

Chapter 10

Authorisation to issue statutory instruments; transitional and final provisions

Section 99

Authorisation to issue statutory instruments

(1) The Federal Ministry of the Interior is authorised, via statutory instruments with the approval of the Bundesrat,

1. to provide for exemptions to the requirements for a residence title in order to facilitate the stay of foreigners, to regulate the procedure for the granting of exemptions and for the continued validity and further granting of residence titles under this Act upon a ground for exemption arising and to restrict exemptions for the purpose of controlling economic activity by foreigners in the federal territory,

2. to determine that the residence title may be obtained prior to entry into the federal territory from the foreigners authority or after entry,

3. to determine in which cases the approval of the foreigners authority is required for the granting of a visa, in order to ensure the involvement of other authorities concerned,

3a. to define detailed aspects of the procedure relating to the issuance of residence titles to researchers pursuant to section 18d, in particular

a) to regulate the procedure relating to the recognition of research organisations, the attendant conditions and the duration of recognition, the revocation of recognition of a research organisation and the content of and conditions pertaining to the conclusion of hosting agreements pursuant to section 18d (1) sentence 1 no. 1,

b) to provide for the authority which is responsible for granting recognition to publish the addresses of the recognised research organisations, referring in such publications to declarations under section 18d (3),

c) to oblige foreigners authorities and diplomatic missions abroad to notify the authority responsible for granting recognition as to any findings on recognised research organisations which might provide grounds for revoking the recognition of said organisations,

d) to require recognised research organisations to provide due notification, should the conditions pertaining to recognition or conditions pertaining to concluded

hosting agreements cease to apply or in the event of changes to any other significant circumstances,

e) to establish a consultative council on research migration at the Federal Office for Migration and Refugees which will support that office in connection with the recognition of research organisations and monitor and evaluate the application of section 18d,

f) to set the dates on which the processing of applications for the recognition of research organisations is to begin,

3b. to define self-employed activities for which a permit pursuant to section 4a (1) sentence 1 is never required or is not required under certain conditions,

4. to exempt those foreigners from the passport requirement who enter the federal territory in connection with rescue operations and the provision of assistance in case of disasters,

5. to introduce or approve other official German identification papers as passport substitutes,

6. to issue general approval for official identification papers which have not been issued by German authorities to be used as passport substitutes,

7. to determine that foreigners who are exempted from the requirement for a residence title and foreigners who enter the federal territory with a visa are required to furnish the foreigners authority or another authority with due notification of their residence when entering or thereafter, in order to safeguard the interests of the Federal Republic of Germany,

8. to stipulate, in the interests of enabling or facilitating travel, that foreigners' existing entitlement to re-enter the federal territory can be confirmed in a passport substitute,

9. to stipulate the conditions according to which an substitute identity document may be issued and for how long such an substitute identity document is valid,

10. to regulate the obligations concerning identification papers of foreigners residing in the federal territory with regard to the issuance and extension, loss and relocation, presentation and surrender of a passport, passport substitute and substitute identity document, the entries concerning entry into, exit from and interception in the federal territory and decisions by the competent authorities in such documents,

11. to stipulate details pertaining to the register pursuant to section 91a and to the conditions and the procedure for data transmission,

12. to stipulate how the place of residence of foreigners who have been granted temporary protection in accordance with section 24 (1) can be relocated to another member state of the European Union,

13. to define details regarding the requirements pertaining to photographs and fingerprints and to the design of and issuance arrangements for the forms to be used in implementation of this Act and the recording and incorporation of features in encoded form pursuant to section 78a (4) and (5),

