

Chapter 2
Entry into and residence in the federal territory

Part 1
General

Section 3
Passport requirement

(1) Foreigners may enter

or stay in the federal territory only if they possess a recognised and valid passport or passport substitute, unless they are exempt from the passport requirement by virtue of a statutory instrument. For the purpose of residence in the federal territory, possession of a substitute identity document also suffices in order to meet the passport requirement (section 48 (2)).

(2) In justified individual cases, the Federal Ministry of the Interior or the body designated by it may permit exemptions from the passport requirement for the purpose of crossing the border before the foreigner enters the federal territory, and for a subsequent stay of up to six months.

Section 4
Residence title requirement

(1) In order to enter and stay in the federal territory, foreigners require a residence title, in the absence of any provisions to the contrary in the law of the European Union or a statutory instrument and except where a right of residence exists as a result of the agreement of 12 September 1963 establishing an association between the European Economic Community and Turkey (Federal Law Gazette 1964 II, p. 509) (EEC/Turkey Association Agreement). Residence titles are granted in the form of

1. a visa pursuant to section 6 (1), no. 1 and (3),
2. a temporary residence permit (section 7),
 - 2a. an EU Blue Card (section 18b (2))
 - 2b. an ICT Card (section 19),
 - 2c. a Mobile ICT Card (section 19b)
3. a permanent settlement permit (section 9) or

4. an EU long-term residence permit (section 9a).

The legal provisions governing temporary residence permits also apply to the EU Blue Card, the ICT Card and the Mobile ICT Card in the absence of any law or statutory instrument to the contrary.

(2) Foreigners who possess a right of residence in accordance with the EEC/Turkey Association Agreement are required to furnish evidence of a right of residence by possessing a temporary residence permit, unless they possess a permanent settlement permit or an EU long-term residence permit. Said residence permit is issued on application.

Section 4a

Access to economic activity

(1) Foreigners holding a residence title may pursue an economic activity unless there is a law prohibiting such activity. The economic activity may be restricted by law. The pursuit of an economic activity going beyond a ban or restriction requires permission.

(2) If pursuing an employment is banned or restricted by law, pursuing an economic activity or an economic activity going beyond the restriction requires permission; such permission may be subject to the approval by the Federal Employment Agency under section 39. The Federal Employment Agency may restrict its approval. If permission does not require approval by the Federal Employment Agency, section 40 (2) or (3) applies accordingly to the denial of permission.

(3) Every residence title must indicate whether the pursuit of an economic activity is permitted and whether it is subject to any restrictions. Furthermore, residence titles must indicate any restrictions on the pursuit of employment imposed by the Federal Employment Agency. Permission is required to change a restriction indicated in a residence title. If a residence title was granted for the purpose of a specific employment, pursuing another economic activity is prohibited as long as and to the extent that the competent authority has not given its permission. Sentences 2 and 3 do not apply if there is a change in ownership owing to a transfer of business as defined in section 613a of the Civil Code (Bürgerliches Gesetzbuch) or if there is a change in the legal form of the business.

(4) Foreigners not holding a residence title may only carry out seasonal work if they hold a seasonal work permit and they may only pursue another economic activity if an inter-governmental agreement, a law or a statutory instrument entitles them to do so without a residence title or if the competent authority has given its

permission.

(5) Foreigners may only be employed or commissioned to perform other paid work or services if they possess a residence title and if there is no relevant ban or restriction. Foreigners not holding a residence title may only be employed under the terms of subsection (4) Anyone employing a foreigner in the federal territory must

1. check whether the requirements referred to in sentence 1 or 2 are met,
2. keep a copy of the residence title, of the seasonal work permit or of the certificate confirming permission to remain pending the asylum decision or confirming suspension of deportation, in electronic or paper form for the duration of the employment, and
3. inform the competent foreigners authority within four weeks of having learnt of the fact that the employment for which a residence title was granted in line with Chapter 2 Part 4 was terminated earlier than envisaged.

Sentence 3 no. 1 also applies to those commissioning a foreigner on a sustained basis to perform paid work or services for gain.

