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Applying for a residence permit in the case of subsidiary protection

Heruntergeladen am 14.06.2025

<https://fimportal.de/xzufi-services/235713515/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99010022001009, 99010022001009
Leistungsbezeichnung I	Applying for a residence permit in the case of subsidiary protection
Leistungsbezeichnung II	Applying for a residence permit in the case of subsidiary protection
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Rheinland-Pfalz
Freigabestatus Katalog	fachlich freigegeben (gold)
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	29.10.2020
Fachlich freigegeben durch	Saxon State Ministry of the Interior
Handlungsgrundlage	<p>§ Section 25 (2) sentence 1 2nd alt. Residence Act</p> <p>§ Section 4 (1) AsylG</p> <p>§ Section 12a AufenthG</p> <p>§ Section 9 AufenthG</p> <p>§ Section 26 AufenthG</p> <p>§ Section 52 (3) AufenthV</p> <p>§ Section 36a AufenthG</p> <p>§ Section 44 AufenthG</p> <p>§ Section 78 AufenthG</p> <p>§ Section 78a AufenthG</p> <p>https://www.gesetze-im-internet.de/aufenthg_2004/</p> <p>https://www.gesetze-im-internet.de/aufenthv/</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 if I have subsidiary protection?
Volltext	<p>If you have been granted subsidiary protection by the Federal Office for Migration and Refugees, apply for a residence permit at the immigration authority responsible for you.</p> <p>You must be granted a residence permit (legal entitlement) if you have been incontestably recognized</p>

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by the Federal Office for Migration and Refugees as a person entitled to subsidiary protection. However, you may not be granted a residence permit if you have been deported due to a particularly serious reason for deportation (e.g. conviction for an intentional criminal offense resulting in imprisonment or a juvenile sentence of at least two years).

Until the residence permit is issued, your stay is deemed to be permitted by law.

The residence permit entitles you to pursue gainful employment.

Persons entitled to subsidiary protection receive a residence permit valid for one year, which can be extended for two years at a time. After five years at the earliest (including the time of the asylum procedure), you can be granted a permanent settlement permit if you meet the requirements for this.

For three years, you are subject to a residence requirement for the federal state in which you have been assigned to carry out the asylum procedure. The residence regulation 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 security contributions with at least 15 hours per week and a minimum income that is above the average monthly requirement according to the Social Code (currently 723 euros), or vocational training or studies. The employment must also be sustainable. This is assumed if your employment relationship is expected to last for more than three months.

Legal consequences:

You are permitted to work.

You are entitled to social benefits (basic income support for jobseekers or basic income support in old age or in the event of reduced earning capacity) and child benefit, parental benefit and educational support

The possibility of family reunification exists for your

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relatives, the so-called nuclear family - these are the spouse, underage unmarried children and parents of underage children who live in Germany without a custodial parent.

Reunification is limited to a total of 1,000 persons per month for the entire territory of the Federal Republic of Germany and requires that there is a humanitarian reason. The decision on the entitlement to reunification is made as part of the visa procedure.

You are entitled to attend an integration course. When issuing the residence permit, the immigration authority will also determine ex officio whether you are entitled to attend an integration course. If this is the case, it will issue you with a certificate of eligibility. At the same time, you will also receive a list of course providers in your area where you can register on presentation of your certificate of eligibility.

You can be granted a settlement permit if you

- have held a residence permit for five years,
- can support 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 another pension scheme with comparable benefits for at least 30 months,
- your stay does not jeopardize or impair the interests of the Federal Republic of Germany,
- are allowed to pursue gainful employment and have all the necessary permits,
- have sufficient knowledge of the German language (level B1),
- have a basic knowledge of the legal and social order and living conditions in Germany and

have sufficient living space for themselves and their family.

Erforderliche Unterlagen

- Decision of the Federal Office for Migration and Refugees on recognition as a person entitled to

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	<p>subsidiary protection</p> <ul style="list-style-type: none"> • Current biometric photo • Proof of identity, if available, e.g. passport, ID card, birth certificate, marriage certificate, certificate of citizenship
Voraussetzungen	<ul style="list-style-type: none"> • The prerequisite for the granting of a residence permit is the final recognition of subsidiary protection by the Federal Office for Migration and Refugees • The existence of an application for a residence permit • There must be no grounds for refusal.
Kosten	You are exempt from the fee for issuing a residence permit.
Verfahrensablauf	<p>As a rule, you must apply for your residence permit in person</p> <ul style="list-style-type: none"> • Arrange an appointment with your local foreigners authority. You can also find out about the application process and which documents you need to submit and in what form on the website of the relevant immigration office. • Your fingerprints will be taken during your appointment. <p>If your application is approved, the foreigners authority will commission the Bundesdruckerei to produce the electronic residence permit. The residence permit is in the form of a check card with additional electronic functions.</p> <p>For information on the duration of the procedure until the residence permit is issued, please contact the relevant immigration authority.</p>
Bearbeitungsdauer	<p>When applying for a residence permit, you will usually be informed of the duration of the procedure (approx. 6 to 8 weeks) by the responsible immigration authority. Note: The residence permit is issued as an electronic residence permit.</p>

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Frist	Validity of the residence permit 1 year, Important note: Apply for an extension in good time before the expiry date
weiterführende Informationen	<p><https://www.bamf.de/DE/Themen/AsylFluechtlingsschutz/AblaufAsylverfahrens/Ausgang/Aufenthaltserlaubnis/aufenthaltserlaubnis-node.html></p> <p><https://fap.diplo.de/webportal/desktop/index.html#refugee></p> <p><https://www.bmi.bund.de/DE/themen/migration/migration-node.html></p>
Hinweise	<p>As a recognized beneficiary of subsidiary protection, you will not be issued a travel document for refugees.</p> <p>You can be issued a travel document for foreigners on application if you cannot reasonably be expected to obtain a national passport. It is not unreasonable per se for a beneficiary of subsidiary protection to approach the national authorities in order to obtain a national passport.</p>
Rechtsbehelf	
Kurztext	<ul style="list-style-type: none"> • Granting of a residence permit after recognition of subsidiary protection by the competent immigration authority - legal entitlement - but: <ul style="list-style-type: none"> • No entitlement to a residence permit in the event of deportation due to a particularly serious interest in deportation • Fiction of permission - After the decision recognizing subsidiary protection has become final, your stay is considered permitted <p>Legal consequences Issue of residence permit:</p> <ul style="list-style-type: none"> • Permission for gainful employment • Residence requirement for three years for the federal state in which you have been assigned to carry out the asylum procedure • Entitlement to social benefits

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	<ul style="list-style-type: none"> • Family reunification possible subject to the quota (spouse, underage children) • Entitlement to an integration course • Extension of the residence permit possible, • Issuance of a settlement permit possible after five years if the requirements are met • Personal appearance required: yes <p>Responsible: Your local foreigners authority</p>
Ansprechpunkt	Locally responsible foreigners authority
Zuständige Stelle	Locally responsible foreigners authority of your independent city or district
Formulare	<p>You will receive the following from your local foreigners authority</p> <p>Online procedure possible: no</p> <p>Personal appearance required: yes</p>
Ursprungsportal	Beantragen einer Aufenthaltserlaubnis bei Vorliegen von subsidiärem Schutz, Applying for a residence permit in the case of subsidiary protection