



# documenta-Stadt

## Informations

**An overview of legal regulations for foreigners  
For foreign students and visiting academics**

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### General

A new Immigration Law came into effect in Germany on January 1, 2005. This law is a comprehensive body of legislation concerning the residence, employment and integration of foreigners. According to the new law on residency, instead of having the categories residence authorisation, temporary or permanent residence permit, and residence entitlement, the number of residence categories will be reduced to two: a temporary and a permanent residence permit. The new right of residence is now geared to reasons for residence (training, education, employment, bringing over family members, humanitarian reasons) rather than concentrating on residence categories.

From now on, we will be seeing the introduction of measures aimed at the long-term integration of foreigners living in Germany legally in the economic, social and cultural life of this country. An integration course is offered to support your efforts to integrate.

The following contains an overview of the legal regulations for foreigners, although this is not intended as a substitute for a personal consultation with the Aliens Office.

**Contact:****Ausländerbehörde Kassel (Aliens Office)**

Adress:

Kurt-Schumacher-Str. 29, 34117 Kassel

Phone: 0561 / 787-0

E-Mail: [auslaenderbehoerde@stadt-kassel.de](mailto:auslaenderbehoerde@stadt-kassel.de)**Opening Hours:**

Monday and Friday: 8.00 am - 12.30 pm

Tuesday: 8.00 - 10.30 am

Tuesday: 10.30 am - 12.30 pm (only with appointment)

Wednesday: 1.00 - 5.30 pm (only with appointment)

**Contact Persons**

Letters	Person of Contact	Phone	Letters	Person of Contact	Phone
		787 -			787 -
A - Als	Mrs. Santos	32 11	Kaym - Kq	Mrs. Feiler	30 90
Alt - Baf	Mrs. Purmann	30 51	Kr - Mad	Mrs. Savasci	30 96
	Mrs. Giesler	30 46	Mae - Mol	Mrs. Paul	30 97
Bag - Bli	Mr. Werner	32 49	Mom - Oj	Mr. Hebestreit	32 55
Blj - Cet	Mrs. Schütze	30 98	Ok - Pri	Mrs. Frey	30 99
Ceu - Demir	Mr. Müller	31 00	Prj - Sall	Mrs. Kessler	32 54
Demira - Erb	Mr. Netzker	32 37	Salm - Sena	Mrs. Marth	32 41
Erc - Gei	Mrs. Yubero Beck	31 45	Senb - Suna	Mrs. Minkel	32 33
Gej - Hag	Mr. Wilhelm	32 39	Sunb - Tural	Mr. Schölzel	32 53
Hah - Jh	Frau Schölzel	31 44	Turam - Ww	Mr. Schmidt	32 32
Ji - Kayl	Frau Holl	32 40	Wx - Z	Mrs. Temme	31 46

**Driving Licence**

If you have any questions about German driving licences or about your overseas driving licence being approved, please contact the Driving Licence Department.

**Driving License Department:**

Adress: Kurt-Schumacher-Str. 29  
34117 Kassel

**Opening Hours:**

Monday, Tuesday, Thursday, Friday:  
8.30 am – 12.30 pm  
Wednesday: 2 am – 5.30 pm

## **Compulsory Registration**

In addition to the legal regulations for foreigners, the general obligation to register with the local authorities which applies to all Germans, also applies to foreigners. Accordingly, you are required by law to register at your local registry office within a week of moving into your new home. The same applies if you move house or move abroad.

