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Application for a residence permit in the case of a deportation ban

Heruntergeladen am 17.07.2025

<https://fimportal.de/xzufi-services/437782098/L100040>

Modul	Sachverhalt
Leistungsschlüssel	99010022001010
Leistungsbezeichnung I	Application for a residence permit in the case of a deportation ban
Leistungsbezeichnung II	Application for a residence permit in the case of a deportation ban
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Niedersachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
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	26.10.2021
Fachlich freigegeben durch	Lower Saxony Ministry of the Interior and Sports
Handlungsgrundlage	<p>§ 25 Para. 3 AufenthG</p> <p>§ 60 par. 5, 7 AufenthG</p> <p>§ 60 par. 2 sentence 1 AufenthG</p> <p>Section 12a Residence Act</p> <p>Section 9 Residence Act</p> <p>Section 26 Residence Act</p> <p>Section 45 Residence Ordinance</p> <p>Section 53 para. 1 AufenthV</p> <p>Section 44 AufenthG</p> <p>Section 78 AufenthG</p> <p>Section 78a AufenthG</p> <p>Section 29 subsection 3 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 a deportation ban ?
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 because the return to the country of destination represents a violation of the European Convention for

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the Protection of Human Rights and Fundamental Freedoms (ECHR) or there is a considerable concrete danger to life, limb or freedom, the granting of a residence permit can be considered for you 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 or if you have repeatedly or grossly violated your obligation to cooperate or if there are grounds for refusal. Reasons for refusal can be, for example, if you have committed a crime against humanity, war crimes, crimes against peace, criminal offences of considerable importance or if you represent a danger to the general public or if you represent 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.

You are subject to a residence requirement for three years for the federal state to which you have been assigned for the purpose of carrying 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.

You are entitled to social benefits. You can receive child benefit, parental benefit and education assistance if certain conditions are met.

Family reunification for your spouse and minor child is only possible for reasons of international law or

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humanitarian reasons or to protect the political interests of the Federal Republic of Germany. The family members must themselves fulfil the requirements for admission from abroad on international law or humanitarian grounds.

You are not entitled to participate in an integration course; admission to an integration course can only take place within the framework of available course places.

A settlement permit can be issued to you on application if you have held the residence permit for five years, can secure the livelihood of yourself and your family (community of need) from your own income without claiming public benefits, 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

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, citizenship

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	<p>certificate.</p> <p>Further documents depend on the circumstances and can be requested from your contact person.</p>
Voraussetzungen	<p>Determination of deportation prohibitions by the Federal Office for Migration and Refugees</p> <p>Existence of an application for a residence permit</p> <p>There must be no grounds for refusal.</p>
Kosten	<p>Gebühr: 100€ Fee for the issuance of the residence permit.</p> <p>Gebühr: 50€ In the case of minors Exemption from fees for the receipt of social benefits.</p>
Verfahrensablauf	<p>As a rule, you must apply for your residence title in person.</p> <p>Arrange an appointment with your local Aliens' Registration Office (Ausländerbehörde). 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 Aliens' Registration Office.</p> <p>Your fingerprints will be taken during your appointment.</p> <p>Until a decision is made on your application, your stay is tolerated.</p> <p>If your application is approved, the Aliens Department 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	<p>You will usually be informed of the duration of the procedure (about 6 to 8 weeks) when you apply for a</p>

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	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 for at least 1 year, Important note: Apply for the extension in good time before the expiry of the validity.
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 determined that deportation is prohibited and you cannot be granted a residence permit because there are grounds for refusal, your stay will be tolerated because deportation is legally impossible.
Rechtsbehelf	<ul style="list-style-type: none"> • An appeal against a negative decision of the Foreigners' Registration Office can be brought before the competent administrative court. <p>A preliminary procedure (opposition) does not take place in Lower Saxony.</p> <p>Detailed information can be found in the rejection notice.</p>
Kurztext	<p>Issuance of a residence title upon determination of a protection against deportation related to the destination state if the prerequisites are met</p> <p>Issuance for at least one year, extension possible</p> <p>Legal consequences:</p> <p>Permission to engage in gainful employment</p> <p>Residence requirement for three years for the federal state in which you have been assigned to carry out the asylum procedure</p> <p>Entitlement to social benefits</p>

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Family reunion (spouse, minor child) only possible for reasons of international law or humanitarian reasons or to protect 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

Granting of a settlement permit after five years is possible if the prerequisites are met

Personal appearance required: yes

Responsible: Your local foreigners authority

Ansprechpunkt

Locally responsible Foreigners' Registration Office

Zuständige Stelle

Formulare

You will receive the following from your local immigration office

Online procedure possible: no

Personal appearance required: yes

Ursprungsportal

Beantragen einer Aufenthaltserlaubnis bei Vorliegen eines Abschiebungsverbotes, Application for a residence permit in the case of a deportation ban