13a. to set out rules pertaining to travel documents for foreigners, travel documents for refugees and travel documents for stateless persons with an electronic storage and processing medium in accordance with Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by member states (OJ L 385, 29.12.2004, p. 1) and Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by member states (OJ L 142, 6.6.2009, p. 1) and to define details regarding the preparation of documents with an electronic storage and processing medium pursuant to section 78 in accordance with Council Regulation (EC) No 1030/2002 of 13.6.2002 laying down a uniform format for temporary residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1) in the applicable versions and, in this respect, to stipulate the following pertaining to travel documents and documents pursuant to section 78:

a) the procedure and the technical requirements for the recording and quality assurance of the photograph and of the fingerprints and protection against unauthorised access to the data stored in the electronic storage and processing medium,

b) age limits for the collection of fingerprints and exemptions from the obligation to submit fingerprints and photographs,

c) the order in which the fingerprints are to be stored in cases where an index finger is missing, the quality of the fingerprint is inadequate, or where the fingertip is damaged,

d) the form and the details of the procedure relating to the transfer of all application data from the foreigners authorities to the producer of the documents and to the

temporary storage of the application data at the foreigners authority and the producer's facilities,

e) the storage of the fingerprints and the photograph at the foreigners authority until the document is handed over,

f) the right of the document holder to inspect the data stored in the electronic storage medium,

g) the requirements pertaining to the technical systems and components to be employed to record the photograph and fingerprints electronically, to ensure the quality thereof and to transfer the application data from the foreigners authority to the producer of the documents, as well as the procedure to check compliance with these requirements,

h) details regarding the processing of the fingerprint data and of the digital photograph,

i) details regarding the serial number and the machine-readable personal data page,

j) the obligations of foreigners residing in the federal territory with regard to the issuance and extension, loss and recovery, presentation and surrender of documents pursuant to section 78 and applications for new documents pursuant to section 78.

Further, the Federal Ministry of the Interior is authorised, via statutory instruments with the approval of the Bundesrat, to stipulate details of the procedure to check compliance with the requirements under section 34 no. 4 of the Act on Identity Cards and details pertaining to the electronic proof of identity under sections 34 nos. 5 to 7 of the Act on Identity Cards.

14. to determine that the

a) registration authorities,

b) authorities concerned with matters of nationality and certifying authorities under section 15 of the Federal Expellees Act,

c) authorities concerned with passports and identity cards,

d) social welfare and youth welfare offices,

e) judicial, police and regulatory authorities,

f) Federal Employment Agency,

- g) tax offices and main customs offices,
- h) trading standards authorities,
- i) diplomatic missions abroad and
- j) institutions providing basic security for job seekers

are required to furnish the foreigners authorities with personal data on foreigners, information on official acts and other measures relating to foreigners and other information on foreigners without prior request; the statutory instrument defines the type and scope of data, the measures and the other items of information to be transferred; data may only be provided where necessary for the foreigners authorities to discharge their duties under this Act or in accordance with provisions relating to foreigners in other acts,

15. to set out rules pertaining to the electronic transfer of data for specialised purposes between the authorities charged with implementing this Act, concerning the following:

- a) the technical principles of the structure of the standard used,
- b) the data transfer procedure and
- c) the authorities participating in the electronic transfer of data relating to foreigners,

16. the establishment of regulations to assure the quality of photographs and fingerprint data collected under section 49 (6), (8) and (9).

(2) Further, the Federal Ministry of the Interior is authorised to determine, via statutory instrument with the approval of the Bundesrat, that

1. every foreigners authority keeps a file system on foreigners who are or have been resident in their regions, who have filed an application with the authority or have provided the authority with notification of entry and residence and for or against whom the authority has taken a measure or a decision under the law on foreigners,
2. every diplomatic mission abroad may keep a file system on visas applied for, granted, refused, recalled, annulled, revoked and rescinded as well as on visa applications withdrawn, and the diplomatic missions abroad may share with each other the data stored therein, and
3. the authorities charged with implementing this Act keep any other file system which is necessary in discharging their duties.

The data to be recorded under sentence 1 no. 1 cover the foreigner's personal data, including nationality and address, information relating to the passport, measures taken in accordance with the law on foreigners, entry in the Central Register of Foreigners and former addresses of the foreigner, the competent foreigners authority and the furnishing of records to another foreigners authority. Information relating to the use of a document under section 78 (1) pertaining to the electronic proof of identity including its activation and deactivation as well as its blocking and unblocking are also recorded. The foreigners authorities' authorisation to store further personal data is determined by Regulation (EU) 2016/679 and the data protection provisions of the respective Länder.