Section 5

General prerequisites for granting residence titles

(1) As a rule, a residence title is granted subject to the following conditions:

1. the foreigner's subsistence is secure;
 - 1a. the foreigner's identity, and if he or she is not entitled to return to another state, nationality are established,
2. there is no public interest in expelling the foreigner,
3. if the foreigner is not entitled to a residence title, the foreigner's stay does not threaten or jeopardise the interests of the Federal Republic of Germany for any other reason, and
4. the passport obligation laid down in section 3 is met.

(2) Further, a temporary residence permit, EU Blue Card, ICT Card, permanent settlement permit or an EU long-term residence permit is granted on the condition that the foreigner

1. has entered the country with the necessary visa and
2. in the visa application, has already furnished the key information required for granting the title.

These requirements may be waived if the prerequisites qualifying a foreigner for the granting of a residence title are met or if special circumstances in the individual case concerned render a subsequent visa application procedure unreasonable. Sentence 2 does not apply to granting an ICT Card.

(3) Application of subsections (1) and (2) is to be waived in the cases of a residence title granted pursuant to section 24 or section 25 (1) to (3); application of subsection (1) nos. 1 to 2 and 4 and subsection (2) is to be waived in the cases of section 25 (4a) and (4b). Application of subsections (1) and (2) may be waived in the other cases of granting a residence title pursuant to Chapter 2, Part 5. Where application of subsection (1) no. 2 is waived, the foreigners authority may point out that expulsion is possible on account of certain public interests in expelling the foreigner which are the subject of criminal or other proceedings still in progress; such interests must be specified individually. Application of subsection (2) is to be waived in the event of a residence title granted pursuant to section 26 (3).

(4) A residence title is to be denied if there is a public interest in expelling the foreigner under section 54 (1) nos. 2 or 4 or a corresponding deportation order has been issued under section 58a.

Section 6

Visas

(1) A foreigner may be granted the following visas in accordance with Regulation (EC) No 810/2009:

1. a visa for the purpose of transit through the territory of the Schengen states or for planned stays in this territory of up to 90 days within a 180-day period (Schengen visa),

2. an airport transit visa for the purpose of passing through the international transit area at airports.

(2) In accordance with Regulation (EC) No 810/2009, Schengen visas may be extended up to a total stay of 90 days within a 180-day period. A Schengen visa may be extended by a further 90 days within the 180-day period concerned as a national visa on the grounds stated in Article 33 of Regulation (EC) No 810/2009/EC, to safeguard the interests of the Federal Republic of Germany or for reasons of international law.

(2a) Schengen visas do not entitle holders to pursue an economic activity unless they were issued for this purpose.

(3) A visa for the federal territory (national visa) is required for longer stays; this visa is granted before the foreigner enters the federal territory. It is issued on the basis of applicable provisions for a temporary residence permit, EU Blue Card, ICT Card, permanent settlement permit or EU long-term residence permit. The duration of lawful residence with a national visa is offset against the periods of possession of a temporary residence permit, EU Blue Card, permanent settlement permit or EU long-term residence permit.

(4) An exceptional visa within the meaning of section 14 (2) is granted as a visa within the meaning of subsection (1) no. 1 or subsection (3).

Section 7

Temporary residence permit

(1) The temporary residence permit (Aufenthaltserlaubnis) is a residence title which is limited in time. It is issued for the purposes of residence stated in the following Parts of this Act. In justified cases, a temporary residence permit may also be issued for a purpose of residence which is not covered by this Act. The residence permit defined in sentence 3 does not entitle the holder to pursue an economic activity; such activity may be permitted under section 4a (1).

(2) The temporary residence permit is to be subject to a time limit which takes due account of the intended purpose of residence. If a vital prerequisite for granting or extending the residence permit or for determining its duration ceases to apply, it is also possible to reduce the length of validity.

Section 8

Extending the temporary residence permit

(1) Extending the temporary residence permit is subject to the same regulations as granting it.

(2) As a general rule, the temporary residence permit may not be extended if, at the time the permit was granted or last extended, the competent authority prohibited an extension for a stay having only a temporary nature in line with the purpose of residence.

