

99010009012001, 99010009012001

Applying for a residence card for third-country national family members of EU/EEA citizens (except Germany)

Heruntergeladen am 16.06.2025

<https://fimportal.de/xzufi-services/124844516/L100027>

Modul	Sachverhalt
Leistungsschlüssel	99010009012001, 99010009012001
Leistungsbezeichnung I	Applying for a residence card for third-country national family members of EU/EEA citizens (except Germany)
Leistungsbezeichnung II	
Typisierung	2/3b - Bund: Regelung, Land: Ausführungsvorschriften, Kommune: Vollzug
Quellredaktion	Mecklenburg-Vorpommern
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	
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	07.08.2023
Fachlich freigegen durch	Ministry of the Interior, Building and Digitalization Mecklenburg-Western Pomerania
Handlungsgrundlage	https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_1.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/_5.html https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5a.html https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_12.html https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_1.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/_5.html https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_5a.html https://www.gesetze-im-internet.de/freiz_gg_eu_2004/_12.html

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Teaser

If you are a family member of an EU or EEA citizen and come from a third country, you will need a residence card for your continued stay in Germany no later than three months after entering the country.

Volltext

As a third-country national family member of a national of the European Union (EU) or a state of the European Economic Area (EEA: Iceland, Liechtenstein, Norway), you have the right to move freely with your reference person in the European Union, to enter and reside in any EU member state or EEA state if the conditions under EU law are met. This also includes the free choice of residence.

You are a third-country national if you are not a national of an EU member state, the EEA or Switzerland.

"Family members" are the following persons:

- Spouse,
- 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.

In the case of EU or EEA citizens who are studying, the group of family members entitled to join you is limited to spouses and life partners as well as children who are granted maintenance.

During the first three months of your stay in Germany, your stay is subject to the condition that you have a family relationship with the person entitled to freedom of movement, that you are accompanying this person and that you are in possession of a recognized or otherwise approved passport or passport substitute.

For a stay of more than three months, you will need a

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residence card, which will be issued to you ex officio by the immigration authority within six months.

The foreigners authority will check whether you meet the requirements for freedom of movement. 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. The residence card is usually issued for five years, unless a shorter period of time results from the residence of your reference person.

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)
 - for minors: Consent of all persons 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

When joining a non-employed caregiver, the immigration authority may also require

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- 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 not a citizen of an EU member state, the EEA or Switzerland.
- You are a family member of an EU or EEA citizen residing in Germany.
- You have a close family relationship with the EU or EEA citizen (you do not necessarily have to live together).
- You would like to stay in Germany for longer than three months.

Kosten

Cost amount (fixed):

- EUR 37.00 for persons aged 24 and over
- 22.80 EUR for persons under 24 years of age

Remark:

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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.

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 immigration office. 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 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 commissions the Bundesdruckerei to produce the residence card in cheque card format with additional electronic functions. After completion, you will receive information and can collect the residence card from the responsible office. The card must always be collected in person.
 - The residence card is usually issued within six months.
 - If you are refused a residence card, you will receive a notification.

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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 immigration office. However, it should take a maximum of six months to issue the residence card. The production of the electronic residence permit by the Bundesdruckerei takes about 4 weeks to 6 weeks. The processing time for the residence card in Mecklenburg-Vorpommern is approx. 6 weeks to 6 months.
Frist	Application deadline: To obtain the residence card, the required information should be submitted to the immigration authority no later than three months after entry. Remark: The residence card is generally issued for five years, unless a shorter period of time results from the stay of your reference person from whom you derive your right of residence.
weiterführende Informationen	https://www.bmi.bund.de/DE/themen/migration/aufenthaltsrecht/freizuegigkeit-eu-buerger/freizuegigkeit-eu-buerger-artikel.html https://www.bmi.bund.de/SharedDocs/faqs/DE/themen/migration/freizuegigkeit/freizuegigkeit-liste.html https://www.bamf.de/DE/Themen/MigrationAufenthalt/ZuwandererEuropa/zuwanderereuropa-node.html https://europa.eu/youreurope/citizens/residence/documents-formalities/non-eu-family-members-residence-card/index_de.htm https://www.bmi.bund.de/DE/themen/verfassung/europa/brexit/brexit-artikel.html https://www.bmi.bund.de/DE/themen/migration/aufenthaltsrecht/freizuegigkeit-eu-buerger/freizuegigkeit-eu-buerger-artikel.html https://www.bmi.bund.de/SharedDocs/faqs/DE/themen/migration/freizuegigkeit/freizuegigkeit-liste.html https://www.bamf.de/DE/Themen/MigrationAufenthalt/ZuwandererEuropa/zuwanderereuropa-node.html https://europa.eu/youreurope/citizens/residence/documents-formalities/non-eu-family-members-residence-card/index_de.htm https://www.bmi.bund.de/DE/themen/verfassung/europa/brexit/brexit-artikel.html
Hinweise	<ul style="list-style-type: none"> • The procedure is usually carried out in German.

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- 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 Germany or no longer apply, the residence card may be revoked.
- 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.
- 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 a timely manner vis-à-vis the immigration authorities can result in the revocation of previously granted residence rights, a fine, a prison sentence of up to three years or expulsion from the federal territory.
- If you have resided legally in the federal territory with your reference person for five years, you can apply for a permanent residence card.
- The residence card is not issued to citizens of Switzerland or the United Kingdom of Great Britain and Northern Ireland. Other regulations apply to these persons (see "Further information").
- 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 EU/EEA citizens
 - Family members of EU and EEA citizens who are third-country nationals may move freely within the EU with the reference person, enter and reside in any EU or EEA member state if the requirements under EU law are met.
 - Family members are
 - Spouses,
 - life partner,
 - relatives in the direct descending line (e.g. children)

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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 life 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 decision is made on issuing the residence card.
- 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.
- Any gainful employment is permitted with possession of the residence card.
- Persons who have not yet reached the age of 18 must have the consent of their legal guardians to stay in Germany.
- The residence card is not issued to citizens of Switzerland or the United Kingdom of Great Britain and Northern Ireland. Other provisions apply to these persons.
- Responsible: the foreigners authority responsible for the family member's place of residence

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Ansprechpunkt	The foreigners authority responsible for the person's place of residence is responsible for processing the request.
Zuständige Stelle	The foreigners authority responsible for the person's place of residence is responsible for processing the request.
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>Applying for a residence card for third-country national family members of EU/EEA citizens (except Germany),</p> <p>Aufenthaltskarte für drittstaatsangehörige Familienangehörige von EU-/ EWR-Bürgern (außer Deutschland) beantragen</p>