



Universität Hamburg

DER FORSCHUNG | DER LEHRE | DER BILDUNG

PIASTA
Interkulturelles Leben
und Studieren

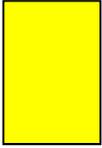


Information for international students



Visa, residence and employment
permits before, during, and
after your studies

Dear Students,



Due to a recent change in legislation, we have enclosed a yellow information sheet summarizing the most important changes in the front of this brochure.



We have crossed out any information rendered invalid by these changes.

Bzw.

~~Text~~

The City of Hamburg will issue a new brochure on student residency laws by the beginning of winter semester 2012/2013.

Unfortunately, we are unable to revise the entire brochure by October and have only marked incorrect information. We apologize for any inconvenience.

Sincerely,

The PIASTA Team

**Information by the Authority of the Interior and Sports
on the Law implementing the Directive on highly qualified workers
for foreign students, trainees and graduates**

The Law implementing the Directive on highly qualified workers of 1 June 2012 (Federal Law Gazette 2012, 1224 et seqq.) will come into force on 1 August 2012 and will offer the following **residence permit benefits** to foreign students, trainees and graduates:

- **Foreign students are allowed to be employed for up to 120 days or 240 half days** (instead of previously 90/180) **a year**
- **Foreign university graduates are allowed 18 month** (previously one year) **to find a job matching their degree and during these 18 month are allowed to work without restriction** (previously 90 days/year)
- **Foreign trainees undergoing school or industrial vocational training are allowed to work part-time up to 10 hours weekly in future** (previously not at all)
- **Foreign graduates of a school or industrial vocational training institution are allowed one year** (previously no regular access to the labour market) **to find a job matching their vocational qualification and are allowed to work without restriction during such year. Following a successful job hunt, they may get a residence permit for the purpose of gainful employment.**

To help foreign students, trainees and graduates enjoy these benefits as **quickly and with as little red tape** as possible, the Authority of the Interior and Sports has agreed with the Hamburg aliens' offices as follows: Provided students, university graduates and trainees whose residence permit is valid for a longer period apply merely for a change of the condition relating to employment, just the continuation sheets will be provided with the new condition **by a stamp** plus official seal and signature. By one-time derogation from section 78 (3), sentence 1, no. 3 of the AufenthaltG [Law of Residence], this does **not involve a change of the data on the condition relating to employment that are stored in the chip of an electronic residence permit**. Conformity of the continuation sheet with the chip will be ensured on the occasion of the next regular extension.

In anticipation of the coming into force of the law, the new provisions relating to applications for extension of residence permits pursuant to sections 16 and 17 of the AufenthaltG will be applied with immediate effect in order to avoid a new appointment at the authority. Hence with immediate effect

- Residence permits for students pursuant to section 16 (1) of the AufenthaltG will be extended including already the new condition *"Employment up to 120 days or 240 half days a year and student part-time work permitted"*,
- Residence permits for university graduates pursuant to section 16 (4) of the AufenthaltG will be issued for 18 month and include the new condition *"Gainful employment permitted"* and
- Residence permits for trainees pursuant to sections 16 (5) and 17 of the AufenthaltG will be extended including the new condition *"Employment up to 10 hours/week permitted"*.

Provided **other more favourable provisions of the new law** are a possibility in a particular case, the aliens' authorities will suspend the procedure until the coming into force of the law and will issue to those concerned a fiction certificate with regard to the permission to be employed also already includes the new law.

This Leaflet is also suitable for submission to your employer.

Explanations of overview on following pages:

* **EU-15** = EU members until April 30th, 2004: Belgium, Denmark, Germany, Finland, France, GrEEAe, Ireland, Italy, Luxemburg, The Netherlands, Austria, Portugal, Sweden, Spain, United Kingdom.

** **EEA member states** Iceland, Liechtenstein and Norway

*** **EU-8** = EU members states that joined the EU on May 1st 2004. Limitations in Freedom of Movement and work for citizens from the following countries until April 30th, 2011 at the latest: Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, the Czech Republic and Hungary.

**** **EU-2** = Bulgaria and Romania that joined the EU on January 1st, 2007. Limitations in Freedom of Movement and work for citizens from Bulgaria and Romania until December 31st, 2014 at the latest.