(3) Before the temporary residence permit is extended, it must be ascertained whether the foreigner has fulfilled the obligation to duly attend an integration course. If a foreigner breaches the obligation to duly attend an integration course pursuant to section 44a (1), sentence 1, this is to be taken into account when deciding whether to extend the temporary residence permit. As a general rule, if the foreigner is not entitled to a temporary residence permit, extension of the

temporary residence permit is to be refused in the case of repeated and gross breach of the obligations referred to in sentence 1. If the foreigner is entitled to a temporary residence permit solely on the basis of this Act, extension may be refused unless the foreigner furnishes evidence that he or she has achieved integration into the community and society by other means. In deciding on this matter, due consideration is to be given to the duration of lawful stay, the foreigner's legitimate ties to the federal territory and consequences of terminating residence for the foreigner's dependants who are lawfully resident in the federal territory. If a foreigner was or is obliged to attend an integration course pursuant to section 44a (1), sentence 1, the temporary residence permit is to be extended for at most one year, as a general rule, if the foreigner has not successfully completed the integration course or has not yet furnished evidence that that he or she has achieved integration into the community and society by other means.

(4) Subsection (3) is not to be applied to the extension of a temporary residence permit granted pursuant to section 25 (1), (2) or (3).

Section 9

Permanent settlement permit

(1) The permanent settlement permit (Niederlassungserlaubnis) is a residence title which is not limited in time. It may only be subject to an ancillary provision in the cases expressly permitted by this Act. Section 47 remains unaffected.

(2) A foreigner is to be granted a permanent settlement permit if

1. the foreigner has held a temporary residence permit for five years,
2. the foreigner's subsistence is secure,
3. the foreigner has paid compulsory or voluntary contributions into the statutory pension scheme for at least 60 months or furnishes evidence of an entitlement to comparable benefits from an insurance or pension scheme or from an insurance company; time off for the purposes of child care or nursing at home are to be duly taken into account,
4. there are no reasons of public safety or order which would rule out granting such a permit, taking into account the severity or the nature of the breach of public safety or order or the threat posed by the foreigner, with due regard to the duration of the foreigner's stay to date and the existence of ties in the federal territory,
5. the foreigner is permitted to be in employment, if he or she is an employee,
6. the foreigner possesses any other permits required for the purpose of the

permanent pursuit of his or her economic activity,

7. the foreigner has a sufficient command of the German language,

8. the foreigner possesses a basic knowledge of the legal and social system and the way of life in the federal territory and

9. the foreigner has sufficient living space for himself or herself and for family members living together in the same household.

The requirements of sentence 1, nos. 7 and 8 are deemed to be fulfilled if the foreigner has successfully completed an integration course. These requirements are waived if the foreigner is unable to fulfil them on account of a physical or mental illness or disability. In all other cases, the requirements of sentence 1, nos. 7 and 8 may also be waived to prevent hardship. Further, the aforesaid requirements are waived if the foreigner is able to communicate verbally in the German language at a basic level and was not entitled to participate in an integration course pursuant to section 44 (3), no. 2 or was not obliged to participate in an integration course pursuant to section 44a (2), no. 3. The requirements of sentence 1, nos. 2 and 3 are also waived if the foreigner is unable to fulfil them for the reasons stated in sentence 3.

(3) In the case of cohabiting spouses, it suffices if one spouse fulfils the requirements of subsection (2) sentence 1 nos. 3, 5 and 6. The requirement in accordance with subsection (2), sentence 1 no. 3 is waived if the foreigner is in education or training which leads to a recognised school, vocational or higher education qualification. Sentence 1 applies accordingly in the cases of section 26 (4).

(4) The following periods are counted towards the periods of possessing a temporary residence permit which are necessary to qualify for a permanent settlement permit:

1. The duration of former possession of a temporary residence permit or permanent settlement permit, if the foreigner possessed a permanent settlement permit when he or she left the federal territory, minus the duration of intermediate stays outside of the federal territory which led to expiry of the permanent settlement permit; a maximum of four years is counted.

2. A maximum of six months for each stay outside of the federal territory which did not lead to expiry of the temporary residence permit.

