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**Current developments in residency and social security
law for international students | February 2022**

I. International students with a residence permit under Sec. 16b of the Residence Act (AufenthG)

1. Periods of study and change of degree programme

Slower academic progress due to the pandemic

The disruptive impact that the Covid pandemic has had on teaching and learning in higher education institutions has meant that many students have fallen behind with their studies. This is relevant if you are a student and are applying for renewal of your residence permit for study purposes. Renewal of your residence permit depends on a prediction, based on the progress you have made in the past, of whether you can be expected to complete your studies within a reasonable period of time. This predictive assessment must also take account of any factors impeding your progress that are not your fault (illness, pregnancy, repeat exams due to initial language difficulties). This also applies to study extensions that were and are due to Covid-related restrictions on teaching. The Federal Ministry of the Interior (BMI) has already stated in its circular of April 9, 2020: "Insofar as restrictions in the teaching activities of the higher education institutions have led to an extension of the period of study due to the Covid pandemic, these are to be taken into account as circumstances for which the student is not responsible." (BMI, M3-51000/2#5, p. 4)

The Covid-related regulations of many degree programmes now permit the standard or maximum period of study to be extended. Many higher education institutions have therefore lifted the time requirements for completing examinations or have extended their deadlines. It is a good idea to submit evidence of such regulations when you apply for the renewal of your residence permit.

In the last two years, many immigration authorities have been extremely slow to process applications made by people who only hold temporary residence titles. For a long time only provisional residence documents or no papers at all were being issued. This caused great anxiety for many international students and has also resulted in people losing their jobs or has made it difficult for graduates to take up employment. Unfortunately, it is not usually worth taking legal action because proceedings at administrative courts take far too long. The only real option available to you is to contact the responsible immigration authority and, if this is unsuccessful, to make a complaint or contact the authority's management.

Change of degree programme

If you change the degree programme you are taking, the residence permit you have been issued for study purposes will expire (Sec. 16b AufenthG). This is not the case if you change your place of study, change the focus of your degree subject or make a change within the orientation phase of three semesters.

Under Sec. 16b (4) and (1) AufenthG, you are entitled to a new residence permit if you can show that you have enrolled for a full-time course of study (see also Karlsruhe Administrative Court, ruling of April 10, 2019 – 7 K 4692/18).

According to the explanatory memorandum to Sec. 16b AufenthG (BT-Drs. 19/8285, p. 91), if you wish to change to a different degree programme you “must re-apply for a residence permit, to which the applicant will, as a rule, be entitled (Sec. 16b (1))”.

However, recent case law makes this right dependent **on a predictive assessment** of whether you can be expected to complete the new degree programme within a reasonable period of time. The assessment is based on what is considered to be a reasonable period of study within which the degree programme can be completed (average period of study + three semesters) and on a maximum period of study of ten years.

Thuringia Higher Administrative Court, ruling of January 11, 2021 – 3 EO 279/19:

“The equal treatment that the explanatory memorandum to the Act clearly assumes or at least expects for both a change of degree programme and first admission to a degree programme is not in line with the meaning and purpose of the provision or the overall function in law of Sec. 16b AufenthG.”

The court identified an unintended regulatory gap. This gap must be closed by assessing a student’s ability to complete their studies within a reasonable period of time, regardless of whether the student wishes to extend their period of studies or switch to a different degree programme. The entire course of study must be taken into account.

Cologne Administrative Court, ruling of May 15, 2020 – 5 L 461/20:

“In general, however, such a predictive assessment must be based in particular on the previous study progress. This is because if a student has already studied for what is considered to be an excessively long period of time, this will usually mean that it is not possible to assume that they will be able to complete their education within a reasonable time.” (Negated by five CPs in three semesters).

Karlsruhe Administrative Court, ruling of July 9, 2020 – 3 K 7685/18:

This ruling is also in principle based on the use of predictive assessments. However, in this specific case the court concluded that students may still be expected to complete their studies successfully, even after repeatedly changing subject, if their study progress has so far only been held up to a minimal extent and they will be able to complete their studies within the average period of study + three semesters.

Münster Administrative Court, ruling of March 12, 2020 – 3 L 152/20:

“Study progress made during the first two subject-related semesters is not necessarily an indication that progress will be slow in the future and thus that the overall period of studies will be excessively long.”

2. Loss of residence permit for study purposes with subsequent toleration status

Some students who have exceeded the period of time that is considered reasonable for studying accept an offer made by the immigration authority not to extend their residence permit but to grant them toleration status (temporary suspension of deportation) until they complete their studies.

