

99010022001005, 99010022001005

# Residence permit for reasons of international law, humanitarian or political reasons Issued in cases of hardship

Heruntergeladen am 04.07.2025

<https://fimportal.de/xzufi-services/121309876/L100002>

Modul	Sachverhalt
Leistungsschlüssel	99010022001005, 99010022001005
Leistungsbezeichnung I	Residence permit for reasons of international law, humanitarian or political reasons Issued in cases of hardship
Leistungsbezeichnung II	Residence permit for foreigners in cases of hardship (if it is unreasonable to expect them to return to their country of origin)
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Nordrhein-Westfalen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung

Modul	Sachverhalt
Leistungsgruppierung	Aufenthaltstitel (010)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	Anforderungen in Bezug auf Aufenthaltskarten für Unionsbürger und ihre Familienmitglieder, einschließlich Familienmitglieder, die keine Unionsbürger sind
Lagen Portalverbund	Einwanderung (1080100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	16.12.2022
Fachlich freigegeben durch	Ministry for Children, Youth, Family, Equality, Refugees and Integration of the State of North Rhine-Westphalia
Handlungsgrundlage	<p>§ Section 23a Residence Act</p> <p>Hardship Commission Ordinance NRW  <a href="https://www.gesetze-im-internet.de/aufenthg_2004/BjNR195010004.html">https://www.gesetze-im-internet.de/aufenthg_2004/BjNR195010004.html</a>  <a href="https://recht.nrw.de/lmi/owa/pl_text_anzeigen?v_id=2520050613160357805">https://recht.nrw.de/lmi/owa/pl_text_anzeigen?v_id=2520050613160357805</a>  <a href="https://www.gesetze-im-internet.de/aufenthg_2004/BjNR195010004.html">https://www.gesetze-im-internet.de/aufenthg_2004/BjNR195010004.html</a>  <a href="https://recht.nrw.de/lmi/owa/pl_text_anzeigen?v_id=2520050613160357805">https://recht.nrw.de/lmi/owa/pl_text_anzeigen?v_id=2520050613160357805</a>  <a href="https://www.gesetze-im-internet.de/aufenthg_2004/BjNR195010004.html">https://www.gesetze-im-internet.de/aufenthg_2004/BjNR195010004.html</a>  <a href="https://recht.nrw.de/lmi/owa/pl_text_anzeigen?v_id=2520050613160357805">https://recht.nrw.de/lmi/owa/pl_text_anzeigen?v_id=2520050613160357805</a></p>
Teaser	Do you believe that you would be particularly hard hit by an obligation to leave the country and that it would be unreasonable for you to return to your country of origin? Do you have urgent humanitarian or urgent personal reasons for remaining in Germany?
Volltext	Foreigners who are under an enforceable obligation to leave Germany and who are resident in North Rhine-Westphalia can apply to the Hardship Commission of the State of North Rhine-Westphalia for a hardship case to be determined.

## Modul

## Sachverhalt

If a case of hardship is determined, the Hardship Commission will submit a request to the responsible foreigners authority to issue a residence permit.

An application in German must be submitted to the Hardship Commission of the State of North Rhine-Westphalia. The application can be submitted online (see "To the application"); an application can also be submitted by post, fax or e-mail/de-mail.

The application must include the surname, first names, date and place of birth, nationality and address of all persons to whom the hardship application is to apply.

The reasons for the application must be explained in detail:

- the life history (at least in outline), the current living situation, the date of entry, the legal residence situation of all persons named
- family ties in Germany and in the country of origin
- personal, social and economic integration achievements
- the urgent humanitarian or urgent personal reasons for which the continued presence in Germany is considered important

Supporting documents must be attached to the application.

## Erforderliche Unterlagen

Letter of application (application with justification) with attachments:

- Curriculum vitae in tabular form from birth
- Proof of German language skills/German language tests
- Proof of work/income/work efforts/job offers/work certificates/work permits, pension insurance history if applicable
- Proof of voluntary work, club memberships, church memberships
- Letters of support from friends/acquaintances/employers or other persons/organizations

## Modul

## Sachverhalt

- for children and young people: Kindergarten certificate, school reports
- Complete notice of rejection from the Federal Office for Migration and Refugees (BAMF), foreigner's law rulings from the foreigners authority, court decisions
- in the case of illness: current medical reports from which the severity and course of the illness can be clearly derived
- If applicable, documents relating to criminal investigations or convictions
- Declaration of consent to data processing
- If a person represents the applicant: Power of attorney (informal, in writing)
- In case of illness: Declaration of release from the duty of confidentiality

## Voraussetzungen

- You are under an enforceable obligation to leave Germany (as a rule, you have a tolerated stay permit).
- You are legally resident in North Rhine-Westphalia
- There are no grounds for exclusion from hardship proceedings. Reasons for exclusion are set out in the Hardship Commission Ordinance (§ 5). The Hardship Commission alone decides whether there are grounds for exclusion after the application has been submitted.

