



Federal Office
for Migration
and Refugees

Research stays in Germany

Information on entry and stay of
researchers from non-EU countries
(section 16 to 21 – especially
section 20 – Residence Act)



Entry from a non-EU country

Researchers from non-EU countries require a residence title for the entry into and the stay in the Federal Republic of Germany. This residence title is granted by means of a national visa and subsequently by means of a residence permit on grounds of section 20 Residence Act. Alternative residence permits are discussed below.

The visa is granted by the German mission abroad (embassy or consulate general), in the official district of which the researcher has his/her usual place of residence. The foreigners authorities (Ausländerbehörden) are not involved.

The application form for the visa is available free of charge at any German mission abroad or online on the website of the German Federal Foreign Office (www.auswaertiges-amt.de).

Citizens of Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand and the United States of America can obtain the necessary residence permit at the foreigners authorities in charge even after entering without visa.

Grant of residence title

The granting of a residence title generally presupposes

- that the foreigner's livelihood is secure,
- that the foreigner's identity is established, and also his/her nationality, if he/she is not entitled to return to another state,
- that no grounds for expulsion apply,
- that the foreigner's residence does not compromise or jeopardize the interests of the Federal Republic of Germany for any other reason and



- that the passport obligation is met and the foreigner has entered the country with the necessary visa.

Requirements on grounds of section 20 Residence Act

A researcher may be granted a residence title on grounds of section 20 Residence Act for the purpose of academic research if a hosting agreement with a research organization accredited by the Federal Office for Migration and Refugees has been orderly signed. The hosting agreement must also declare the liability of the research organization for all costs possibly arising.

Accreditation of research organizations

On request, a public or private organization pursuing academic research in the Federal Republic of Germany may be authorized by the Federal Office for Migration and Refugees to sign hosting agreements with researchers from non-EU countries. The current application form as well as the full list of accredited research organizations are available online (www.bamf.de/forschungsaufenthalte).

Signing a hosting agreement

The research organization signs a hosting agreement with the researcher. This agreement is a private contract. If the contract contains the required details, it entitles the researcher to a residence title. Neither the German mission abroad (embassy or consulate general) nor the foreigners authorities verify the content of the contract, they only make sure that the required minimum details are included in the contract.

An accredited research organization can orderly sign a hosting agreement with researchers from non-EU countries if

- the research project will definitely be carried out,
- the researcher is qualified and holds the required academic graduation providing access to doctoral studies, and
- the researcher's livelihood is secure.

The hosting agreement has to show the following details:

- obligation of the researcher to pursue the research activities,
- obligation of the research organization to admit the researcher for the purpose of carrying out the research project,
- the essentials of the legal relationship, in case of employment the description of the researcher's field of activity and the salary, as well as
- a clause stating that the hosting agreement becomes ineffective if the researcher is not granted the necessary residence title.

A copy of the hosting agreement is available online at www.bamf.de/forschungsaufenthalte.

The residence permits for Researchers are granted for at least one year, unless the research project is of shorter duration. The researcher's place of residence determines which local foreigners authority is in charge of granting the residence permit.

Documents required

When applying for a residence title, the applicant has to submit the following documents:

- The hosting agreement signed with the accredited research organization (in the visa procedure it is sufficient to submit a letter of invitation by the research organization showing the minimum required details of the hosting agreement or two equivalent declarations of intent, one by the research organization, the other by the researcher) and
- a written declaration by the research organization accepting thorough liability to bear the costs which might arise to any public sector entity for the period of up to six months after expiry of the hosting agreement (in case of irregular stay or necessary repatriation), the following condition provided:

The liability declaration to bear the costs is required only if the research organization is mainly funded by private means and the organization has not yet generally declared its liability towards the Federal Office for Migration and Refugees to bear the costs for their foreign researchers. For more information about the liability declaration visit the website of the Federal Office for Migration and Refugees (www.bamf.de/forschungsaufenthalte).

For further documents required please contact the German mission in charge or the foreigners authority.

Employment allowed

The residence permit granted to the researcher entitles him or her to pursue research activities at the organization mentioned in the hosting agreement as well as to lecture.

Free movement within the European Union

Researchers granted a residence permit on grounds of section 20 Residence Act may carry out parts of their research project in other member states, except for the United Kingdom and Denmark (cf. Council Directive 2005/71 EC, so-called Researcher Directive). An additional visa or residence title by the member state itself is required. The residence title may be extended.

Researchers holding a residence title by another member state of the European Union on grounds of the Researcher

Directive are to be granted a residence permit or visa to pursue parts of their research project in the Federal Republic of Germany. The residence permit for stays of more than three months is granted only if the researcher has orderly signed a hosting agreement with the research organization and the research organization has submitted a liability declaration.

