



FLÜCHTLINGSRAT

BADEN-WÜRTTEMBERG

... **engagiert** für eine menschliche Flüchtlingspolitik



Englisch/§ 25a AufenthG

Who is granted a right to stay under § 25a AufenthG?

Information for young persons with a *Duldung*



About this brochure

Since 1 July 2011 (changed in August 2015), there has been a regulation on the right to stay for young people who have a *Duldung* (temporary suspension of deportation): the granting of residence for well integrated teenagers and adolescents according to § 25a AufenthG (*Aufenthaltsgesetz* [Residence Act]). You can apply for this residence permit at the immigration office. This leaflet informs you about whether it is possible for you to get such a residence permit and what you need to consider.

If you have further questions, you can contact an IvAF network in Baden-Württemberg. They can support you with your integration into the job market (see further information at the end of the brochure). Werkstatt PARITÄT and the Refugee Council of Baden-Württemberg (Flüchtlingsrat BW) are both part of the **“Network for the Integration of Refugees into Work”** (*Netzwerk zur Integration von Flüchtlingen in Arbeit – NIFA*). The Refugee Council of Baden-Württemberg offers an initial consultation by phone or in writing and provides you with information about the advice office responsible for you. Addresses can be found online at:

- www.nifa-bw.de | *Kooperationspartner/-innen*
- www.fluechtlingsrat-bw.de | *Das Netzwerk – Kontaktadressen*

1. Which requirements do you have to meet?

In order to be granted a residence permit based on § 25a AufenthG you have to meet the following requirements:

- You have already lived in Germany for at least four continuous years with a *Duldung* or an *Aufenthaltsgestattung* (temporary residence permit for the duration of the asylum procedure) or with a residence permit and you currently have a *Duldung*.

- You are at least 14 years of age and not yet 21 years of age when you apply for the residence permit.
- You have attended school successfully for at least four years or completed a school leaving certificate (at least lower secondary school – *Hauptschule*) or a vocational qualification in Germany. What does “successful” mean in this context? You have been attending classes regularly, will be transferred to the next grade and will foreseeably receive a school leaving certificate (at least lower secondary school). The fact that you had to repeat a school year shortly after your arrival in Germany cannot lead to your exclusion.
- The prospects of your integration are promising, i.e. authorities assume that you will integrate well in Germany.
- You or your parents earn enough to make a living through (your) own efforts. This does not apply to you if you are attending school or taking part in vocational training. In this case, you are not disadvantaged if you receive money from the Social Welfare Office.

2. In which case are you excluded?

If your deportation is suspended due to wrong information or deception in regards to your identity or nationality, you cannot be granted a residence permit under § 25a AufenthG.

Important: Your own behaviour counts and not that of your parents. You can also not be punished if you have deceived about your identity in the past but have already corrected your actions.

Furthermore, you cannot be granted a residence permit based on § 25a AufenthG if the authorities assume that you are not committed to the liberal democratic basic order in Germany. This only applies if there is specific evidence of, for example, your membership in a ter-

rorist organisation. Other crimes that you may have committed can lead to the assumption that you do not have promising prospects for integration and, therefore, you will not be granted a residence permit. You usually do not have to prove that you are committed to the liberal democratic basic order of the Federal Republic of Germany.

3. What about your parents and underage siblings?

If you are a minor (under the age of 18) and have been granted a residence permit under the regulation on the right to stay (§ 25a AufenthG), your parents and your underage siblings cannot be deported. They will be granted at least a *Duldung* until you are 18 years old. Your parents can also receive a residence permit based on § 25a AufenthG:

- if they have not committed any crimes (sentences up to a maximum of 50 daily units or a maximum 90 daily units for crimes based on the Residence Act or Asylum Act (*Asylgesetz*) are not considered) and
- if they earn enough money for themselves, and any siblings under the age of 25 who live in the same household

Your parents cannot be granted a residence permit if the only reason they are not deported is because they provide wrong information about their identity or citizenship. Your parents also have to contribute to eliminating any obstacles to leaving the country (e.g. by applying for identity papers). Otherwise they will be excluded from receiving the residence permit.