It is not always advisable to accept this offer because you may find it difficult to obtain a new residence permit in the future.

Example

The student **Lyla** from Lebanon travelled to Germany in 2014 and was issued a residence permit for the purpose of studying that was valid until 2019 (previously Sec. 16, now Sec. 16b AufenthG). She gave up her studies in 2019 and was granted toleration status. In 2020, after she had started training as a shop assistant, this was converted into a temporary suspension of deportation for the purpose of training (Sec. 60c AufenthG).

In 2022, she applied for a residence permit on the grounds of her long-term toleration status. This was denied her on the grounds that the prohibition on issuing a residence permit for another purpose contained in Sec. 16b (4) Sentence 1 AufenthG continued to apply and had not been interrupted by the temporary suspension of deportation.

Aachen Administrative Court, ruling of February 25, 2021 – 8 K 2456/18. See Lüneburg Higher Administrative Court, ruling of May 27, 2020 – 13 ME 151/20.

Practical tip

As long as you actually have a residence permit, you should always apply to have it renewed or apply for another residence permit, even if you have not yet met all the requirements.

An application triggers a legal fiction that is valid until a decision is made on the application (Sec. 81 (4) AufenthG). This will give you time to meet the requirements for renewal or for another residence title.

If you have toleration status, on the other hand, you are in fact obliged to leave the country, which means that you will only be eligible for a residence title again if very specific conditions are met (Sec. 19d AufenthG).

3. Change of purpose

The purpose of a residence permit under Sec. 16b of the Residence Act (AufenthG) can always be changed:

1. for the purpose of vocational training
2. for the purpose of qualified employment
3. in the case of a legal entitlement (marriage, birth of a German child)

Switch to national voluntary service before completion of your studies

International students sometimes ask whether they can change their status to do national voluntary service before, during or after their degree course. Sec. 19e AufenthG establishes the legal entitlement to a residence permit for the purpose of European Voluntary Service (Directive (EU) 2016/801). This legal entitlement (Sec. 16b (4) AufenthG) therefore means that it is possible to change.

However, Germany's **national voluntary service is not considered to be a European Voluntary Service** and a residence permit under Sec. 19c AufenthG will not be issued for this purpose before you have completed your degree course (Berlin Administrative Court, ruling of October 6, 2021). However, you will not necessarily be prevented from changing from a residence permit for the purpose of seeking employment under Sec. 20 AufenthG to a national voluntary service; the immigration authority has wide discretionary powers to permit you to make this change or not.

Switch to self-employment before completion of your studies

The prohibition of a change of purpose under Sec. 16b (4) AufenthG is interpreted strictly. While you are still studying you will only be issued a residence permit for another purpose if this is listed as an explicit exception (Schleswig-Holstein Administrative Court, ruling of April 9, 2021 – 1 B 34/21). Self-employed work is not referred to as an exception in Sec. 16b (4) AufenthG. This means that you will not be able to change even if you have already trained for and obtained the necessary qualifications in your country of origin.

Example

Ludmila from Ukraine completed training as a jewellery designer in her country of origin and started a degree in business administration in Halle with a residence permit under Sec. 16b (1) AufenthG. After three semesters, she was offered a job at a renowned jewellery studio. If she was offered work as an employee, she could change to a residence permit under Sec. 18a AufenthG. However, if she was expected to work for the studio on a freelance basis, she would not be able to change her residence permit and would first have to obtain a new visa from the German embassy in Kyiv (although she could opt for the fast-track procedure for skilled workers under Sec. 81a AufenthG).

4. Residence for the purpose of attending a language course under Sec. 16f of the Residence Act (AufenthG)

The learning of a language for the purpose of taking up a course of study is subject to the rules on preparing for studies under Sec. 16b (1) or Sec. 16b (5) No. 2 AufenthG. If the requirements are not met, an application is often made for a residence permit for a separate language course of at least 28 hours per week under Sec. 16f AufenthG. However, in this case the immigration authority can assess whether the applicant's motivation for being in Germany might be to seek permanent residence at a later time, or whether it is plausible that residence is only being sought for the purpose of learning the language. The immigration authority has a margin of appreciation which is subject to limited judicial review (Berlin Administrative Court, January 29, 2021 – 12 K 416.19 V).

5. Gainful employment

Students with a residence permit under Sec. 16b (1) AufenthG may work 120 days or 240 half days a year without further permission (but not in the first year when they are preparing for studies). You are permitted to take up a part-time student job for an unlimited period of time.

