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Applying for a permanent residence card for third-country national family members of EU citizens entitled to freedom of movement

Heruntergeladen am 02.06.2025

<https://fimportal.de/xzufi-services/236232239/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99010015012001, 99010015012001
Leistungsbezeichnung I	Applying for a permanent residence card for third-country national family members of EU citizens entitled to freedom of movement
Leistungsbezeichnung II	Applying for a permanent residence card for third-country national family members of EU citizens entitled to freedom of movement
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung

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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 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 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/_

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Teaser

If you are a third-country national family member of an EU or EEA citizen and have resided permanently and legally in Germany for a period of five years, you can apply for a permanent residence card from the immigration authority.

Volltext

If you are a third-country national family member of a citizen of the European Union (EU) or a state of the European Economic Area (EEA: Norway, Iceland and Liechtenstein) and have resided legally in Germany with your family member who is entitled to freedom of movement for a period of five years, you can obtain a permanent right of residence and apply for a permanent residence card from the immigration authority, regardless of whether the conditions under EU law are still met.

The foreigners authority will check the duration and legality of your previous periods of residence and will issue the permanent residence card within six months if the requirements are met.

Your five-year permanent residence is "lawful" if you have fulfilled the conditions under EU law for the free movement of third-country national family members over a period of five years (for example, if you have been in possession of a residence card for five years).

Shorter periods of absence are irrelevant when calculating the time limit for acquiring the right of permanent residence. For example, permanent residence can also be assumed if you leave the federal territory for a total of six months per year, to perform military service or alternative service or for good cause once for up to twelve consecutive months (e.g. due to a serious illness, studies or vocational training).

Acquiring the right of permanent residence gives you an improved legal status regardless of your nationality. In addition, protection against deportation is increased.

Under certain conditions, family members can also

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obtain the right of permanent residence independently of permanent residence with the reference person entitled to freedom of movement and before the expiry of five years (for example, if the reference person dies after at least two years of joint residence in Germany or as a result of an accident at work/occupational illness).

Erforderliche Unterlagen

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

The Immigration Office may also request the submission of the following documents:

- Proof of the continuation of the family relationship with the reference person (e.g. marriage or birth certificate)
- Proof that the reference person has exercised their right to freedom of movement for the required duration (e.g. 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 immigration authority may also require

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

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If you are staying with a reference person who is studying, the immigration authority may also require

- University admission or enrollment certificate of the reference person
- Proof of sufficient means of subsistence
- Proof of health insurance cover (e.g. confirmation of health insurance cover or insurance policy)

The documents and information must always be submitted in German. In individual cases, the Immigration Office may request fewer or additional documents.

Voraussetzungen

- You are a family member of an EU or EEA citizen residing in Germany, but do not have one of these nationalities yourself.
- You are a family member of a person with German citizenship, i.e. you are
 - spouse,
 - life partner,
 - a relative in the direct descending line (e.g. children) of the German or the spouse/partner who has not yet reached the age of 21 or who is dependent on them, or
 - a relative in the direct ascending line (e.g. parents and grandparents) of the German or of the spouse or life partner who is dependent on them.

Please note: In the case of reference persons who are students, the group of family members entitled to join the German 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). You have resided continuously with your reference person in Germany for a period of five years.

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Please note:

Shorter periods of absence are irrelevant when calculating the period for acquiring the right of permanent residence. For example, permanent residence can also be assumed when leaving the federal territory 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 (e.g. due to serious illness, studies or vocational training).

The reference period for the permitted six-month absence is the period per year of residence, starting on the anniversary date of the start of residence.

You can acquire a permanent right of residence 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 requirements under EU law for the free movement of third-country national family members for 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 aged 24 and over
- 22.80 for persons under 24 years of age

Remark:

The time and form of fee collection and payment vary depending on the authority.

Additional fees may apply for the issue of the permanent residence card in cheque 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.

