

HRK German Rectors' Conference

The Voice of the Universities

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Notes

1. This is the title of the relevant section. This brochure, however, deals exclusively with doctoral candidates who are partly also covered by section 16b Residence Act.
2. If the research activity is part of and connected with a doctoral degree programme
3. See section 18b Residence Act in conjunction with section 18 (2) and 18g Residence Act
4. See section 18c (1) sentence 1 Residence Act
5. State and state-recognised universities as well as research institutions financed primarily by public funds are considered as recognised in the meaning of section 18d (1) Residence Act.
6. Doctoral students fall within the group of section 18d Residence Act only if the dissertation is produced within the frame of an employment contract with the university. See section 19f (3) sentence 2 Residence Act
7. According to section 7 (3) of the Civil Servant Status Law, the condition for the recruitment of a civil servant is an urgent official interest or, there are important reasons for the appointment of university teachers or other scientific or artistic staff into the civil service. Section 19c (4) of the Residence Act includes the corresponding stipulation covering these civil service regulations applicable for the scope of the Residence Act.
8. Generally, the granting of a residence permit presupposes the proof that the foreigner's subsistence is secure, including adequate health insurance coverage, without recourse to public funds for the time of his or her stay in Germany (see section 5 (1) no. 1 in conjunction with section 2 (3) Residence Act). This is deemed to be the case if the foreigner has sufficient financial resources available to cover the monthly needs pursuant to section 20 of Book II of the German Social Code (SGB II) plus adequate rental costs effectively paid.
9. Subsistence is deemed secure pursuant to section 2 (3) sentence 5 Residence Act, if the foreigner has funds in the amount of the monthly requirement as announced by the Federal Ministry of the Interior (BMI) in the Federal Gazette annually by 31 August for the following year (2024: student grant "BAföG" 934 €/month).
10. See section 18g (7). The Federal Ministry of the Interior (BMI) announces the minimum income for each calendar year by 31.12. of the previous year in the Federal Gazette.
11. Subsistence must be secured pursuant to section 9 (2) sentence 1 no. 2 Residence Act.
12. See section 16b (1) sentence 4 Residence Act
13. See section 18c (1) sentence 1 no. 4 in conjunction with section 9 (2) sentence 1 no. 7 Residence Act. 'Sufficient' command of the German language refers to Level B1 of the Common European Framework of Reference for Languages (General Administrative Regulation to the Residence Act no 9.2.1.7.).
14. The Anabin database contains the degrees whose comparability has already been established, as well as further information on comparability: <http://anabin.kmk.org/anabin.html>.
15. See section 18g (1) sentence 1 Residence Act: The following is valid for certain qualified academic employees as holders of a EU Blue Card: With an appropriate income, consent by the Federal Employment Agency is not required.
16. See section 20a (3) no. 1 in connection with (5), sentence 1 of Residence Act (Job Search Opportunity Card)
17. See section 18d (1) sentence 1 no.1 a of Residence Act
18. See section 18d (1) sentence 1 no.1 b of Residence Act
19. The declaration of assumption of costs serves exclusively to cover claims in case of unlawful stay in the federal territory after termination of the regular stay for research purposes. The assumption of costs does not serve to provide evidence of secure subsistence during the research stay itself. For this, evidence of secure subsistence (see column 'Minimum income') must be provided separately (see section 18d (1) sentence 1 no. 2).
20. If the activity of the research institution is financed primarily from public funds, the presentation of the cost assumption declaration shall be waived (see Administrative Regulation no. 20.2.).
21. Apart from that, there is the possibility of filing a regular application with the relevant German embassy for a visa according to section 6 (3) of the Residence Act.
22. The civil servant status can be reasoned simultaneously with that procedure before receiving a residence permit, but employment in Germany can be taken up only upon receipt of a visa or a residence permit.
23. See section 16b (2) Residence Act
24. See section 18 (4) Residence Act
25. See section 18d (4) Residence Act
26. See section 19c (4) sentence 2 Residence Act
27. See section 16b (2) sentence 4 Residence Act
28. See section 20 (1) no. 1 Residence Act. The residence permit entitles the holder to pursue an economic activity during the period of its validity.
29. Please note that meanwhile the minimum income required may have increased since the initial issue (see note 10); Special regulation in section 18g (6) of the Residence Act for holders of a EU Blue Card.
30. See section 20 (1) no. 2 Residence Act
31. See section 16b (3) sentence 1 Residence Act. Student secondary/part-time jobs which will not be counted as working days include work limited to academic activities for university-related organizations with the subject matter relating to the studies (e.g. tutors working in halls of residence run by the student services organization, counselling activities of university associations, student committees or the World University Service). Problems of definition should be clarified with the participation of the university.
32. See section 18d (5) Residence Act
33. See section 18g (4) Residence Act
34. See section 18c (1) Residence Act
35. See section 18d (1) Residence Act

