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Applying for a residence permit if there is a ban on deportation

Heruntergeladen am 04.07.2025

<https://fimportal.de/xzufi-services/369653626/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99010022001010, 99010022001010
Leistungsbezeichnung I	Applying for a residence permit if there is a ban on deportation
Leistungsbezeichnung II	
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Hessen
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, einschließlich Familienmitglieder, die keine

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	Unionsbürger sind
Lagen Portalverbund	Einwanderung (1080100)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	03.11.2021
Fachlich freigegeben durch	Hessian Ministry of the Interior and Sport
Handlungsgrundlage	§ 25 Abs. 3 AufenthG § 60 Abs. 5, 7 AufenthG § 60 para. 2 sentence 1 AufenthG §12a Residence Act § 9 Residence Act § 26 Residence Act § 45 AufenthV § 53 Abs. 1 AufenthV § 44 Residence Act § 78 Residence Act § 78a Residence Act § 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 destination country because the return to the destination country constitutes a

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violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), or if there is a significant concrete danger to life, limb or freedom there, you may be granted a residence permit if the conditions are met.

However, the residence permit will not be issued if it is possible and reasonable for you to leave for another country or if you have repeatedly or grossly violated the corresponding obligations to cooperate or if there are grounds for refusal. Grounds for refusal may be, for example, if you have committed a crime against humanity, war crimes, crimes against peace, criminal offences of considerable importance, or if you pose a danger to the general public or if you pose a danger to the general public or 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 gainful employment

For three years, they are subject to a residence condition 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 revoked 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 that is above the average monthly requirement according to SGB (currently 723 euros), or vocational training or study. 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 reasons of international law or humanitarian law or to safeguard the political interests

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of the Federal Republic of Germany. The family members themselves must meet the requirements for admission from abroad on international law or humanitarian grounds.

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

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

are allowed to engage in gainful employment and hold all the necessary permits,

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

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

have sufficient living space for you 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.g. passport, ID card, birth certificate, marriage certificate, citizenship certificate

Further documents depend on the facts and can be

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	requested from your contact person.
Voraussetzungen	<p>Determination of deportation bans by the Federal Office for Migration and Refugees</p> <p>Existence of an application for a residence permit</p> <p>There must be no grounds for refusal.</p>
Kosten	<p>Fee for issuing a residence permit: 100 euros</p> <p>For minors: 50 euros</p> <p>Exemption from fees for social benefits</p>
Verfahrensablauf	<p>As a rule, you must apply for your residence permit in person.</p> <p>Make an appointment with the locally responsible immigration authority. You can also find out about the application process on the respective website of the Ausländerbehörde and which documents you have to submit in which form.</p> <p>Your fingerprints will be taken during your appointment</p> <p>Your stay is tolerated until a decision has been made on your application.</p> <p>If your application is approved, the Foreigners' Registration Office will instruct 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 issued, please contact the competent immigration authority.</p>
Bearbeitungsdauer	<p>As a rule, you will be informed by the competent immigration authority of the duration of the procedure (about 6 to 8 weeks) when applying for a residence permit. Note: The residence permit is issued as an electronic residence title.</p>

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Frist	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.
weiterführende Informationen	
Hinweise	If the Federal Office has established a banon deportation and you cannot be granted a residence permit because there are grounds for refusal, your stay will be tolerated because of the legal impossibility of deportation.
Rechtsbehelf	
Kurztext	<p>Issuance of a residence permit if a destination-related protection against deportation is determined if the conditions are met</p> <p>Granted 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 have been assigned to carry out the asylum procedure</p> <p>Entitlement to social benefits</p> <p>Family reunification (spouse, minor child) only possible for international law 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 possible after five years if the conditions are met</p> <p>Personal attendance required: yes</p>

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	Responsible: Your locally competent immigration authority
Ansprechpunkt	
Zuständige Stelle	Locally competent immigration authority of your independent city or district
Formulare	Obtain from your local immigration authority Online procedure possible: no Personal attendance required: yes
Ursprungsportal	Applying for a residence permit if there is a ban on deportation, Beantragen einer Aufenthaltserlaubnis bei Vorliegen eines Abschiebungsverbotes