(3) The Federal Ministry of the Interior is authorised to appoint the competent body in accordance with section 73 (1) and Section 73a (1) without the approval of the Bundesrat, by statutory instrument issued in agreement with the Federal Foreign Office.

(3a) The Federal Ministry of the Interior is authorised, by statutory instrument issued in agreement with the Federal Foreign Office without the approval of the Bundesrat, to stipulate, in accordance with Article 3 (2) of Regulation (EC) 810/2009, the states whose nationals must be in possession of an airport transit visa to pass through the international transit areas of German airports.

(4) The Federal Ministry of the Interior may issue and amend statutory instruments in accordance with subsection (1) nos. 1 and 2 without the approval of the Bundesrat as far as necessary to fulfil an intergovernmental agreement or to safeguard public interests. A statutory instrument pursuant to sentence 1 expires no later than three months after entering into force. Its period of validity may be extended via statutory instrument with the approval of the Bundesrat.

(5) The Federal Ministry of the Interior, Building and Community is authorised to determine, by statutory instrument concerning the fast-track procedure for skilled workers under section 81a,

1. details regarding the procedure to be carried out by the foreigners authorities, with approval of the Bundesrat,

2. details regarding the procedure to be carried out by the diplomatic missions abroad, in agreement with the Federal Foreign Office but not requiring approval by the Bundesrat.

(6) The Federal Government is authorised, via statutory instrument requiring the approval of the Bundesrat, to determine states whose nationals are denied specific

or all residence titles under Chapter 3 Parts 3 and 4, if there is a considerable increase in the number of said nationals whose applications for asylum in connection with Chapter 2 Parts 3 and 4 have been rejected as manifestly unfounded.

Section 100

Linguistic adaptation

The Federal Ministry of the Interior may, via statutory instrument without the approval of the Bundesrat, replace the terms employed for persons in this Act with non-gender-specific or masculine and feminine terms, provided that this is possible without altering the content of the provisions and is linguistically correct, and may undertake the subsequently necessary linguistic adaptations. The Federal Ministry of the Interior may publish the wording of this Act in the Federal Law Gazette after issuing a statutory instrument pursuant to sentence 1.

Section 101

Continued validity of previous rights of residence

(1) A right of unlimited residence (Aufenthaltsberechtigung) or unlimited residence permit (unbefristete Aufenthaltserlaubnis) issued prior to 1 January 2005 remains valid as a permanent settlement permit in accordance with the purpose of residence and the circumstances forming the basis for its issuance. An unlimited residence permit (unbefristete Aufenthaltserlaubnis) granted pursuant to section 1 (3) of the Act on Measures in Aid of Refugees Admitted under Humanitarian Relief Programmes (Gesetz über Maßnahmen für im Rahmen humanitärer Hilfsaktionen aufgenommene Flüchtlinge) of 22 July 1980 (Federal Law Gazette I, p. 1057) or in corresponding application of the aforesaid Act and a subsequently issued right of unlimited residence (Aufenthaltsberechtigung) remain valid as a permanent settlement permit pursuant to section 23 (2).

(2) The other residence authorisations remain valid as temporary residence permits in accordance with the purpose of residence and the circumstances forming the basis for their issuance.

(3) A residence title to which the annotation “EC long-term residence permit” (Daueraufenthalt-EG) was appended prior to 28 August 2007 retains its validity as an EU long-term residence permit.

(4) A residence title under Chapter 2 Parts 3 and 4 which was issued before 1 March 2020 retains its validity as do the ancillary provisions attached to it in accordance with the background and residence purpose for which it was issued.

Section 102

Continued validity of other measures under the law relating to foreigners and consideration of prior periods

(1) Other measures taken before 1 January 2005 in accordance with the law on foreigners, in particular time limits and geographic restrictions, conditions and requirements, prohibitions and restrictions of political activities, expulsions, deportation warnings and deportations, including their legal consequences, periods limiting their effects and beneficial measures, the recognition of passports and passport substitutes, exemptions from the passport requirement, rulings on costs and fees, remain valid. Measures and agreements in connection with furnishing security also remain valid, even if they relate in part or in full to periods after this Act enters into force. The same applies to the effects by force of law resulting from the filing of applications pursuant to section 69 of the Foreigners Act (Ausländergesetz).

