

99010012001000, 99010012001002, 99010012001001

Heruntergeladen am 20.06.2025

<https://fimportal.de/xzufi-services/133541/L100042>

Modul	Sachverhalt
Leistungsschlüssel	99010012001000, 99010012001002, 99010012001001
Leistungsbezeichnung I	
Leistungsbezeichnung II	Employment permit; application
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Bayern
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	14.04.2025

Modul	Sachverhalt
Fachlich freigegeben durch	Bayerisches Staatsministerium des Innern und für Integration (Bavarian State Ministry of the Interior, for Sport and Integration)
Handlungsgrundlage	https://www.gesetze-im-internet.de/asylvfg_1992/_55.html https://www.gesetze-im-internet.de/asylvfg_1992/_55.html https://www.gesetze-im-internet.de/aufenthg_2004/_60a.html https://www.gesetze-im-internet.de/aufenthg_2004/_60a.html https://www.gesetze-im-internet.de/aufenthg_2004/_4a.html https://www.gesetze-im-internet.de/aufenthg_2004/_4a.html https://www.gesetze-im-internet.de/asylvfg_1992/_61.html https://www.gesetze-im-internet.de/asylvfg_1992/_61.html https://www.gesetze-im-internet.de/beschv_2013/_32.html https://www.gesetze-im-internet.de/beschv_2013/_32.html
Teaser	If you are a foreigner in possession of a tolerated stay permit or are in an ongoing asylum procedure and would like to take up employment, you must apply for an employment permit from the foreigners authority responsible for you.
Volltext	<p>If you are a foreigner in possession of a tolerated stay permit or are in an ongoing asylum procedure and would like to take up employment, you must apply for an employment permit from the foreigners authority responsible for you.</p> <p>The employment permit usually relates to a specific job offer. This means that you must first find an employer who wants to take you on.</p> <p>An employment permit is also required for in-company vocational training. An employment permit is only not required for purely school-based vocational training. If you are unsure, please contact the immigration authority responsible for you in advance.</p>

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If your asylum procedure ends with a negative decision and you would like to continue the training you have started, you should apply in good time for a tolerated stay permit for vocational training or a residence permit for vocational training for foreigners obliged to leave the country. The same applies if you are already in possession of a tolerated stay permit and would like to start training. If, on the other hand, you have been in possession of a tolerated stay permit for some time and are working, you can apply for a tolerated stay permit for employment. Further information on applying for a tolerated stay permit can be found under "Related topics" under "Duldung; applying for a permit and extension".

Self-employment is not permitted by law for persons in ongoing asylum proceedings and tolerated persons. No permit can be issued for this.

Erforderliche Unterlagen

- Declaration of employment" form

Voraussetzungen

The following applies to persons in an ongoing asylum procedure:

In the first three months after applying for asylum, asylum seekers are generally not allowed to work. For people living in an ANKER center, this applies for the first six months.

Asylum seekers who do not live in an ANKER center may be regularly permitted to take up employment after the third to sixth month after applying for asylum if they do not come from a safe country of origin (currently: Albania, Bosnia and Herzegovina, Georgia, Ghana, Kosovo, Republic of Moldova, Montenegro, North Macedonia, Senegal, Serbia) and have the approval of the Federal Employment Agency under labor market law, if this is required. The decision is then at the discretion of the immigration authority. If the asylum procedure has not yet been conclusively concluded after six months, asylum seekers are generally entitled to an employment permit. The approval of the Federal Agency must be obtained, if this is required. Asylum seekers from safe countries of origin are excluded. The asylum application must not have been rejected as "manifestly unfounded" or "inadmissible", unless the administrative court has

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ordered the suspensive effect of the action. If the requirements are met, an employment permit will be issued. If the requirements are not met, the employment permit may be granted at the discretion of the immigration authority (see above).

The following applies to tolerated persons:

In the case of tolerated persons, the granting of an employment permit can only be considered if and as long as the tolerated status is valid, but at the earliest after three months in the federal territory. In order for the foreigners authority to issue an employment permit to tolerated persons, there must be no legal prohibitions on gainful employment:

- Nationals from so-called safe countries of origin (currently: Albania, Bosnia and Herzegovina, Georgia, Ghana, Kosovo, Republic of Moldova, Montenegro, North Macedonia, Senegal, Serbia) may not be granted an employment permit unless they have submitted their asylum application by August 31, 2015 or, in the case of Georgia and the Republic of Moldova, by August 30, 2023.
- A ban on gainful employment also applies to rejected asylum seekers who are still obliged to live in a reception facility (ANKER facility) following their asylum procedure for the first six months of their tolerated stay.
- In addition, foreign nationals whose tolerated stay has been issued as "tolerated stay for persons with unclear identity" may not be permitted to work without exception.
- The same applies to foreign nationals who have demonstrably only come to Germany in order to receive asylum seeker benefits.
- Employment may also not be permitted if measures terminating the residence of the tolerated person cannot be carried out for reasons for which he or she is responsible. This is usually the case if no identity or travel documents (passport, travel document from the embassy) are presented or if the foreigner does not cooperate sufficiently in obtaining such documents. If there is no ban on gainful employment, the immigration authority will obtain approval from the Federal Employment Agency if this is necessary in the individual case. This agency checks whether the working conditions and remuneration are comparable

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	<p>to those of German employees.</p> <p>If the approval of the Federal Employment Agency has been obtained or is not required in the individual case, the immigration authority should permit the employment. However, this does not apply if, at the time of the application, concrete measures to end the stay are already imminent.</p>
Kosten	The employment permit is issued free of charge.
Verfahrensablauf	<p>The application must be submitted informally or using the application form to the responsible foreigners authority. This can be the respective district office or the independent city to which the foreigner is assigned. In some cases, however, the central foreigners authorities at the governments are responsible. Applicants are usually aware of this responsibility. The employment permit is entered as an ancillary provision in the residence permit or the certificate of toleration. This may require a separate appointment with the foreigners authority.</p> <p>However, if your application is rejected, you will receive a corresponding notification (decision) from the Foreigners' Registration Office.</p>
Bearbeitungsdauer	Please note that the processing of applications for an employment permit can take some time due to the continuing high workload of the immigration authorities. Therefore, please submit the application in good time before starting the job. Starting work without an employment permit is not permitted.
Frist	none
weiterführende Informationen	
Hinweise	Without exception, persons in ongoing asylum proceedings and tolerated persons are not permitted by law to be self-employed.
Rechtsbehelf	Administrative court action
Kurztext	
Ansprechpunkt	

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Zuständige Stelle	
Formulare	
Ursprungsportal	BayernPortal, BayernPortal