family without social security or unemployment benefit, and having no criminal convictions

(except minor offenses). 8.1.2.6.3.4 „Wenn der Einbürgerungsbewerber zwar die Verweigerung der Entlassung zu vertreten, sich aber schon länger als 20 Jahre nicht mehr im Herkunftsstaat aufgehalten hat, davon mindestens zehn Jahre im Inland, und über 40 Jahre alt ist“.(Bundesministerium des Innern (2000)8.1.2.6.3.4 )

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 8

### **6.1.9. Preferential naturalization for immigrants from specific countries**

**IMNAT\_9: Preferential naturalization by country.**

**Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?**

Answer: Yes

Code: 1

Explanation: It is easier for citizens of EU countries and Switzerland in the sense that they are exempted from the requirement of renunciation of nationality of origin

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 12, (2), 25.

### **6.1.10. Cultural affinity/Ethnic ties**

**IMNAT\_10: Preferential naturalization due to cultural or ethnic ties.**

**Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?**

Answer: Yes

Code: 1

Explanation: Yes, for Spätausiedler, if they have their certificate according to the Displaced Persons Law (Bundesvertriebenengesetzes) acquire nationality immediately.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 7.

### **6.1.11. Spousal transfer**

**IMNAT\_11: Spousal transfer.**

**Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?**

Answer: Yes

Code: 1

Explanation: The conditions are: having resided in Germany, with common household with the German national, for 3 years. Also, it should be guaranteed that they fit into German living conditions, unless they do not have sufficient knowledge of the German language (§ 10 Para. 1 sentence 1 no. 6 and para. Naturalization also applies if it is completed within one year after the death of the German spouse or after the legal validity of the divorce decree requesting the applicant and the care of an already German child of the marriage.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 9

### **6.1.12. Filial transfer**

**IMNAT\_12: Filial transfer.**

**Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?**

Answer: Yes

Code: 1

Explanation: Yes. The administrative regulations on Section §8 of the Nationality Law (Stag), regulating the entitlement of foreigners to (ordinary) naturalization states that their spouses and minor children can be naturalized even if they did not fulfil the residence condition (8 years)/ "Ausländer haben nach Maßgabe der §§ 85 ff. des Ausländergesetzes nach einem achtjährigen rechtmäßigen gewöhnlichen Aufenthalt im Inland einen Anspruch auf Einbürgerung. Ihre Ehegatten und minderjährigen Kinder können nach Maßgabe des § 85 Abs. 2 des Ausländergesetzes mit ihnen eingebürgert werden, auch wenn sie sich noch nicht seit acht Jahren rechtmäßig im Inland aufhalten" (StAR-VwV, 8.0) Also, by declaration to want to become German citizen, a child of a German father and a foreign mother born before 1 July 1993 acquires German nationality, if an effective recognition or declaration of the paternity is done, if the child has been lawfully resident in Germany for three years, and the statement is issued before turning 23 years of age.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016).

### **6.1.13. Special naturalization for refugees**

**IMNAT\_13: Refugees.**

**Does the country facilitate the acquisition of nationality by a refugee in its territory?**

Answer: Yes

Code: 1

Explanation: It is easier in the sense that they might be exempted from the requirement of renunciation, and according to the discretionary naturalisation they might be naturalized after only six

years. According to StaG § 12, (1), 6, refugees are exempted from renunciation of their former citizenship if they hold a refugee passport according to Art 28 of the Geneva Convention/ “der Ausländer einen Reiseausweis nach Artikel 28 des Abkommens vom 28. Juli 1951 über die Rechtsstellung der Flüchtlinge (BGBl. 1953 II S. 559) besitzt“..

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016).

