

99010015012001, 99010015012001

Apply for the issuance of a permanent residence card for third-country national family members of citizens of the Union who are entitled to freedom of movement

Heruntergeladen am 02.06.2025

<https://fimportal.de/xzufi-services/392270953/L100008>

| Modul | Sachverhalt |
|-------------------------|---|
| Leistungsschlüssel | 99010015012001, 99010015012001 |
| Leistungsbezeichnung I | Apply for the issuance of a permanent residence card for third-country national family members of citizens of the Union who are entitled to freedom of movement |
| Leistungsbezeichnung II | Apply for the issuance of a permanent residence card for third-country national family members of citizens of the Union who are entitled to freedom of movement |
| Typisierung | 3 - Bundesaufsichtsverwaltung: Regelung |
| Quellredaktion | Sachsen-Anhalt |
| Freigabestatus Katalog | unbestimmter Freigabestatus |

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|-------------------------------|--|
| Freigabestatus Bibliothek | fachlich freigegeben (silber) |
| Begriffe im Kontext | |
| Leistungstyp | Leistungsobjekt mit Verrichtung |
| Leistungsgruppierung | Aufenthaltstitel (010) |
| Verrichtungskennung | Ausstellung (012) |
| 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 | 28.11.2022 |
| Fachlich freigegeben durch | Ministry of the Interior and for Municipal Affairs of the State of Brandenburg |
| Handlungsgrundlage | https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_2.html https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_3.html https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_4.html https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_4a.html https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_12.html https://www.gesetze-im-internet.de/aufenthv/_47.htm https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5.html |
| Teaser | If you have resided permanently and lawfully in the territory of the Federal Republic of Germany for a period of five years as a third-country family member of an EU or EEA citizen, you can apply to the Aliens' Registration Office for the issuance of a permanent residence card. |

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Volltext

If you are a third-country family member of a national of the European Union (EU) or of a state of the European Economic Area (EEA: Norway, Iceland and Liechtenstein) and have resided lawfully in Germany for a period of five years with your family member who is entitled to freedom of movement, you can obtain a permanent residence permit irrespective of whether the conditions under EU law continue to be met and apply to the Aliens' Registration Office for the issue of a permanent residence card.

The Aliens' Registration Office will check the duration and lawfulness of the periods of residence you have completed and will issue the permanent residence card within six months if the requirements are met.

"Lawful" is your five years of permanent residence if you have fulfilled the conditions under Union law for the free movement of third-country family members over a period of five years (for example, if you have held a residence card for five years).

Shorter periods of absence are irrelevant for the calculation of the period for acquiring the permanent right of residence. Thus, permanent residence can also be assumed if you leave the territory of the Federal Republic for a total of six months per year, to perform military service or alternative service, or for one time for up to twelve consecutive months for good cause (for example, due to a serious illness, studies or vocational training).

With the acquisition of the right of permanent residence, you receive an improved legal status, regardless of your nationality. In addition, the protection against expulsion is increased.

Under certain conditions, family members can also obtain the permanent right of residence independently of permanent residence with the reference person entitled to freedom of movement and before five years have elapsed (for example, if the reference person dies after at least two years of joint residence in Germany or as a result of an occupational accident/illness).

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Erforderliche Unterlagen

- Recognized and valid identity document (for example passport or passport substitute)
 - Current biometric photo in passport format (45 x 35 mm)
 - For minors: Consent of the persons entitled to custody to the planned stay (declaration of consent); if the parents entitled to custody cannot submit the application jointly for their child, a written power of attorney of the absent parent is required; if only one parent is entitled to custody, the signature of this parent is sufficient.

The immigration authority may also require the submission of the following documents:

- Proof of the continuation of the family relationship with the reference person (for example, marriage or birth certificate)
 - Proof that the reference person has exercised his/her right to freedom of movement for the required period of time (for example, confirmation of registration, employment contract or confirmation of employment, trade license or proof of self-employment)

In the case of residence with a non-employed reference person, the Aliens Department may also require:

- Proof of sufficient means of subsistence
- Proof of sufficient health insurance coverage (e.g. confirmation of health insurance coverage or insurance policy).

When staying with a reference person in the course of studies, the Aliens Department may also require:

- University admission or enrollment certificate of the

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reference person.

