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Permanent settlement permit for persons recognised as being entitled to asylum and refugees

- Have you been recognised as being entitled to asylum by the German Federal Office for Migration and Refugees (BAMF) or are a recognised refugee according to the Geneva Refugee Convention?
- Have you been admitted by Germany as a resettlement refugee?

Then you are usually granted a permanent settlement permit after a residence of 5 years. If you are well integrated linguistically and economically, you may be granted a permanent settlement permit after a residence of only 3 years.

- Your residence permit has been issued on other humanitarian grounds?

Then you may also be granted a permanent settlement permit after a residence of 5 years, however subject to other requirements. Please refer to the Service “Permanent settlement permit (general)”.

Prerequisites

- **Application in writing**

Please file an application with the Berlin Immigration Office. You will either receive an invitation for a personal interview or a notification of charges. Please enclose with your application a copy of the documents specified in the section “Documents required”.

- **Valid passport or passport substitute (Travel document for Refugees)**

- **Possession of a residence permit**

The residence permit must have been issued pursuant to

- § 25 subs. 1 AufenthG (recognition as person entitled to asylum), or
- § 25 subs. 2 s. 1, 1. Alt. AufenthG (recognition as refugee), or
- § 23 subs. 4 AufenthG (resettlement refugee).

The periods of asylum proceedings are counted as well.

You must have been in possession of a residence permit for at least 3 years.

If you have held one for 5 years, you will have less difficulties of meeting the requirements with regard to language skills and secured means of support.

You have been issued a residence permit on other grounds? Then please refer to the information in Service “Permanent settlement Permit” (general)”.

- **The conditions for recognition as person entitled to asylum or as a refugee still apply.**

After 3 years, the BAMF automatically reviews if the conditions for recognition still apply or not. You may be granted a permanent settlement permit if the conditions for recognition are still met.

- **No endangerment of the Federal Republic of Germany**

You may not be granted a permanent settlement permit if you

- support or have supported terrorist activities,

- endanger the free democratic basic order or the security of the Federal Republic of Germany;
- use or justify violence to achieve political goals, or
- prepare or have prepared serious acts of violent subversion.
- **German language skills**
(<https://www.europaeischer-referenzrahmen.de/sprachniveau.php>)
 - You must have a good command of the German language (level C1 of the Common European Framework of Reference for Languages) if you want to be granted a permanent settlement permit after having held a residence permit for 3 years.
 - After having held a residence permit for 5 years, you must only have an elementary knowledge of the German language (level A2 of the Common European Framework of Reference for Languages).
- **Basic knowledge of the legal and social system and living conditions in Germany**
The orientation courses offered by the BAMF give you basic knowledge of the legal and social system and living conditions in Germany.
- **Secured means of support from own income**
 - You should not receive social assistance benefits from a Jobcenter or the Social Welfare Office (e.g. citizen's benefit (Bürgergeld) or income support). If you do receive social assistance benefits, they must account for less than 25 % of your total income.
 - After having held a residence permit for 5 years, such benefits must account for less than 50 % of your total income.
 - The proofs of income may also be provided by the spouse or same sex partner in the event of marital or civil partnership cohabitation.
- **Sufficient health insurance**
Secured means of support include an adequate health insurance for you and the members of your family:
 - If you have a statutory health insurance, you are adequately insured.
 - If you have a private health insurance, please make sure that type and scope of your health insurance are adequate.
 - For more information, please read the Leaflet on adequate health Insurance (see section "Forms").
- **Sufficient living space**
If you live in an apartment, each person must have a living space of no less than 9 square metres (m²), each child under 6 must have a living space of no less than 6 m².
You live in a shared accommodation facility? In the event of sufficient living space allotted to you, the requirements are met as well.
- **No criminal record**
Even fines may prevent the granting of a permanent settlement permit.
- **Main residence in Berlin**

Documents required

- **1 current biometric photo**
(https://www.berlin.de/labo/_assets/kraftfahrzeugwesen/foto-mustertafel.pdf)
35mm x 45mm, frontal shot with neutral facial expression and closed mouth, looking straight into the camera, light background
- **Valid passport or passport substitute**

In principle, a recognised and valid passport must be submitted.
Alternatively, proof must be submitted that a passport or replacement passport cannot be obtained from the competent authorities of the country of origin without undue hardship.