4. What else do I need to consider?

Please contact and seek advice from an advice office or a lawyer BEFORE you apply for a residence permit.

Authorities can ask your school for a written report about your achievements as well as your social and work behaviour. You should speak with your advisor about the consequences of this report on your stay. You should clarify whether you were facing any obstacles to a good “integration prognosis”, e.g. unexcused absence from class or you had to repeat a year.

The IvAF Networks

support the sustainable integration of refugees into the labour market. In addition, access to the training and labour market is structurally improved, while improvements in the quality of labour market support are also made. Currently in Baden-Württemberg, five of the nationwide 41 IvAF networks are being funded: *Netzwerk zur Integration von Flüchtlingen in Arbeit (NIFA)* [the Integration of Refugees in Work], *Netzwerk zur Integration von Flüchtlingen in Ostwürttemberg (nifo)* [Network for the Integration of Refugees Network in East Württemberg], *Netzwerk Bleiben mit Arbeit (NBA)* [Staying with Work Network], *Integrationsnetzwerk Hohenlohe Main-Tauber* [Hohenlohe Main-Tauber Integration Network] and *Arbeit und Ausbildung für Flüchtlinge – Projektverbund Baden* [Work and Education for Refugees - Project Association Baden]. Further information is available at:

- www.ivaf-netzwerk-bw.de

Important Laws

Residence Act – AufenthG (*Aufenthaltsgesetz*)

Asylum Act – AsylG (*Asylgesetz*)

Asylum Seekers Benefits Act – AsylbLG (*Asylbewerberleistungsgesetz*)

Employment Directive – BeschV (*Beschäftigungsverordnung*)

Refugee Admittance Act for Baden-Württemberg – FlüAG (*Flüchtlingsaufnahmegesetz für Baden-Württemberg*)

German Basic Law – GG (*Grundgesetz*)

The full text of the laws can be found online, for example, here:

- www.gesetze-im-internet.de

Further information on the right to stay legislation can be found at:

- www.aktiv.fluechtlingsrat-bw.de/von-der-duldung-zum-bleiberecht-perspektiven-fuer-eine-aufenthaltsverfestigung-nach-ablehnung-des-asylantrags.html | *Bleiberechtsregelungen (§§ 25a, b AufenthG)*

This information sheet was updated in January 2019. It is possible that changes have since occurred. This information only provides you with an overview (especially about the situation in Baden-Württemberg) and cannot replace an individual consultation. In individual cases, therefore, always contact an IvAF network, an advice office or a lawyer.

The content of this leaflet reflects the legal opinion of the authors.

Materials for further information



Who receives a residence permit based on § 18 a AufenthG?

Who receives a residence permit under § 18a AufenthG?
Information for persons with a *Duldung*



Persons with a *Duldung* who have professional qualifications can be granted a residence permit under certain conditions based on § 18 AufenthG. The leaflet explains under which conditions this is possible and what needs to be taken into account.

(A6 leaflet, 12 pages, language: ger/eng/fre/dari/fas/ara)



Who is granted a right to stay based on § 25b AufenthG?

Who is granted a right to stay under § 25b AufenthG?
Information for persons with a long-term *Duldung*



At the end of 2015, more than 155,000 refugees were living in Germany with a *Duldung*. Many of them have been living with this status for several years. The flyer explains under what conditions they can receive a residence permit under § 25b AufenthG and what must be observed.

(A6 leaflet, 12 pages, language: ger/eng/fre/dari/fas/ara)



How do I submit a hardship application (*Härtefallantrag*)?

How do I submit a hardship application (*Härtefallantrag*)?
Information for persons with a *Duldung*



In Baden-Württemberg 26 persons were granted a residence permit based on § 23a AufenthG in 2017 because of good integration in Baden-Württemberg. This leaflet informs you about the requirements that have to be met and about the application procedure.

(A6 leaflet, 12 pages, languages: ger/eng/fre/dari/fas/ara)

The information materials can be ordered:

online: www.nifa-bw.de

Email: info@nifa-bw.de

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Further information can be found on our homepage

www.nifa-bw.de