

Fiktionsbescheinigung (Fictional Certificate)

A fictional certificate is issued when it is not yet possible to decide on an application for a residence permit, e.g. because

- documents are missing or the foreigner's file is not available,
- an electronically applied for residence permit (eRP) cannot be issued prior to expiry of the currently valid residence permit or
- the outcome of punishable offence proceedings is still outstanding.

A fictional certificate may only be issued when residence is still lawful at the time of applying for the issue or renewal of a residence permit.

If a currently valid residence permit (temporary residence permit or national visa for long-term durations - Category D -) is available, a fictional certificate according to § 81 Section 4 of the Residence Act will be issued.

In this case, the residence permit and all supplementary regulations (also regarding the stipulations concerning gainful employment) remain in force until a decision has been made in relation to the application. Journeys abroad and re-entry into the area of the Republic are possible with a valid fictional certificate in accordance with § 81 Section 4 of the Residence Act.

If the male or female applicant is lawfully resident without a visa in the Federal Republic, because he or she is entitled to be by virtue of his/her nationality, the fictional certificate will be issued in accordance with § 81 Section 3 of the Residence Act.

This permits residence in the area of the Federal Republic until a decision has been made regarding the application. This fictional certification, however, does not permit re-entry into the territory of the Federal Republic. It also does not permit the commencement of gainful employment.

A fictional certificate cannot be issued to holders of a Schengen visa for short-term residence (Category C).

Prerequisites

- Lawful residence with and without residence permit

At the time of submitting the application, the male or female applicant must either

- be in possession of a valid residence permit (temporary residence permit or national visa for long-term durations - Category D -) or
- be lawfully entitled to residence without a visa in the territory of the Federal Republic, because he or she is thus authorised by virtue of his/her nationality.

- Application for Issuance of a Residence Permit

A fictional certificate will be issued only when an application has been submitted for the issue or renewal of a residence permit and at the time of presentation no decision can be made regarding the application. Therefore, the

prior submission of an application for a residence permit is necessary so that a fictional certificate may be issued.

- Main residence in Berlin
- A personal interview is required

Documents required

- Valid passport or passport substitute
A fictional certificate is always only valid in conjunction with a valid passport or substitute passport.
- Previous residence permit
If available, the previous residence permit shall be presented, e.g. the electronic residence permit (eRP).
- Proof of main residence in Berlin
 - * Certificate of registration at the main residence *or*
 - * lease and written confirmation of occupancy from the landlord

Fees

* For adults: 13.00 euros

* For minors: 6.50 euros

Free of charge for:

* Turkish citizens

* Foreigners recognised as being entitled to asylum

* Foreigners with a granted refugee status within the meaning of Section 3 (1) of the Asylum Act

* Foreigners with a granted subsidiary protection status within the meaning of Section 4 (1) of the Asylum Act

* Resettlement refugees within the meaning of Section 23 (4) of the Act on the Residence

* Foreigners who receive a scholarship from public funds for their stay

or

* when presenting a current proof of receiving benefits according to SGB II or XII or the Asylum Seekers Benefits Act

Legal basis

- section 81 Aufenthaltsgesetz - AufenthG

http://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p1240

Average time to process request

The fictional certificate will be issued after the personal interview.

More information

- Certificate of registration at the main residence (Meldebestätigung)
<https://service.berlin.de/dienstleistung/120686/>
- Example: confirmation of occupancy from the landlord
http://www.berlin.de/formularverzeichnis/?formular=/labo/zentrale-einwohnerangelegenheiten/_assets/mdb-f402544-20161102_wohnungsgeberbestaetigung.pdf

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