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# Applying for a settlement permit for spouses with independent right of residence

Heruntergeladen am 27.06.2025

<https://fimportal.de/xzufi-services/219529505/L100038>

Modul	Sachverhalt
Leistungsschlüssel	99010003001014, 99010003001014
Leistungsbezeichnung I	Applying for a settlement permit for spouses with independent right of residence
Leistungsbezeichnung II	Applying for a settlement permit for spouses with independent right of residence
Typisierung	3b - Bundesaufsichtsverwaltung: Regelung, Land: Ausführungsvorschriften, Kommune: Vollzug
Quellredaktion	Thüringen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Aufenthaltstitel (010)
Verrichtungskennung	Erteilung (001)

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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	27.03.2024
Fachlich freigegeben durch	Thuringian Ministry of the Interior and Municipal Affairs
Handlungsgrundlage	<a href="https://www.gesetze-im-internet.de/aufenthg_2004/_31.html">https://www.gesetze-im-internet.de/aufenthg_2004/_31.html</a> <a href="https://www.gesetze-im-internet.de/aufenthg_2004/_28.html">https://www.gesetze-im-internet.de/aufenthg_2004/_28.html</a> <a href="https://www.gesetze-im-internet.de/aufenthg_2004/_31.html">https://www.gesetze-im-internet.de/aufenthg_2004/_31.html</a> <a href="https://www.gesetze-im-internet.de/aufenthg_2004/_28.html">https://www.gesetze-im-internet.de/aufenthg_2004/_28.html</a>
Teaser	<p>Holders of a residence permit to join a spouse whose cohabitation no longer exists and holders of an independent right of residence for spouses can obtain a settlement permit.</p>
Volltext	<p>If you hold a residence permit for the purpose of spouse reunification (Section 28 or Section 30 of the Residence Act) and your marriage or civil partnership has ended or you already have an independent right of residence for spouses (Section 31 (1) or (2) of the Residence Act), you can obtain a permanent residence permit (so-called settlement permit) under certain conditions.</p> <p>The settlement permit is an independent right of residence, independent of the original purpose of residence. This means that the residence status of your former spouse or partner is irrelevant for your continued stay in Germany if you have received the settlement permit. The settlement permit entitles you to pursue gainful employment and is unrestricted in terms of time and place.</p>

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### Erforderliche Unterlagen

- Recognized and valid identity document (e.g. passport or passport substitute)
- Current biometric photo in passport format (45 x 35 mm)
- Proof of the dissolution of the marriage or civil partnership (e.g. divorce certificate, letter of termination of the shared apartment)
- Proof that the former spouse or partner is able to support themselves (e.g. court ruling on existing maintenance or payment obligations) as well as the applicant themselves (e.g. proof of income, employment contract, pension certificate, proof of receipt of benefits such as parental or child benefit)
- Proof of health insurance cover (e.g. confirmation of health insurance cover or insurance policy)
- Proof of German language skills at least at level B1 of the Common European Framework of Reference for Languages (e.g. language certificate, German school, training or university certificates, proof of successful participation in an integration course)
- Proof of basic knowledge of the legal and social order in Germany (e.g. certificate or certificate of successful participation in an integration course)
- Proof of sufficient living space (e.g. rental or purchase contract that provides information about the living space)

The documents and information must always be submitted in German. In individual cases, the foreigners authority may require less or further proof.

### Voraussetzungen

- You have been in possession of a valid residence permit for the purpose of spouse reunification (Section 28 or Section 30 of the Residence Act) for at least five years or have an independent right of residence for spouses (Section 31 (1) or (2) of the Residence Act).
- Your marital or civil partnership has been dissolved. The cohabitation has been dissolved if your partnership has ended through divorce or has actually been permanently dissolved through separation. Temporary separations are not sufficient.
- Your former spouse or partner has a settlement permit, an EU permanent residence permit or German citizenship.
- Your future livelihood (including health insurance) is

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secured by maintenance payments made to you (and your children) by your former spouse or partner. Maintenance is only guaranteed if your former spouse or partner actually meets their maintenance obligations from their own resources. A maintenance obligation that exists but cannot be enforced or is not met from your own resources is not sufficient. Your own resources, which can be used to secure your livelihood in addition to the maintenance provided by your former spouse or partner, can be taken into account (e.g. a permanent income of your own). Maintenance payments from third parties are not taken into account.

- You have sufficient knowledge of German (level B1).
- You have a basic knowledge of the German legal and social system.
- You have sufficient living space for yourself (and your dependent children).
- There is no interest in deporting you and you have not yet received a deportation order.