- Proof of sufficient means of subsistence
- Proof of health insurance coverage (e.g. confirmation of health insurance coverage or insurance policy).

The documents and information must generally be submitted in German. In individual cases, the Aliens' Registration Office may request fewer or additional documents.

Voraussetzungen

- You are a family member of an EU or EEA citizen residing in Germany, but you do not possess any of these nationalities yourself.
- You are a family member of a person with German citizenship, i.e. you are
 - spouse,
 - a life partner,
 - a relative in a straight descending line (for example, children) of the German or of the spouse/life partner who has not yet reached the age of 21 or who is supported by them, or
 - a relative in a straight ascending line (for example, parents and grandparents) of the German or of the spouse or life partner who is being supported by them.

Please note: In the case of student reference persons, the circle of family members entitled to join the family is limited to spouses and life partners as well as children who are granted maintenance.

You maintain a family relationship with the German (you do not necessarily have to live together for this). You have resided permanently with your reference person in the Federal territory for a period of five years.

Please note:

Shorter periods of absence are irrelevant for the calculation of the period for acquiring the permanent

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right of residence. Thus, permanent residence can also be assumed when leaving the territory of the Federal Republic of Germany for a total of six months per year or to perform military service or alternative service, as well as once for up to twelve consecutive months for good cause (for example, due to a serious illness, studies or vocational training).

The reference period for the permitted six-month absence, is the period per year of residence, beginning with the anniversary of the start of the stay.

You can acquire a permanent right of residence even before five years have elapsed if your reference person dies, for example, as a result of an accident at work or an occupational disease.

- You have fulfilled the conditions under Union law for the free movement of family members who are third-country nationals for more than five years. You can assume this if the residence card was issued to you for a period of five years

Kosten

Cost amount (fixed):

- 37.00 for persons 24 years and older
- 22.80 for persons under 24 years

Remark:

The time as well as the form of charging and payment vary depending on the authority.

Additional fees may apply for the issuance of the permanent residence card in credit card format with additional electronic functions (can also be used as electronic proof of identity).

Verfahrensablauf

- Find out whether your foreigners authority allows you to apply online or has a special form available.
 - If the application can only be submitted in person, make an appointment at the Aliens' Registration Office. In the case of online application, the Aliens'

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Registration Office will contact you after receiving your information to schedule an appointment.

- During the appointment, your identity and documents will be checked (please bring your documents, if possible in original, to the appointment).
- If there are no reasons to the contrary, your fingerprints will be taken for the production of the permanent residence card. You will also be required to provide a signature.
- The Aliens' Registration Office will order the production of the permanent residence card in credit card format from the Bundesdruckerei. After completion, you will receive information and can pick up the permanent residence card at the responsible office. The collection must always take place in person.
- The permanent residence card is usually issued within six months.
- If the issuance of a permanent residence card is refused, you will receive a notification.

Bearbeitungsdauer

Duration (with span): approx. 6 to 6 Note for further information on processing time: The processing time can vary depending on the workload of the Foreigners' Registration Office, but a maximum of six months. It takes about 4 weeks to 6 weeks for the Bundesdruckerei to produce the permanent residence card.

Frist

Duration: 6 to 8 Note (for more information on the deadline): At least 6 to 8 weeks before the expiration of your residence card, the required information and documents should be received by the Aliens' Registration Office. Provided that no exceptional circumstances are met, the permanent residence card can be applied for at the earliest after a stay of five years. Remark (for further information on the deadline): The permanent residence card is issued for an unlimited period of time. Only the electronic card body is issued for a limited period and must be renewed after the end of its validity.

weiterführende Informationen

Information from the Federal Ministry of the Interior and Community on freedom of movement

<<https://www.bmi.bund.de/DE/themen/migration/aufe>

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nhaltsrecht/freizuegigkeit-eu-buerger/freizuegigkeit-eu-buerger-node.html>,
<<https://www.bmi.bund.de/DE/themen/migration/aufenthaltsrecht/freizuegigkeit-eu-buerger/freizuegigkeit-eu-buerger-artikel.html>>

and

<<https://www.bmi.bund.de/SharedDocs/faqs/DE/themen/migration/freizuegigkeit/freizuegigkeit-liste.html>>