36. See section 19c (4) sentence 1 Residence Act
37. See esp. section 30 (1) no. 3 e) Residence Act: The marriage must have been concluded before receipt of the residence permit and the minimum duration of the stay in the federal territory shall be one year.
38. See sections 27, 30 (1) sentence 1 no. 3 g), sentence 3 no. 5 Residence Act, section 32 (1) no. 5 Residence Act
39. See sections 27, 30 (1) sentence 1 no. 3 a) Residence Act, section 32 (1) no. 6 Residence Act
40. See sections 27, 30 (1) sentence 1 no. 3 c) Residence Act, section 32 (2) no. 1 Residence Act
41. See sections 27, 30 (1) sentence 1 no. 3 e); section 32 (1) no. 1 Residence Act: The marriage must have been concluded before receipt of the residence permit and the minimum duration of the stay in the federal territory shall be one year.
42. See section 4a (1) sentence 1 Residence Act (general employment permit for holders of a residence permit)
43. In principle, proof of basic German language skills is required for spouses pursuant to section 30 (1) sentence 1 no. 2 Residence Act.
44. See section 32 (2) Residence Act
45. Language skills are not required if the stay is expected to be only temporary, see section 30 (1) sentence 3 no. 3 Residence Act.
46. See section 30 (1) sentence 3 no. 5 Residence Act
47. See section 30 (1) no. 2 Residence Act. This requirement may be waived in cases of little need for integration measures (e.g. proof of completed university studies of the spouse immigrating subsequently); see section 30 (1) sentence 3 no. 3 Residence Act), Administrative Regulation no. 30.1.4.2.3.1 and no. 43.4.4.2.
48. See section 30 (1) sentence 3 no. 5 Residence Act
49. See section 1 (7) Parental Allowances and Parental Leave Act (BEEG)
50. See section 1 (7) sentence 1 no. 2b Parental Leave Act

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Rights of residence for researchers from non-EU countries in Germany

Overview on potential residence permits pursuant to the German Residence Act (in effect since 1 June 2024)

51. See section 62 (2) Income Tax Act (EStG)
52. See section 62 (2) sentence 1 no. 2a Income Tax Act
53. See section 45 Ordinance on Residence
54. Foreigners who receive a grant from public funds for their stay are exempt from the fees for the issuance of a visa or a resident title pursuant to section 52 (5) no.1 of the Ordinance on Residence.
55. See section 44 no. 1 Ordinance on Residence
56. See section 18c (1) sentence 2 Residence Act
57. See section 18c (2) Residence Act in conjunction with section 9 Residence Act
58. See section 19c (4) sentence 3 Residence Act
59. Art. 27 REST-Directive (EU) 2016/801 in conjunction with the legal provisions for residence of the respective country of destination. Information relating to the procedure can be obtained from the university, the authorities or, if applicable, the embassy of the country of destination.
60. EU-Directive 2021/1883; Art. 21, in Germany implemented in section 18i Residence Act
61. Art. 28, 29 REST-Directive (EU) 2016/801 in conjunction with the legal provisions for residence of the respective country of destination. Information relating to the procedure can be obtained from the university, the authorities or, if applicable, the embassy of the country of destination.
62. It depends on how the foreign university defines the doctoral degree phase. If it regards it as a doctoral university degree programme, section 16b Residence Act applies. In all other cases, section 18d Residence Act is relevant.
63. See section 16c (1) Residence Act. Notification is to be effected online via the BSCW-Server of the BAMF.
64. See section 18e (1) Residence Act. Notification is to be effected online via the BSCW-Server of the BAMF.
65. See section 18f (1) No.1 Residence Act



