

Information sheet for new holders of a right of residence of opportunity

[Kopfbogen der Ausländerbehörde]

Dear Sir,

Dear Madam,

You have been granted a residence permit (Aufenthaltserlaubnis) based on your application. This is known as a new right of residence of opportunity (Chancen-Aufenthaltsrecht) and is regulated in Section 104c of the Residence Act (Aufenthaltsgesetz).

You will receive the right of residence of opportunity for 18 months. This is the period of time available to you to fulfil the requirements for a further permitted residence. You need to apply for another residence permit **before** the expiry of these 18 months. This new application will then only be approved if you fulfil the conditions described in this information sheet.

It is not possible to extend this period of 18 months. We are therefore informing you now in advance which conditions for further residence you need to fulfil at the latest before the expiry of your right of residence of opportunity.

1. Commitment to the free democratic basic order

You have to commit yourself to the free democratic basic order of the Federal Republic of Germany. The free democratic basic order is the most fundamental political order in Germany. It comprises

- a) the right of the people to exercise state authority in elections and ballots and through particular organs of legislative, executive and judicial power and to elect parliament in general, direct, free, equal and secret elections,
- b) the subjection of legislation to the constitutional order and the subjection of the executive and judicial power to law and justice,
- c) the right to form and exercise a parliamentary opposition,
- d) the possibility of dissolving the government and its responsibility to parliament,
- e) the independence of the courts,
- f) the exclusion of all forms of tyranny and arbitrary rule and
- g) the human rights enshrined in the Basic Law.

Your active and personal commitment is required. You are to personally sign a declaration to this effect. You need to understand the content of the declaration and know the core contents. Even if you already signed a corresponding declaration for the application for a right of residence of opportunity, this is required again.

If in future there are indications that you do not support this order, your continued residence is not guaranteed because you do not fulfil the relevant regulatory requirements for continued residence. If you actively support undemocratic regimes or groups in your home country, it may also be concluded that you do not support a free democratic basic order for Germany.

2. Basic knowledge of the legal and social order and living conditions in the federal territory

You need to prove that you have basic knowledge of the legal and social order and living conditions in the federal territory. Proof of this knowledge is provided by the national test “Living in Germany” (“Leben in Deutschland”, abbreviated “LiD”). Corresponding preparatory courses for this test are provided by various institutions as so-called orientation courses. In some cases, the orientation course is part of the integration course. The test can also be taken without attending a corresponding course.

You can also provide the proof by demonstrating that you have graduated from a German Hauptschule or have a comparable or higher general school leaving certificate from a German school, have successfully completed an apprenticeship in Germany or have graduated from a German university. In these cases, you do not have to take a “LiD” test.

In exceptional cases, the knowledge can also be demonstrated through a personal interview at the foreigners’ authority, which is oriented in level and form towards the questions of the test “Living in Germany”, for which you need to be able to speak German. Not all foreigners’ authorities offer such personal interviews.

3. Sufficient command of spoken German (CEFR (GER) level A2)

A further condition for residence beyond the right of residence of opportunity is that you have sufficient verbal communication skills in German.

The standard for this is the Common European Framework of Reference for Languages (CEFR), which determines how the level of language skills is assessed throughout Europe.

Proof of language skills at level A 2 CEFR is required. The proof of this knowledge does not necessarily have to be provided by submitting a language certificate.

Language skills at level A2 CEFR are demonstrated if you

- have attended a German-speaking school for four years and were subsequently admitted to the next higher class, or
- have a German school-leaving certificate (Hauptschule, Mittlerer Schulabschluss, Abitur), or
- have been admitted to the tenth grade of a German-speaking school, or

- have completed a German-language degree course at a university or university of applied sciences or vocational training in Germany, or
- were able to conduct successful conversations with the staff at the foreigners' authority without needing someone to translate.

For children and young people up to the age of 16, no proof of German language skills is required. In this case, submission of the last report from a German school or proof of attendance at a daycare centre in Germany is sufficient.

The language skills can also be demonstrated by a suitable and reliable language certificate at level A2 CEFR (e.g. "German test for immigrants" (Deutsch-Test für Zuwanderer), level A2). The language certificate has to be based on a standardised language test. Not all certificates are recognised. Certificates from the Goethe-Institut, Test-DaF-Institut and telc GmbH are recognised by all foreigners' authorities.

With the residence permit of opportunity (Chancen-Aufenthaltsurlaubnis) you can be admitted to attend an integration course of the Federal Office for Migration and Refugees (BAMF). In this course you can acquire the specified language skills and basic knowledge of the legal and social order and living conditions in the federal territory and take appropriate tests. You have to apply for admission. If you have any questions about this, you can contact a regional office of the BAMF. You can find out which regional office is responsible and where integration courses are offered quickly and easily with the help of the information system BAMF-NAVI (<https://bamf-navi.bamf.de/de/>). The application for admission can also be made via the providers of the integration courses. They are happy to provide advice and can be used as the first contact.

4. Actual school attendance of children

For children who are to receive a right of residence, proof of school attendance needs to be provided for the entire period from the start to the end of compulsory schooling. You can provide this proof by submitting reports or certificates to the foreigners' authority. Actual school attendance is only deemed to have taken place if the child has only been absent from school without an excuse at most on a few individual days during the school year.

5. Securing your subsistence

You either need to secure your subsistence mainly through gainful employment, or it should be expected, based on previous developments, that your subsistence will be fully secured in the future.