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- If the application can only be made in person, make an appointment at the immigration office. If you apply online, the Foreigners' Registration Office will contact you after receiving your details to arrange an appointment.
- During the appointment, your identity and documents will be checked (please bring your documents to the appointment, if possible in the original).
- If there are no reasons to the contrary, your fingerprints will be taken to produce the permanent residence card. You must also provide a signature.
- The Foreigners' Registration Office will commission the Federal Printing Office to produce the permanent residence card in credit card format. Once it has been produced, you will receive information and can collect the permanent residence card from the relevant office. You must always collect it in person.
- The permanent residence card is usually issued within six months.
- If the issue of a permanent residence card is refused, you will receive a notification.

Bearbeitungsdauer

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

Frist

Duration: 6 to 8 Note (for further information on the deadline): At the latest 6 to 8 weeks before your residence card expires, the required information and documents should be received by the Aliens' Registration Office. Unless exceptional circumstances apply, the permanent residence card can be applied for after a stay of five years at the earliest. Note (for further information on the deadline): The permanent residence card is issued for an unlimited period. Only the electronic card body is issued for a limited period and must be renewed at the end of its validity.

weiterführende Informationen

Information from the Federal Ministry of the Interior and Home Affairs on freedom of movement

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<https://www.bmi.bund.de/DE/themen/migration/aufenthaltsrecht/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>](<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 for Home Affairs on Brexit:
[<https://www.bmi.bund.de/DE/themen/verfassung/europa/brexit/brexit-artikel.html>]
<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.
- If you leave the federal territory for more than two consecutive years for a reason that is not merely

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temporary in nature, you will lose your permanent right of residence.

- Different provisions apply to citizens of Switzerland and the United Kingdom of Great Britain and Northern Ireland (see "Further information").
- All information provided to the Immigration Office should be correct and complete to the best of your knowledge and belief so that your application can be processed without major delays.
- 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 and freedom of movement law, this description is for information purposes only and is not legally binding

Rechtsbehelf

- Appeal against the decision of the immigration authority within one month of notification
- Legal action before the court named in the objection notice if the objection is not upheld

Kurztext

- Permanent residence card issued to third-country national family members of EU/EEA citizens entitled to freedom of movement
- Third-country national family members of EU or EEA citizens can apply to the immigration authority for a permanent residence card if they have resided permanently and lawfully in Germany with the family member entitled to freedom of movement for a period of five years
- "Lawful" is the five-year period of residence if the conditions for freedom of movement have been met for a period of five years
- Shorter periods of absence for a total of six months per year are irrelevant when calculating the period for acquiring the right of permanent residence. Permanent residence can also be assumed when leaving the federal territory to perform military service or alternative service as well as for important reasons for up to twelve consecutive months (e.g. due to a serious

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illness, studies or vocational training).

- Eligible family members are
 - Spouses,
 - life partner,
 - Relatives in the direct descending line (e.g. children) of the EU/EEA citizen or the spouse or 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 partner who are dependent on them.
 - If the German reference person is studying, only spouses and life partners as well as children (to whom maintenance is granted) are entitled to join them.
 - Under certain circumstances, family members can also obtain the right of permanent residence independently of permanent residence with the reference person entitled to freedom of movement and before the expiry of five years (for example, in the event of the death or departure of the reference person).
 - The foreigners authority 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.
 - The permanent residence card is issued for an unlimited period.
 - Any gainful employment is permitted with the permanent residence card.
 - Acquiring the right of permanent residence confers an improved legal status: Permanent right of residence regardless of the continued existence of the conditions for freedom of movement; loss can no longer be determined; increased protection against deportation.
 - For persons who have not yet reached the age of 18, the consent of a person with parental authority is required.
 - Responsible: the immigration authority responsible for the applicant's place of residence;

Ansprechpunkt
Zuständige Stelle

The foreigners authority responsible for the applicant's place of residence

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Formulare	<ul style="list-style-type: none"> • Online procedure occasionally possible • Written form required: yes • Personal appearance required: yes
Ursprungsportal	<p>Ausstellung einer Daueraufenthaltskarte für drittstaatsangehörige Familienangehörige von freizügigkeitsberechtigten Unionsbürgern beantragen, Applying for a permanent residence card for third-country national family members of EU citizens entitled to freedom of movement</p>