Notes

1. This is the title of the relevant section. This brochure, which is the product of cooperation with a number of agencies and institutions, is intended to provide an overview of the regulations regarding the residence of foreign students in Germany. It is not aimed at the provision of comprehensive legal advice. For further information, please contact the Federal Office for Migration and Refugees (BAMF) or the German Rectors’ Conference (HRK).

2. See section 16b (2) sentence 4 Residence Act

3. See section 30 (1) sentence 3 no. 3 Residence Act

4. See section 20 (3) no. 1 Residence Act. The residence permit of the foreigner will be valid for one year from the date of its issue. The foreigner may apply for a renewal of the permit within one month of its expiry. The authority assessing the application will decide on the basis of the foreigner’s reports. The authority may refuse to grant the permit if the foreigner is not present in the federal territory at the time of the application.

5. State and state-recognised universities as well as research institutions are accredited. For a list of accredited institutions, see the website of the HRK: https://www.hrk.de

6. State and state-recognised universities as well as research institutions are accredited. For a list of accredited institutions, see the website of the HRK: https://www.hrk.de

7. See section 18 (2) Residence Act

8. See section 18b (2) Residence Act

9. See section 18b (2). The Federal Ministry of the Interior (BMI) announces the minimum income for each calendar year by 31 August for the following year (2020: student amount of the monthly requirement as announced by the Federal Ministry of Finance (BMF)). The income is not exclusively carried out for the purpose of preparing a research activity. The income is required to cover claims in case of unlawful stay in the federal territory.

10. The declaration of assumption of costs serves exclusively to provide evidence as to the proof that the foreigner’s subsistence is secure, including adequate health insurance coverage, without recourse to public funds for the time of his or her stay in Germany (see section 19f (3) sentence 2 Residence Act).

11. See section 19f (3) Residence Act

12. See section 18c (1) sentence 1 no. 4 in conjunction with section 2 (3) Residence Act

13. The Anabin database contains the degrees whose validation is subject to certain conditions. The conditions are set by the European Commission. The database is updated annually. The Anabin database contains the degrees whose validation is subject to certain conditions. The conditions are set by the European Commission. The database is updated annually.

14. See section 18b (2): The following is valid for all highly qualified employees with a university degree: With an offer of employment, a foreigner may apply for a residence permit on the basis of his or her employment relationship. The foreigner may apply for a renewal of the residence permit for a further period of 1 year from the date of expiry of the residence permit. The authority assessing the application will decide on the basis of the foreigner’s reports. The authority may refuse to grant the residence permit if the foreigner is not present in the federal territory at the time of the application.

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17. See section 18c (1) sentence 1 no. 1 Residence Act

18. The declaration of assumption of costs serves exclusively to provide evidence as to the proof that the foreigner’s subsistence is secure, including adequate health insurance coverage, without recourse to public funds for the time of his or her stay in Germany (see section 19f (3) sentence 2 Residence Act).

19. If the activity of the research institution is financed primarily from public funds, the presentation of the cost assumption statement is not required. However, the research activity must be carried out for the purpose of preparing a research activity. The income is required to cover claims in case of unlawful stay in the federal territory.

20. See section 19f (3) Residence Act

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23. See section 16b (2) sentence 4 Residence Act

24. See section 20 (3) no. 1 Residence Act. The residence permit of the foreigner will be valid for one year from the date of its issue. The foreigner may apply for a renewal of the permit within one month of its expiry. The authority assessing the application will decide on the basis of the foreigner’s reports. The authority may refuse to grant the permit if the foreigner is not present in the federal territory at the time of the application.

25. Please note that meanwhile the minimum income required for each calendar year from 2020 is the student amount of the monthly requirement as announced by the Federal Ministry of Finance (BMF) plus adequate rental costs effectively paid.

26. See section 20 (3) no. 2 Residence Act

27. See section 18d (1) sentence 1 no. 1 Residence Act

28. See section 18d (1) Residence Act

29. See section 18b (2) sentence 1 and sentence 2 Residence Act

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31. See section 18d (1) Residence Act

32. See esp. section 30 (1) no. 3 e) Residence Act: The marriage of a foreigner to a German national, no matter if the marriage is celebrated in Germany or abroad, does not automatically result in the acquisition of German nationality. The foreigner’s foreign partner must apply to the authorities for registration or recognition of the marriage.

33. See section 32 (1) no. 5 Residence Act

34. See sections 27, 30 (1) sentence 1 no. 3 a) Residence Act, Administrative Regulation no. 30.1.4.2.3.1 (General Administrative Regulation to the Residence Act no. 20.2.).

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36. See section 27 (5) Residence Act

37. See section 30 (1) no. 5 Residence Act

38. See section 30 (1) no. 6 Residence Act

39. Language skills are not required if the stay is expected to be temporary, see section 30 (1) sentence 3 no. 3 Residence Act.

40. See section 30 (1) sentence 3 no. 5 Residence Act

41. See section 30 (1) no. 2 Residence Act. This requirement may be reduced by a court of law. However, the court will only consider the matter relating to the studies (e.g. tutors working in halls of residence) if it is of significant importance for the foreigner’s stay in Germany.

42. See section 30 (1) no. 3 c) Residence Act

43. See section 1 (7) sentence 1 no. 2a BEEG

44. See section 44 no.1 AufenthV

45. See section 62 (2) sentence 1 no. 2a EStG

46. See section 1 (1) no. 2a BEEG

47. See section 16b (2) Residence Act

48. See section 44 no.1 AufenthV

49. See section 18c (1) sentence 2 Residence Act

50. See section 18b (2) Residence Act

51. Art. 27 REST-Directive (EU) 2016/801 in conjunction with section 18d (1) Residence Act

52. EU-Directive 2009/50, article 18

53. Art. 28, 29 REST-Directive (EU) 2016/801 in conjunction with section 18d (1) Residence Act

54. It depends on how the foreign university defines the doctoral degree programme. The assumption of costs does not serve to provide evidence as to the proof that the foreigner’s subsistence is secure, including adequate health insurance coverage, without recourse to public funds for the time of his or her stay in Germany (see section 19f (3) sentence 2 Residence Act).

55. The German Rectors’ Conference does not accept any liability for the contents set out in this document nor shall it be subject to prior editing approval of the German Rectors’ Conference.

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