### **Registry offices:**

#### **Bürgerbüro Mitte (Citizens' Bureau)**

Address: Obere Königsstraße 8 (city hall) Room H 2 – H 6

Phone: 0561 / 787 - 7081

#### **Opening Hours:**

Monday: 8 am – 4 pm

Tuesday: 8 am – 12.30 pm

Wednesday: 8 am – 6 pm

Thursday: 8 am – 4 pm

Friday: 7 am – 12.30 pm

Saturday: 9 am – 12 pm

## **Citizens' Bureaus**

#### **Bürgerbüro Nordwest**

Address: Karlshafener Straße 2

Phone: 0561 / 65269

#### **Bürgerbüro Ost**

Address: Erfurter Straße 6 A

Phone: 0561 / 573208

#### **Bürgerbüro Nord**

Address: Holländische Straße 72

Phone: 0561 / 894811

#### **Bürgerbüro Süd**

Address: Frankfurter Straße 300

Phone: 0561 / 471619

#### **Opening Hours:**

Monday: 8 am – 12.30 pm, 1.30 pm – 4 pm

Tuesday: 8 am – 12.30 pm

Wednesday: 8 am – 12.30 pm, 1.30 pm – 6 pm

Thursday: 8 am – 12.30 pm, 1.30 pm – 4 pm

Friday: 8 am – 12.30 pm

## **Wage tax card**

If you work during your studies, you are normally required to give your employer an wage tax card in your name. This card is issued by your local authorities (see registry office).

# European Union citizens only

## **Informations for EU citizens incl. Iceland, Liechtenstein, Norway**

People from these countries can enjoy freedom of movement within the European Union. They do not need a visa, residence category or work permit. During the transitional period, citizens from states which entered the EU in 2004 (Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, Czech Republic and Hungary) require an EU work permit from the employment exchange, which is issued or not according to the situation on the German job market. It is fundamentally possible for self-employed citizens from all EU countries to be admitted, including those from the states which entered the Union in 2004.

After arriving in Germany, **EU citizens** and citizens from **Iceland, Liechtenstein and Norway** are required to register at the Registry Office or Aliens Office within three months to provide information concerning their purpose of residence.

If you already have an EU residence permit or certification of your right of residence and are moving to Kassel from elsewhere in Germany, all you need to do is register with the Registry Office.

**Fees:** free of charge

### **Member states of the European Union are as follows:**

Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, UK

### **Switzerland**

**Swiss citizens** can also move freely within the European Union and must register at the **Aliens Office** within three months of arrival in Germany. They do not require a visa or work permit, but they do need a residence category and must therefore apply. The following documents are generally required:

- Registration
- Passport or ID card
- Student enrolment
- Health insurance

Proof of sufficient financial means to survive

If you already have a residence category and are moving to Kassel from elsewhere in Germany, all you need to do is register at the registration office.

Fee: 8 €

# Non-European Union citizens only

*The following pages do not apply to EU citizens or similar (Iceland, Liechtenstein, Norway and Switzerland), for whom there are no limits regarding employment (apart from the stipulations for the new member states as of 2004), period of residence or change of degree programme or university. Here, the same university regulations apply as for Germans. It is possible to change your reasons for residence at any time.*

## **Informations for members of non-EU countries**

### **Right of Residence for Students and visiting academics**

To live in Germany, foreign students and visiting academics from non-EU states always require a residence permit, which they must apply for at the Aliens Office within three months of arrival in Germany, or before their visa expires.

A residence permit can generally be issued if you are applying for degree courses, studying at a state university, or one that is recognised by the state, or at a similar educational institution, or if you are preparing for your studies. In the latter case, the first residence permit will be issued for no longer than two years; if you are commencing your studies, the residence permit will be issued for two years and can be extended for two more years if you have not yet completed your studies but will be doing so in the foreseeable future. As a rule, the total period of residence may not exceed 10 years. Those applying for a degree course but who do not yet have a place at a university or educational establishment may only be issued with a residence permit for a maximum of nine months. The time limit for residence permits for visiting academics depends on the purpose of their stay and can therefore vary from case to case.

