

I want to stay in Germany after these 18 months. What do I have to do for it during these 18 months?

In order for you to be able to stay in Germany after the 18 months, you will need to:

- ▶ be able to secure your living primarily through the wage you earn: so you have to earn enough money for your living costs
- ▶ prove your identity and citizenship
- ▶ have oral German skills (German speaking skills) at A2 Level
- ▶ have a passport (there can be individual exceptions)

If you meet the requirements, you can change to other residence arrangements ('Aufenthaltsregelungen').

Important:

- ➔ You need to apply for the further residence permit before the 18 months are over
- ➔ It is not possible to extend the 'Chancen-Aufenthaltsrecht' beyond 18 months

What happens if I do not meet the requirements after the 18 months?

If you do not meet the requirements for a residence regulation after 18 months, you will receive a 'Duldung' again.

That is why an individual consultation with a lawyer or a counseling center (Beratungsstelle) is important.

Contact

Campaign: Bleiberecht für Alle - statt Chancenfalle!
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Information on the new Bleiberechtsregelung (Right to Residency Regulation)

from the campaign



Since 31.12.2022, there is a new regulation on the right to residency called the 'Chancen-Aufenthaltsrecht' ("Opportunity Residency Law") (§104c AufenthG).

This means:

if you have a Duldung status ("tolerated") and arrived in Germany before 31.10.2017, you can receive a residency permit for 18 Months.

We have collected the most important information for you.

But we recommend:

- ➔ **talk to a counseling center or a lawyer before you file an application!**

Which status will I get with the 'Chancen-Aufenthaltsrecht'?

You will get a residency permit (Aufenthaltsurlaubnis) for 18 months.

Additionally:

- ▶ you will be allowed to work
- ▶ you will be allowed to travel abroad if you have a valid passport
- ▶ you are eligible for „Bürgergeld“ (from the job centre) and can register for other social benefits
- ▶ you can attend an integration course (Integrationskurs)

We are monitoring how the 'Ausländerbehörde' (immigration authorities) process applications for the 'Chancen-Aufenthaltsrecht'. Please inform us if you have any problems in this process.

We would like to share information and experiences with you and other people with a 'Duldung'. Please send us an email so that we can invite you to a meet up: kontakt@bleiberecht-statt-chancenfalle.net

To whom does the regulation apply? What are the requirements?

You can apply for the 'Chancen-Aufenthaltsrecht' if you:

- ▶ have a 'Duldung' ("tolerated")
- ▶ arrived in Germany before the 31st of October 2017
- ▶ have had a 'Duldung', 'Aufenthalts gestattet' or 'Aufenthaltserlaubnis' ("residence permit") without interruption since you arrived in Germany
 - also a 'Duldung light' counts for people whose identity is unclarified (§60b AufenthG)
 - if, during this time, you have left Germany for a maximum of 3 months (for vacation or travel), this is also no problem
- ▶ no criminal convictions, which means no prison sentences or fines over 50 'Tagessätze' ("day rates") - or fines over 90 'Tagessätze' in cases of criminal offenses under the Residency Act (Aufenthaltsgesetz) or the Asylum Act (Asylgesetz)
- ▶ have not repeatedly and purposely provided false information about your identity or citizenship
- ▶ and commit yourself to the free democratic constitutional order (freiheitlich-demokratische Grundordnung)

How do I submit an application?

Important:

- ➔ You need to submit the application to the 'Ausländerbehörde' (immigration authority) responsible for you.

- ▶ This is possible from this moment onwards
- ▶ The application must be in writing and with your signature
- ▶ You can send the application by Fax, E-Mail or via Post
- ▶ **You can apply for the 'Chancen-Aufenthaltsrecht' until the 31st of December 2025**

We recommend:

- ➔ Keep the fax receipt, e-mail transmission confirmation or the confirmation of the post office (mail it via 'Einschreiben')
- ➔ The 'Ausländerbehörde' might need a lot of time to process your application. Therefore submit the application as soon as you meet all the requirements
- ➔ **Speak to a consultant or with your lawyer before you file the application**

Can my family also get the 'Chancen-Aufenthaltsrecht'?

Yes. Your family members can also get the 'Chancen-Aufenthaltsrecht', even if they arrived in Germany after the 31st of October 2017.

As family members are considered:

- ▶ Spouse/partners and children under the age of 18, if they:
 - if they share a household with you
 - fulfill all the other regulations ('Duldung', no criminal convictions, no false provision of identification or citizenship)
- ▶ Adult children over 18, if they:
 - came to Germany as a minor (under 18 years old)
 - if they share a household with you
 - fulfill all the other regulations ('Duldung', no criminal convictions, no false provision of identification or citizenship)

Important:

- ➔ **You need to also submit an application for them. This goes together with your application.**

ATTENTION TRAP!

Sometimes the 'Ausländerbehörde' (immigration authorities) promise that you will get your 'Aufenthaltserlaubnis' (residency permit) if you bring them your passport.

BUT: for the 'Chancen-Aufenthaltsrecht' you do not need a passport!

You will only get the 'Chancen-Aufenthaltsrecht' if you fulfill all the requirements. If the 'Ausländerbehörde' declines your application for the 'Chancen-Aufenthaltsrecht' they can use your passport to plan your deportation.

Always speak to your lawyer before you give your passport to the Ausländerbehörde!