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Application for a residence permit in the case of subsidiary protection

Heruntergeladen am 17.07.2025

<https://fimportal.de/xzufi-services/121309897/L100002>

Modul	Sachverhalt
Leistungsschlüssel	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	Nordrhein-Westfalen
Freigabestatus Katalog	fachlich freigegeben (gold)
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	29.10.2020
Fachlich freigegeben durch	Saxon State Ministry of the Interior
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 in the case of subsidiary protection?
Volltext	<p>If you have been granted subsidiary protection by the Federal Office for Migration and Refugees, apply for a residence permit at the foreigners authority responsible for you.</p> <p>You must be granted a residence permit (legal entitlement) if you have been incontestably recognised by the Federal Office for Migration and Refugees as a person entitled to subsidiary protection. However, you</p>

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may not be granted a residence permit if you have been deported on the basis of a particularly serious reason for deportation (e.g. conviction for an intentional criminal offence to a custodial or juvenile sentence of at least two years).

Until the residence permit is issued, your stay is considered 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 (the time of the asylum procedure is included), an unlimited settlement permit can be issued, provided that you meet the requirements for this.

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

Legal consequences:

You are allowed to be gainfully employed.

You are entitled to social benefits (basic benefits for job-seekers or basic benefits in old age or in the event of reduced earning capacity) and child benefit, parental allowance and educational grants.

The possibility of family reunification exists for your relatives, the so-called nuclear family - these are the spouse, underage unmarried children and parents of

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underage children who live in Germany without a parent with parental authority.

The right to join the family 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 right to join the family will be made within the framework of the visa procedure.

You are entitled to participate in an integration course. When the residence title is issued, the Foreigners' Registration Office also determines ex officio whether there is an entitlement to participate in an integration course. If this is the case, they will issue you with a certificate of entitlement. At the same time, you will also receive a list of course providers in your area, where you can register by presenting your entitlement certificate.

A settlement permit can be issued to you if you have

- have held a residence permit for five years
- are able to support yourself and your family (Bedarfsgemeinschaft) from your own income without claiming public benefits,
- you have paid contributions to the statutory pension insurance scheme or to another pension scheme with comparable benefits for at least 30 months,
- your stay does not endanger or impair the interests of the Federal Republic of Germany,
- are permitted to engage in gainful employment and possess all the necessary permits for this purpose,
- have sufficient knowledge of the German language (level B1)
- have basic knowledge of the legal and social order and living conditions in the Federal Republic of Germany, and

have sufficient living space for you and your family.

Erforderliche Unterlagen

- Notification from the Federal Office for Migration and Refugees regarding recognition as a person entitled to subsidiary protection
- Current biometric photo

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	<ul style="list-style-type: none"> • Proof of identity, if available e.g. passport, ID card, birth certificate, marriage certificate, citizenship certificate
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. • An application for a residence permit must be submitted. • 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 title in person.</p> <ul style="list-style-type: none"> • Arrange an appointment with your local Aliens' Registration Office. You can also find information about the application procedure and which documents you need to submit in which form on the respective website of the foreigners authority. • During your appointment, your fingerprints will be taken. <p>If your application is accepted, the Aliens' Registration Office will commission the Bundesdruckerei to produce the electronic residence permit. The residence permit is in the form of a cheque card with additional electronic functions.</p> <p>For information on the duration of the procedure until the residence title is issued, please contact the foreigners authority responsible.</p>
Bearbeitungsdauer	You will usually be informed of the duration of the procedure (about 6 to 8 weeks) when you apply for a residence title by the competent Aliens' Registration Office. Note: The residence permit is issued as an electronic residence title.
Frist	Validity of the residence permit 1 year, Important note: Apply for renewal in good time before the expiry date.

weiterführende

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Informationen	<p>https://www.bamf.de/DE/Themen/AsylFluechtlingsschutz/AblaufAsylverfahrens/Ausgang/Aufenthaltserlaubnis/aufenthaltserlaubnis-node.html</p> <p>https://fap.diplo.de/webportal/desktop/index.html#refugee</p> <p>https://www.bmi.bund.de/DE/themen/migration/migration-node.html</p>
Hinweise	<p>As a recognised beneficiary of subsidiary protection, you will not be issued with a travel document for refugees.</p> <p>You may be issued with a travel document for aliens on request if you cannot reasonably be expected to obtain a national passport. It is not per se unreasonable 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"> • Granting of a residence title after recognition of subsidiary protection by the competent foreigners authority -legal claim- but: • No claim to a residence title in the case of expulsion due to a particularly serious interest in expulsion. • Permission fiction - after the decision on the recognition of subsidiary protection has become final, your residence is deemed to be permitted. <p>Legal consequences Issuance of a residence title:</p> <ul style="list-style-type: none"> • Permission to engage in 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 under consideration of the quota (spouse, underage children) • Entitlement to integration course • Extension of the residence title possible • Settlement permit may be issued after five years if the requirements are met

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	<ul style="list-style-type: none"> • Personal appearance required: yes <p>Responsible: Your local foreigners authority</p>
Ansprechpunkt	Locally competent foreigners authority
Zuständige Stelle	Locally responsible foreigners authority of your independent town or district
Formulare	<p>You will receive the following from your local immigration office</p> <p>Online procedure possible: no</p> <p>Personal appearance required: yes</p>
Ursprungsportal	Application for a residence permit in the case of subsidiary protection, Beantragen einer Aufenthaltserlaubnis bei Vorliegen von subsidiärem Schutz