According to the official instructions of the Federal Employment Agency:

Technical instructions relating to the Residence Act and Ordinance on the Employment of Foreigners of June 2021

“Only the working days or half working days on which the person actually works are taken into account. The reason for a person not working is irrelevant. Paid or unpaid leave and sick leave are therefore not counted.” (16b.0.3)

“Internships that are a prescribed element of the degree programme or that are required in order to achieve the training objective do not count towards periods of employment.” (16b.0.3)

International students can generally invoke these instructions if they have a contract of employment for more than, for example, 20 half days (up to four hours) a month or more than 20 hours a week, because the actual working hours can only be determined retrospectively once all public holidays, holiday and sick days have been deducted.

You should nevertheless be careful about agreeing to a contract for full-time employment because this could call into question your intention to study.

Despite the lack of legal clarity on part-time student work, **self-employment** is considered in the commentary literature (Bergmann/Dienelt/Samel: Ausländerrecht, 13th edition, 2020, Sec. 16b note 30; Decker/Bader/Kothe/Hänsele: Migrations- und Integrationsrecht, 2022, Sec. 16b note 14) as subject to approval by the immigration authority.

The ruling of the **Baden-Württemberg Higher Administrative Court of November 18, 2020 – 11S 2637/20** illustrates that the immigration authorities must grant permission unless there are weighty reasons to the contrary: unauthorised self-employed activity will not be considered relevant for the purposes of residence law if the self-employed person has applied for a permit for self-employed activity that has been denied without sufficient objective reasons.

Example

A graduate who applied for a residence permit for self-employment was issued a provisional residence document. Contrary to her wishes, she was not granted permission to take up self-employed work.

Income and assets abroad

Students today are sometimes much more than just students. They can also be entrepreneurs, crowd workers, tele-interpreters or they might work from home for companies abroad.

Permission to engage in **gainful employment** with a residence permit under Sec. 16b AufenthG depends exclusively on **where the economic activity is carried out**; the location of the company or the external impact of the work product is not relevant. For any remote work you do in Germany,

the law requires you to have an employment contract or an additional permit for self-employed work from the immigration authority. You will not, however, be subject to reporting or tax obligations, because your income will in most cases come from abroad and be taxed there.

This is not the case if you are the owner of a company abroad but do not work for the company in Germany. This does not affect your right of residence or your work permit in Germany. However, if the company operates in Germany, and you are working for the company in Germany, you will need a permit.

Your income or assets are irrelevant for your **student statutory health insurance (SHI)**. However, if you are a voluntary member of the statutory health insurance scheme, you will have to declare any income you receive in Germany or from abroad. You must also declare your income in your **application for federal financial aid under the Federal Training Assistance Act (BAföG)**.

6. Students from Afghanistan

At the present time, students from Afghanistan with a residence permit under Sec. 16b AufenthG may be having considerable problems both with regard to their material conditions and to the psychological stress they may be suffering worrying about their families.

Residence law problems

If you are a student from Afghanistan and your residence permit has not been renewed (because you have been studying for too long or you have no funding), you can apply for asylum (you are strongly recommended to obtain legal advice!) and you will then be entitled to benefits under the German Asylum Seekers' Benefits Act (AsylbLG). If you apply for asylum while you still have a valid residence permit under Sec. 16b (1) AufenthG (valid for at least six months), you will not be required to leave your place of residence and go to a reception centre (or so-called AnKER centre) (Sec. 14 (2) No. 1 AsylG). You can send a written application to the BAMF in Nuremberg.

Problems obtaining a passport

The Taliban are said to have suspended all existing law in Afghanistan at the beginning of January 2022. Embassy staff are being replaced. New passports or tazkiras (official identity certificates) are no longer being issued. Expired passports are still being renewed.

Students who do not have a passport should apply for a travel document for foreigners (Sec. 5 AufenthV) from the immigration authority.

Admissions of local staff and persons at risk (Sec. 22 AufenthG)

Local staff and persons at risk (including women's rights activists) who have been accepted by the German government receive a residence permit under Sec. 22 AufenthG. If you fall in this category, you are then entitled to federal financial aid (Sec. 8 (2) No. 1 BAföG). However, you might have some

difficulties if you are applying to study for a second degree (see: Residency and Social Security Law for International Students. Guidance for Student Advisers | 2020, 3.2, p. 125).

