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Residence permit for spouses, parents and children of persons eligible for subsidiary protection

Granting or extension of a residence permit for:

- spouses/same-sex partners
- children, and
- parents

of foreigners holding a residence permit under Article 25 par. 2 sentence 1, 2nd alternative AufenthG (persons eligible for subsidiary protection).

That residence permit **may** be granted on a discretionary basis on humanitarian grounds. There is no entitlement to be granted the residence permit.

Prerequisites

• In-person visit

- For a recognized marriage or registered same-sex civil partnership, the personal interview of both spouses / partners is required.
- In the case of minors, the personal interview of the family (parents with child) is required.

• Residence permit due to subsidiary protection

The foreigner to be joined by family members (the so-called "principal entitled person") must:

- have been recognised as a person eligible for subsidiary protection by the Federal Office for Migration and Refugees after 17.03.2016; and
- hold a residence permit under Article 25 par. 2 sentence 1, 2nd alternative AufenthG.

• Humanitarian grounds

Humanitarian grounds are deemed to exist, in particular, if:

- for a long time it has not been possible to establish family cohabitation, or
- a minor, unmarried child is affected, or
- the health, life or freedom of the family member are seriously endangered, or
- the foreigner or family member abroad have fallen seriously ill, have high care requirements or are severely disabled.

• The principal entitled person is not expected to be expelled or leave the country.

- The foreigner to be joined by family members must not have given rise to any expulsion interest (for example due to serious criminal offences or a danger to the security of the Federal Republic of Germany).
- His departure from the country should also not be expected for other reasons (for example due to the revocation or withdrawal of the subsidiary protection).
- For more details please read the information relating to Article 27 par. 3a and Article 36a par. 3 of the German Residence Act

(Aufenthaltsgesetz – AufenthG) (see the “Legal bases” section).

- **For spouses / same-sex partners**

- Both spouses or same-sex partners must have completed their 18th birthday.
- The marriage/civil partnership must have been concluded before the person in question fled their country.
- If the foreigner is married to several spouses, only one spouse may be granted a residence permit.

- **For parents of underage children**

Parent may only be granted a residence permit, if no parent with an entitlement to personal care is a resident of the Federal Republic of Germany

- **Main residence in Berlin**

A second home in Berlin is not sufficient.

Documents required

- **Form "Antrag auf Erteilung eines Aufenthaltstitels" (filled out)**

See the “Forms” section.

Please fill in one form for each person who wishes to apply for a residence permit (only required for the first application for every member of the family).

- **Valid passport**

A passport must be submitted for each member of the family.

- **1 current biometric photo of each applicant**

(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

- **Family reunion to spouse: marriage certificate**

Not required for the extension of the residence permit

- **To join your same sex civil partner: partnership certificate**

Not required for the extension of the residence permit

- **Birth certificate for underage children**

Not required for the extension of the residence permit

- **Certificate regarding legal custody**

If one parent does not live in Germany. (not required for the extension of the residence permit)

- **For all foreign documents: translation, possibly with an additional apostil or confirmation of authenticity (issued by a German consular official)**

- Please provide an authenticated translation of all foreign documents.
- Depending on your country of origin, you may also need an apostil or confirmation of authenticity (issued by a German consular official) for your document(s). More on the topic in the section "More information".

- **Current certificate of school attendance (not older than 14 days)**

For children who are required to attend school

- **In the event of a serious illness, care needs or a severe disability**

A qualified doctor's certificate, decision on the degree of care or proof of the severe disability

- **All certificates showing participation in the integration (Only in case of extension).**

If you were required to attend an integration course by the Registration

Office for Foreigners you have to show all certificates showing participation in the integration course.

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

Forms

- **Antrag auf Erteilung eines Aufenthaltstitels (Application for Issuance of a Residence Permit) - in German, English, French, Italian**
(https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/_asets/lea-agen1-antrag_engl_frz_ital-112021.pdf)
- **Antrag auf Erteilung eines Aufenthaltstitels (Application for Issuance of a Residence Permit) - in German, Greek, Turkish, Vietnamese**
(https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/_asets/lea-agen2-antrag_griech_tuerk_viet-112021.pdf)
- **Antrag auf Erteilung eines Aufenthaltstitels (Application for Issuance of a Residence Permit) - in German, Spanish, Portuguese, Russian**
(https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/_asets/lea-agen3-antrag_span_port_russ-112021.pdf)
- **Antrag auf Erteilung eines Aufenthaltstitels (Application for Issuance of a Residence Permit) - in German, Serbian, Bosnian**
(https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/_asets/lea-agen4_-antrag_serb_bos-112021_final.pdf)

Fees

For the first issuance of the residence permit:

- Adults: 100.00 euros
- Minors: 50.00 euros
- Turkish citizens: a maximum of 37.00 euros

For the extension of the residence permit:

- Adults: 93.00 euros
- Minors: 46.50 euros
- Turkish citizens: a maximum of 37.00 euros

Free of charge when presenting current proof of receiving benefits according to SGB II or XII or the Asylum Seekers Benefits Act.

Legal basis

- **Aufenthaltsgesetz (AufenthG) § 36a - Familiennachzug zu subsidiär Schutzberechtigten**
(https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0833)
- **Aufenthaltsgesetz (AufenthG) § 27 Absatz 3a - Grundsatz des Familiennachzugs**
(https://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html)

Average time to process request

Around 5-6 weeks

A personal visit four to six weeks before the existing temporary residence title expires is best. If possible you should book an appointment for this.

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)
- **Federal Foreign Office (Auswärtiges Amt): International recognition/Legalisation of documents**
(<https://www.auswaertiges-amt.de/en/urkundenverkehrteilb/231968>)

Responsible authorities

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