Further advantages of a residence title on grounds of section 20 Residence Act

The residence title on grounds of section 20 Residence Act authorizes to gainful employment as laid down in the hosting agreement. The German Federal Employment Agency (Bundesagentur für Arbeit) does not need to consent to the grant of the residence title.

In addition to pursuing research activities, section 20 subs. 6 Residence Act entitles the researcher to lecture.

Immediately after the expiration of a residence title on grounds of section 20 of the Residence Act there is the possibility to seek an adequate employment commensurate with the own qualifications for researchers in possession of a German university degree or a recognised/equivalent university degree from a foreign country. The residence title for this purpose on grounds of section 18c subsection 3 of the Residence Act is limited to six month. An extension is not possible. The livelihood must be secured, for the residence title does not entitle the holder to take up employment.

Options for alternative residence titles

Doctoral students (section 16 Residence Act)

Doctoral students doing research during their doctoral studies may be granted a residence title on grounds of section 16 Residence Act, providing that the main purpose of their stay is the doctoral studies.

Additionally to the general requirements they need

- certifications of their university graduation as well as a confirming letter by the university professor supervising the dissertation (topic of the dissertation, duration, etc.) providing details

Possible advantage of section 16 Residence Act:

The residence title on grounds of section 16 Residence Act enables an extension of the residence title for the purpose of seeking employment after successfully finishing the doctoral studies for a period of up to 18 months (section 16 subs. 4 Residence Act).

Employees (section 18 Residence Act)

Researchers can also be employed with a residence title on grounds of section 18 Residence Act. Besides the general requirements for any residence title, this provision necessitates a definite offer of employment.

Generally, the consent of the German Federal Employment Agency is required for employing someone. However, employment of academic staff at universities or any other research organization is generally not subject to consent.



Possible advantage of section 18 Residence Act:

Researchers holding a residence title on grounds of section 18 Residence Act (as well as sections 18a, 19a and 21 Residence Act) and a German university graduation may be granted a settlement permit after a period of only two years (unlike holders of a residence title on grounds of section 20 Residence Act) if they have paid old-age pension contributions for 24 months and have reasonable employment (section 18b Residence Act).

Highly-qualified persons (section 19 Residence Act)

Researchers are frequently highly-qualified people within the meaning of section 19 Residence Act. This applies, e.g., to scientists with special technical skills as well as lecturers or academic staff in leading positions. The consent of the German Federal Employment Agency is not required for granting a residence title to highly-qualified persons (Section 2, sub-section 1, no. 1 of the German Employment Ordinance).

The definite offer of employment as well as secure livelihood need to be proven. A minimum salary is not required, however.

Possible advantage of section 19 Residence Act:

This legal provision grants an immediate permanent residence title.

EU Blue Card (section 19a Residence Act)

The EU Blue Card is another option for researchers to obtain a temporary residence title for, at first, a period of up to four years.

The requirements are a German university degree or a university degree equivalent to a German one or a recognized foreign university degree and a definite offer of employment or a contract of employment, guaranteeing a certain minimum salary¹.

Possible advantages of the EU Blue Card (section 19a Residence Act):

Persons holding an EU Blue Card are entitled to a settlement permit in Germany after just 33 months of highly-qualified employment if they have paid contributions to an old-age-pension scheme during that time. If proficiency in German (level B1) can be certified, the settlement permit is granted after only 21 months.

Persons holding an EU Blue Card granted by another member state (except for the United Kingdom, Ireland and

1 The minimum salary is annually adjusted to the general development of salaries. The necessary average annual gross income amounts to two-third of the annual threshold in the statutory old-age pension insurance, respectively 52 % for professions on the Occupations in Demand List (like for example natural scientists, mathematicians, engineers, human medical doctors and academic staff in information and communication technology). (<http://www.bamf.de/SharedDocs/Anlagen/EN/Publikationen/Flyer/blau-karte.html>)



Denmark) for at least 18 months may apply for a German EU Blue Card within one month after entry into Germany.

Self-employed (section 21 German Residence Act)

Researchers may be self-employed as well. A residence title can be granted for self-employment if there is an economic interest or regional demand for the respective activity, a positive effect on the economy can be expected and the financial means for the entrepreneurship are secure (section 21 subs. 1 cl. 1 Residence Act).

Possible advantages of section 21 Residence Act:

If researchers already hold a residence permit on grounds of section 18 or section 20 Residence Act they may be granted a residence permit for self-employed persons even if they do not meet the above-mentioned requirements. The intended self-employment, however, must show some relation to the research activity (section 21 subs. 2a Residence Act).