You can obtain assistance getting recognition of degrees, other diplomas and school-leaving certificates at <https://www.erkennung-in-deutschland.de>.

There are programmes at many universities that provide intensive language support and shortened degree courses. However, in most cases you will need to have a German Certificate B1 before you begin.

The German Women Lawyers Association has set up a special aid fund for Afghan women lawyers: <https://www.djb.de/netzwerke-und-projekte/unterstuetzung-afghanischer-juristinnen>.

Important information for students from Afghanistan is also provided by the DAAD Contact Point Afghanistan: <https://www.daad.de/de/infos-services-fuer-hochschulen/kompetenzzentrum/kontakt-stelle-afghanistan/>.

7. Family benefits

An important change in family benefits was introduced on March 1, 2020 based on EU Directive 2011/98/EU.

Students with a residence permit under Sec. 16b AufenthG are not eligible for child benefit, supplementary child allowance, parental allowance or maintenance advance payments if they “are neither gainfully employed nor (...) taking parental leave under Sec. 15 of the Parental Allowance and Parental Leave Act (BEEG) or in receipt of ongoing cash benefits under Book Three of the Social Code (SGB),” (Sec. 62 (2) No. 2 b) Income Tax Act (EStG); identical wording: Sec. 1 (7) No. 2 b) BEEG; Sec. 1 (2a) No. 2 b) Maintenance Advance Act (UhVorschG).

The Federal Central Tax Office issued the following individual instruction on child benefits on August 13, 2020:

“III.2c Residence permits under Secs. 16b, 16d or 20 (3) of the Residence Act (AufenthG)

Persons who hold a residence permit for the purpose of studying (Sec. 16b AufenthG) or for the purpose of obtaining recognition of a foreign professional qualification (Sec. 16d AufenthG) or for the purpose of seeking employment after successfully completing a course of study in the Federal territory, after completing research work, after successfully completing qualified vocational training in the Federal territory or after successfully completing the professional recognition procedure (Sec. 20 (3) AufenthG) are only eligible for child benefit if they are gainfully employed or are taking parental leave under Sec. 15 of the Federal Parental Allowance and Parental Leave Act (BEEG) or are in receipt of ongoing cash benefits under Book Three of the Social Code (SGB). If the eligibility requirements of Sec. 62 (2) No. 2 b) of the Income Tax Act (EStG) are met, entitlement to child benefit arises from the month in which the person takes up employment or from the month in which the person takes up parental leave under Sec. 15 BEEG or is in receipt of ongoing cash benefits under Book Three of the Social Code.”

The new version of the official instruction on child benefit (DA-KG) of September 7, 2021 also only contains this text.

Unfortunately, the official instruction does not shed any light on the crucial question of how the term “gainful employment” is to be defined. As the legislation is based on mandatory EU law, the definition of gainful employment can only be based on the definition applied in European law (that also includes mini-jobs, starting from approximately four to five hours per week). Unfortunately, no case law is available on this to date.

8. Television and radio licence fees

The Federal Administrative Court (BVerwG) ruled on October 30, 2019 (Ref.: 6 C 10.18) that students who are not receiving grants must also be exempted from paying licence fees in cases of hardship if their income does not exceed the minimum subsistence level (subsistence rates under SGB II/SGB XII).

The Federal Administrative Court has stated that:

“In order for the public broadcasters to be able to carry out an examination of comparable neediness, those liable to pay fees who request exemption due to a special case of hardship must submit the evidence required for this purpose in accordance with Sec. 4 (7) Sentence 2 of the Interstate Agreement on the Broadcasting Licence Fee (RBStV)*. Public broadcasters can also demand further information and evidence from the person liable to pay the fees under Sec. 9 (1) RBStV. If those liable to pay the fees do not fulfil the obligations to cooperate lawfully imposed on them despite being set a reasonable deadline, the exemption is to be denied.” (note 30)

* “The conditions for the exemption or reduction must be proven by submitting a copy of the confirmation provided by the authority or the service provider or of the corresponding official notice.”

