



## **Basic information - permission to remain**

### **AUFENTHALTSGESTATTUNG**

Permission to remain (Aufenthaltsgestattung) is a status which applies only to refugees seeking asylum. It is given when an application for asylum has been made, and remains valid as long as the asylum proceedings last. This permission includes many limitations, and may be subject to further conditions. The following provides you with a summary of what is necessary for life subject to such a permission.

- A permission to remain does not address the individual reasons on why and how people have come to Germany. It only means that those people who have it have applied for asylum.
- An application for asylum is accompanied by a registration of identity data (taking of fingerprints and so on). These data are made available to members of the European Union, or as the case may be, to the countries which are part of the Schengen accord.
- A permission to remain is only certain as long as it is valid. Should the application for asylum be rejected, or the asylum proceedings come to an end, the permission is automatically taken away.
- It will apply to people of all ages, single or married, whatever their state of health.
- For unaccompanied under-age refugees, i.e. children or youths without a custodian, the German Youth Office (Jugendamt) must step in.

### **Social service payments and accommodation**

- For holders of a permission to remain only benefits according to the Asylum Seeker Benefits Law (Asylbewerberleistungsgesetz or, abbrev. AsylbLG) are allotted. They are significantly lower than the normal dole payments (ALG 2), e.g. for a single person to the value of about 200 € instead of 345 €.
- Benefits according to the AsylbLG are often issued as material ones (meal tickets, coupons). Only about 10 € a week are to be paid in cash.
- Asylum seekers must agree to a medical inspection and allow the results to be passed on to authorities.
- The AsylbLG law is required to provide one with medical care. A proof of urgent need for care must however be supplied by applicants.
- The situation may be improved only after having drawn benefits for fully 3 years. The level of benefits is then determined by Social Law. Reductions may happen.
- During asylum proceedings, the applicant may not choose freely where to live. Asylum seekers are initially "distributed" to one of the federal German states. There they have to remain in so-called first admission institutions for up to 3 months. After this they are forced to move to a specified district. As a rule they will then be made to inhabit a communal pension.
- In Schleswig-Holstein there is a central communal pension right on the grounds of the First Admission Institution of Lübeck. So one will only be moved to another building. The central communal pension in Neumünster and its departure centre are also on the same grounds. Both used to be military barracks.
- Any help from lawyers / solicitors in asylum proceedings needs to be paid for by the applicants themselves.

### **Travel limitations**

- The permission to travel (Räumliche Beschränkung / Residenzpflicht) is limited to the city quarter of the first admission institution (Erstaufnahmeeinrichtung) at first, and later to the area administered by the assigned Foreigners Authority (Ausländerbehörde).
- For appointments with the courts or administrative authorities a special travel permit is necessary, and must be issued. For advisory appointments (e.g. with the FRSH) it should as a rule be issued. For all other requests it may be issued or not. The permit must be applied for in person, and needs to be well founded.
- Travelling without a permit is seen as an offense and will be penalised with a fine and some sort of punishment.

### Family

- People in the middle of asylum proceedings can marry or live together, if both are in Germany at the time and all necessary papers are on hand. The same thing is true, if one of the people involved is a German citizen.
- Papers received for the purposes of marriage may be used by the Federal Department for Migration and Refugees for other purposes.
- Family of asylum seekers with a permission to remain (Aufenthaltsgestattung) may themselves have a different status.

### Education

- In Schleswig-Holstein all children and youths are required to attend school: 9 years of full-time school in total. Time spent in schools outside of Germany is considered.
- After completing school, or after the 18th birthday, youths that have the permission to remain may visit public schools. These schools are not legally required to accept them. Subsidies for learning materials, travel costs etc. are not available.
- There is no right to take part for free in integration courses. German language courses thus need to be financed by the person with permission to remain, including travel costs. This also applies for other courses of any kind.
- People with permission to remain may not take part in educational measures which are sponsored by the State Job Agency or ARGE / Jobcenter.
- It is in theory possible to take up university studies. The usual requirements have to be met. There are no subsidies for learning material, travel costs or fees.
- People with permission to remain may be allowed to attain a driver's license, if their identity is seen to be validated. In this case the permission to remain is an alternative to an i.d. card. Training and fees must be financed privately, and travel permits are needed for taking longer trips etc.

### Work

- For people with permission to remain, work and earning an income is not permitted.
- Only one year after the onset of permission one may receive a work permit. For this an application has to be made to the Foreigners Authority.
- For people with permission to remain, access to work is deemed "secondary". They must provide the Foreigners Authority with a definite job offer and may only apply for a work permit for that job. Should the Authority agree, it will set an internal procedure into motion that seeks the approval of the State Job Agency. By checking the job market, this will i.a. determine whether any Germans, EU foreigners or people with existing permanent residence permits come into question for the job.
- For work training, a (holiday) job, volunteer work ... for every kind of work, all people with permission to remain, even youths, need the approval of the Foreigners Authority, and perhaps even of the State Job Agency.
- The authorities may force one to accept so-called work opportunities.

Please note:

This is not so much a guide, as simply an overview of the general conditions of living under permission to remain (Aufenthaltsgestattung). Every single person must be considered, and her or his situation be checked carefully. This information has been collated according to our best sources, but they are no substitution for legal advice. We do not guarantee completeness and correctness. All data relate to Schleswig-Holstein. Version as at April 2007

More information on our web site:

**[www.infonet-frsh.de](http://www.infonet-frsh.de)**

The project *INFONET – educational and professional access for refugees* is part of the EQUAL development partnership *Land Ahoy! - Vocational Qualification for Refugees in Schleswig-Holstein*, is scheduled to run until the end of 2007 and is a subsidiary of Flüchtlingsrat Schleswig-Holstein e.V. The Flüchtlingsrat society was founded in 1991 and is the umbrella organisation of initiatives, groups, organisations and single persons showing solidarity with refugees and working for refugee aid in Schleswig-Holstein. It does anti-racism public relations and represents refugees' and migrants' political needs to local authorities and to the state government. The society is a member of the national body for refugee work PRO ASYL e.V.

**INFONET** ist ein Teilprojekt  
der Entwicklungspartnerschaft

**Land in Sicht!**  
Berufliche Qualifizierung  
für Flüchtlinge  
in Schleswig-Holstein

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