3. Half of the period of lawful stay for the purposes of study or vocational training in

the federal territory.

Section 9a

EU long-term residence permit

(1) The EU long-term residence permit is a permanent residence title. Section 9 (1), sentences 2 and 3 apply accordingly. In the absence of any provisions to the contrary in this Act, the EU long-term residence permit is equivalent to the permanent settlement permit.

(2) A foreigner is to be issued an EU long-term residence permit pursuant to Article 2 (b) of Directive 2003/109/EC if

1. the foreigner has been resident in the federal territory with a residence title for five years,
2. the foreigner's subsistence and the subsistence of the dependants whom the foreigner is required to support is ensured by a fixed and regular income,
3. the foreigner has a sufficient command of the German language,
4. the foreigner possesses a basic knowledge of the legal and social system and the way of life in the federal territory,
5. such a residence permit is not precluded by reasons of public safety or order, taking into account the severity or the nature of the breach of public safety or order or the danger emanating from the foreigner, and the duration of the foreigner's stay to date and the existence of ties in the federal territory and
6. the foreigner has sufficient living space for himself or herself and for family members living in the same household.

Section 9 (2), sentences 2 to 5 applies accordingly to sentence 1, nos. 3 and 4.

(3) Subsection 2 does not apply if the foreigner

1. possesses a residence title pursuant to Part 5 which was not granted on the basis of section 23 (2) or has a comparable legal status in another member state of the European Union and has not been granted international protection status in the Federal Republic of Germany or another member state of the European Union; the same applies if the foreigner has applied for such a title or such legal status, and the decision on this application is pending,
2. has applied in another member state of the European Union for international protection status or for temporary protection within the meaning of section 24 and the decision on this application is pending,

3. has a legal status in another member state of the European Union which corresponds to that described in section 1 (2), no. 2,
4. is resident in the federal territory with a temporary residence permit under section 16a or section 16b or
5. is resident for another purpose of an inherently temporary nature, in particular
 - a) by virtue of a temporary residence permit under section 19c, where the time limit on the approval granted by the Federal Employment Agency is based on a maximum term of employment imposed pursuant to section 42 (1),
 - b) if an extension to the temporary residence permit has been prohibited pursuant to section 8 (2) or
 - c) if the temporary residence permit serves to enable the foreigner to live together or to continue to live together as a family with a foreigner who is only resident in the federal territory for a purpose of an inherently temporary nature, where no independent right of residence would arise if the family unity ended.

Section 9b

Counting residence periods

(1) The following periods are counted towards the necessary periods pursuant to section 9a (2), sentence 1, no. 1:

1. periods of residence outside of the federal territory during which the foreigner possessed a residence title and

a) was resident abroad on account of having been sent to a foreign country in connection with his or her work, provided that such individual periods have not exceeded six months or a longer period stipulated by the foreigners authority pursuant to section 51 (1), no. 7, or

b) the total periods do not exceed six consecutive months or, within the period stated in section 9a (2), sentence 1, no. 1, a total of 10 months,

2. previous periods of residence in the federal territory with a temporary residence permit, permanent settlement permit or EU long-term residence permit, where the foreigner was in possession of a permanent settlement permit or an EU long-term residence permit at the time of leaving the federal territory and the permanent settlement permit or the EU long-term residence permit has expired solely on account of residence outside of member states of the European Union or due to acquisition of the legal status of long-term residence in another member state of

the European Union, up to a maximum of four years,

3. periods in which the foreigner was entitled to freedom of movement,

4. half of any periods of lawful stay for the purposes of study or vocational training in the federal territory,

5. in the case of beneficiaries of international protection the period between the date on which the application for international protection was filed and the date on which a residence title was granted on account of the fact that the foreigner was granted international protection.

Periods of residence pursuant to section 9a (3), no. 5 and periods of residence in which the foreigner also met the conditions of section 9a (3), no. 3 are not counted. Periods of residence outside of the federal territory do not interrupt the period of residence pursuant to section 9a (2), sentence 1, no. 1 where the residence outside of the federal territory did not result in expiry of the residence title; such periods are not counted when determining the total duration of residence pursuant to section 9a (2), sentence 1, no. 1. In all other cases, exit from the federal territory interrupts the period of residence pursuant to section 9a (2), sentence 1, no. 1.