Purpose of residence/ residence title	Target group/ beneficiaries	Requirements for granting			Duration/limitation	Extension	Employment	Approval of Federal Employment Agency/ immigration authority required	Subsequent immigration of spouse/partner and/or unmarried minor children	Access to labour market for family members	German language skills of spouse/partner ⁴³ and/or children ⁴⁴	Parental benefits ⁴⁹	Child benefits ⁵¹	Fees	Alternative residence title	Acquisition of a permanent settlement permit	Residence in other EU Member States		
		1. Minimum income ⁸	2. German language skills	3. Other													1. Private trips	2. Stays in other Member States (Outgoing)	3. Stays in Germany (Incoming)
Section 16b Studies ¹ Residence permit	Doctoral candidates ²	No, but subsistence must be secured ⁹	Proof of knowledge of the language in which the course of studies is to be conducted ¹²	Admission in accordance with the relevant doctoral regulations After successful completion of doctoral studies, transfer of purpose to section 18b and 18g of Residence Act is permissible.	Limited duration: min. 1 year, max. 2 years ²³	Possible, if purpose of residence has not yet been achieved and is achievable within a reasonable period of time ²⁷ After successful completion of studies entitlement to a temporary residence for up to 18 months for job search ²⁸	Max. 140 working days (half days possible with working days account) per year as well as student secondary/part-time job at the university or any other research institution ³¹	Only if employment falls outside the scope of above-mentioned framework	The general requirements for the subsequent immigration of dependents and spouses are laid down in sections 27 et seq. Residence Act. ³⁷	The residence permit entitles to gainful employment. ⁴²	Usually yes ⁴⁵	No ⁵⁰	No ⁵²	Issue of a residence permit: 100 €; extension of up to 3 months: 96 €; extension of more than 3 months: 93 € ^{53,54}	Where applicable section 18d Residence Act for doctoral candidates ⁶ After successful completion of doctoral studies, transfer of purpose to section 18b Residence Act is permissible.	The time for obtaining a permanent settlement permit is shortened in the case of a German university degree. ⁵⁶	Freedom to travel for up to 90 days in any period of 180 days within the Schengen area	A research-related stay in another EU Member State for a period of up to 360 days is possible in principle. ⁵⁹	Section 16c Residence Act: Doctoral candidates with a residence permit for study purposes ⁶² in any other EU member state can continue their doctoral study programme in Germany for up to 360 days. The BAMF must be notified accordingly. ⁶³ In case of a period of stay of longer than 360 days, a residence permit pursuant to section 16b must be applied for.
Section 18b, 18g Qualified employment/ EU Blue Card Residence permit	Highly qualified employees with a university degree ³	Yes ¹⁰	No	Precondition for a residence permit: Concrete job offer and recognized and comparable foreign tertiary degree, where applicable German university degree, ¹⁴ where applicable licence to professional practice; ¹⁵ residence permit for up to 12 months for the purpose of job search ¹⁶	4 years or limited to the duration of the employment contract plus 3 months, for a maximum period of 4 years in the case of initial issue ²⁴	Yes, if requirements for granting are still fulfilled Facilitations for holders of a EU Blue Card (lowered salary thresholds in certain cases) ²⁹	Yes, for specialist academic staff according to section 18b any qualified employment For holders of the EU Blue Card any employment commensurate with qualification	No, ³³ however, each job change within the first 12 months after initial issue must be notified to the immigration authority. The latter can suspend the change and reject it if applicable.	Spouse and minor children are entitled to a temporary residence permit. ³⁸	The residence permit entitles to gainful employment. ⁴²	No ⁴⁶	Yes	Yes	Issue of a residence permit: 100 €; extension of up to 3 months: 96 €; extension of more than 3 months: 93 € ⁵³	Section 18d	Provided that the prerequisites are fulfilled, a permanent settlement permit can be already applied for after the elapse of 27 months, in the case of sufficient language skills even after 21 months. ⁵⁷	Freedom to travel for up to 90 days in any period of 180 days within the Schengen area	After 12 months have elapsed, holders of a EU Blue Card can travel to any other EU Member State together with their family members without visas and apply for a EU Blue Card in that state. ⁶⁰	After 12 months, holders of a EU Blue Card can travel to any other EU member country together with their family members with visas and apply for a EU Blue Card in that state. ⁶⁰