Holders of a residence permit issued pursuant to § 25 subs. 1 and 2 s. 1, 1. Alt. AufenthG need only submit a travel document for refugees to meet this requirement.

- **Form "Antrag auf Erteilung einer Niederlassungserlaubnis/Erlaubnis zum Daueraufenthalt-EU"**
- **Integration course certificates (if available) or language certificates**
 - Language Certificates of level A 2 or C 1 (certified pursuant to telc or Goethe-Institut), or
 - "Deutsche Sprachprüfung für den Hochschulzugang" (German language proficiency test for the admission to higher education of foreign students) - (DSH 1, 2, 3), or
 - "Das Deutsche Sprachdiplom" (German Language Diploma) - (DSDI, II) or
 - "Zertifikat Integrationskurs" (Integration Course Certificate) about the successful participation in the integration course, or
 - Certificate of the results obtained in the final tests of the Integration Course

The certificates facilitate the examination of the application. You can furnish proof of an adequate command of the German language as well as of your basic knowledge of the legal and social system in a different way when appearing in person.

- **Proof of income**

Proof of sufficient resources to sustain oneself may also be provided by the spouse or same-sex partner (see "Prerequisites").

In the case of employees:

- contract of employment
- current certificate issued by the employer (not older than 14 days) and
- salary statements for the last 6 months

In the case of freelancers and self-employed persons:

- completed audit report together with the documents listed therein, e.g. extract from the Commercial Register
- The audit report must be completed by a tax consultant, auditor or tax agent.
- last tax assessment notice

In the case of disability or reduced ability to earn a living:

- notice of pension entitlement on account of disability or reduced ability to earn a living, or
- recent expert opinion by the German Federal Employment Agency [Bundesagentur für Arbeit], or
- qualified medical certificate

- **Health insurance**

- If you are covered by **statutory** health insurance, a current confirmation of health insurance coverage from your provider, or
- if you are insured with a **private** health insurance company, the policy

and proof of contributions paid (e.g. statements of account).

- **Lease or proof of home ownership**

Proofs of living space and of monthly rent or cost of housing of own property (house or apartment) have to be supplied.

- **Proof of main residence in Berlin**

- Certificate of registration at the main residence **or**
- lease and written confirmation of occupancy from the landlord

- **Proof of the receipt of other benefits**

Do you receive any child benefit, child benefit supplement, parental benefit, care benefit or similar benefits?

If yes, please submit proof thereof (e.g. notice).

Forms

- **Antrag auf Erteilung einer Niederlassungserlaubnis/Erlaubnis zum Daueraufenthalt-EU**

(https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/_assets/mdb-f86105-labo_4323_antrag_auf_erteilung_der_ne__da_eu.pdf)

- **Audit report form (Prüfungsbericht) for entrepreneurs, self-employed persons and freelancers**

(https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/_assets/pruefungsbericht_bis.docx)

- **Leaflet "Health insurance"**

(https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/_assets/mdb-f131960-labo_4326_merkblatt_krankenversicherungsschutz_05.13__engl_.pdf)

Fees

- Issuance of the permanent settlement permit: free of charge

Issuance of a new travel document for refugees:

- From the age of 24 years: 60.00 euros
- Until the age of 24 years: 38.00 euros
- For children up to the age of 12 years: 14.00 euros

Legal basis

- **Section 9 para. 2 Aufenthaltsgesetz (AufenthG)**

(http://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0125)

- **Section 26 para. 3 Aufenthaltsgesetz (AufenthG)**

(http://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0705)

More information

- **Certificate of registration at the main residence (Meldebestätigung)**
(<https://service.berlin.de/dienstleistung/120686/>)
- **Example: confirmation of occupancy from the landlord**

(https://www.berlin.de/formularverzeichnis/?formular=/labo/zentrale-einwohnerangelegenheiten/_assets/mdb-f402544-20161102_wohnungsgeberbestaetigung.pdf)

- **Permanent settlement permit (general)**
(<https://service.berlin.de/dienstleistung/121864/en/>)

Hinweise zur Zuständigkeit

This service can only be taken advantage of in the Berlin Immigration Office (Landesamt für Einwanderung – LEA) at Friedrich-Krause-Ufer.