(2) Periods during which the foreigner holds an EU Blue Card issued by another member state of the European Union are counted as periods required by section 9a (2), sentence 1, no. 1, provided the foreigner

1. resided in the other member state of the European Union holding an EU Blue Card for at least 18 months and

2. has resided in the federal territory for at least two years holding an EU Blue Card when filing the application.

Periods of residence outside of the European Union are not counted. However, such periods do not interrupt the period of residence pursuant to section 9a (2), sentence 1, no. 1 if they do not exceed 12 consecutive months and if they do not exceed a total of 18 months within the period laid down in section 9a (2), sentence 1, no. 1. Sentences 1 to 3 apply accordingly to the foreigner's dependants who have been granted a temporary residence permit under sections 30 or 32.

Section 9c

Subsistence

As a rule, foreigners have a fixed and regular income within the meaning of section 9a (2), sentence 1, no. 2 if

1. they have met their tax obligations,
2. they or their cohabiting spouses have paid contributions or made adequate provision for an old-age pension in Germany or abroad, unless they have been prevented from doing so by a physical or mental illness or disability,
3. they and their dependants living with them as a family unit are protected against the risk of illness and the need for nursing care by statutory health insurance or an essentially equivalent form of insurance coverage which applies for an indefinite period or is extended automatically and
4. their regular income comes from an economic activity which they are entitled to pursue and for which they also possess any other necessary permit.

In the case of cohabiting spouses, it suffices if one spouse fulfils the requirements of sentence 1, no. 4. With regard to the contributions or provisions which are necessary pursuant to sentence 1, no. 2, no higher contributions or provisions are required than the ones stipulated in section 9 (2), sentence 1, no. 3.

Section 10

Residence titles and applications for asylum

(1) In the absence of a legal entitlement, a foreigner who has filed an application for asylum may be granted a residence title prior to the legally valid completion of the asylum procedure only with the approval of the supreme Land authority, and only when vital interests of the Federal Republic of Germany so require.

(2) A residence title granted or extended by the foreigners authority after the foreigner has entered the federal territory may be extended in accordance with the provisions of this Act, irrespective of whether the foreigner has filed an application for asylum.

(3) A foreigner whose asylum application has been incontestably rejected or who has withdrawn the asylum application may be granted a residence title before leaving the federal territory only in accordance with the provisions of Part 5. If the asylum application has been rejected in accordance with section 30 (3), nos. 1 to 6 of the Asylum Act (Asylgesetz), no residence title may be issued before the foreigner leaves the federal territory. Sentences 1 and 2 do not apply if the foreigner is entitled to a residence title; further, sentence 2 is not applied if the foreigner meets the requirements for being granted a temporary residence permit pursuant to section 25 (3).

Section 11

Ban on entry and residence

(1) Entry or residence bans are to be issued for foreigners who have been expelled, removed or deported. As a result of the entry or residence ban, the foreigner is permitted neither to re-enter nor to stay in the federal territory, nor may the foreigner be granted a residence title, even if he or she is entitled to one under this Act.

(2) In the event of expulsion, the entry and residence ban is to be issued together with the expulsion order. In all other cases, the entry and residence ban is to be issued, as a general rule, together with the deportation warning or the deportation order under section 58a, the condition precedent being the deportation or removal, or at the latest at the time of deportation or removal. (2) The length of the ban on entry and residence is to be set ex officio. The clock begins to run when the foreigner leaves the country. The length of the ban may be subject to conditions to prevent a threat to public safety and order, in particular requiring the foreigner to provide proof that he or she is not subject to prosecution or is not using illegal drugs. If the condition is not met before the ban expires, the ban is automatically extended at the time it would expire under sentence 5.

(3) A discretionary decision is taken regarding the length of the time limit of the entry and residence ban. It may not exceed five years, except in cases covered by subsections (5) to (5b).

