

## Residence Rights for international graduates

(April 2022)

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You have successfully completed your studies in Germany? What are your opportunities now?

### 1.) Residence permit for job-seeking

Students with the residence permit § 16b (1) AufenthG are legally entitled to a residence permit to seek work after they have graduated (Sec. 20 (3) AufenthG). This residence permit is issued for up to 18 months and cannot be renewed. The time at which the 18-month deadline begins is not specified in law but most immigration offices issue the job seeking residence permit as of the date of notification of the successful graduation - usually with the written notification of passing the final examination and the examination result (date on the Bachelor's, Master's certificate). The general requirements for issuance are mentioned below. In particular the provision of a livelihood, must be fulfilled.

#### What documents are necessary?

In order to receive a residence permit for the purpose of seeking employment according to § 20 Abs. 2 and 3 AufenthG, the following requirements need to be met:

- A duly completed and signed original application: <https://frankfurt.de/leistungen/Migration-und-Asyl-8958501/Einwanderung-Einbuergierung-8958504/Aufenthaltstitel>  
(Please select the application 'Residence title, application for issuance or renewal')
- A valid passport/national identity card
- A recent biometric photograph
- Proof of graduation (e.g. diploma, bachelor's degree certificate, etc.)
- Proof of sufficient health insurance coverage, whereby a foreign health insurance or travel health insurance will not be accepted. It must be a German statutory health insurance (e.g. AOK, DAK, TK, etc.) or a German private health insurance that is comparable to a German statutory health insurance in terms of coverage (this means, amongst other things, that there must be unlimited coverage).  
You need a current health insurance membership certificate (not a chip card). You can call your health insurance company directly or write an e-mail. You will receive the membership certificate via post or e-mail.
- Proof that the applicant is able to secure his or her livelihood. The following shall be considered as proof:
  - Declaration of commitment (Verpflichtungserklärung): The declaration of commitment is a form and can be submitted by a third person to the German Embassy in the home country or to the Ausländerbehörde in Germany. This means that the authority checks the financial capacity of the person committing himself\*herself (guarantor) and, if he\*she has sufficient financial capacity, the signature and the financial capacity will be certified.  
This declaration of commitment is accepted for a maximum of 5 years as proof of subsistence. After that, a new one must be issued. For this purpose, the guarantor must show his/her passport/identity card, the last 3 pay slips, the employment contract as well as a certificate from the employer stating that he\*she is employed for an indefinite period and that no termination is imminent. The fee is € 29.00; or
  - proof of income (salary slips); or
  - bank statement/savings of an account at a German bank. 861.00 € per month, which means 10,332.00€ a year are required in order to obtain a residence permit for 1 year. These amounts are adjusted annually; or
  - a declaration of financing by the parents issued from the German Embassy, whereby the parents must prove to the German Embassy that they have sufficient funds/assets to secure the livelihood of the daughter/son during the period of finding a job in Germany.
- Fees: 98,00 €
- **Please note: All documents must be submitted as originals and photocopies!**

## 2.) Application to take up work/employment

a) After successful completion of the studies, there are four options for issuing a residence permit for taking up work/employment: **Residence permit for skilled workers with academic training** according to § 18b (1) AufenthG. If the requirements for the EU Blue Card are not met, the residence permit can be reviewed in accordance with § 18b (1) AufenthG (discretionary decision).

- In the case of a **foreign and domestic university degree**, the employment agency must be consulted.

For the issuance of a residence permit for employment, the following are required:

- A valid national passport
- A current biometric photograph
- Proof of completion of studies (e.g. diploma, bachelor's degree certificate, etc.)
- Employment contract and job description
- Employer's certificate of monthly net income
- Proof of health insurance coverage
- Fees: 100,00 €

### b) Requirements for EU Blue Card in accordance with § 18b (2) Residence Act (§ 18b (2) AufenthG)

- A recognised university degree
- The livelihood, including health insurance cover, must be secured
- There must be a concrete job offer, whereby the intended employment must be appropriate and match the qualification
- Earnings must meet the current income limit of the general German pension insurance (in 2022):  
(a) monthly at least 2/3 of the contribution ceiling = 56,400€ (gross figure).  
or  
b) monthly at least 52% of the annual income threshold = 43,992€ (gross figure) and a shortage occupation ([www.mangelberufe.de/akademiker](http://www.mangelberufe.de/akademiker)) must be exercised.  
The income threshold is reviewed annually and the amount is adjusted.

### c) Researchers according to § 18d AufenthG (according to the REST - EU Directive)

A hosting agreement or a corresponding contract for research at a recognised research institutions as well as (with exceptions) a declaration of cost absorption by the research institution are required. However, this does not apply to research projects within the framework of a doctorate.