**Kosten**

Fee amount (fixed): 113,00 Euro

Remarks:

- The time and form of fee collection and payment vary depending on the authority.
- Additional fees may be charged for issuing the settlement permit in the form of an electronic residence permit (eAT card), which can also be used as electronic proof of identity.
- In certain cases, fee reductions or exemptions may apply (e.g. persons entitled to asylum, recognized refugees).
- Lower fees may apply for Turkish nationals.

**Verfahrensablauf**

- You must apply for a settlement permit before the validity of your current residence permit expires.
- Find out whether your foreigners authority allows you to apply online or has a special application form.
- If you can only apply in person, make an appointment at the immigration office. If you apply online, the immigration office will contact you after receiving your application to arrange an appointment.
- During the appointment, your identity and

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documents will be checked (please bring your documents to the appointment, in the original if possible).

- If your application is approved, your fingerprints will be taken to produce a new electronic residence permit (eAT card).
- The Foreigners' Registration Office will commission the Bundesdruckerei to produce the eAT card. After completion, you will receive information and can collect the eAT card from the responsible office. The eAT card must always be collected in person.
- If your application is rejected, you will receive a notice of rejection.

## Bearbeitungsdauer

approx. 6 weeks to 8 weeks

Remarks:

- The processing time may vary depending on the workload of the immigration office.
- The production of the electronic residence permit by the Bundesdruckerei takes about 4 to 6 weeks.

## Frist

Application deadline: The application should be received by the Foreigners' Registration Office at least 6 to 8 weeks before the current residence permit expires.

Period of validity: The settlement permit is issued for an unlimited period. Only the electronic residence permit (eAT card) is issued for a limited period and must be renewed at the end of its validity.

## weiterführende Informationen

## Hinweise

The following information is available:

- The granting of a settlement permit is at the discretion of the responsible immigration authority. Applicants are therefore only entitled to a discretionary decision.
- The procedure is usually carried out in German.
- A settlement permit may expire if you stay outside Germany for more than six months if this stay abroad was not previously agreed with the foreigners authority.
- All information provided to the Foreigners' Registration Office should be correct and complete to the best of your knowledge and belief so that your application can be processed without major delays.

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- Incorrect or incomplete information can slow down the procedure and be detrimental to the person concerned. In serious cases, incorrect or incomplete information that is not completed or corrected in good time vis-à-vis the immigration authority can result in the revocation of residence rights that have already been granted, a fine, a prison sentence of up to three years or expulsion from the federal territory.
- Due to the complexity of residence law, this description is for information purposes only and is not legally binding.

## Rechtsbehelf

- Action before the court named in the decision

## Kurztext

- Issuing a settlement permit for spouses entitled to reside independently
- After five years of holding a spouse-related residence permit (Section 28 or Section 30 of the Residence Act) or a residence permit for independent spouses (Section 31 (1) or (2) of the Residence Act), subsequent partners can obtain a permanent settlement permit if the marital or civil partnership has been dissolved.
- The cohabitation has been dissolved if the marriage or civil partnership has ended through divorce or has actually been permanently dissolved through separation. Temporary separations do not meet the requirements. The date on which the cohabitation was dissolved is irrelevant.
- The applicant's current residence permit must still be valid when applying for the settlement permit.
- At the time the settlement permit is issued to the applicant, the person who originally joined the applicant must themselves hold a permanent settlement permit, an EU permanent residence permit or be German.
- The applicant's means of subsistence (including health insurance) must be secured by maintenance payments from the former spouse/partner after the cohabitation has ended.
- Maintenance is secured if the former spouse/partner actually meets his/her maintenance obligations without recourse to public funds
- The applicant's own financial resources that can be used to secure their own maintenance are eligible (e.g. their own income). Maintenance payments from third

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	<p>parties are not taken into account.</p> <ul style="list-style-type: none"> <li>• There must be no reasons of public safety against the applicant's stay (for example, there must be no interest in their deportation).</li> <li>• German language skills of at least level B1 and basic knowledge of the legal and social order and living conditions in Germany must be available.</li> <li>• Sufficient living space must be proven.</li> <li>• Responsible: the foreigners authority responsible for the applicant's place of residence</li> </ul>
Ansprechpunkt	
Zuständige Stelle	The foreigners authority responsible for the applicant's place of residence is responsible for processing the application.
Formulare	<p>It is possible to submit an informal application.</p> <p>Personal appearance at the authority is required.</p>
Ursprungsportal	Niederlassungserlaubnis für eigenständig aufenthaltsberechtigte Ehegatten beantragen, Applying for a settlement permit for spouses with independent right of residence