The application of this ruling to international students has been confirmed by the Higher Administrative Court of North Rhine Westphalia (June 30, 2021 – 2 E 214/21 (legal aid ruling)):

“This is the case, for example, if a person who is required to pay the fee has an income equal to or lower than the standard benefits and cannot fall back on realisable assets and is also not eligible for the social welfare benefits referred to in Sec. 4 (1) RBStV (juris: RdFunkBeitrStVtr NW) because the (other) requirements are not met.” (note 10)

Some courts explicitly support the rule applied by the Central Collection Agency which always requires submission of a negative official notice turning down social welfare benefits (in this case, most likely a BAföG decision):

Cottbus Administrative Court of January 30, 2020 – 6 K 1565/18

Kassel Administrative Court of June 8, 2020 – 1 K 2978/18.KS

So far this has meant that international students have had to apply for federal financial aid (BAföG), even though it was already clear in law that their claim would be rejected (Sec. 8 (2) BAföG), or else have had to file an action in principle.

The Federal Constitutional Court (BVerfG, January 19, 2022 – 1 BvR 1089/18) recently ruled that this requirement violates the constitutional principle of equality. If your income is no higher than the minimum subsistence level provided for in social welfare law, you must be exempted from television and radio licence fees, even if you cannot show that any claim you have made for benefits has been rejected by a social welfare agency.

“(4) The system of possible exemptions based on official notices anchored in Sec. 4 (7) RBStV is intended to simplify administrative procedures by saving broadcasters from having to carry out means tests. However, due to the constitutional limits on typification, this system cannot go so far as to allow broadcasters to refrain in general from a means test, even with regard to the application of the hardship clause of Sec. 4 (6) Sentence 1 RBStV. In the case of those persons who are required to pay a licence fee but who have a demonstrably low income, the broadcasters must carry out a means test as part of their examination of a special case of hardship (cf. BVerfGK 19, 181 <185>; BVerwG, ruling of October 30, 2019 – 6 C 10.18 –, note 27).” (Federal Constitutional Court (BVerfG) of January 19, 2022 – 1 BvR 1089/18, note 28).

International students can now refer to this ruling when they apply for exemption and submit proof of their income.

II. EU citizens

1. Amendment of Book Two of the Social Code (SGB II) as of January 1, 2021

Even though students are not usually eligible for ALG-II unemployment benefits, the benefits they are entitled to under Sec. 27 SGB II or Sec. 7 (1) SGB II play an important role for students with children during a sabbatical semester. These benefits can also be especially important when you are preparing for study or seeking work after you have graduated.

Since January 1, 2021, parents of children in school or vocational training (including those on degree courses) are **no longer excluded from SGB II benefits** if one of the parents is currently employed or has been employed in the past. Your eligibility for such benefits does not depend on how long you have worked for (provided you are not engaging in fraud) and the work you have done does not have to have been subject to compulsory social insurance contributions; it is enough to have worked for approximately five hours a week for you to be considered as having worked within the meaning of EU law. However, you must be working or have worked as an employee and not as a self-employed person.

Art. 10 Regulation 492/2011: The children of a Union citizen who is or has been employed in the territory of another Member State must be admitted to that State’s general educational, apprenticeship and vocational training courses under the same conditions as the nationals of that State. This regulation results in a right of residence. This also means that if you are the parent with the right of care and custody for your child, you also have a right of residence, which is not conditional on you being self-sufficient (i.e. being able to support yourself financially).

Until the end of 2020, you were not eligible for SGB II benefits if this applied to you. The European Court of Justice (ECJ) ruled on October 6, 2020 (C 181/19) that in these circumstances you would be eligible for benefits under European law. Sec. 7 (1) Sentence 2 SGB II was subsequently deleted on January 1, 2021.

Example

Isabel, a Portuguese citizen, lived in Germany from 2012 to 2014 and was employed as a nanny in a private household during that time. In 2022, she travelled to Germany with her son Pablo, who was born in 2015, to study geography. Her German language skills were not yet good enough for studying purposes, she didn't have a place at university and she still had to have her certificates recognised. She did not have any financial resources of her own. Her son Pablo started school and he and Isabel consequently acquired a right of residence under European law (Art. 10 of Regulation 492/2011) and were eligible for benefits under SGB II.

Effects on claims for federal financial aid (BAföG): EU citizens like Isabel benefit from the prohibition of discrimination against employees (Art. 7 (2) of Regulation 492/2011) and are therefore also entitled to federal financial aid (BAföG).

2. Access to statutory health insurance (SHI) for EU citizens

The **European Court of Justice (ECJ, July 15, 2021 – C-535/19)** passed a judgement of fundamental importance relating to statutory health insurance. However, it relates to the system in Latvia and requires new legislation before it can be applied in Germany.

It concerned an Italian national who moved to Latvia to live there with his wife and children. He applied for admission to the statutory health insurance system. This was rejected on the grounds that he was not gainfully employed.

