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Application for a residence permit in the case of subsidiary protection

Heruntergeladen am 03.07.2025

<https://fimportal.de/xzufi-services/265463566/L100012>

Modul	Sachverhalt
Leistungsschlüssel	99010022001009, 99010022001009
Leistungsbezeichnung I	Application for a residence permit in the case of subsidiary protection
Leistungsbezeichnung II	Application for a residence permit in the case of subsidiary protection
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Schleswig-Holstein
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Aufenthaltstitel (010)
Verrichtungskennung	Erteilung (001)
SDG-Informationsbereich	Anforderungen in Bezug auf Aufenthaltskarten für Unionsbürger und ihre Familienmitglieder,

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	einschließlich Familienmitglieder, die keine Unionsbürger sind
Lagen Portalverbund	Einwanderung (1080100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	17.11.2023
Fachlich freigegeben durch	Ministry of Social Affairs, Youth, Family, Senior Citizens, Integration and Equality
Handlungsgrundlage	<p>§ 25 para. 2 sentence 1 2nd alt. AufenthG</p> <p>§ 4 para. 1 Asylum Act</p> <p>§ 12a Residence Act</p> <p>§ 9 Residence Act</p> <p>§ 26 Residence Act</p> <p>§ 52 Abs. 3 AufenthV</p> <p>Section 36a AufenthG</p> <p>Section 44 AufenthG</p> <p>§ 78 Residence Act</p> <p>Section 78a AufenthG</p> <p>https://www.gesetze-im-internet.de/aufenthg_2004/</p> <p>https://www.gesetze-im-internet.de/aufenthv/</p>
Teaser	How do I apply for a residence permit if I have subsidiary protection?
Volltext	If you have been granted subsidiary protection by the Federal Office for Migration and Refugees, apply for a residence permit at the immigration/foreigners authority responsible for you. You must be granted a residence permit (legal entitlement) if you have been incontestably recognized by the Federal Office for Migration and Refugees as a person entitled to subsidiary protection.

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However, you may not be granted a residence permit if

- you have been deported under the conditions of Section 53 (3a) of the Residence Act (AufenthG) because there are compelling reasons of national security or public order
- there is an interest in deportation within the meaning of § 54 Paragraph 1 Number 2 or 4 AufenthG or a deportation order has been issued in accordance with § 58a AufenthG.

Until the residence permit is issued, your stay is deemed to be permitted by law.

The residence permit entitles you to pursue gainful employment.

Persons entitled to subsidiary protection receive a residence permit valid for one year, which can be extended for two years at a time. After five years at the earliest (including the time of the asylum procedure), you can be granted a permanent settlement permit if you meet the requirements for this.

For three years, you are subject to a residence requirement for the federal state in which you have been assigned to carry out the asylum procedure. The residence regulation does not apply or can be lifted if you, your spouse, registered partner or a minor child with whom you are related and live in a family partnership, are in employment subject to social insurance contributions for at least 15 hours per week and have a minimum income that exceeds the average monthly requirement according to SGB II (currently 820 euros), or vocational training or studies, or an integration course in accordance with § 43, a vocational language course in accordance with § 45a, a qualification measure lasting at least three months that leads to professional recognition, or a further training measure in accordance with §§ 81 and 82 of the Third Book of the German Social Code. The employment must also be sustainable. This is assumed if your employment relationship is expected to last for more than three months.

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Legal consequences:

You are permitted to work.

You are entitled to social benefits (basic income support for jobseekers or basic income support in old age or in the event of reduced earning capacity) and child benefit, parental benefit and educational support.

The possibility of family reunification exists for your relatives, the so-called nuclear family - these are the spouse, underage unmarried children and parents of underage children who live in Germany without a custodial parent.

Reunification is limited to a total of 1,000 persons per month for the entire territory of the Federal Republic of Germany and requires that there is a humanitarian reason. The decision on the entitlement to reunification is made as part of the visa procedure.

You are entitled to attend an integration course. When issuing the residence permit, the immigration/foreigners authority will also determine ex officio whether you are entitled to attend an integration course. If this is the case, it will issue you with a certificate of eligibility. At the same time, you will also receive a list of course providers in your area where you can register on presentation of your certificate of eligibility. You can also see where integration courses take place at <https://bamf-navi.bamf.de/de/>.

