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

Overview on potential residence permits pursuant to the German Residence Act (in the new version of 01 August 2017)
<table>
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<tr>
<th>Section</th>
<th>Title</th>
<th>Description</th>
<th>Target group/fields of activity</th>
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<th>Alternative residence titles</th>
<th>Permited activities</th>
<th>居留期限</th>
<th>Residence in other EU Member States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 16</td>
<td>Study</td>
<td>Residence permit for highly qualified employment</td>
<td>Doctoral candidates</td>
<td>No. If a doctorate in the German tertiary education is obtained within 3.5 years, the residence permit will be granted for study purposes and to pursue a research project.</td>
<td>No.</td>
<td>No.</td>
<td>Usually yes</td>
<td>Issue of temporary residence permit for up to 3 years, which can be extended for up to 3 years.</td>
</tr>
<tr>
<td>Section 18</td>
<td>Employment</td>
<td>Residence permit for research</td>
<td>Research-related activity</td>
<td>No.</td>
<td>No.</td>
<td>Usually yes</td>
<td>No.</td>
<td>Usually yes</td>
</tr>
<tr>
<td>Section 19</td>
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<td>Residence permit for highly qualified foreigners</td>
<td>Graduates of German universities</td>
<td>No.</td>
<td>No.</td>
<td>Usually yes</td>
<td>No.</td>
<td>Usually yes</td>
</tr>
<tr>
<td>Section 19a</td>
<td>Un-EU study</td>
<td>Residence permit for study purposes</td>
<td>Graduates of German universities</td>
<td>No.</td>
<td>No.</td>
<td>Usually yes</td>
<td>No.</td>
<td>Usually yes</td>
</tr>
<tr>
<td>Section 20</td>
<td>Miscellaneous</td>
<td>Approval of Federal Employment Agency</td>
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<td>No.</td>
<td>No.</td>
<td>Usually yes</td>
<td>No.</td>
<td>Usually yes</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Target group</td>
<td>Requirement for granting a residence permit</td>
<td>Minimum income</td>
<td>German language skills</td>
<td>Access to services</td>
<td>Territorial restrictions</td>
<td>Alternative residence permit required</td>
</tr>
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<tr>
<td>Section 16</td>
<td>Study</td>
<td>Spouses and minor children of students</td>
<td>Same as students</td>
<td>No</td>
<td>No</td>
<td>Concrete</td>
<td>Yes</td>
<td>Concrete</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Students who have received a scholarship at a state or state-relevant institution in the federal state</td>
<td>Temporary residence permit</td>
<td>No</td>
<td>No</td>
<td>Concrete</td>
<td>Yes</td>
<td>Concrete</td>
</tr>
<tr>
<td>Section 18</td>
<td>Employment</td>
<td>Foreign employees with professional qualifications</td>
<td>Same as employees</td>
<td>No</td>
<td>No</td>
<td>Concrete</td>
<td>Yes</td>
<td>Concrete</td>
</tr>
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<td></td>
<td></td>
<td>Foreign employees with a German university degree, who are entitled to a temporary residence title for study purposes</td>
<td>Same as students</td>
<td>No</td>
<td>No</td>
<td>Concrete</td>
<td>Yes</td>
<td>Concrete</td>
</tr>
<tr>
<td>Section 19</td>
<td>Professional qualifications</td>
<td>Research</td>
<td>€100/day for a maximum of 24 months</td>
<td>113 €</td>
<td>No</td>
<td>Concrete</td>
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</table>
Notes

1. See the national or the third country. The decision to allow a person to enter the country or a third country is made by the competent authority of the respective country. In the case of the federal state of Germany, the competent authority is the German Foreign Office.

2. See section 19a (4) Residence Act.

3. The grantee must be a person who is employed on behalf of an employer or a self-employed person, who is covered by social security, and who is paid at least for the minimum wage.

4. The minimum monthly wage is calculated based on the monthly wage of a full-time employment contract.

5. The minimum monthly wage for a full-time employment contract is calculated based on the monthly wage of a full-time employment contract.

6. This provision applies to all employment in Germany. Pursuant to section 2 (3) of the Employment Regulation, if the minimum monthly wage for a full-time employment contract is calculated based on the monthly wage of a full-time employment contract.