(4) The ban on entry and residence may be revoked or shortened in order to uphold the legitimate interests of the foreigner, or if it is no longer required for the purpose for which it was imposed. As a general rule, the ban on entry and residence is to be revoked if the conditions for issuing a residence title pursuant to Chapter 2 Part 5 are met. When deciding whether the time limit of a residence and entry ban is to be shortened or whether the ban issued together with an expulsion order is to be revoked altogether, it is to be taken into account whether the foreigner met the obligation to leave the country within the period set for departure, unless the foreigner was prevented through no fault of his or her own from leaving or the period allowed for departure has been exceeded by an insignificant amount of time. The time limit of the entry and residence ban may be extended on the grounds of public safety and order. Subsection (3) applies accordingly.

(5) As a general rule, the length of the entry and residence ban is not to exceed 10 years if the foreigner was expelled on the ground of a criminal conviction or if the foreigner poses a serious threat to public safety and order. In these cases, subsection (4) applies accordingly.

(5a) As a general rule, the time limit of the entry and residence ban is to be 20 years if the foreigner was expelled on the ground of a crime against peace, of a war crime or a crime against humanity or to avert a terrorist threat or a threat to the security of the Federal Republic of Germany or a terrorist threat. In these cases, subsection (4) sentences 4 and 5 applies accordingly. As a general rule, reducing the length of the entry and residence ban or revoking it altogether is prohibited. The supreme Land authority may permit exceptions to this rule in individual cases.

(5b) If the foreigner is deported from the federal territory on the basis of a deportation order under section 58a, a permanent entry and residence ban is to be issued as a general rule. In the cases covered by subsection (5a) or where the foreigner has been expelled on the ground of an interest in expulsion under section 54 (1) no. 1, a permanent entry and residence ban may be issued in the individual case. Subsection (5a) sentences 3 and 4 applies accordingly.

(5c) The authority which issues the expulsion order, the deportation warning or the deportation order pursuant to section 58a is also responsible for issuing the associated entry and residence ban and determining its length for the first time.

(6) A ban on entry and residence may be issued for foreigners who have not fulfilled the obligation to leave the country within the period allowed for departure, unless they were prevented from leaving through no fault of their own or have exceeded the period allowed for departure by an insignificant amount of time. Subsection (1) sentence 2, subsection (2) sentences 3 to 6, subsection (3) sentence 1 and subsection (4) sentences 1, 2 and 4 apply accordingly. The ban on entry and residence is to be limited in time when it is ordered in accordance with sentence 1. As a general rule, the first time a ban on entry and residence is ordered in accordance with sentence 1, its length is not to exceed one year. In all other cases, its length is not to exceed three years, as a general rule. No ban on entry and residence is ordered where there are grounds for temporarily suspending deportation pursuant to section 60a for which the foreigner was not responsible.

(7) The Federal Office for Migration and Refugees may issue a ban on entry and residence for a foreigner

1. whose asylum application was rejected as manifestly unfounded under section 29a (1) of the Asylum Act, who was not granted subsidiary protection, for whom the existence of the conditions for issuing a deportation ban under section 60 (5) or (7) was not established and who does not possess a residence title or
2. whose application under section 71 or section 71a of the Asylum Act repeatedly

did not lead to a follow-up asylum procedure.

The ban on entry and residence takes effect when the decision on the application for asylum assumes legal validity. Subsection (1) sentence 2, subsection (2) sentences 3 to 6, subsection (3) sentence 1 and subsection (4) sentences 1, 2 and 4 apply accordingly. The ban on entry and residence is to be limited in time when it is ordered in accordance with sentence 1. As a general rule, the first time a ban on entry and residence is ordered in accordance with sentence 1, its length is not to exceed one year. In all other cases, its length is not to exceed three years, as a general rule. The competent foreigners authority decides on revoking, extending or shortening of the ban.

(8) Before the ban on entry and residence expires, the foreigner may, by way of exception, be allowed to enter the federal territory for a brief period if the foreigner's presence is required for compelling reasons or if denying permission would constitute undue hardship. The supreme Land authority is responsible for deciding in the cases covered covered by subsections (5a) and (5b).