The ECJ came to the following fundamental rulings:

Economically inactive Union citizens who are subject to the law of a Member State (by virtue of their residence) and who have the right of residence may not be excluded from the public health care services. However, contributions may be demanded for this purpose.

This decision may be relevant for EU citizens who are not insured in their country of origin, but who also do not have access to student insurance because they are not enrolled in a degree programme or doing a doctorate.

In most cases, they can continue their previous insurance and take out voluntary insurance. However, if this is not possible – for example, because the three-month period has expired – they are excluded from compulsory statutory health insurance under Sec. 5 (11) Sentence 2 Book Five of the Social Code (SGB V).

3. Issues that are still unresolved: Students with EU insurance and low additional income

Statutory health insurance companies require students who are insured in another EU country (with a European Health Insurance Card, EHIC) to join the student statutory health insurance scheme as soon as they take up employment – even if such employment is only marginal. If the requirements for membership are not met, they must take out voluntary statutory health insurance. The idea behind this is that these students are now also gainfully employed and the German insurance system is therefore responsible for them. At present the National Association of Statutory Health Insurance Funds (GKV-Spitzenverband) refuses to accept family insurance from other EU countries in line with German family insurance (see: Residency and Social Security Law for International Students. Guidance for Student Advisers | 2020, 2.1, p. 94).

III. Refugees: Permanent settlement permit following change in status ("lane change")

Refugees who graduate in Germany face disadvantages compared to students who hold a residence permit under Sec. 16b AufenthG when they seek to make their residence permanent by, for example, obtaining a permanent settlement permit.

Students who have been granted toleration status (temporary suspension of deportation) are eligible for a residence permit upon graduating under Sec. 18d AufenthG. However, the time since this residence permit was issued is not taken into account for graduates seeking a permanent settlement permit under Sec. 18c (1) Sentence 2 AufenthG.

After a change of status ("lane change" from toleration status to a residence title), graduates must obtain a residence permit for skilled workers holding a degree under Sec. 18b of the Residence Act if they have already held a residence permit under Sec. 18d of the Residence Act for two years. They must then work for a further two years before they fulfil the requirements for a permanent settlement permit under Sec. 18c (1) Sentence 2 of the Residence Act, or they must work for the full five years until they fulfil the requirements of Sec. 9 AufenthG.

Aachen Administrative Court, ruling of July 29, 2021 – 8 K 2528/20: "it proves consistent ... to take into account the separation of asylum and labour migration as well as the public interest in enforcing the obligation of foreigners whose deportation has been suspended to leave the country by excluding Sec. 19d of the Residence Act (as amended) from this privilege."

Example

Fazil from Algeria came to Germany as an asylum seeker in 2014 and began studying in 2015. After his asylum application was rejected in 2019, he was initially granted toleration status on humanitarian grounds. After graduating and taking up a job, he received a residence permit in 2020 under Sec. 18d AufenthG. Two years later, in 2022, he is able to change to a residence permit under Sec. 18b AufenthG and can now apply for a permanent settlement permit in 2024. However, he must explicitly apply for the change, as it sometimes happens that a residence permit is renewed in accordance with Sec. 18d AufenthG.

Legal protection against the termination of residence

The procedure begins with a hearing letter sent by the immigration authority (Sec. 28 VwVfG):

You will be able to present legal or factual evidence before the intended order terminating residence is issued. It is very important to obtain advice from a lawyer at this stage as this will be your last chance to prevent an administrative order being issued or your being taken to court.

You can apply for assistance to help cover the costs of legal advice. To do this, you will need to obtain a qualification certificate from the local court.

You can also obtain assistance to help pay for the opinion of a lawyer. However, due to the large amount of work involved, fees are sometimes charged.

Administrative order:

Your residence permit is not renewed, you are told to leave the country, you are threatened with deportation. **An appeal will not suspend the application of the administrative order!**

What do proceedings before an administrative court cost?

Legal fees:

Approximately €1,200 for regular administrative proceedings, including oral proceedings

Approximately €600 for additional summary proceedings

Court costs: standard dispute value of €6,000

€546 for regular proceedings before an administrative court

€273 for additional summary proceedings

No court costs are payable for proceedings under the Asylum Act (AsylG).

Legal aid is only granted if you do not have sufficient income (slightly more than the SGB II subsistence rates) and if there is a **good chance that your case will be successful**.

Imprint

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Please contact the author or the Servicepoint for Intercultural Competence at sik@studentenwerke.de.

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