

99010009012003, 99010009012003

# Residence card issued to third-country national family members of Germans

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/394170566/L100001>

Modul	Sachverhalt
Leistungsschlüssel	99010009012003, 99010009012003
Leistungsbezeichnung I	Residence card issued to third-country national family members of Germans
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)
Verrichtungskennung	Ausstellung (012)
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), Kinderbetreuung (1020200)
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	<a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_1.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_1.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_2.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_2.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_3.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_3.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_4.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_4.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5a.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5a.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_12a.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_12a.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_1.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_1.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_2.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_2.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_3.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_3.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_4.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_4.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5a.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5a.html</a> <a href="https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_12a.html">https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_12a.html</a>
Teaser	If you are a family member of a person with German nationality and come from a third country, you can, under certain conditions, invoke the right to freedom of movement and obtain a residence card.

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### Volltext

Nationals of the European Union (EU) and the European Economic Area (EEA: Iceland, Liechtenstein, Norway) and their family members are primarily entitled to freedom of movement.

Your residence as a third-country national family member of a German citizen is usually governed by the (in many respects stricter) Residence Act. Under certain circumstances, however, you can invoke the right to freedom of movement.

For a stay of more than three months, you will need a residence card, which will be issued to you ex officio by the foreigners authority within six months.

The immigration authority will check whether the conditions for freedom of movement are met. This depends, among other things, on whether your reference person is gainfully employed or not.

Until a decision is made on issuing the residence card, your stay in Germany is considered legal.

When the residence card is issued, the existence of the right to freedom of movement is established.

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

### Erforderliche Unterlagen

- Recognized and valid identity document (e.g. passport or passport substitute)
  - Visa, if this was required for entry
  - Current biometric photo in passport format (45 x 35 mm)
  - Proof of the existence of a family relationship with the reference person (e.g. marriage or birth certificate)
  - Proof that the reference person is exercising their right to freedom of movement (e.g. confirmation of registration, employment contract or confirmation of employment, trade license or proof of self-employment)
  - For minors: Consent of the persons with custody rights to the planned stay (declaration of consent); if the parents with custody rights cannot submit the

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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

When joining a **\*\*non-employed\*\*** caregiver, the Immigration Office may also require

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

If you are joining 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)

Please note: This proof must also be provided for children from third countries who are joining the reference person.

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

## Voraussetzungen

- You are a national of a third country (i.e. you are not a national of an EU member state, the EEA or Switzerland).
- You are a family member of a person with German nationality, i.e. you are
  - spouse,
  - life partner,
  - a relative in the direct descending line (e.g.

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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 you is limited to spouses and life partners as well as children who are granted maintenance.

- You have a close family relationship with the EU or EEA citizen (you do not necessarily have to live together).
- You wish to stay in Germany for longer than three months.
- One of the following constellations applies:
  - Returning with your German reference person after a joint stay in an EU/EEA country (return cases): You can invoke the right to freedom of movement if you stayed for at least three months together with the German reference person in another EU/EEA state, your settlement as a family abroad was conducive to the development or consolidation of your family life and your family affiliation already existed at the time of your joint stay abroad (this must not have been established at a later date).
  - Acquisition of German nationality by your reference person: You can derive a right to freedom of movement from your German reference person if
    - your German reference person was previously a national of another EU or EEA country,
    - exercised their right to freedom of movement in Germany,
    - then acquired German citizenship and
    - now wishes to live with you in a family partnership in Germany.

It does not matter whether your reference person gives up their previous nationality or retains it

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alongside their German nationality.

Right of residence of a Union citizen and his/her parent caring for him/her (German minor child): As the parent of a German minor child, you can derive a right to freedom of movement from this child if your child also has the nationality of an EU/EEA state in addition to German nationality and has not yet made or been able to make use of his/her right to freedom of movement (i.e. has not yet traveled to another EU or EEA state).

## Kosten

Cost amount (fixed):

- 37.00 euros for persons aged 24 and over
- 22.80 Euro 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 be charged for issuing the residence card in cheque card format with additional electronic functions (can also be used as electronic proof of identity).