(9) If a foreigner enters the federal territory in contravention of a ban on entry and residence, the running of a fixed period is suspended during the foreigner's stay in in the federal territory. The period may be extended in such cases, at the most, however, by the length of the original ban. The foreigner is to be informed of this possibility when the length of the ban is set for the first time. Subsections (3) and (4) sentence 1 apply accordingly to a ban extended in accordance with sentence 2.

Section 12

Area of application; ancillary provisions

(1) The residence title is issued for the federal territory. Its validity in accordance with the provisions of the Convention Implementing the Schengen Agreement for residence in the territories of the contracting parties remains unaffected.

(2) The visa and the temporary residence permit may be issued and extended subject to conditions. Conditions, in particular geographic restrictions, may also be imposed subsequently on visas and temporary residence permits. In particular, geographic restrictions may be imposed on temporary residence permits in cases where there is public interest in expelling the foreigner pursuant to section 54 (1) nos. 1 or 1a and where restrictions are necessary to remove the foreigner from an environment in which he or she is more likely to commit serious crimes.

(3) A foreigner must immediately leave any part of the federal territory in which he or she may be staying without the permission of the foreigners authority in breach

of a geographic restriction.

(4) The residence of a foreigner who does not require a residence title may be made subject to time limits, geographic restrictions, conditions and requirements.

(5) The foreigners authority may permit the foreigner to leave the geographic area to which he or she is restricted on the basis of this Act. This permission is to be granted if an urgent public interest applies, if it is necessary for compelling reasons or if denying permission would constitute undue hardship. The foreigner needs no permission for appointments at authorities or court hearings where his or her personal appearance is necessary.

Section 12a

Residence rule

(1) In order to promote their lasting integration into the way of life in the Federal Republic of Germany, foreigners who have been granted asylum status, refugee status within the meaning of section 3 (1) of the Asylum Act, subsidiary protection status within the meaning of section 4 (1) of the Asylum Act or who have been granted a temporary residence permit for the first time pursuant to section 22, section 23 or section 25 (3) are required to take up their habitual residence (place of residence) in that Land to which they have been allocated for the purposes of their asylum procedure or in the context of their admission process for a period of three years from the time such status or temporary residence was granted.

Sentence 1 does not apply where a foreigner, the foreigner's spouse, registered civil partner or a minor, unmarried child who is related to the foreigner and lives in a family household with the foreigner takes up or has taken up employment of at least 15 hours per week with full social security coverage, on account of which that person has an income amounting to at least the average monthly needs for individual persons pursuant to sections 20 and 22 of Book Two of the Social Code, or that person takes up or has taken up vocational training or is pursuing studies or is in a training relationship. The period referred to in sentence 1 may be extended by the period during which the foreigner fails to meet the obligations stipulated in sentence 1. Where the grounds set out in sentence 2 cease to exist within a period of three months, the obligation to take up residence in accordance with sentence 1 continues to apply in the Land to which the foreigner has moved his or her residence.

(1a) As soon as a foreigner whose habitual residence is determined by a distribution or allocation decision pursuant to Book Eight of the Social Code comes of age, subsection (1) is applied; the foreigner is required to reside in the Land to

which he or she was allocated most recently. The period of the foreigner's residence in the allocated Land after being granted asylum status, refugee status within the meaning of section 3 (1) of the Asylum Act or subsidiary protection status within the meaning of section 4 (1) of the Asylum Act or after being granted a temporary residence permit for the first time pursuant to section 22, section 23 or section 25 (3) is counted towards the period stipulated in subsection (1) sentence 1.

(2) A foreigner who is subject to the obligation under subsection (1) and who is living in a reception centre or other temporary accommodation may, within six months of recognition or admission, but no later than the expiry of the period referred to in subsection (1), be required, for the purpose of providing him or her with suitable accommodation, to take up residence in a specific place if this would not interfere with the foreigner's lasting integration into the way of life in the Federal Republic of Germany. Insofar as it was not possible in an individual case to allocate suitable accommodation within six months, such allocation pursuant to sentence 1 may be made once within a further six months.

