

Chapter 3
Integration

Section 43
Integration course

(1) Foreigners living lawfully

in the federal territory on a permanent basis receive support in integrating into the economic, cultural and social life of the Federal Republic of Germany and are expected to undertake commensurate integration efforts in return.

(2) A basic package of measures to promote integration (integration course) supports integration efforts by foreigners. The integration course is intended to successfully teach the German language and knowledge of Germany's legal system, culture and history to foreigners. In this way, foreigners are supposed to become acquainted with the way of life in the federal territory to such an extent as to enable them to act independently in all aspects of daily life, without the assistance or mediation of third parties.

(3) The integration course comprises a basic and advanced language course of identical duration to provide sufficient command of the language and an orientation course to impart knowledge of the legal system, culture and history in Germany. The integration course is coordinated and carried out by the Federal Office for Migration and Refugees, which may enlist the services of private or public organisations to this end. As a general rule, reasonable fees are to be charged for attending the integration course, according due consideration to the ability to pay. The person who is obliged to ensure the foreigner's subsistence is also obliged to pay such a charge.

(4) The Federal Government is authorised to regulate further details of the integration course, in particular the basic structure, the duration, the content and implementation of the courses, the criteria for selecting and approving course providers, the requirements and general conditions for proper and successful participation in the courses and for certifying such participation, including arrangements for the payment of costs and data processing in accordance with section 88a (1) and (1a), via a statutory instrument not requiring the approval of the Bundesrat. This excludes the examination and certification requirements of the final examinations, which are defined by the Federal Ministry of the Interior via statutory instruments not requiring Bundesrat approval.

(5) (repealed)

Section 44

Entitlement to attend an integration course

(1) A foreigner residing in the federal territory on a permanent basis is entitled to one-time enrolment in an integration course

1. upon receiving a temporary residence permit for the first time

a) for the purpose of gainful employment (sections 18a to 18d, 19c and 21),

b) for the purpose of subsequent immigration by dependants (sections 28, 29, 30, 32, 36, 36a),

c) on humanitarian grounds pursuant to section 25 (1), (2), (4a) sentence 3 or section 25b,

d) as a long-term resident pursuant to section 38a or

2. upon receiving a residence title under section 23 (2) or (4).

Permanent residence is generally assumed if the foreigner is granted a temporary residence permit valid for at least one year or has held a temporary residence permit for more than 18 months, unless the stay is of a temporary nature.

(2) The entitlement pursuant to subsection (1) lapses one year after the residence title establishing the entitlement was granted or when that title expires. This does not apply if the foreigner was unable to register for an integration course within that period for reasons beyond his or her control.

(3) The entitlement to take an integration course does not apply

1. to children, juveniles and adults who start or continue school education in the Federal Republic of Germany,

2. when the need for integration is discernibly minimal or

3. when the foreigner already possesses a sufficient command of the German language.

In cases covered by sentence 1 no. 3, the entitlement to take an orientation course remains unaffected.

(4) A foreigner who is not, or is no longer, entitled to take an integration course may be allowed to do so if space is available in the course concerned. This provision applies accordingly to German nationals who do not have a sufficient command of the German language and have special integration needs, as well as

to foreigners

1. who have permission to remain pending the asylum decision and

a) who have a good chance of being permitted to remain lawfully and permanently or

b) who entered the federal territory before 1 August 2019, have stayed in the federal territory for at least three months on the basis of permission to remain pending the asylum decision, do not come from a safe country of origin as referred to in section 29 of the Asylum Act, are registered as persons seeking training or work or as unemployed with the Federal Employment Agency or are employed or in vocational training within the meaning of section 57 (1) of Book Three of the Social Code or are receiving support in measures referred to in Subdivision 2, Division 3, Chapter 3 or section 130 (1) sentence 2 of Book Three of the Social Code, or meet the requirements of section 11 (4) sentences 2 and 3 of Book Twelve of the Social Code, or

2. whose deportation has been suspended under section 60a (2) sentence 3, or

3. who hold a temporary residence permit pursuant to section 25 (5).

It is assumed that asylum applicants from a safe country of origin under section 29a of the Asylum Act will not be permitted to remain lawfully and permanently.

Section 44a

Obligation to attend an integration course

(1) Foreigners are required to take an integration course if

1. they are entitled to attend under section 44 and

a) they are unable to communicate at least at a basic level in the German language or

b) they do not have a sufficient command of the German language at the time a residence title is issued under section 23 (2), section 28 (1) sentence 1 no. 1, section 30 or section 36a (1) sentence 1 first alternative 1 or

2. they are receiving benefits in accordance with Book Two of the Social Code and an integration agreement pursuant to Book Two of the Social Code provides for participation in an integration course or

3. they have special integration needs and the foreigners authority requires them to participate in an integration course, or

4. they belong to the group of persons referred to in section 44 (4) sentence 2 nos. 1 to 3, are receiving benefits under the Asylum Seekers Benefits Act (Asylbewerberleistungsgesetz) and the competent benefit authority asks them to participate in an integration course