You can be granted a settlement permit if you

- have held a residence permit for five years,
- can support yourself and your family (community of need) from your own income without claiming public benefits,
- have paid contributions to the statutory pension scheme or another pension scheme with comparable benefits for at least 60 months,
- there are no reasons of public safety or order to the contrary,

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	<ul style="list-style-type: none"> • are allowed to pursue gainful employment and have all the necessary permits, • have sufficient knowledge of the German language (level B1), • have a basic knowledge of the legal and social order and living conditions in Germany (e.g. through successful participation in an integration course) and • have sufficient living space for yourself and your family.
Erforderliche Unterlagen	<ul style="list-style-type: none"> • Decision of the Federal Office for Migration and Refugees on recognition as a person entitled to subsidiary protection • Current biometric photo • Proof of identity, if available, e.g. passport, ID card, birth certificate, marriage certificate, certificate of citizenship
Voraussetzungen	<ul style="list-style-type: none"> • The prerequisite for the issuance of a residence permit is the final recognition of subsidiary protection by the Federal Office for Migration and Refugees • The existence of an application for a residence permit • There must be no grounds for refusal.
Kosten	You are exempt from the fee for issuing a residence permit.
Verfahrensablauf	<p>As a rule, you must apply for your residence permit in person</p> <ul style="list-style-type: none"> • Arrange an appointment with your local foreigners authority. You can also find out about the application process and which documents you need to submit and in what form on the website of the relevant immigration office. • Your fingerprints will be taken during your appointment. <p>If your application is approved, the foreigners authority will commission the Bundesdruckerei to produce the electronic residence permit. The residence permit is in the form of a check card with additional electronic functions.</p> <p>For information on the duration of the procedure until the residence permit is issued, please contact the</p>

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	relevant immigration authority.
Bearbeitungsdauer	When applying for a residence permit, you will usually be informed of the duration of the procedure (approx. 6 to 8 weeks) by the responsible immigration authority. Note: The residence permit is issued as an electronic residence permit.
Frist	Validity of the residence permit 1 year, Important note: Apply for an extension in good time before the expiry date
weiterführende Informationen	https://www.bamf.de/DE/Themen/AsylFluechtlingsschutz/AblaufAsylverfahrens/Ausgang/Aufenthaltserlaubnis/aufenthaltserlaubnis-node.html https://fap.diplo.de/webportal/desktop/index.html#refugee https://www.bmi.bund.de/DE/themen/migration/migration-node.html https://www.bamf.de/DE/Themen/AsylFluechtlingsschutz/AblaufAsylverfahrens/Ausgang/Aufenthaltserlaubnis/aufenthaltserlaubnis-node.html https://fap.diplo.de/webportal/desktop/index.html#refugee https://www.bmi.bund.de/DE/themen/migration/migration-node.html
Hinweise	<p>As a recognized beneficiary of subsidiary protection, you will not be issued a travel document for refugees.</p> <p>You may be issued a travel document for foreigners upon application if you cannot reasonably be expected to obtain a national passport. It is not unreasonable per se for a beneficiary of subsidiary protection to approach the national authorities in order to obtain a national passport.</p>
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Applying for a residence permit in the case of subsidiary protection • Granting of a residence permit after recognition of subsidiary protection by the competent immigration authority - legal entitlement - but: • No entitlement to a residence permit in the event of deportation due to a particularly serious interest in

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	<p>deportation</p> <ul style="list-style-type: none"> • Fiction of permission - After the decision recognizing subsidiary protection has become final, your stay is considered permitted <p>Legal consequences of issuing a residence permit:</p> <ul style="list-style-type: none"> • Permission for gainful employment • Residence requirement for three years for the federal state in which you have been assigned to carry out the asylum procedure • Entitlement to social benefits • Family reunification possible subject to the quota (spouse, underage children) • Entitlement to an integration course • Extension of the residence permit possible, • Issuance of a settlement permit possible after five years if the requirements are met • Personal appearance required: yes <p>Responsible: Your local foreigners authority</p>
Ansprechpunkt	Locally responsible foreigners authority
Zuständige Stelle	Locally responsible foreigners authority of your independent city or district
Formulare	<p>You will receive the following from your local foreigners authority</p> <p>Online procedure possible: no</p> <p>Personal appearance required: yes</p>
Ursprungsportal	Beantragen einer Aufenthaltserlaubnis bei Vorliegen von subsidiärem Schutz, Application for a residence permit in the case of subsidiary protection