(3) In order to promote their lasting integration into the way of life in the Federal Republic of Germany, foreigners who are subject to the obligation pursuant to subsection (1) may be required, within six months of being granted recognition or the or a temporary residence permit for the first time, but no later than the expiry of the period referred to in subsection (1), to take up residence in a specific place if this can help them

1. acquire suitable accommodation

2. acquire sufficient oral command of the German language equivalent to Level A2 of the Common European Framework of Reference for Languages and

3. take up an economic activity, taking into account the local conditions in the vocational training and labour market.

When taking decisions pursuant to sentence 1, specific local circumstances conducive to integration may also be taken into account, in particular the availability of educational and care services for minor children and juveniles.

(4) Foreigners who are subject to the obligation under subsection (1) may, in order to prevent social exclusion, also be prohibited, until the expiry of the period referred to in subsection (1), from taking up residence in a specific place, in particular if it is to be expected that they will not use German as their main language of communication there. This decision is to take into account the situation

of the local vocational training and labour market.

(5) An obligation imposed or allocation made pursuant to subsections (1) to (4) is to be revoked upon application by the foreigner

1. if the foreigner furnishes proof, in the event of being required or allocated pursuant to subsections (1) to (3) to take up residence at another place, or in the event of being prohibited from taking up residence in a specific place pursuant to subsection (4), that

a) the foreigner or the foreigner's spouse, registered civil partner or minor, unmarried child who is related to the foreigner and lives in a family household with him or her is in employment with full social security coverage within the meaning of subsection (1) sentence 2 has an income which secures the foreigner's subsistence or a vocational training place or a place in higher education; or

b) the foreigner's spouse, registered civil partner or a minor, unmarried child who is related to the foreigner and previously lived in a family household with him or her resides elsewhere,

2. to prevent hardship; in particular, hardship exists where

a) the competent youth welfare office estimates that the local child and youth welfare benefits and measures pursuant to Book Eight of the Social Code would be negatively affected,

b) acceptance by another Land has been confirmed on other urgent, personal grounds or

c) comparable unreasonable restrictions would arise for the person concerned on other grounds.

Where the grounds for revocation set out in sentence 1 no. 1 (a) cease to exist within a period of three months of notification of revocation, the obligation to take up residence in accordance with subsection (1) sentence 1 continues to exist in the Land to which the foreigner has moved his her residence. In the event of revocation under sentence 1 no. 2, the foreigner is to be subject to an obligation under subsection (3) or (4), at most until the period referred to in subsection (1) expires, account having been taken of the foreigner's interests.

(6) Where dependants subsequently immigrate to rejoin a foreigner who is subject to an obligation or allocation pursuant to subsections (1) to (4), the obligation or allocation also applies to the dependants subsequently immigrating at most until the period applicable to the foreigner referred to in subsection (1) expires, unless

the competent authority has ordered otherwise. Subsection (5) applies accordingly to the subsequently immigrating dependants.

(7) Subsections (1) to (6) do not apply to foreigners who were recognised or granted a temporary residence permit for the first time within the meaning of subsection (1) before 1 January 2016.

(8) Objections and actions filed against obligations pursuant to subsections (2) to (4) have no suspensory effect.

(9) With regard to foreigners who are subject to the obligation pursuant to subsection (1), the Länder may, by way of statutory instruments of the Land government or other Land regulations, issue regulations specifying the organisation, procedure and suitable accommodation relating to

1. their distribution within the Land under subsection (2),
2. the procedure for making allocations and imposing obligations under subsections (2) to (4),
3. the requirements as to suitable accommodation within the meaning of subsections (2), (3) no. 1 and subsection (5) sentence 1 no. 1 (a), as well as the form of its proof,
4. the manner of furnishing proof of employment with full social security coverage under subsection (1) sentence 2, income which secures subsistence, and of having a vocational training place or a place in higher education within the meaning of subsections (1) and (5) sentence 1 no. 1 (a),
5. the obligation to be taken up by the municipality determined as the foreigner's place of residence and the admission process.

(10) In specially justified cases, section (12) (2) sentence 2 remains unaffected as regards conditions restricting the permissible geographic area of residence.