The residence permit for self-employment is granted for a maximum of three years. If self-employment has been successfully carried out and livelihood is secure, the holder of a residence permit on grounds of section 21 subs. 1 Residence Act may be granted a settlement permit after only three years (section 21 subs. 4 Residence Act).

Comparison of the provisions on spouse joining

- Spouses joining a researcher holding residence titles on grounds of sections 20, 19 or 19a Residence Act, are immediately entitled to a residence permit provided they meet the further requirements.
- This is also true for spouses of employees within the meaning of section 18 Residence Act as well as of self-employed within the meaning of section 21 Residence Act provided that the marriage already existed when the residence permit was granted to the holder who is joined by the spouse, and the spouse intends to stay in Germany for more than one year.
- If these conditions are not met it is necessary that the person who is joined by the spouse has held a residence title for at least two years and there are no obstacles to establishing a permanent right of stay.
- If the marriage of the researcher (section 20 Residence Act), a highly-qualified person (section 19 Residence Act), an EU-Blue-Card holder (section 19a Residence Act) or a self-employed person (section 21 Residence Act) already existed when the holder established his/her domicile in the Federal Republic of Germany, the joining spouse does not need any proficiency in German, nor do they need any proof that they have reached the age of 18.
- Spouses of EU-Blue-Card holders do not need any proficiency in German, irrespective of the duration of their marriage.



- Spouses of holders of a residence permit on grounds of section 18 Residence Act need to certify some proficiency in German (level A1) in order to obtain a residence permit. Furthermore, both spouses must have reached the age of 18.

In all above-mentioned cases the residence permit authorizes to pursue employment.

Contact

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Residence title	Main features/requirements	Advantage/option	Joining of spouse/facilitated access
section 16 Residence Act	<ul style="list-style-type: none"> ● Doctorate as main purpose of stay 	<ul style="list-style-type: none"> ○ Residence permit for seeking employment, section 16 subs. 4 Residence Act 	Basically possible according to the general requirements
section 18 Residence Act	<ul style="list-style-type: none"> ● Definite offer of employment; ● Basically, consent by the German Federal Employment Agency required 	<ul style="list-style-type: none"> ○ Settlement permit after two years if graduate from a German university and all further requirements of section 18b Residence Act provided 	Yes, <ul style="list-style-type: none"> ● if marriage had already existed when residence title is granted to holder ● Otherwise after two years ● Proficiency in German required
section 19 Residence Act	<ul style="list-style-type: none"> ● Definite offer of Employment; ● No consent by the German Federal Employment Agency necessary 	<ul style="list-style-type: none"> ○ Immediate grant of settlement permit 	Yes, <ul style="list-style-type: none"> ● proficiency in German and proof that both spouses are 18 years of age not required if marriage had already existed when permit holder established a domicile in Germany

<p>section 19a Residence Act</p>	<ul style="list-style-type: none"> ● German or equivalent university degree ● Definite offer of employment ● Minimum salary 	<ul style="list-style-type: none"> ● Settlement permit after two years if graduate at a German university and all further requirements of section 18b Residence Act provided ● Settlement permit after 33 months (if proficiency in German level B1 after 21 months) if all further requirements of section 19a subs. 6 Residence Act provided ● Free movement in most EU member states 	<p>Yes,</p> <ul style="list-style-type: none"> ● proficiency in German not required; ● Proof that both spouses have reached the age of 18 not necessary if marriage had already existed when permit holder established domicile in Germany
<p>section 20 Residence Act</p>	<ul style="list-style-type: none"> ● Orderly signed hosting agreement with research organizations accredited by the Federal Office of Migration and Refugees ● Basically, liability declaration required 	<ul style="list-style-type: none"> ● Besides research activities lecturing possible, section 20 sec. 6 AufenthG 	<p>Yes,</p> <p>proficiency in German and proof that both spouses have reached the age of 18 not necessary if marriage had already existed when permit holder established domicile in Germany</p>
<p>section 21 Residence Act</p>	<ul style="list-style-type: none"> ● Economic or regional interest ● Positive effects on economy. 	<ul style="list-style-type: none"> ● Settlement permit after two years if graduate from a German university and all further requirements of section 18b Residence Act provided ● Researchers holding residence titles on grounds of section 18 or 20 Residence Act may be granted a residence permit on grounds of section 21 Residence Act without any further requirements for self-employed, as ruled in section 21 subs. 2a Residence Act ● In case of successful self-employment and secure livelihood a settlement permit can be granted already after three years, as ruled in section 21 subs. 4 Residence Act 	<p>Yes,</p> <p>proficiency in German and proof that both spouses have reached the age of 18 not necessary if marriage had already existed when permit holder established domicile in Germany</p>

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