## Verfahrensablauf

- You can provide the information required to obtain a residence card when you register at the registration office. From there, your details will be forwarded to the foreigners authority. You can also submit your details directly to the foreigners authority responsible for your place of residence.
  - Find out whether your foreigners authority allows you to submit your application online or has a special form available.
  - If submission is only possible in person, make an appointment at the foreigners authority. In the case of online submission, the immigration 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

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original).

- Irrespective of the result of the immigration authority's check, you will immediately receive a certificate stating that you have provided the information required for the residence card to be issued in order to be able to provide proof of proper residence.
- If there are no reasons to the contrary, your fingerprints will be taken to produce the residence card. You must also provide a signature.
- The Foreigners' Registration Office will commission the Federal Printing Office to produce the residence card in credit card format. After completion, you will receive information and can collect the residence card from the responsible office. You must always collect it in person.
- The residence card is usually issued within six months.
- If you are refused a residence card, you will receive a notification.

## Bearbeitungsdauer

Duration (for span): approx. 6 weeks to 6 months 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. The production of the residence card by the Bundesdruckerei takes about 4 weeks to 6 weeks.

## Frist

Application deadline To obtain a residence card, the required information should be submitted to the immigration authority no later than three months after entry. Period of validity 5 years Note (for further information on the deadline): As a rule, the residence card is issued for five years, unless a shorter period results from the residence of your reference person from whom you derive your right of residence.

## weiterführende Informationen

## Hinweise

- The procedure is usually carried out in German.
- After the residence card has been issued, its continued validity can be reviewed for special reasons. If the requirements for the right of residence no longer apply within five years of establishing residence in the

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federal territory or no longer apply, the residence card may be withdrawn.

- If a residence card cannot be issued, a residence permit may be issued in accordance with § 28 of the Residence Act (family reunification with Germans).
- If you have resided legally in Germany for five years with your sponsor, you can apply for a permanent residence card.
- Different regulations apply to nationals 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

- Residence card issue for third-country national family members of Germans
- The residence of third-country national family members of Germans is usually governed by the (in many respects stricter) Residence Act. Under certain circumstances, however, third-country national family members of Germans can also invoke the right to freedom of movement.
- It is possible to invoke the right to freedom of movement and obtain a residence card if the family member has a family relationship with a German and one of the following constellations applies:
  - The family member has resided together with the



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German reference person in another EU or EEA state for three months or longer and now wishes to move to Germany together (so-called returnee case).

- The German reference person previously held the nationality of an EU/EEA country, previously exercised their right to freedom of movement in Germany and has since acquired German nationality.
- The German reference person is a minor child who, in addition to German nationality, also has the nationality of another EU or EEA state and has not yet exercised or been able to exercise his/her right to freedom of movement (i.e. has not yet traveled to another EU or EEA state).
- Eligible family members are
  - Spouses,
  - life partner,
  - relatives in the direct descending line (e.g. children) of the EU/EEA citizen or of 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 reference person is studying in Germany, only spouses and life partners as well as children (to whom maintenance is granted) are entitled to join them.
- A visa is required for entry, unless entry is possible without a visa.
- A stay in Germany for three months is not subject to any requirements; only a passport/passport substitute must be available and the person accompanying the sponsor must be recognizable. For stays of more than three months, third-country national family members require a residence card.
- The residence card is issued by the foreigners authority ex officio and within six months. This means that no application is necessary; only the information required for the residence card to be issued must be provided; this can be submitted when registering at the registration office or directly at the immigration office.
- The immigration authority checks the conditions for freedom of movement and may request proof of this; no proof of language skills required.
- Residence in Germany is deemed to be legal until a

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	<p>decision is made on issuing the residence card.</p> <ul style="list-style-type: none"> <li>• The residence card is generally issued for five years, unless a shorter period of time results from the residence of the reference person. After five years, a permanent residence card can be applied for</li> <li>• Any gainful employment is permitted with possession of the residence card.</li> <li>• Responsible: the foreigners authority responsible for the family member's place of residence</li> </ul>
Ansprechpunkt	
Zuständige Stelle	
Formulare	<p>Forms available: No</p> <p>Written form required: No</p> <p>Informal application possible: Yes</p> <p>Personal appearance necessary: Yes</p>
Ursprungsportal	<p>Aufenthaltskarte Ausstellung für drittstaatsangehörige Familienangehörige von Deutschen, Residence card issued to third-country national family members of Germans</p>