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Applying for an employment permit for persons with tolerated status

Heruntergeladen am 20.06.2025

<https://fimportal.de/xzufi-services/245441854/L100039>

Modul	Sachverhalt
Leistungsschlüssel	99010012001002, 99010012001002
Leistungsbezeichnung I	Applying for an employment permit for persons with tolerated status
Leistungsbezeichnung II	Applying for an employment permit for persons with tolerated status
Typisierung	3b - Bundesaufsichtsverwaltung: Regelung, Land: Ausführungsvorschriften, 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	Aufnahme einer Beschäftigung in einem anderen Mitgliedstaat

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Lagen Portalverbund	Einwanderung (1080100), Berufszulassungen und Berechtigungen (1040500), Personal einstellen (2030200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	02.06.2022
Fachlich freigegeben durch	MFFKI
Handlungsgrundlage	https://www.gesetze-im-internet.de/aufenthg_2004/_4a.html https://www.gesetze-im-internet.de/aufenthg_2004/_60a.html https://www.gesetze-im-internet.de/aufenthg_2004/_42.html https://www.gesetze-im-internet.de/beschv_2013/_32.html https://www.gesetze-im-internet.de/asylvfg_1992/_61.html https://www.gesetze-im-internet.de/aufenthg_2004/_4a.html https://www.gesetze-im-internet.de/aufenthg_2004/_60a.html https://www.gesetze-im-internet.de/aufenthg_2004/_42.html https://www.gesetze-im-internet.de/beschv_2013/_32.html https://www.gesetze-im-internet.de/asylvfg_1992/_61.html
Teaser	If you are in possession of a tolerated stay permit, would like to work and have already found an employer who would like to hire you, you can apply for an employment permit.
Volltext	<p>If you are a tolerated resident in Germany, you are only permitted to work if this is expressly stated in your toleration permit (certificate of suspension of deportation). If you wish to work, you must therefore apply for an employment permit from the Foreigners' Registration Office. This also applies to vocational training or an internship.</p> <p>You can be granted an employment permit if you have been permitted, tolerated or have been granted</p>

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permission to stay in Germany for three months and you have found an employer who would like to take you on.

Tolerated persons who are obliged to live in a reception facility only have access to the labor market after six months.

In order to process your application, the Foreigners' Registration Office usually involves the Federal Employment Agency, which examines the working conditions. After more than four years of uninterrupted residence in Germany, the Federal Employment Agency no longer needs to be involved. If you would like to complete company-based vocational training (dual training), the employment permit for the specific training position must be applied for individually. Vocational training at school is not subject to approval.

The employment permit will be issued for the maximum duration of your current tolerated stay permit. If the requirements are met, this can be extended accordingly when the tolerated stay is renewed.

The pursuit of gainful employment is generally prohibited if

- You have come to Germany to obtain benefits under the Asylum Seekers Benefits Act,
- your residence cannot be terminated for reasons for which you are responsible or you have violated your duty to cooperate in removing the obstacle to deportation (e.g. insufficient cooperation in obtaining a passport or proof of identity, deception about your identity or nationality),
- the tolerated stay was issued with the addition "tolerated stay for persons with unclear identity", or you are from a so-called "safe country of origin", i.e. a member state of the European Union, Albania, Bosnia and Herzegovina, Ghana, Kosovo, the former Yugoslav Republic of Macedonia (North Macedonia), Montenegro, Senegal or Serbia and have submitted an application for asylum after August 31, 2015, which was rejected or withdrawn, unless the withdrawal was based on a consultation with the Federal Office for Migration and Refugees. Even without an asylum application, persons from safe countries of origin cannot receive an employment permit.

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Erforderliche Unterlagen	<ul style="list-style-type: none"> • Valid certificate of suspension of deportation (Duldung) • Identity document (e.g. passport or passport substitute), if available • Declaration of employment (to be completed in full by the employer) <p>In individual cases, the foreigners authority may require less or further proof.</p>
Voraussetzungen	<ul style="list-style-type: none"> • You are in possession of a valid tolerated stay permit and have been in Germany for at least three months. • If you are obliged to live in a reception center, you have been in Germany for at least six months. • You do not come from a safe country of origin. • An employer has offered you a specific job and completed the "Declaration of employment" form. • The conditions under which you will work in the future are comparable to those of German employees. • Your salary corresponds to the salary of German employees.
Kosten	The employment permit is issued free of charge.
Verfahrensablauf	<ul style="list-style-type: none"> • Find out whether your foreigners authority allows you to apply online or has a special application form. • If the application can only be submitted in person, send the "Declaration of employment" form completed by your employer to the Foreigners' Registration Office in advance and make an appointment at the Foreigners' Registration Office. If you apply online, the Foreigners' Registration Office will contact you after receiving your application to arrange an appointment. • During the appointment, your identity and documents will be checked (please bring your documents to the appointment, in the original if possible). • As a rule, the foreigners authority will ask the Federal Employment Agency for approval. • If the employment permit is granted, a corresponding entry will usually be made on the tolerated stay permit (under "ancillary provisions") or in an additional sheet.
Bearbeitungsdauer	
Frist	Permission to take up employment should be applied

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for before concluding an employment contract. The employment permit is issued for the maximum duration of the current tolerated stay permit. If the requirements are met, this will be extended accordingly when the tolerated stay is renewed.

weiterführende Informationen

Hinweise

- The certificate of suspension of deportation (Duldung) is not a residence permit. It is issued if a foreigner is obliged to leave the country but cannot be deported for factual or legal reasons, or if urgent humanitarian or personal reasons or significant public interests require the foreigner's temporary continued presence in the federal territory. The foreigner's stay is therefore not legal, but the enforcement of the obligation to leave the country is temporarily out of the question.
- The employment permit can be withdrawn if the foreigner is employed under less favorable working conditions than comparable domestic employees.

Rechtsbehelf

- Appeal against the decision of the immigration authority
- Legal action before the court named in the notice of objection if the objection is not upheld

Kurztext

- Employment permit for tolerated persons
- Tolerated persons may be permitted to work (including in-company vocational training, internships) if they have been in Germany for three months with permission, toleration or a residence permit and have found an employer
- Tolerated persons who are obliged to live in a reception facility only have access to the labor market after six months.
- The local foreigners authority usually involves the Federal Employment Agency
- Employment permits are issued for the maximum duration of the current tolerated stay and can be extended if the requirements are met.
- Vocational training at school does not require a permit
 - who have come to Germany in order to obtain benefits under the Asylum Seekers Benefits Act,

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- whose residence cannot be terminated for reasons for which they themselves are responsible or who have violated their duty to cooperate in removing the obstacle to deportation (e.g. insufficient cooperation, deception),
- whose tolerated stay was issued with the addition "tolerated stay for persons with unclear identity"
- from so-called "safe countries of origin" (EU member state, Albania, Bosnia and Herzegovina, Ghana, Kosovo, North Macedonia, Montenegro, Senegal, Serbia) who submitted an asylum application after August 31, 2015 that was rejected or withdrawn. Exception: the withdrawal was due to a consultation with the Federal Office for Migration and Refugees. Even if no asylum application has been submitted, these persons cannot receive an employment permit.
- Persons do not receive an employment permit,
- Responsible: the immigration authority responsible for the applicant's place of residence

Ansprechpunkt

Zuständige Stelle

The foreigners authority responsible for the applicant's place of residence is responsible.

Formulare

Forms available: Yes
Written form required: Yes
Informal application possible: No
Personal appearance necessary: Yes

Ursprungsportal

Applying for an employment permit for persons with tolerated status, Beschäftigungserlaubnis für Personen mit Duldung beantragen