(2) The period of possession of a residence title for exceptional purposes (Aufenthaltsbefugnis) or of a temporary suspension of deportation prior to 1 January 2005 counts towards the qualifying period for issuing a permanent settlement permit pursuant to section 26 (4).

Section 103

Application of previous law

Sections 2a and 2b of the Act on Measures in Aid of Refugees Admitted under Humanitarian Relief Programmes in the version valid until 1 January 2005 continue to apply for persons who enjoy the status pursuant to articles 2 to 34 of the Convention relating to the Status of Refugees in accordance with section 1 of the Act on Measures in Aid of Refugees Admitted under Humanitarian Relief Programmes of 22 July 1980 (Federal Law Gazette I, p. 1057). Section 52 (1) sentence 1 no. 4 applies accordingly in such cases.

Section 104

Transitional provisions

(1) Decisions on applications filed prior to 1 January 2005 for an unlimited residence permit or a right of unlimited residence are to be taken in accordance with the law applicable until that time. Section 101 (1) applies accordingly.

(2) In the case of foreigners in possession of a temporary residence permit or a residence title for exceptional circumstances prior to 1 January 2005, for the purposes of the decision on granting a permanent settlement permit or an EU long-

term residence permit it is sufficient with regard to their knowledge of the language if they are able to communicate verbally in the German language at a basic level. Section 9 (2) sentence 1 nos. 3 and 8 do not apply.

(3) In the case of foreigners lawfully resident in Germany before 1 January 2005, section 20 of the Foreigners Act applies in its most recently amended version with regard to the subsequent immigration of children born before this date, unless this Residence Act grants a more favourable legal status.

(4) (repealed)

(5) The provisions concerning the subsequent immigration of dependants, an individual interest in remaining, participation in integration courses and the consolidation of residence on the ground of section 23 (4) also apply accordingly to foreigners who were granted a residence title in accordance with section 23 (2) before the end of 31 July 2015 in the context of the programme for the permanent settlement of those seeking protection.

(6) Section 23 (2) in the version valid until 24 May 2007 continues to apply in such cases in which the order issued by the supreme Land authority on the basis of the version applicable until 24 May 2007 provides for issuing a permanent settlement permit where special political interests of the Federal Republic of Germany prevail. Section 23 (2) sentence 5 and section 44 (1) no. 2 apply accordingly to the affected foreigners and the dependants relocating their residence to the federal territory with the former.

(7) A permanent settlement permit may also be issued to spouses, civil partners and minor, unmarried children of a foreigner who were in possession of a residence title for exceptional circumstances pursuant to section 31 (1) of the Foreigners Act or a temporary residence permit pursuant to section 35 (2) of the Foreigners Act prior to 1 January 2005, if the conditions of section 26 (4) are met and they continue to meet the conditions according to which issuance of a residence title for exceptional circumstances pursuant to section 31 of the Foreigners Act or of a temporary residence permit pursuant to section 35 (2) of the Foreigners Act was permissible.

(8) Section 28 (2) in the version applicable until 5 September 2013 continues to apply to such dependants of German nationals who already held a residence title under section 28 (1) on 5 September 2013.

(9) Foreigners who possess a temporary residence permit pursuant to section 25 (3), because the Federal Office or the foreigners authority has established that

deportation bans exist in line with section 60 (2), (3) or (7) sentence 2, in the version valid before 1 December 2013, are deemed to be entitled to subsidiary protection as referred to in section 4 (1) of the Asylum Act, and are ex officio issued with a temporary residence permit pursuant to section 25 (2) sentence 1 second alternative, unless the Federal Office has informed the foreigners authority that grounds exist for refusing the person concerned such status in line with section 25 (3) sentence 2 (a) to (d) in the version valid before 1 December 2013. The periods of possession of a temporary residence permit pursuant to section 25 (3) sentence 1 in the version valid before 1 December 2013 are equal to the periods of possession of a temporary residence permit pursuant to section 25 (2) sentence 1 second alternative. Section 73b of the Asylum Act applies accordingly.

