

Residence law – simplification of procedures during the corona pandemic

(updated 1 October 2020)

The Federal Ministry of the Interior, Building and Community (BMI) has announced recommendations to the foreigners' registration offices (*Ausländerbehörden*) in Germany. The recommendations concern questions on residence status in relation to the current travel restrictions and reduced working capacities of the authorities: in general, authorities are asked to keep on following the regulations of the Residence Act also during the corona pandemic. However, a range of measures to simplify procedures has been indicated – above all to relieve the authorities.

Two circulars of the BMI ([first circular](#) as of 25 March 2020, [second circular](#) as of 9 April 2020) as well as two regulations on Schengen visa ([Schengen-COVID-19-V](#) and [2. Schengen-COVID-19-V](#)) sum up the simplifications (all information is available [here](#), in German).

Changes relevant for artists and culture professionals are summarised below. For details, please check on the circulars and the regulations.

Important!

Recommendations apply only temporarily during the corona pandemic and are implemented differently by the foreigners' registration offices. Artists and culture professionals are advised to contact the relevant foreigners' registration office ([search form](#)) to discuss their individual questions.

Summary of the BMI recommendations

1. Residence titles (except Schengen visa)

Application for renewal

- If an application is submitted before expiry of the residence title, the title will be accepted as valid until a decision has been made by the authorities ([Section 81 \(4\) and \(5\) German Residence Act](#)).
- Applications can be submitted informally online, by telephone, email or mail.
- Confirmations of the authorities can also be provided informally.
- In the foreseeable event that a residence title cannot be renewed, a departure is compulsory. In case the departure is not possible, exceptional leave to remain (*Duldung*) can be granted.
- In case where e.g. an employment is terminated and thus the purpose for the residence ceases, usually the period of the residence title is reduced. In that case a degree of discretion is left to the authorities; the individual case has to be examined.

Short-time allowance

Short-time allowance does not have a negative effect on a residence title.

Return travel to Germany

- Foreigners with a residence title for Germany who are residing abroad at the moment and are not able to return to Germany within the allowed period, may be granted an extension of the period.
- In cases where the residence title for Germany expires during the stay abroad, an application for renewal can be submitted from abroad (e.g. by email).

Visa free stays

- Third country nationals exempt from visa requirements in Germany should contact the foreigners' registration office before the expiry of the period to apply for a residence title.

- A gainful activity (*Erwerbstätigkeit*) approved by the Federal Employment Agency (*Bundesagentur für Arbeit*) can be commenced.

Documents

- For applications for electronic residence titles (eAT (*elektronische Aufenthaltstitel*)); also for the residence card and permanent residence card) a personal application is necessary.
- Confirmations by the authorities can be provided by mail, courier services etc. if needed.

Residence for the purpose of study

- Reduced teaching activities do not have negative effects on residence permits for the purpose of study.
- Application for renewal: simplification regarding proof of means of subsistence.
- Simplification regarding obtaining gainful activities (*Erwerbstätigkeit*).
- Delays during the study caused by the pandemic can be taken into consideration when applying for renewal.

Foreign missions in Germany

The Foreign Ministry asked the foreign missions in Germany to take care of their citizens regarding the provision of passports, identity documents etc.

2. Expiring Schengen visa

Holders of expiring Schengen visa were exempt from the requirement of a residence title until 30 September 2020. Gainful activities (*Erwerbstätigkeit*), allowed by the Schengen visa, were possible until 30 September 2020.

This applied to holders who were present in Germany on 17 March 2020 with a valid Schengen visa or who entered Germany between 17 March 2020 and 18 June with a valid Schengen visa and who were present in Germany on 30 June 2020. They were exempt from the requirement of a residence title from 1 July 2020 until 30 September 2020.

These regulations were not extended and therefore expired on 30 September 2020.

And again, please note:

Artists and culture professionals are advised to contact the foreigners' registration office to discuss their individual questions ([search form](#)).