

## Residence permit for spouses, parents and children of persons eligible for subsidiary protection

Granting or extension of a residence permit for:

- \* spouses/same-sex partners
- \* children, and
- \* parents

of foreigners holding a residence permit under Article 25 par. 2 sentence 1, 2nd alternative AufenthG (persons eligible for subsidiary protection).

That residence permit *may* be granted on a discretionary basis on humanitarian grounds. There is no entitlement to be granted the residence permit.

### Prerequisites

#### In-person visit

- \* For a recognized marriage or registered same-sex civil partnership, the personal interview of both spouses / partners is required.
- \* In the case of minors, the personal interview of the family (parents with child) is required.

#### Residence permit due to subsidiary protection

The foreigner to be joined by family members (the so-called 'principal entitled person') must:

- \* have been recognised as a person eligible for subsidiary protection by the Federal Office for Migration and Refugees after 17.03.2016; and
- \* hold a residence permit under Article 25 par. 2 sentence 1, 2nd alternative AufenthG.

#### Humanitarian grounds

Humanitarian grounds are deemed to exist, in particular, if:

- \* for a long time it has not been possible to establish family cohabitation, or
  - \* a minor, unmarried child is affected, or
  - \* the health, life or freedom of the family member are seriously endangered,
- or
- \* the foreigner or family member abroad have fallen seriously ill, have high care requirements or are severely disabled.

#### The principal entitled person is not expected to be expelled or leave the country.

- \* The foreigner to be joined by family members must not have given rise to any expulsion interest (for example due to serious criminal offences or a danger to the security of the Federal Republic of Germany).
- \* His departure from the country should also not be expected for other reasons (for example due to the revocation or withdrawal of the subsidiary protection).

\* For more details please read the information relating to Article 27 par. 3a and Article 36a par. 3 of the German Residence Act (Aufenthaltsgesetz -

AufenthG) (see the "Legal bases" section).

- For spouses / same-sex partners
  - \* Both spouses or same-sex partners must have completed their 18th birthday.
  - \* The marriage/civil partnership must have been concluded before the person in question fled their country.
  - \* If the foreigner is married to several spouses, only one spouse may be granted a residence permit.
- For parents of underage children
  - Parent may only be granted a residence permit, if no parent with an entitlement to personal care is a resident of the Federal Republic of Germany
- Main residence in Berlin
  - A second home in Berlin is not sufficient.

## Documents required

- Form "Antrag auf Erteilung eines Aufenthaltstitels" (filled out)
  - Only required for the first application for every member of the family
- Valid passport
  - A passport must be submitted for each member of the family.
- 1 current biometric photo of each applicant
  - 35mm x 45mm, frontal shot with neutral facial expression and closed mouth, looking straight into the camera, light background
  - [http://www.berlin.de/labo/\\_assets/kraftfahrzeugwesen/foto-mustertafel.pdf](http://www.berlin.de/labo/_assets/kraftfahrzeugwesen/foto-mustertafel.pdf)
- Family reunion to spouse: marriage certificate
  - Not required for the extension of the residence permit
- To join your same sex civil partner: partnership certificate
  - Not required for the extension of the residence permit
- Birth certificate for underage children
  - Not required for the extension of the residence permit
- Certificate regarding legal custody
  - If one parent does not live in Germany. (not required for the extension of the residence permit)
- For all foreign documents: translation, possibly with an additional apostil or confirmation of authenticity (issued by a German consular official)
  - Please provide an authenticated translation of all foreign documents.
  - Depending on your country of origin, you may also need an apostil or confirmation of authenticity (issued by a German consular official) for your document(s). You can find out more about this at the German Federal Foreign Office (Auswärtiges Amt)

[[http://www.konsularinfo.diplo.de/Vertretung/konsularinfo/de/05/Urkundenverkehr\\_\\_Allgemein/\\_Urkundenverkehr.html](http://www.konsularinfo.diplo.de/Vertretung/konsularinfo/de/05/Urkundenverkehr__Allgemein/_Urkundenverkehr.html)], for example.