#### **6.1.14. Naturalization for special achievements/talents**

**IMNAT\_14: Special talents.**

**Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?**

Answer: Yes

Code: 1

Explanation: This would fall into discretionary naturalisation: the length of stay provided for can be reduced three years. According to StaG, § 8, if the legal requirements (cf. StAR-VwV 2000, numbers 8.1.1 to 8.1.1.4: age, living provided for, no reason to be expelled) are met, naturalization may be granted at the discretion of the authority, if in individual cases a public interest in naturalization can be established. Decisive for this are in particular in the field of science, research, business, art, culture, media, sports or public service. It may also apply to members of international companies, including foreign companies and institutions, or to other persons who, for professional or business reasons, temporarily post their stay abroad or travel frequently. Naturalization in the field of sport always presupposes that the naturalization applicant has been residing at home for at least three years, is to be used concretely in a German national team and has a longer-term international perspective in sports. The start authorization for international championships must have been confirmed by the competent trade association or the German sports federation. The particular public interest must be confirmed and explained in detail by a supreme authority of the Federation or a Land. In the field of sports, an opinion from the Federal Ministry of the Interior is required. If other activities are to be carried out wholly or predominantly abroad for a longer period of time, a statement from the Foreign Office must be obtained if the special public interests of naturalization cannot already be deduced from the activity in Germany.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). Sec. 8 . / Allgemeine Verwaltungsvorschrift Zum Staatsangehörigkeitsrecht (StAR-VwV) Vom 13. Dezember 2000 [General Administrative Regulation on Citizenship Law (StAR-VwV) of December 13, 2000]. 2000. No. 8.1.1 to 8.1.1.4.

#### **6.1.15. Naturalization due to investment/financial assets**

**IMNAT\_15: Special talents.**

**Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?**

Answer: No

Code: 0

Explanation: No. No provision was found on this.

Sources: Allgemeine Verwaltungsvorschrift Zum Staatsangehörigkeitsrecht (StAR-VwV) Vom 13. Dezember 2000 [General Administrative Regulation on Citizenship Law (StAR-VwV) of December 13, 2000]. 2000.

### **6.1.16. Transfer to other relatives**

**IMNAT\_16: Transfer to other relatives.**

**Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?**

Answer: No

Code: 0

Explanation: No. There is no provision on this.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016).

### **6.1.17. Nationality for the stateless**

**IMNAT\_17: Stateless.**

**Does the country facilitate the naturalization of a stateless person in its territory?**

Answer: Yes

Code: 1

Explanation: Yes, via the discretionary naturalization (StaG, §8), persons in need of “nationality protection”. The administrative regulations state that (StAR-VwV 8.1.3.1): protection is required for people who are politically persecuted or treated as a quota refugee (see number 87.1.2.6) or stateless/ “Staatsangehörigkeitsrechtlich schutzbedürftig ist, wer politisch Verfolgter im Sinne des § 51 des Ausländergesetzes ist oder wie ein Kontingentflüchtling behandelt wird (vergleiche Nummer 87.1.2.6) oder staatenlos ist”.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016). / Allgemeine Verwaltungsvorschrift Zum Staatsangehörigkeitsrecht (StAR-VwV) Vom 13. Dezember 2000 [General Administrative Regulation on Citizenship Law (StAR-VwV) of December 13, 2000]. 2000.

### **6.1.18. Nationality for regularized immigrants**

**IMNAT\_18: Regularization.**

**Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?**

Answer: Not applicable (i.e. no regularization)

Code: Not applicable

Explanation: There are no regularization programs in Germany.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016).

### **6.1.19. Naturalization possible even if applicant had irregular status before**

**IMNAT\_19: Irregular status.**

**Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?**

Answer: No

Code: 0

Explanation: Not stated either in the law, or in the administrative regulations. Having a legal status is a condition to naturalize.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016).

## **6.2. Immigrant citizenship**

### **6.2.1. Restrictions on citizenship for naturalized immigrants**

**IMCIT\_1: Restrictions for naturalized immigrants.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?**

Answer: No

Code: 0

Explanation: No such provision.

Sources: Staatsangehörigkeitsgesetz (StAG) [Citizenship Act]. 1913 (2016).

**For how long are the restrictions applied?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to electoral rights?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to public office posts?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Other type of restrictions**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized**

**IMCIT\_2. Loss or suspension of citizenship.**

**Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**



Answer: No

Code: 0

Explanation: No, not exclusively. But, it deprives all German nationals (by birth or naturalization) of their electoral rights after not being resident in Germany for three months in the last 25 years abroad unless they can prove they remain affected and well informed of political circumstances in Germany.

Sources: Bundeswahlgesetz (BwahlG) [Federal Election Act]. 1956 (2018). Sec. 12.

#### **Are these rights recovered upon return?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals**

**IMCIT\_3: Restrictions for naturalized immigrants who are dual nationals.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?**

Answer: No

Code: 0

Explanation: No provision on this found either in the StaG, or in the WahlG (nationality or electoral laws).

Sources: Staatsangehörigkeitsgesetz (StaG) [Citizenship Act]. 1913 (2016). / Bundeswahlgesetz (BwahlG) [Federal Election Act]. 1956 (2018). Sec. 12.

#### **How long do the restrictions apply?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to electoral rights?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to public office post?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Other type of restrictions (beyond electoral and public office posts).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable