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Apply for a residence permit in the event of a ban on deportation

Heruntergeladen am 04.07.2025

<https://fimportal.de/xzufi-services/392213159/L100008>

Modul	Sachverhalt
Leistungsschlüssel	99010022001010, 99010022001010
Leistungsbezeichnung I	Apply for a residence permit in the event of a ban on deportation
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen-Anhalt
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Aufenthaltstitel (010)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	
Lagen Portalverbund	Einwanderung (1080100)

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Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	29.10.2020
Fachlich freigegeben durch	Saxon State Ministry of the Interior
Handlungsgrundlage	§ 25 Abs. 3 AufenthG § 60 Abs. 5, 7 AufenthG § 60 sec. 2 sentence 1 AufenthG §12a AufenthG § 9 AufenthG § 26 AufenthG § 45 AufenthV § 53 Abs. 1 AufenthV § 44 AufenthG § 78 AufenthG § 78a AufenthG § 29 Abs. 3 AufenthG https://www.gesetze-im-internet.de/aufenthg_2004/ https://www.gesetze-im-internet.de/aufenthv/ https://www.gesetze-im-internet.de/aufenthg_2004/ https://www.gesetze-im-internet.de/aufenthv/
Teaser	How do I apply for a residence permit if there is a ban on deportation?
Volltext	If the Federal Office for Migration and Refugees has determined in your case that there are obstacles to deportation related to the target state because the return to the destination state constitutes a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), or because there is a significant concrete danger to life, limb or

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freedom, you may be eligible to issue a residence permit if the conditions are met.

However, the residence permit will not be issued if you are able and reasonable to leave for another country or if you have repeatedly or grossly violated the corresponding obligations to cooperate or if there are reasons for refusal. Grounds for refusal may be, for example, if you have committed a crime against humanity, war crimes, crimes against peace, crimes of considerable importance or if you pose a danger to the general public or if you pose a danger to the security of the Federal Republic of Germany.

The residence permit is issued for at least one year. The extension is possible.

The residence permit entitles you to work

They are subject to a residence requirement for three years for the federal state to which they have been assigned to carry out the asylum procedure. The residence regulation does not apply or can be repealed if you, your spouse, registered partner or a minor child take up or have taken up employment subject to social security contributions with at least 15 hours per week and a minimum income above the monthly average requirement according to SGB (currently 723 euros), or vocational training or studies. Employment must also be sustainable. This is assumed if your employment relationship is expected to last for more than three months.

You are entitled to social benefits. You can receive child benefit, parental allowance and educational support if certain conditions are met.

Family reunification for your spouse and the minor child is only possible for international or humanitarian reasons or to safeguard the political interests of the Federal Republic of Germany. The family members themselves must meet the requirements for admission from abroad on international law or humanitarian grounds.

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You are not entitled to participate in the integration course, admission to the integration course can only take place within the framework of available course places

A settlement permit can be granted to you on application if you have had the residence permit for five years, can secure the livelihood for yourself and your family (community of needs) from your own income without using public benefits, have paid contributions to the statutory pension insurance or to another pension institution with comparable benefits for at least 30 months,

your stay does not endanger or adversely affect the interests of the Federal Republic of Germany,

be allowed to pursue an economic activity and have all the necessary permits,

have sufficient knowledge of the German language (level B1),

have basic knowledge of the legal and social order and living conditions in Germany and

have sufficient living space for yourself and your family.

Erforderliche Unterlagen

Application

Decision of the Federal Office for Migration and Refugees on the determination of deportation bans

current biometric photo

Proof of identity, if available, e.B. passport, ID card, birth certificate, marriage certificate, citizenship card

Further documents depend on the facts and can be requested from your contact person.

Voraussetzungen

Determination of deportation bans by the Federal Office for Migration and Refugees

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	<p>Existence of an application for a residence permit</p> <p>There must be no grounds for refusal.</p>
Kosten	<p>Fee for issuing the residence permit: 100 euros</p> <p>For minors: 50 Euro</p> <p>Exemption from fees for receipt of social benefits</p>
Verfahrensablauf	<p>As a rule, you must apply for your residence permit in person.</p> <p>Make an appointment with the local immigration authority. You can also find out on the respective website of the Ausländerbehörde about the application process and which documents you have to submit in which form.</p> <p>During your appointment, your fingerprints will be taken</p> <p>Your stay is tolerated until your application is decided.</p> <p>If your application is granted, the Foreigners' Registration Office instructs Bundesdruckerei to produce the electronic residence permit. The residence permit takes the form of a credit card with additional electronic functions.</p> <p>With regard to the duration of the procedure until the residence permit is handed over, please contact the competent immigration authority.</p>
Bearbeitungsdauer	<p>As a rule, when applying for a residence permit, the competent immigration authority will inform you of the duration of the procedure (about 6 to 8 weeks). Note: The residence permit is issued as an electronic residence permit.</p>
Frist	<p>validity of the residence permit for at least 1 year, Important note: Apply for the extension in good time before the expiry of the validity.</p>

weiterführende

Modul	Sachverhalt
Informationen	<p>https://www.bamf.de/DE/Themen/AsylFluechtlingsschutz/AblaufAsylverfahrens/Schutzformen/Abschiebeverbote/abschiebeverbote-node.</p> <p>https://www.bmi.bund.de/DE/service/lexikon/functions/bmi-lexikon.html?cms_lv3=9397726&cms_lv2=9391092html</p>
Hinweise	<p>If the Federal Office has established a ban on deportation and you cannot be granted a residence permit because there are grounds for refusal, your stay will be tolerated due to the legal impossibility of deportation.</p>
Rechtsbehelf	
Kurztext	<p>Issuance of a residence permit in the event of determination of target-related protection against deportation if the conditions are met</p> <p>Grant for at least one year, extension possible</p> <p>Consequences:</p> <p>Permit for gainful employment</p> <p>Residence requirement for three years for the federal state in which you were assigned to carry out the asylum procedure</p> <p>Entitlement to social benefits</p> <p>Family reunification (spouse, minor child) only possible for international or humanitarian reasons or to safeguard the political interests of the Federal Republic of Germany</p> <p>No entitlement to an integration course, admission to the integration course only within the framework of available course places</p> <p>Granting of a settlement permit after five years if the conditions are met</p> <p>Personal appearance required: yes</p>

Modul	Sachverhalt
	Responsible: Your locally competent immigration authority
Ansprechpunkt	Please contact the Foreigners' Registration Office.
Zuständige Stelle	
Formulare	<p>Get from your local immigration authority</p> <p>Online procedure possible: no</p> <p>Personal appearance required: yes</p>
Ursprungsportal	Aufenthaltserlaubnis bei Vorliegen eines Abschiebungsverbotes beantragen, Apply for a residence permit in the event of a ban on deportation