In cases covered by sentence 1 no. 1, the foreigners authority ascertains when issuing the residence title whether the foreigner is required to participate. In the cases covered by sentence 1 no. 2 foreigners are also required to participate if the institution providing basic security for job seekers requires them to do so. In the cases covered by sentence 1 nos. 1 and 3, where foreigners are receiving benefits in accordance with Book Two of the Social Code for measures pursuant to section 15 of Book Two of the Social Code, the institution providing basic security for job seekers is, as a general rule, to follow the obligation imposed by the foreigners authority. Where, in individual cases, the institution providing basic security for job seekers decides otherwise, it is to notify the foreigners authority accordingly, which will then revoke the obligation. The obligation is to be revoked where it is unreasonable to expect a foreigner to attend a part-time course in addition to pursuing an economic activity. Further, when issuing a residence title pursuant to section 25 (1) or (2), the foreigners authorities may require a foreigner to take an integration course if he or she only has a basic command of the German language.

(1a) Unless it is withdrawn or revoked, the obligation to take an integration course pursuant to subsection (1) sentence 1 no. 1 expires only if the foreigner has duly participated in the integration course.

(2) The obligation to take an integration course does not apply to foreigners

1. who are in vocational training or any other form of training or education in the federal territory,

2. who furnish evidence of attending comparable education measures in the federal territory or

3. for whom attendance on a long-term basis is not feasible or reasonable.

(2a) Foreigners having a temporary residence permit pursuant to section 38a are exempt from the obligation to take an orientation course if they prove that they have already participated in integration measures in another member state of the European Union in order to attain their legal status as a long-term resident.

(3) Foreigners who fail to meet the obligation for reasons for which they are responsible or who fail to pass the final examination will be informed by the competent foreigners authority, before it extends the temporary residence permit, of

the possible consequences of their actions (section 8 (3), section 9 (2) sentence 1 nos. 7 and 8, section 9a (2) sentence 1 nos. 3 and 4 of this Act, section 10 (3) of the Nationality Act (Staatsangehörigkeitgesetz). The foreigners authority may take administrative enforcement measures to enjoin the foreigner to meet the obligation to take an integration course. If the obligation to take an integration course is not met, the prospective charge to cover costs may also be levied in advance in a single sum by issuing an official notice of fees.

Section 45

Integration programme

As a general rule, the integration course is to be flanked by additional integration measures organised by the Federation and the Länder, in particular social education and migration-specific advising services. The Federal Ministry of the Interior or the body appointed by it is developing a nationwide integration programme which identifies, in particular, the existing integration measures for foreigners and ethnic German resettlers which are available from the Federation, Länder, local authorities and private organisations, and makes recommendations on the further development of the integration measures. The Länder, local authorities, the federal, Land and municipal foreigners commissioners and the Federal Government Commissioner for Matters Related to Ethnic German Resettlers are involved in developing the nationwide integration programme and in compiling informational materials on existing integration measures. As a rule, religious communities, trade unions, employers' associations, voluntary welfare organisations and other social interest groups are also to be involved.

Section 45a

Job-related language training; authorisation to issue statutory instruments

(1) Integration in the labour market may be promoted by means of job-related German language training courses. As a rule, these courses build on the general language training provided in the integration courses. Job-related language training is coordinated and carried out by the Federal Office for Migration and Refugees. The Federal Office for Migration and Refugees enlists private or public institutions to run the job-related language training courses.

(2) Foreigners are required to take a job-related language training course if they are receiving benefits pursuant to Book Two of the Social Code and participation in the course is included in an integration agreement pursuant to Book Two of the Social Code. Labour market integration benefits pursuant to Book Two of the Social Code and active job promotion benefits under Book Three of the Social Code

remain unaffected. Foreigners who are permitted to stay in Germany pending the asylum decision in accordance with the Asylum Act may participate in job-related language training on the condition that they

a) have a good chance of being permitted to remain lawfully and permanently or

b) entered the federal territory before 1 August 2019, have resided in the federal territory for at least three months with permission to remain pending the asylum decision, do not come from a safe country of origin as referred to in section 29 of the Asylum Act, are registered as seeking training or work or as unemployed with the Federal Employment Agency or are employed or in vocational training within the meaning of section 57 (1) of Book Three of the Social Code or are receiving support in measures referred to in Subdivision 2, Division 3, Chapter 3 or section 130 (1) sentence 2 of Book Three of the Social Code, or meet the requirements of section 11 (4) sentences 2 and 3 of Book Twelve of the Social Code.

It is assumed that asylum applicants from a safe country of origin under section 29a of the Asylum Act will not be permitted to remain lawfully and permanently.

(3) The Federal Ministry of Labour and Social Affairs is authorised, by way of a statutory instrument not requiring the approval of the Bundesrat, and in agreement with the Federal Ministry of the Interior, to regulate further details of the job-related language training, in particular the basic structure, the target groups, the duration, the content and implementation of the courses, the criteria for selecting and approving course providers, and the requirements and general conditions related to access to and proper and successful participation in the courses, including the final certificates and arrangements for the payment of costs, and the processing of data in accordance with section 88a (3).