(10) As from 1 February 2016, section 73b (4) applies to persons concerned in accordance with section 73b (1) who pursue their activities as non-seconded employees of the Federal Foreign Office in a diplomatic mission abroad.

(11) The period referred to in section 29 (2) sentence 2 no. 1 begins to run upon the entry into force of this Act for foreigners who were incontestably granted subsidiary protection pursuant to Directive 2011/95/EU or Directive 2004/38/EC between 1 January 2011 and 31 July 2015.

(12) In the case of a deportation warning under sections 34 and 35 of the Asylum Act or a deportation order pursuant to section 34a of the Asylum Act issued prior to 1 August 2015, responsibility for ordering a ban on entry and residence under section 11 lies with the foreigners authorities.

(13) The provisions of Chapter 2 Part 6 in the version valid until 31 July 2018 continue to apply to the subsequent immigration of dependants to join a foreigner who was granted a temporary residence permit by 17 March 2016 under section 25 (2) sentence 1 second alternative, if the application for the first-time issuance of a temporary residence permit for the purpose of subsequent immigration of dependants was filed by 31 July 2018. Section 27 (3a) applies accordingly.

(14) (repealed)

(15) If temporary suspension of deportation was granted under section 60a (2) sentence 4 in the version valid until 31 December 2019, section 19d (1) nos. 4 and 5 does not apply if the foreigner has taken the necessary and reasonable measures to verify his or her identity when the application for a temporary residence permit was filed under section 19d.

(16) Section 60a (6) in the version valid until 31 December 2019 continues to apply

to the jobs which foreigners possessing a temporary suspension of deportation were allowed to perform until that date.

(17) Section 60c (1) sentence 1 no. 2 with reference to the possession of a temporary suspension of deportation and (2) no. 2 does not apply to temporary suspension of deportation under section 60a (2) sentence 3 in conjunction with section 60c, if the foreigner entered the federal territory by 31 December 2016 and started vocational training before 2 October 2020.

Section 104a

Regulations governing old cases

(1) In derogation from section 5 (1), no. 1 and subsection (2), a foreigner whose deportation has been suspended is to be granted a temporary residence permit as a general rule where the foreigner has continuously resided in the federal territory for at least eight years on 1 July 2007, or, if the foreigner lives together with one or more minor, unmarried children as a family unit, where he or she has continuously resided in the federal territory for at least six years on the said date, by virtue of his or her deportation having been suspended, being permitted to remain pending the asylum decision or on account of a temporary residence or permanent settlement permit having been issued on humanitarian grounds and he or she

1. has sufficient living space at his or her disposal,
2. has an elementary oral command of the German language corresponding to level A2 of the Common European Framework of Reference for Languages,
3. furnishes proof that any children of school age actually attend school,
4. has not intentionally deceived the foreigners authority as to circumstances relevant to his or her situation under residence law and has not intentionally delayed or obstructed official measures to end his or her residence,
5. does not have any links to extremist or terrorist organisations and does not support such organisations and
6. has not been convicted of an offence intentionally committed in the federal territory; fines totalling up to 50 daily rates or up to 90 daily rates in the case of offences which, in accordance with the Residence Act or the Asylum Act, can only be committed by foreigners are to be ignored as a general principle.

Where foreigners ensure their subsistence independently by means of an economic activity, the temporary residence permit is granted pursuant to section 23 (1) sentence 1. In all other cases, it is issued in accordance with sentence 1; it applies

as a residence title under Chapter 2 Part 5; sections 9 and 26 (4) do not apply. The requirement stated in sentence 1 no. 2 may be waived until 1 July 2008. The requirement stated in sentence 1 no. 2 is waived if the foreigner is unable to meet it on account of a physical or mental illness or disability or on grounds of old age.

