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

Heruntergeladen am 04.07.2025

<https://fimportal.de/xzufi-services/113306646/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99010022001010, 99010022001010
Leistungsbezeichnung I	Applying for a residence permit in the event of a ban on deportation
Leistungsbezeichnung II	Applying for a residence permit in the event of a ban on deportation
Typisierung	2/3b - Bund: Regelung, Land: Ausführungsvorschriften, Kommune: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
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	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	29.10.2020
Fachlich freigegeben durch	Saxon State Ministry of the Interior Ministry of the Interior and Europe Mecklenburg-Western Pomerania
Handlungsgrundlage	§ Section 25 (3) AufenthG § Section 60 (5), (7) AufenthG § Section 60 (2) sentence 1 AufenthG §Section 12a AufenthG § Section 9 AufenthG § Section 26 AufenthG § Section 45 Residence Ordinance § Section 53 (1) AufenthV § Section 44 AufenthG § Section 78 AufenthG § Section 78a AufenthG § Section 29 (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	
Volltext	If the Federal Office for Migration and Refugees has determined in your case that there are obstacles to deportation related to the country of destination,

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

However, the residence permit will not be issued if it is possible and reasonable for you to leave the country for another country or if you have repeatedly or grossly violated the relevant obligations to cooperate or if there are grounds for refusal. Reasons for refusal may be, for example, if you have committed a crime against humanity, war crimes, crimes against peace, criminal offenses 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. An extension is possible.

The residence permit entitles you to pursue gainful employment.

For three years, you are subject to a residence requirement for the federal state to which you have been assigned for the asylum procedure. The residence regulation 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 contributions with at least 15 hours per week and a minimum income that is above the average monthly requirement according to the Social Code (currently 723 euros), or vocational training or studies. The 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 benefit and training assistance if certain conditions are met.

Family reunification for your spouse and minor child is

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only possible for reasons of international law or humanitarian reasons or to safeguard the political interests of the Federal Republic of Germany. The family members must themselves meet the requirements for admission from abroad for reasons of international law or humanitarian reasons.

You are not entitled to attend an integration course; admission to an integration course can only be granted if places are available.

You can be granted a settlement permit on application 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 30 months,

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

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 and

have sufficient living space for themselves and their family.

Erforderliche Unterlagen

Application

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

Current biometric photo

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

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	Further documents depend on the circumstances and can be requested from your contact person.
Voraussetzungen	Determination of prohibition of deportation by the Federal Office for Migration and Refugees Existence of an application for a residence permit There must be no grounds for refusal.
Kosten	Fee for issuing the residence permit: 100 euros For minors: 50 euros Exemption from fees if you receive social benefits
Verfahrensablauf	As a rule, you must apply for your residence permit in person. Arrange an appointment with your local immigration office. 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. Your stay will be tolerated until a decision is made on your application. If your application is approved, the Foreigners' Registration Office will commission the Federal Printing Office to produce the electronic residence permit. The residence permit is in the form of a check card with additional electronic functions. For information on the duration of the procedure until the residence permit is issued, please contact the 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

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	residence permit.
Frist	The residence permit must be valid for at least 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/Schutzformen/Abschiebeverbote/abschiebeverbote-node . https://www.bmi.bund.de/DE/service/lexikon/functions/bmi-lexikon.html?cms_lv3=9397726&cms_lv2=9391092html
Hinweise	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.
Rechtsbehelf	
Kurztext	Issue of a residence permit if a protection against deportation related to the destination country is determined and the requirements are met Issued for at least one year, extension possible Legal consequences: Permit 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 (spouse, minor child) only possible for reasons of international law or humanitarian reasons or to safeguard the political interests of the Federal Republic of Germany No entitlement to integration course, admission to integration course only within the scope of available course places

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	Settlement permit may be issued after five years if the requirements are met Personal appearance required: yes Responsible: Your local foreigners authority
Ansprechpunkt	Locally competent foreigners authority The foreigners authority responsible for the applicant's place of residence
Zuständige Stelle	Locally responsible foreigners authority of your independent city or district The foreigners authority responsible for the applicant's place of residence
Formulare	You will receive the following from your local foreigners authority Online procedure possible: no Personal appearance required: yes
Ursprungsportal	Applying for a residence permit in the event of a ban on deportation, Aufenthaltserlaubnis bei Vorliegen eines Abschiebungsverbotes beantragen