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

Heruntergeladen am 23.06.2025

<https://fimportal.de/xzufi-services/370108065/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99010015012001, 99010015012001
Leistungsbezeichnung I	Applying for a permanent residence card for third-country national family members of Union citizens entitled to free movement
Leistungsbezeichnung II	
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Hessen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	fachlich freigegeben (silber)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Aufenthaltstitel (010)

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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	03.11.2021
Fachlich freigegeben durch	Hessian Ministry of the Interior and Sport
Handlungsgrundlage	§5 para. 5 sentence 2 FreizügG/EU 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/_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
Teaser	Third-country nationals Family members of an EU or EEA national may apply for a permanent residence card if they have legally resided legally in Germany with the reference person for a period of five years

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Volltext

If, as a third-country national family member of a national of the European Union (EU) or of a state of the European Economic Area (EEA: Norway, Iceland and Liechtenstein), you have resided permanently in Germany with your family member entitled to freedom of movement for a period of five years, you can obtain a permanent right of residence irrespective of whether the requirements under EU law are further met and Apply for a permanent residence card.

The Foreigners' Registration Office checks the duration and legality of your periods of residence and, if the requirements are met, issues the permanent residence card within six months.

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.

Shorter periods of absence are irrelevant for the calculation of the time limit for the acquisition of the right of permanent residence. Thus, even when leaving the Federal territory for a total of six months a year, for the performance of military service or alternative service as well as for good cause once for up to twelve consecutive months (e.g. due to a serious illness, study, vocational training) a permanent residence can be assumed.

With the acquisition of the right of permanent residence, you receive an improved legal status, regardless of your nationality. Thus, the right of permanent residence is independent of the continued existence of the conditions for freedom of movement. In addition, the protection against expulsion increases.

Under certain conditions, spouses, partners and children can also obtain the right of permanent residence independently of permanent residence with the reference person entitled to freedom of movement (e.g. in the event of the death or departure of the reference person). In individual cases, it is also possible for you, as a family member of a working EU or EEA

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citizen, to obtain a permanent right of residence before the expiry of five years (e.g. if you have your permanent residence with the EU citizen, but he dies prematurely as a result of an accident at work or an occupational disease before the expiry of five years).

If you have not yet reached the age of 18, a person entitled to your personal care must agree to the planned stay.

Erforderliche Unterlagen

- Current biometric photo
- Consent of the person with custody to the planned stay if you have not yet reached the age of 18

The Foreigners' Registration Office may require the submission of the following documents:

- Recognized or otherwise permitted, valid passport or passport substitute
- Proof of the continuity of the family relationship with the reference person (e.g. marriage, birth certificate)
- Proof that the reference person has exercised his or her right to freedom of movement for the required period (e.g. confirmation of registration, employment contract or assurance of employment, trade license or proof of self-employment)

When staying with a non-gainfully employed reference person, the Foreigners' Registration Office may also require:

- Proof of sufficient resources
- Proof of sufficient health insurance coverage

When staying with a supervisor during their studies, the Foreigners' Registration Office may also require:

- Admission of the university or certificate of enrolment of the reference person
- Proof of sufficient resources and health insurance

In individual cases, the Foreigners' Registration Office may request further documents.

Voraussetzungen

- You are a family member of an EU or EEA citizen

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residing in Germany, but do not have any of these nationalities yourself.

- You have resided permanently with your reference person in Germany for a period of five years and have fulfilled the conditions for freedom of movement under EU law for the entire period.
- You have a recognized or otherwise approved, valid passport or passport substitute.
- If required, you can provide the evidence and documents mentioned under "Required documents"

Kosten

Gebühr: 37€
Issuance of permanent residence card
Gebühr: 22,80€
for persons under 24 years of age
Under certain conditions, a fee reduction or exemption may be considered.

Verfahrensablauf

After five years of permanent legal residence in Germany, you can apply for a permanent residence card.

The permanent residence card must be applied for at the immigration authority responsible for your place of residence.

The procedure is as follows:

- Depending on the immigration authority, it may be possible to apply via the Internet. Find out whether your immigration authority offers electronic applications.