## Kosten

## Verfahrensablauf

### Application

- The office requires an informal application as an online application or by post, fax or e-mail/e-mail in German.
- If someone else submits the application on your behalf, a power of attorney must be enclosed.
- Of course, you submit the hardship application using your real name.
- It is important to give detailed reasons for the hardship application and to enclose the relevant evidence and documents (no originals) (if available or obtainable).
- The Immigration Office will be informed of the receipt of your hardship application.
- You or the authorized person will receive a confirmation of receipt with important information on

## Modul

## Sachverhalt

the further procedure.

Processing the hardship application

- The first step is to check whether the Hardship Commission will deal with the application in principle. To this end, it is important that the reasons you are claiming for a case of hardship are clearly stated in the application. At this point, possible grounds for exclusion that could prevent further proceedings will also be examined.
- If the application is accepted, the responsible immigration authority will be asked for a written statement. This statement, together with the application and the documents you have submitted, will later be presented to the Hardship Commission for discussion at a meeting.
- If your application is not accepted (for example, if there are grounds for exclusion under the Hardship Commission Ordinance NRW), you or the person authorized by you will be informed in writing of the termination of the hardship procedure. The foreigners authority will also receive this information.

Consultation in the Hardship Commission and decision

- The Hardship Commission discusses the hardship application in a closed meeting; the applicant or the authorized person is not required to appear in person and cannot do so.
- If the result is positive, the Hardship Commission sends a so-called request to the Aliens Department. However, the request is not legally binding for the foreigners authority. It decides on the granting of a residence permit on its own authority.
- If the Hardship Commission comes to a negative conclusion (no request), the hardship case procedure is terminated.
- In any case, whether the outcome is positive or negative, the applicant will receive written notification of the termination of the procedure with the information that they can enquire about the result at the immigration authority.

## Bearbeitungsdauer

Modul	Sachverhalt
Frist	none
weiterführende Informationen	- Information on the hardship procedure in NRW: <a href="https://www.mkjfgfi.nrw/haertefallkommission-des-landes-nordrhein-westfalen">https://www.mkjfgfi.nrw/haertefallkommission-des-landes-nordrhein-westfalen</a> - Information on advice centers: Network booklet of the Refugee Council NRW <a href="https://www.fnrnw.de/">https://www.fnrnw.de/</a> (Download)
Hinweise	• Personal appearance is not possible
Rechtsbehelf	
Kurztext	<p>The conditions for granting and renewing a residence permit otherwise stipulated in the Residence Act may be waived.</p> <p>In the event of a positive decision, the Hardship Commission of the State of North Rhine-Westphalia will submit a request to the responsible immigration authority.</p> <p>The following requirements must be met:</p> <ul style="list-style-type: none"> <li>• Enforceable obligation to leave Germany</li> <li>• Residence in North Rhine-Westphalia</li> <li>• Residence in Germany</li> <li>• urgent humanitarian or urgent personal reasons that make a return to the country of origin appear unreasonable</li> <li>• No grounds for exclusion (will be reviewed by the Hardship Commission)</li> </ul> <p>Applications can be submitted online (see "To the application") or by post, fax or e-mail/e-mail.</p> <p>The Hardship Commission of the state of North Rhine-Westphalia is responsible for deciding on a case of hardship within the meaning of Section 23 a of the Residence Act.</p>
Ansprechpunkt	
Zuständige Stelle	
Formulare	<ul style="list-style-type: none"> <li>• Declaration of consent to data processing</li> <li>• Power of representation (in the event of</li> </ul>

Modul	Sachverhalt
	<p>representation by another person or organization as part of the hardship procedure)</p> <ul style="list-style-type: none"> <li>• Declaration of release from the duty of confidentiality (if illness is mentioned in the hardship application)</li> </ul>
Ursprungsportal	<p>Residence permit for reasons of international law, humanitarian or political reasons Issued in cases of hardship, Aufenthaltserlaubnis aus völkerrechtlichen, humanitären oder politischen Gründen Erteilung in Härtefällen</p>