Information from the Federal Office for Migration and Refugees on immigration from the EU

<<https://www.bamf.de/DE/Themen/MigrationAufenthalt/ZuwandererEuropa/zuwanderereuropa-node.html>>

Information from the Federal Ministry of the Interior and Community on Brexit:

<<https://www.bmi.bund.de/DE/themen/verfassung/europa/brexit/brexit-artikel.html>>

and

<<https://www.bmi.bund.de/DE/themen/verfassung/europa/brexit/brexit-node.html>>

Information from the European Union on the permanent residence card for family members from a non-EU country

<https://europa.eu/youreurope/citizens/residence/documents-formalities/non-eu-family-members-permanent-residence/index_de.htm>

Hinweise

- The procedure is usually conducted in German.
- Should you leave the territory of the Federal Republic of Germany for more than two consecutive years for a reason that is not merely temporary in nature, this will result in the loss of your permanent right of residence.
- For nationals of Switzerland and the United Kingdom of Great Britain and Northern Ireland, other provisions apply (see "Further Information").
- All information provided to the Aliens Department should be correct and complete to the best of your

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knowledge and belief so that the request can be processed without major delays.

- Incorrect or incomplete information can slow down the procedure and be disadvantageous for the person concerned. In serious cases, incorrect or incomplete information that is not completed or corrected in a timely manner vis-à-vis the Aliens' Registration Office may result in the revocation of residence rights already granted, a fine, a prison sentence of up to three years, or expulsion from the Federal territory.

- Due to the complexity of residence and freedom of movement law, this description is for information purposes only and is not legally binding

Rechtsbehelf

- Appeal against the decision of the foreigners authority within one month of notification
- Action before the court named in the notice of appeal if the appeal is not granted

Kurztext

- Permanent residence card issue for third-country national family members of EU/EEA citizens entitled to freedom of movement

- Third-country nationals who are family members of EU or EEA citizens may apply to the Aliens' Registration Office for the issuance of a permanent residence card if they have resided permanently and lawfully in the territory of the Federal Republic of Germany with the family member entitled to freedom of movement for a period of five years.

- "Lawful" is the five-year residence if the conditions for freedom of movement existed over a period of five years

- For the calculation of the period for the acquisition of the permanent right of residence, shorter periods of absence for a total of six months per year are irrelevant. Thus, permanent residence can also be assumed when leaving the territory of the Federal Republic of Germany to perform military or alternative service, as well as once for up to twelve consecutive months for good cause (for example, due to serious illness, study or vocational training).

- Eligible family members are:

- Spouses,
- life partners,
- relatives in a straight descending line (for example,

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children) of the EU/EEA citizen or of the spouse or life partner who have not yet reached the age of 21 or who are dependent on them, and

- relatives in the direct ascending line (e.g. parents and grandparents) of the EU/EEA citizen or of the spouse or the life partner who are dependent on them.
- If the German reference person is studying, only spouses and life partners as well as children (who are granted maintenance) are entitled to join them.
- Under certain conditions, family members can also obtain the permanent right of residence independently of permanent residence with the reference person entitled to freedom of movement and before five years have elapsed (for example, in the event of the death or departure of the reference person).
- The Aliens' Registration Office checks the duration and legality of the periods of residence completed and issues a permanent residence card within six months if the requirements are met.
- Permanent residence card is issued for an unlimited period of time.
- With the possession of the permanent residence card, any gainful employment is permitted.
- Acquisition of the permanent residence card confers an improved legal status: Permanent right of residence independent of the continued existence of the conditions for freedom of movement; loss can no longer be determined; increased protection against expulsion.
- For persons who have not yet reached the age of 18, the consent of a person with parental authority is required.
- Responsible: the foreigners authority responsible for the applicant's place of residence;

Ansprechpunkt

Please contact the Foreigners' Registration Office.

Zuständige Stelle
Formulare

- Online procedure occasionally possible
- Written form required: yes
- Personal appearance required: yes

Ursprungsportal

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Ausstellung einer Daueraufenthaltskarte für drittstaatsangehörige Familienangehörige von freizügigkeitsberechtigten Unionsbürgern beantragen