### **The Aliens Office requires the following documents to issue a residence permit:**

- valid passport
- photo (the first time a residence permit is to be issued)
- confirmation of university registration
- proof of health insurance
- proof of subsistence means
- where appropriate, work contract as visiting academics

### **Fees:**

Foreigners with German grant: free of charge

First issue: 50 € - 60 €

Extension: 30 €

As it is generally necessary for students to be enrolled at a university for them to receive a residence permit, students who have to pass the university examination proving their knowledge of German do not have to register with the Aliens Office until they have enrolled at the university, even if they have been living in Kassel for several weeks. However, this period may not exceed three months, nor may it exceed visa limits.

## Means of Subsistence

As a rule, to be issued with a residence permit, you must prove that you have sufficient means of subsistence and adequate health insurance coverage. You should have no less than €585.00 per month at your disposal, the maximum relief rate according to the Federal Education and Trainings Assistance Act. If your accommodation costs are below €133.00, the total amount is reduced by €64.00. The Aliens Office generally requires financial documentation for the length of your residence permit (1 or 2 years).

You can prove your means of subsistence by presenting the following:

- documentation of your parents' income situation
- a formal obligation according to § 68 of the Law of Residence, or
- proof of relevant grants from German state means, or
- grants from a sponsoring organisation recognised in Germany, or
- state grants from your country of origin involving the Foreign Office, the German Academic Exchange Service or German grant organisations.

A formal obligation according to § 68 of the Law of Residence can be handed in to a German agency abroad or to the local Aliens Office in Germany by your parents or siblings, for instance, or by other third parties. The guarantor guarantees your means of subsistence and must prove his/her financial ability to do so when handing in the formal obligation.

In special cases, financial means can be proved by bank statements, security payments into a blocked account, or by providing a bank guaranty.

## Health Insurance

Your means of subsistence is only secured if you also have adequate health insurance coverage. The universities also require proof of health insurance coverage, otherwise they cannot accept your enrollment or re-enrollment. Your health insurance coverage must also meet the legal requirements of German health insurance.

## Employment during the studies

Since the new Law of Residence was introduced, the old work permit from the German employment agency is invalid. Now your residence permit has to show whether you are allowed to work, and if so, how much. Therefore, before you start work, it is vital that you check whether the residence permit in your passport expressly allows this type of work. If this is not the case, you must apply to the Aliens Office for permission to accept the job. As a rule, the Aliens Office must liaise with the employment agency before a decision is made.

A residence permit for the purpose of studying allows students to take on **(holiday) jobs** which do not exceed 90 days or 180 half-days per year, or to take on student jobs. Half and whole days can be combined (e.g. 35 whole days and 110 half-days). Students may take on (holiday) jobs both during the semester and during the semester break. Working time only encompasses the days or half-days actually worked. You will be required to provide adequate documentation of your working hours. If you work half-days, you should base your working hours on the regular working hours of the other company employees. Half-days constitute no more than 4 hours a day if the other employees regularly work an 8-hour day. The maximum number of hours constituting a half-day is five if the regular working day is 10 hours long.

Overseas students may also take on **student jobs** with no time-limit at the university (e.g. student helpers) or at other academic establishments. Student jobs also encompass jobs

involving university-related and study-related activities in organisations connected to the university.

**Internships** are permitted if they form an integral component of your degree course or are necessary for you to be able to complete your degree. You are however required to apply to the Aliens Office for permission, and to provide appropriate documentation from the university. The hours you work on an internship do not count towards the hours you are permitted to work in the case of a (holiday) job.

**Long-term employment** (e.g. for a whole year) can count as a part-time job if the purpose of residence (studying) remains unchanged, and if this does not hinder or postpone your studies. The permission to work does not mean that the purpose of residence can be changed before your studies have been completed. The same applies to other recommended or voluntary employment described as an internship. If you wish to take up employment, you must apply to the Aliens Office for permission. If the type of employment is generally permissible (e.g. mainly academic work as a research assistant), no application is necessary, but if this is not the case, the Aliens Office must contact the employment agency in order for permission to be granted. However, the employment agency will normally only grant permission if no priority employees are available and if wages follow tariff regulations and are in line with local levels. Further employment may also be allowed in exceptional cases if your **means of subsistence can no longer be guaranteed** due to circumstances beyond your control, or beyond that of your family members, and if you have so far conducted your studies conscientiously and the university can confirm that it is to be expected that you will finish your degree.