### d) Self-employed activity according to § 21 para. 2a AufenthG

The requirements for graduates (degree in Germany) and researchers or scientists are eased here.

## 3) Application for a permanent settlement permit (Niederlassungserlaubnis)

The permanent settlement permit and EU permanent residence permit is an unlimited residence title, which means that the stay in Germany is unlimited in time. There are e.g. the following legal bases for an unlimited residence title:

- Permanent settlement permit according to § 9 AufenthG
- Permanent settlement permit according to § 18c (1) AufenthG (for skilled worker)
- Permanent settlement permit according to § 18c (2) AufenthG (for holder of a Blue Card)
- Permanent settlement permit § 18c (3) AufenthG (based on discretion)
- Permit for permanent residence in the EU according to § 9a AufenthG

## When can I apply for which form of settlement permit?

### Permanent settlement permit according to § 9 AufenthG

The permanent settlement permit according to § 9 AufenthG is to be granted if the foreigner:

- has a residence permit since five years (according to § 9 (4) No. 3 AufenthG, half of the time of studies in Germany can be counted in),
- can ensure his\*her livelihood (including health insurance),
- has sufficient living space (12 m<sup>2</sup> per person),
- has made compulsory or voluntary contributions to the statutory pension insurance for at least 60 months or can prove expenses for an entitlement to comparable benefits from an insurance or pension institution or an insurance company (pension insurance history),
- does not fulfil any reason for deportation (danger to public security or order),
- is in possession of any other permit (professional licence, licence to practise medicine, etc.) required for the permanent pursuit of his or her gainful employment,
- has sufficient knowledge of the German language (at least B1 level; if an academic degree is proven, German language skills of only a level A1 are required),
- has basic knowledge of the legal and social order and living conditions in the Federal territory.

### § 18 c (1) AufenthG: Permanent settlement permit (Niederlassungserlaubnis) for skilled workers (including graduates of German universities)

A foreigner who has successfully completed his\*her studies at a state or state-recognised higher education institution or comparable educational institution in Germany is granted a permanent settlement permit if:

- he\*she holds a residence title according to §§ 18a, 18b or 18d since two years,
- he\*she holds a job that matches his\*her qualifications,
- he\*she has made compulsory or voluntary contributions to the statutory pension insurance for at least 24 months or provides evidence of expenses for an entitlement to comparable benefits from an insurance or pension institution or an insurance company (pension insurance history),
- has sufficient knowledge of the German language (B1 level)
- his\*her livelihood, including health insurance, is secured,
- he\*she has sufficient living space (12 m<sup>2</sup> per person),
- there is no reason for deportation (danger to public safety or order),
- employment is permitted
- has basic knowledge of the legal and social order and living conditions in the Federal Republic.

### Permanent settlement permit according to § 18c (2) Residence Act for holders of an EU Blue Card

Holders of an EU Blue Card are to be granted a settlement permit if:

- he\*she has been in possession of a Blue Card-EU for at least 33 months and has a basic knowledge of the German language (at least A1 level).
- or
- he\*she has been in possession of an EU Blue Card for at least 21 months and has sufficient knowledge of the German language (at least B2 level),
  - he\*she has made compulsory or voluntary contributions to the statutory pension insurance for this period or provides evidence of expenses for an entitlement to comparable benefits from an insurance or pension institution or an insurance company (pension insurance history),
  - he\*she livelihood, including health insurance, is secured,
  - he\*she has sufficient living space (12 m<sup>2</sup> per person),

- there is no reason for deportation (danger to public safety or order)
- has basic knowledge of the legal and social order and living conditions in the Federal Republic.

### **Permit for permanent residence in the EU according to § 9a AufenthG**

The settlement permit according to § 9a AufenthG is to be granted if the foreigner:

- has been residing in Germany for five years with a residence title (according to § 9b (1) No. 4 AufenthG, half of the time of studies can be taken into account),
- is able to secure a livelihood (including health insurance) for himself\*herself and his\*her dependents through fixed and regular income,
- has sufficient living space (12 m<sup>2</sup> per person),
- has made compulsory or voluntary contributions to the statutory pension insurance for at least 60 months or can prove expenses for an entitlement to comparable benefits from an insurance or pension institution or an insurance company (pension insurance history),
- does not fulfil any reason for deportation (danger to public security or order),
- has fulfilled his\*her tax obligations,
- has sufficient knowledge of the German language (at least B2 level; with possession of a recognised degree, only German language skills of level A1 are required),
- has basic knowledge of the legal and social order and living conditions in the Federal territory.