If you do not live alone, it depends on the so-called community of need which you live in. The community of need generally includes the people you live with and share expenses with, i.e. who jointly bear the costs of everyday life. Your subsistence is mainly secured by gainful employment if more than half of the income of your community of need comes from

gainful employment. You or at least the community of need should also be able to pay your rent without receiving state assistance for this. However, the receipt of a rent subsidy (Wohngeld) does not in itself lead to the assumption that your subsistence is not secured. This is said to be “not detrimental”.

Benefits paid on the basis of contributions paid by the recipients themselves - you or members of your community of need - are also not detrimental in this sense. These benefits which are not detrimental thus include old-age or incapacity pensions or also unemployment benefit (Arbeitslosengeld I). Child benefit (Kindergeld) is a tax relief measure (family benefit compensation (Familienleistungsausgleich)) and is therefore treated like earned income. It is therefore not detrimental. Money paid to enable residence for a specific purpose, such as scholarships for a degree course, is also to be treated as earned income, and is therefore also not detrimental.

However, most non-contributory social benefits, especially in accordance with Book Two of the Social Code (SGB II) (unconditional basic income (“Bürgergeld”; formerly “Hartz IV”), are not considered earned income.

It has to be overwhelmingly probable that the subsistence of the community of need will also be secured in the future. The authorities particularly assume this if a specific gainful employment with sufficient income is actually carried out. However, it can also be assumed that your subsistence will be secured in future if you have a concrete job offer or if your schooling and vocational training as well as your previous integration achievements in the areas of language and society indicate that your subsistence will be secured.

Please do not allow someone to confirm that they are offering you a job as a favour if this is not serious. If you submit such a confirmation which is not meant seriously, this may result in considerable disadvantages for you and the person issuing the confirmation.

The law provides for several exceptions to the requirement to secure your subsistence. These exceptions apply to

- students attending a state or state-recognised higher education institution and apprentices undergoing training in a recognised trade or in a government-sponsored pre-vocational training measure,
- families with minor children who temporarily rely on supplementary social benefits,
- single parents of minor children who cannot reasonably be expected to take up employment according to the provisions for the unconditional basic income (SGB II), or
- foreigners caring for close relatives in need of long-term care,
- foreigners who are unable to support themselves due to a physical, mental or psychological illness or disability, for which a substantiated, i.e. detailed, certificate or a decision on an incapacity pension is to be submitted, and

- for reasons of age, which is always assumed when the standard age limit for the old-age pension is reached.

If you have any questions, your contact person at the foreigners' authority is glad to help you.

6. Fulfilment of the passport requirement

You need to fulfil the passport requirement. This means that you need to possess and be able to present a valid and recognised passport or passport substitute from your country of origin.

An exception to this is only made if it was not possible or not reasonable for you to obtain a passport or passport substitute from your country of origin. It is generally reasonable to comply with the issuing rules of your country of origin. This is particularly the case if comparable requirements are imposed on Germans for obtaining a German passport in a similar situation.

It is your task and not the task of German authorities to find out how to obtain a passport or passport substitute from your country of origin. It is also your task to obtain the necessary documents and photographs at your own expense and to apply for the issuing of the passport or passport substitute. If you can prove that you face unreasonable difficulties in obtaining a passport, under certain further conditions it may be possible for you to clarify your identity and nationality by means of other documents from your country of origin. To discuss the necessary steps, please consult your contact person at the foreigners' authority.

If you have received a new passport or passport substitute, you are required to present it to the foreigners' authority as soon as possible (without undue delay) - even if you have not been requested to do so and you had not yet filed an application for another residence title (Aufenthaltstitel) at that particular time.

Presentation of the passport will not result in your right of residence of opportunity being withdrawn.

7. Clarification of identity

The clarification of your identity is also a prerequisite for the issuing of further residence titles. This can only be waived in exceptional cases and only if you have demonstrably made every reasonable effort to clarify your identity.

“Identity” means your personal data (primarily your name, date of birth, place of birth and nationality) by which you are known to the authorities of your country of origin. It is not sufficient if data is known under which you are identified here in Germany, but not demonstrably also in your country of origin. For these reasons, the simplest means of clarifying your identity is a passport issued by your country of origin in a due process.

If it is not possible for you to clarify your identity with a passport or at least a passport substitute (for example, a temporary passport or an emergency passport) from your country of origin, please consult your contact person at the foreigners' authority in order to establish what means could nevertheless be used to clarify your identity. Statements by private persons (friends, relatives) about who you are are usually not sufficient.

8. No security reservations (so-called interests in expulsion)

If, in the meantime, circumstances become known that provide grounds for reviewing the termination of your residence for security reasons, you may also be refused the issuance of a further residence title.

9. Special provision for people up to 27 years of age

For people who have received a right of residence of opportunity and are not yet older than 27 when applying for the next residence permit, some special provisions apply.

In particular, your subsistence does not have to be secured - for the time being. However, instead, you have to have attended school in Germany for three years or have a German school-leaving or professional qualification. In addition, based on your previous education and living conditions, it should seem certain that you are able to integrate into the living conditions in the Federal Republic of Germany so that you will be able to secure your own subsistence in the long term.

As long as you are under 27 years of age and still in school or vocational training, the securing of subsistence is waived altogether.

10. Further information

[Hier sollten Ausländerbehörden weitere konkrete Informationen zu Anlauf- und Beratungsstellen vor Ort eintragen – vor allem Migrationsberatungsstellen des Bundes und der Länder sowie die Jugendmigrationsdienste, die Personen zwischen 12 und 27 Jahren gezielt beraten.]