In the event of an electronic application, the Foreigners' Registration Office will contact you upon receipt of your application in order to request additional documents if necessary and to make an appointment with you at the Foreigners' Registration Office. During the appointment, your documents will be checked (bring the original with you to the appointment if you are asked to do so).

- If the application is only possible in person, make an appointment with the Foreigners' Registration Office. During the appointment, your details will be received

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and your proof will be checked (bring the original to the appointment if you are asked to do so).

- After completion of the examination, you will be issued either a residence card or a rejection notice within six months.
- The permanent residence card is issued for an indefinite period.
- The permanent residence card is issued in credit card format with additional electronic functions (eATKarte). Your fingerprints will be taken at the Foreigners' Registration Office for the production. You must also provide a signature.
- After about six to eight weeks, you can pick up the eATKarte at the Foreigners' Registration Office. The collection must always be done personally.

There are fees for issuing the permanent residence card and the eAT card. The timing and form of payment vary depending on the authority

Bearbeitungsdauer

The processing of your application for a permanent residence card takes about six to eight weeks, but a maximum of six months.

Frist

- The permanent residence card can be applied for at the earliest after a permanent legal residence of five years.
- The permanent residence card shall be issued for an indefinite period of six months.
- Objection period against the rejection decision of the immigration authority: one month

weiterführende Informationen
Hinweise

Special features:

If you leave the Federal territory for more than two consecutive years for a reason that is not merely temporary by nature, this will lead to the loss of your right of permanent residence. The decisive factor is whether or not the purpose of the stay abroad by its nature requires only a temporary absence from the Federal territory from the outset.

Note for Swiss nationals and their family members:

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Because Switzerland is not a member of the EU or the EEA, a different regulation applies to Swiss citizens. Swiss citizens and their family members are obliged to declare their stay in Germany for more than three months to the immigration authority of their place of residence and then receive a "Swiss Residence Permit".

Note for British citizens and their family members (Brexit):

On 1 February 2020, the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union was completed. For British citizens entitled to free movement and their family members, the right to free movement will initially continue to apply until 31 December 2020.

The competent immigration authority provides information on which regulations will apply in individual cases from 1 January 2021 (grandfathering or application of the general right of residence, in particular the Residence Act).

Rechtsbehelf

Kurztext

- Permanent residence card Issuance for third-country national family members of Union citizens entitled to free movement
- After five years of permanent, legal residence with the family member entitled to freedom of movement in Germany, a permanent residence card may be issued
- Third-country nationals Family members of EU or EEA citizens can apply to the Foreigners' Registration Office for the issuance of a permanent residence card if they have resided legally in Germany with the family member entitled to freedom of movement for a period of five years
- Lawful: compliance with the conditions under EU law for the free movement of third-country national family members for a period of five years
- Permanent: shorter periods of absence are irrelevant (e.g. leaving the Federal territory for a total of six months a year, to perform military service or alternative service as well as for good cause once for

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up to twelve consecutive months

- With the acquisition of the right of permanent residence, an improved legal status is conveyed: 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 expulsion
- Under certain conditions, spouse and partner as well as children can also obtain the right of permanent residence independently of permanent residence with the reference person entitled to freedom of movement (e.g. in the event of the death or departure of the reference person).
- In individual cases, it is possible that family members of employed EU or EEA citizens may be granted a permanent right of residence before the expiry of five years if they are permanently resident with the EU citizen but the latter dies prematurely (e.g. as a result of an accident at work or an occupational disease).
- The Foreigners' 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 indefinitely.
- For persons who have not yet reached the age of 18, the consent of a person with custody is required.
- Depending on the Foreigners' Registration Office, it is possible to apply via the Internet or in person.
- Permanent residence card is subject to a fee; Time and form of payment vary
- Responsible: the immigration authority responsible for the place of residence of the applicant

Ansprechpunkt

Please contact the Foreigners' Registration Office.

Zuständige Stelle
Formulare

- Online procedures possible in some cases
- Written form required: yes
- Personal attendance required: yes

Ursprungsportal

Applying for a permanent residence card for third-country national family members of Union citizens entitled to free movement,
 Daueraufenthaltskarte für drittstaatsangehörige Familienangehörige von freizügigkeitsberechtigten

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Unionsbürgern beantragen