## Changing degree course or changing university

According to regulations, if you are in Germany to study, you are not entitled to a residence permit for a different reason, unless you have a legal claim (e.g. through marriage to a German). A new residence permit can only be issued if you leave the country and then return. The reason for residence is determined by field. In your residence permit, the purpose of study is indicated by your degree course and, if appropriate, field of study.

If you change fields during your studies, this means that your reason for residence has changed, which, in turn, generally means that the residence permit you were issued is automatically rendered invalid. As a rule, it is however possible to change your degree course (e.g. from German to Spanish) or to change subjects within the same course (e.g. swapping French for Italian as part of your degree in Romance languages) as long as this happens in the first 18 months of beginning your studies. If you change your field or degree course later, university regulations apply. If university regulations allow the change, it can also be approved according to the legal regulations for foreigners as long as the work you have done so far can be credited so that the total time needed to complete your studies is not extended for more than 18 months (university confirmation). Whatever the situation, you must register any change with the Aliens Office so that the change in your reason for residence can be recorded.

If these prerequisites do not apply or if you wish to change subjects or degree course again, this is only permissible if your studies can be completed within a total of **ten years**.

The same regulations apply if you change to a different type of higher educational establishment (e.g. you continue in your field but change from a university to a technical college).

The following do not constitute a change of field, but an – insignificant – change in concentration within your studies:

- the relevant study regulations show that both degree courses were identical until the point where you changed, or that the semesters you spent on the old course may count towards the course you wish to change to.
- you have written confirmation from the appropriate department that the semesters you spent on the first course may count to a great extent towards the other course.
- for organisational reasons concerning your studies (e.g. enrollment is only possible in the Winter Semester), it is not possible for you to start your desired degree course after

completing your preparations for study, and so you use the spare semester to follow a different degree course.

However, you must always contact the Aliens Office to register the change in your residence permit.

Any further qualification you may then embark on after completing your first degree course, or any course which leads on from your first qualification in Germany (e.g. training to become a specialist after completing your medical degree) constitutes a change in your reason for residence. A change is generally not admissible if your total period of residence would then exceed ten years.

## **Further Studies / Postgraduate Studies**

In the cases listed below, it is generally possible to continue studying after you have completed a degree in Germany. In these cases you will be reissued with a residence permit or receive an extended one without having to leave the country first. You will still be required to provide the necessary documentation however (valid passport, proof of means of subsistence, health insurance coverage).

Studies which lead on directly from the degree you have completed and are intended to last no longer than two years (**postgraduate studies**), if the university confirms that

- they lead on from your completed degree and continue in the same academic direction
- they are particularly useful for the career you wish to embark on (e.g. Business Management for engineers), or

a second degree if the German Foreign Office confirms that in your country of origin it is necessary for the career you have chosen.

If you have received a grant during your stay in Germany and have not left the country first, you may only embark on a postdoctoral lecture qualification, a junior professorship, or a second course of studies or further professional training if there is particular official interest in you doing so (e.g. significant aspects concerning political developments or new blood in the fields of science and academia).

Whatever the case, you must make an informal application to the Aliens Office .

## **Doctorate**

It is basically possible for you to return to Germany to do a doctorate as long as you have been promised a position as a doctoral student. However, it is not as straightforward if you have been living in Germany and now want to do a doctorate, as this would entail a change in your reason for residence. After completing a degree in Germany, it is generally only possible to do a doctorate if

- the university confirms that a doctorate is the usual qualification for this particular degree course as no other formal qualification exists, or
- you have been promised a position as a doctoral student and there is academic interest in your doctorate
- in certain subjects it is normal to do a doctorate as well as the first qualification
- a doctorate would significantly improve your chances of employment in your field in your country of origin,

although the total duration of your residence may not exceed **fifteen years**.