Section 18c Permanent settlement permit for highly qualified employees	Highly qualified employees with a university degree and researchers after certain previous stays ⁴	No, but subsistence must be secured ¹¹	Yes, sufficient knowledge of German language ¹³	–	Unlimited duration	Not required (unlimited duration)	Yes	No ³⁴	Spouse and minor children are entitled to a temporary residence permit. ³⁹	The residence permit entitles to gainful employment. ⁴²	Yes, for simple communication ⁴⁷	Yes	Yes	147 € ⁵⁵	–	The residence permit pursuant to section 18c Residence Act is also deemed a national permanent settlement permit.	Freedom to travel for up to 90 days in any period of 180 days within the Schengen area	–	–
Section 18d Research Residence permit	Foreign researchers who want to carry out a research project in an officially approved research institution ⁵ ; where applicable doctoral candidates ⁶	No	No, only in case of a permanent settlement permit	Approval of the research institution by the Federal Office for Migration and Refugees (BAMF) ¹⁷ and a hosting agreement between researcher and research institution ¹⁸ and a declaration of assumption of costs by the research institution ^{19,20}	Min. 1 year, in case of longer stay, or limited to the duration of the stay in case of a shorter research period ²⁵	Yes, in case of extension of research project or subsequent new research project After completion of the research period, the temporary residence can be extended by up to 18 months for the search of an employment commensurate with the qualification. ³⁰	Yes, permission to take up research activities in the research establishment specified in the hosting agreement, as well as teaching activities ³²	No ³⁵	Spouse and minor children are entitled to a temporary residence permit. ⁴⁰	The residence permit entitles to gainful employment. ⁴²	No ⁴⁶	Yes	Yes	Issue of a residence permit: 100 €; extension of up to 3 months: 96 €; extension of more than 3 months: 93 € ⁵³	Section 18g EU Blue Card or residence permit according to section 18b Residence Act	The acquisition of a permanent settlement permit or a permanent EU residence permit follows and complies with the general prerequisites for the granting of a permit pursuant to sections 9, 9a Residence Act.	Freedom to travel for up to 90 days in any period of 180 days within the Schengen area	A research-related stay in another EU Member State for a period of up to 180 days in any period of 360 days is possible in principle. ⁶¹	Section 18e Residence Act: Research- ers with a residence permit in any other EU Member State can continue with a part of their research project in Germany for up to 180 days within a period of 360 days, without a German residence permit. The BAMF must be notified accordingly. ⁶⁴ Section 18f Residence Act: For a stay of more than 180 days and up to one year, a residence permit will be issued. ⁶⁵
Section 19c Employment as a civil servant Residence permit	Foreign university staff in the Sciences or Arts, who will be called into the German civil service according to the respective regulations, and will e.g. be appointed a (junior) professor ⁷	No, but principally subsistence must be secured	No	Universities can file an application for a residence permit ²¹ on behalf of and authorized by the foreigner for a fast-track procedure for specialist staff with the immigration authority according to section 81a of the Residence Act ²² .	3 years, except the employment relationship is limited to a shorter period ²⁶	Yes, for the period of an ongoing employment relationship	Yes, for the fulfilment of service duties	No ³⁶	Spouse and minor children are entitled to a temporary residence permit. ⁴¹	The residence permit entitles to gainful employment. ⁴²	No ⁴⁶	Yes	Yes	Issue of a residence permit: 100 €; extension of up to 3 months: 96 €; extension of more than 3 months: 93 € ⁵³	–	The period for obtaining a settlement permit is shortened compared to the general conditions of granting as per section 9 (2) Residence Act to 3 years. ⁵⁸	Freedom to travel for up to 90 days in any period of 180 days within the Schengen area	–	–