(2) An adult unmarried child whose deportation has been suspended, who is the child of a foreigner whose deportation has been suspended and who has been continuously resident in the federal territory for at least eight years on 1 July 2007, or, if the foreigner lives together with one or more minor, unmarried children as a family unit, where the child has been continuously resident in the federal territory for at least six years on the said date, by virtue of his or her deportation having been suspended, being permitted to remain pending the asylum decision or on account of a temporary residence or permanent settlement permit having been issued on humanitarian grounds, may be granted a temporary residence permit pursuant to section 23 (1) sentence 1 where said child was a minor at the time of entering the federal territory and where it appears, on the basis of the child's education and way of life to date, that he or she is capable of integrating into the way of life in the Federal Republic of Germany. The same applies to a foreigner who has been continuously resident in the federal territory for at least six years as an unaccompanied minor by virtue of his or her deportation having been suspended, being permitted to remain pending the asylum decision or on account of a temporary residence or permanent settlement permit having been issued on humanitarian grounds, where it appears, on the basis of the child's education and way of life to date, that he or she is capable of integrating into the way of life in the Federal Republic of Germany.

(3) If a family member living as part of a family household has committed offences pursuant to subsection (1) sentence 1 no. 6, this leads to denial of the temporary residence permit for other family members according to this provision. Sentence 1 does not apply to the spouse of a foreigner who has committed offences within the meaning of subsection (1) sentence 1 no. 6 where the spouse otherwise meets the requirements of subsection (1) and it is necessary to enable the continued stay of the spouse in order to avoid special hardship. Where, in exceptional cases, children are separated from their parents, their care and welfare in Germany must be ensured.

(4) The temporary residence permit may be issued subject to the condition that the foreigner attend an integration interview or that an integration agreement be concluded.

(5) The temporary residence permit is issued with a period of validity until 31 December 2009. As a general rule, it is to be extended by two further years as a temporary residence permit under section 23 (1) sentence 1 if the foreigner's subsistence was ensured up to 31 December 2009 primarily because the foreigner pursued an economic activity or if the foreigner has permanently ensured his or her subsistence at least since 1 April 2009. In both cases, there must be reason to believe that the foreigner's subsistence will be for the most part ensured in the future. In the case of subsection (1) sentence 4 the temporary residence permit is issued with an initial period of validity until 1 July 2008 and is extended only if the foreigner furnishes proof that he or she meets the conditions of subsection (1) sentence 1 no. 2 by the aforesaid date at the latest. Section 81 (4) does not apply.

(6) With regard to extension of the temporary residence permit, derogation from subsection (5) is possible in order to avoid cases of hardship. This provision applies in the case of

1. apprentices undergoing training in a recognised trade or in government-sponsored pre-vocational training measures,
2. families with children who are only temporarily reliant on supplementary social benefits,
3. single parents who are temporarily reliant on social benefits and who cannot reasonably be expected to take up employment pursuant to section 10 (1) no. 3 of Book Two of the Social Code,
4. persons who are unable to work but whose subsistence and any necessary care is secured on a long-term basis by any other means without recourse to any public benefits, except where the benefits are based on paid contributions,
5. persons who are 65 years of age or older on 31 December 2009, if they have no family in their country of origin but do have dependants (children or grandchildren) who are permanently resident in the federal territory or German nationals and if it is thus ensured that no social benefits will be claimed for such persons.

(7) The Länder may order a temporary residence permit in accordance with subsections (1) and (2) to be denied to nationals of certain states on grounds of national security for the Federal Republic of Germany. In order to ensure a nationwide uniform approach, the order requires the approval of the Federal Ministry of the Interior.