The general prerequisites apply (e.g. valid passport, proof of means of subsistence, health insurance coverage) for the issue of a residence permit.

Whatever the case, you must make an informal application to the Aliens Office

## Qualified Employment after Graduation

The new Law of Residence allows you to take a job in Germany that fits your qualifications after graduating in Germany. This means that it is no longer necessary for you to return to your country of origin. This new ruling gives you two possibilities:

1. Changing your reason for residence into that of qualified employment
2. 1-year residence permit while you are looking for a job.

This gives you the opportunity to find a job that suits your qualifications.

In order to receive a residence permit to look for a job for up to one year, you must fulfil the general preconditions for issue, and particularly security for your means of subsistence, and health insurance coverage. Because you are no longer a student, holiday jobs (90 days or 180 half-days) are not possible. If you want to finance this year by taking on a job for which you are over-qualified until you find a qualified job, you will need the permission of the employment agency. If you take on a job for the above reasons during this period, there is no change in your residence category.

Before you start work, you must always apply to the Aliens Office. The decision as to whether to accept an application mostly depends on the job market situation. Unfortunately, as this can vary according to time and place, we cannot make any general statement on this issue.

## Immigration of Family Members

To create and maintain family unity, family members from overseas can be issued with a residence permit in Germany. However, for these family members to enter and live in Germany, certain preconditions apply. Contact the Aliens Office to find out whether these preconditions apply in your case. In your own interest, we strongly recommend that you find out what the preconditions are and apply for an appropriate visa before your family members enter the country. Otherwise, it is likely that your family members will be forced to leave the country again. You must apply for a visa at the German Embassy in your country of origin. An immigration can only be issued with the consent of the Aliens Office. In certain circumstances, the Aliens Office can offer its consent in advance, even if a visa has not yet been applied for.

### Immigration of spouse

Your spouse / partner can be issued with a residence permit for family reasons if

- you have held a residence permit for 5 years or
- you have a residence permit and were already married when it was issued **and**
- you have means of subsistence, health insurance coverage and adequate living space, and you will be in Germany for more than a year. Exceptions are possible in certain circumstances.

**Fees:** 50 € - 60 €

### Immigration of Children

The prerequisite for immigration of children is that both parents, or the parent with custody of the child, are living in Germany legally, that the child is not older than 16, and that there is adequate living space, income and health insurance coverage available. There are numerous discretionary facts and exceptions which can generally only be clarified by your contacting the Aliens Office.

**Fees:** 25 € - 60 €

## **Permanent residence permit for the highly qualified**

This type of residence permit is for an unlimited time period and allows its holder to live in Germany permanently. Holders are also allowed to take on any kind of employment. The new Law on Residency means that highly qualified personnel can be issued with a permanent residence permit from the start if their residence is of particular economic or social interest for the German state. This provides highly qualified specialists with the necessary security to decide to take up residence in Germany. This regulation is aimed at top economic and scientific specialists with outstanding professional qualifications.

These particularly include the following:

- Scientists with particular specialist knowledge, i.e. if the scientist is particularly highly qualified or has knowledge of a specialized field which is of particular significance.
- Instructors or research associates in outstanding functions. As regards instructors, this premise is fulfilled in the case of Heads of Department or Institute Directors. It applies to research associates if they lead scientific projects or teams independently and responsibly.
- Specialists and managers with special professional experience whose salary is at least double the contribution ceiling for compulsory health insurance (currently 7,050 € per month / 84,600 € p.a.).

If you wish to re-enter the country, you are normally required to apply for an appropriate visa before entry. If you are already living in Germany, this may mean that the purpose of your residence permit will have to be changed.

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Internet: [www.kassel.de](http://www.kassel.de)