7. Subsistence must be secure. Pursuant to section 2 (3) of the Employment Regulation, if the minimum monthly wage for a full-time employment contract is calculated based on the monthly wage of a full-time employment contract.

8. This provision covers all employment in Germany. Pursuant to section 2 (3) of the Employment Regulation, if the minimum monthly wage for a full-time employment contract is calculated based on the monthly wage of a full-time employment contract.

9. The minimum monthly wage for 2018 is 52,000 €. For more information, see also footnote 6.

10. The minimum annual gross income for 2018 is 52,000 €. For more information, see also footnote 6.

11. Wording of section 16 (1) sentence 4 Residence Act.

12. There may be additional criteria, such as the length of stay in Germany or the length of time spent in the country.

13. The granting of a residence permit presupposes that the applicant has sufficient subsistence for the period of stay. The subsistence must be secure and does not entitle the holder to pursue an economic activity.

14. Generally, the granting of a residence permit presupposes that the applicant has sufficient subsistence for the period of stay. The subsistence must be secure and does not entitle the holder to pursue an economic activity.

15. Alternatively, evidence may be furnished of an entitlement to public funds for the time of his or her stay in Germany (see section 18 (1) Residence Act).

16. This provision applies to all employment in Germany. Pursuant to section 2 (3) of the Employment Regulation, if the minimum monthly wage for a full-time employment contract is calculated based on the monthly wage of a full-time employment contract.

17. If the doctoral degree programme is connected with the provision of a residence permit, this would, for example, be the case in the case of a doctorate in the humanities (see section 18 (1) Residence Act).

18. If the doctoral degree programme is connected with the provision of a residence permit, this would, for example, be the case in the case of a doctorate in the humanities (see section 18 (1) Residence Act).


20. This provision applies to all employment in Germany. Pursuant to section 2 (3) of the Employment Regulation, if the minimum monthly wage for a full-time employment contract is calculated based on the monthly wage of a full-time employment contract.

21. Generally, the granting of a residence permit presupposes that the applicant has sufficient subsistence for the period of stay. The subsistence must be secure and does not entitle the holder to pursue an economic activity.

22. Subsistence must be secure. Pursuant to section 2 (3) of the Employment Regulation, if the minimum monthly wage for a full-time employment contract is calculated based on the monthly wage of a full-time employment contract.

23. Generally, the granting of a residence permit presupposes that the applicant has sufficient subsistence for the period of stay. The subsistence must be secure and does not entitle the holder to pursue an economic activity.

24. If the marriage already existed at the time when the foreigner entered the country, the marriage is considered as having existed at the time of admission (see section 30 (1) sentence 4 Residence Act).

25. Please note that meanwhile the minimum income required for the grant of a residence permit entitles the holder to pursue an economic activity in Germany.

26. See section 20 (7) Residence Act. This residence permit entitles the holder to pursue an economic activity in Germany.

27. It depends on how the doctoral phase is treated by the German Residence Act.

28. See section 9 (1) sentence 2 Residence Act.


30. An examination of the employment contract is required to determine whether the employment is considered as employment pursuant to section 19 (1) of the Employment Regulation.

31. A licence to engage in a profession is considered as a qualification within the meaning of section 20 (1) no. 1a of the Employment Regulation.

32. If the doctoral degree programme is connected with the provision of a residence permit, this would, for example, be the case in the case of a doctorate in the humanities (see section 18 (1) Residence Act).

33. See section 19a (4) Residence Act.

34. Generally, the granting of a residence permit presupposes that the applicant has sufficient subsistence for the period of stay. The subsistence must be secure and does not entitle the holder to pursue an economic activity.

35. See especially sections 27, 30 (1) sentence 1 no. 3 a) and section 32 Residence Act.

36. See sections 27, 30 (1) sentence 1 no. 3 g), sentence 3 no. 5 of the Employment Regulation.

37. The minimum monthly wage for 2018 is 52,000 €. For more information, see also footnote 6.

38. The minimum annual gross income for 2018 is 52,000 €. For more information, see also footnote 6.

39. With the amendment of the Residence Act, state and state-