Section 104b

Right of residence for integrated children of foreigners whose deportation has

been suspended

In derogation from section 5 (1) no. 1, subsection (2) and section 10 (3) sentence 1, a minor, unmarried child may be granted a temporary residence permit in his or her own right pursuant to section 23 (1) sentence 1 if the child's parents or the parent possessing the sole right of care and custody are not granted a temporary residence permit or an extension of the same pursuant to section 104a and are leaving the federal territory, provided

1. the child has reached the age of 14 on 1 July 2007,
2. the child has been lawfully resident in Germany or resident in Germany by virtue of suspended deportation for at least six years,
3. the child has an advanced command of the German language,
4. on the basis of the child's education and way of life to date, he or she has integrated into the way of life in the Federal Republic of Germany and it is ensured that the child will remain integrated in this way of life in the future and
5. care and custody of the child are ensured.

Section 105

Transitional arrangements for the temporary suspension of deportation for persons whose identity is not verified

(1) As regards foreigners whose deportation has been suspended, the foreigners authority does not decide on issuing a certificate confirming the suspension of deportation under section 60a (4) with the additional wording "for persons whose identity is not verified" until it examines whether to extend the suspension of deportation or grant the suspension of deportation for another reason.

(2) Until 1 July 2020, section 60b does not apply to foreigners whose deportation has been suspended and who are in a training or employment relationship.

(3) Section 60b does not apply to foreigners who hold a temporary suspension of deportation for the purpose of training or employment or who have applied for it and meet the necessary requirements.

Section 105a

Provisions as to the administrative procedure

No derogation by way of Land law is permissible from the provisions set out in section 4 (2) sentence 2, section 15a (4), sentences 2 and 3, section 23 (1) sentence 3, section 23a (1) sentence 1, (2) sentence 2, section 43 (4), section 44a

(1) sentence 2, (3) sentence 1, section 61 (1d), section 72 (2), section 73 (2), (3) sentences 1 and 2, sections 78, 78a, section 79 (2), section 81 (5), section 82 (1) sentence 3, (3), section 87 (1) and (2) sentences 1 and 2, (4) sentences 1, 2 and 4, (5), section 89 (1) sentences 2 and 3, (3) and (4), sections 90, 90a, 90b, 91 (1) and (2), section 91a (3), (4) and (7), section 91c (1) sentence 2, (2) sentence 2, (3) sentence 4 and (4) sentence 2, section 99 (1) to (4) and section 104a (7) sentence 2, and from the provisions set out in section 43 (4) and section 99 (1) to (4) pertaining to the administrative procedure.

Section 105b

Transitional provision for residence titles issued according to a standard form

Residence titles pursuant to section 4 (1) sentence 2 nos. 2 to 4, which were issued by the end of 31 August 2011 according to a standard form in accordance with section 78 of this Act, in the version valid until that date, are issued as a stand-alone document with an electronic storage and processing medium pursuant to section 78 when a new residence title is issued or by the end of 31 August 2021 at the latest. This notwithstanding, holders of a residence title under section 4 (1) sentence 2 nos. 2 to 4 may apply for a stand-alone document with an electronic storage and processing medium in accordance with section 78 if they can demonstrate a legitimate interest in the issuance of a new document.

Section 105c

Transition of measures to monitor for internal security purposes foreigners subject to expulsion orders

After 1 January 2016, measures and obligations under section 54a (1) to (4) in the version applicable until 31 December 2015 which were introduced or which applied before 1 January 2016 are regarded as measures and obligations within the meaning of section 56 in the version applicable as from 1 January 2016.

Section 106

Curtailement of fundamental rights

(1) The fundamental rights of physical integrity (Article 2 (2) sentence 1 of the Basic Law) and freedom of the person (Article 2 (2) sentence 2 of the Basic Law) are curtailed under the terms of this Act.

(2) The procedure in connection with the deprivation of liberty is determined by Book Seven of the Act on Proceedings in Family Matters and in Matters of Non-Contentious Jurisdiction. If it is necessary to make a decision on the duration of custody awaiting deportation or detention pending exit from the federal territory, the

local court of first instance may assign the proceedings by virtue of an incontestable ruling to the court in whose district the foreigner is being held in custody awaiting deportation or in detention pending exit from the federal territory.

Section 107

City-state clause

The senates of the Länder of Berlin, Bremen and Hamburg are authorised to adapt the provisions of this Act regarding the competence of authorities to the special administrative structures of their Länder.