- Current certificate of school attendance (not older than 14 days)  
For children who are required to attend school
- In the event of a serious illness, care needs or a severe disability  
A qualified doctor's certificate, decision on the degree of care or proof of the severe disability
- All certificates showing participation in the integration (Only in case of extension).  
If you were required to attend an integration course by the Registration Office for Foreigners you have to show all certificates showing participation in the integration course.
- Proof of main residence in Berlin
  - \* Certificate of registration at the main residence \*or\*
  - \* lease and written confirmation of occupancy from the landlord

## Forms

- the form ?Antrag auf Erteilung eines Aufenthaltstitels (Application for Issuance of a Residence Permit) - in German, English, French, Italian  
[https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/\\_asets/mdb-f72301-labo\\_agen1\\_\\_antrag\\_engl\\_frz\\_ital\\_03\\_2017.pdf](https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/_asets/mdb-f72301-labo_agen1__antrag_engl_frz_ital_03_2017.pdf)
- the form ?Antrag auf Erteilung eines Aufenthaltstitels (Application for Issuance of a Residence Permit - in German, Greek, Turkish, Serbo-Croatian  
[https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/\\_asets/mdb-f72304-labo\\_agen2\\_\\_antrag\\_griech\\_tuerk\\_sk\\_03\\_2017.pdf](https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/_asets/mdb-f72304-labo_agen2__antrag_griech_tuerk_sk_03_2017.pdf)
- the form ?Antrag auf Erteilung eines Aufenthaltstitels (Application for Issuance of a Residence Permit - in German, Spanish, Portuguese, Russian  
[https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/\\_asets/mdb-f72307-labo\\_agen3\\_\\_antrag\\_span\\_port\\_russ\\_03\\_2017.pdf](https://www.berlin.de/formularverzeichnis/?formular=/labo/zuwanderung/_asets/mdb-f72307-labo_agen3__antrag_span_port_russ_03_2017.pdf)

## Fees

The following fees are assessed based on the actual technical effort when extending the residence permit.

\*For the first issuance of the residence permit:\*

\* Adults: 56.00 to 100.00 euros

\* Minors: 28.00 to 50.00 euros

\* Turkish citizens: a maximum of 28.80 euros

\*For the extension of the residence permit:\*

\* Adults: 49.00 to 96.00 euros

\* Minors: 24.50 to 48.00 euros

\* Turkish citizens: a maximum of 28.80 euros

\*Free of charge:\*

\* when presenting current proof of receiving benefits according to SGB II or XII or the Asylum Seekers Benefits Act.

## Legal basis

- Section 36a Aufenthaltsgesetz - AufenthG  
[http://www.gesetze-im-internet.de/aufenthg\\_2004/\\_\\_36a.html](http://www.gesetze-im-internet.de/aufenthg_2004/__36a.html)
- Section 27 para. 3a Aufenthaltsgesetz - AufenthG  
[http://www.gesetze-im-internet.de/englisch\\_aufenthg/englisch\\_aufenthg.html#p0619](http://www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html#p0619)

## More information

- Certificate of registration at the main residence (Meldebestätigung)  
<https://service.berlin.de/dienstleistung/120686/>
- Example: confirmation of occupancy from the landlord  
[http://www.berlin.de/formularverzeichnis/?formular=/labo/zentrale-einwohnerangelegenheiten/\\_assets/mdb-f402544-20161102\\_wohnungsgeberbestaetigung.pdf](http://www.berlin.de/formularverzeichnis/?formular=/labo/zentrale-einwohnerangelegenheiten/_assets/mdb-f402544-20161102_wohnungsgeberbestaetigung.pdf)

## Responsible authorities

You can only make use of this service at the

Foreigners Registration Office (Ausländerbehörde) of the State Administration Authority (Landesamt für Bürger- und Ordnungsangelegenheiten), at the Berlin-Tiergarten site, Friedrich-Krause-Ufer 24.

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