Stations		Non-EU	EU-15*. EEA member states**, EU-8***, Malta, Cyprus, Switzerland	EU 2****
Before entering				
Entry Processing time: two to three months		List of countries which do or do not require a visa at www.auswaertiges-amt.de provides information about whether or not you need a visa In case a visa is necessary: The Universität Hamburg recommends that you apply for an applicant's visa ("Bewerbervisum") in due time so you will be able to enter Germany without delay to your first days of studies.	No visa required	No visa required
After entering/commencing studies				
Bachelor's program Processing time: six weeks ----- Master's program Processing time: six weeks	Max. 10 years	Residence permit in accordance with §16 <i>AufenthG</i> <ul style="list-style-type: none"> ➔ Permit restricted to study of subject XY at the Z University only ➔ Part-time work: up to 90/180 half-days per year + student job ➔ Duration: issued for two years as a rule 	Freedom-of-movement permit (<i>FreizügG/EU</i>) <ul style="list-style-type: none"> ➔ Part-time work and internships permitted on unrestricted basis 	Freedom-of-movement permit (<i>FreizügG/EU</i>) <ul style="list-style-type: none"> ➔ Part-time work and internships: up to 90/180 half-days per year + student job
Immediately following written confirmation of passing exam grades and exam results				
Conversion of residence permit to "employment searc" permit Processing time: six weeks	Max. 1 year	Residence permit §16(1) - §16(4) <i>AufenthG</i> <ul style="list-style-type: none"> ➔ Application with the Immigration authority ➔ Permit to seek work only ➔ Part-time work and internships: up to 90/180 half-days per year + student job 	Freedom-of-movement permit (<i>FreizügG/EU</i>) <ul style="list-style-type: none"> ➔ Freedom of movement permission remains valid ➔ Part-time work and internships permitted on unrestricted basis 	Freedom-of-movement permit (<i>FreizügG/EU</i>) <ul style="list-style-type: none"> ➔ Freedom of movement permission remains valid ➔ Part-time work and internships: up to 90/180 half-days per year + student job
Employment				
Conversion of residence permit to „employment“ permit and commencing employment Processing time: six to eight weeks		§16(4) - §18(2) <i>AufenthG</i> with or without consent by the Employment Agency §16(4) - §21 <i>AufenthG</i> in following involvement by Chamber of Commerce <ul style="list-style-type: none"> ➔ Application with the Immigration authority 	Free access to labor market; unrestricted employment	No freedom of movement for employment <ul style="list-style-type: none"> ➔ Application for EU blue card scheme (EU work permit) at the German International Employment Agency (ZAV) ➔ Self-employment permitted on unrestricted basis
Employment		§18(2) <i>AufenthG</i> §21 <i>AufenthG</i> (self-employment)	Free access to labor market, unrestricted employment	Unrestricted work permit may be issued after a period of one year

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1.1 Entry from Non-EU Countries

No visa is required for people entering from the following countries: Australia, Israel, Japan, Canada, The Republic of Korea, New Zealand, Switzerland, USA

Prior to entry from most non-EU countries, however, a visa must be duly applied for at the German consulate.

⇒ Please inform yourself about the List of Countries with and without a Visa Obligation, available in several languages on the website of the Federal Foreign Office, which is currently valid for your nationality.

⇒ You will also find all other information about applying for a visa at this site.

⇒ www.auswaertiges-amt.de

⇒ Please note that 3-month Schengen Visas („Tourist visas“) cannot be extended for study purposes.

⇒ Due to a processing time of two to three months, the Universität Hamburg recommends that you apply for your **applicant's visa ("Bewerbervisum")** in due time so you will be able to enter Germany without delay to your first days of studies. Please do not wait for a confirmation of your place of study, but rather **apply for an applicant's visa right after your getting the preliminary confirmation** of your university application. You will be able to transform the applicant's visa into a residence permit for your studies. Related fees will not be refunded in case of a denial/deferral of your place of studies in Hamburg, but when getting an official confirmation, you will have the peace of mind knowing that there won't be any more problems entering Germany in time.

1.2 Entry from all EU and EEA countries

No visa required for entry.

2 Residence for study purposes for students from non-EU countries:

International students from non-EU countries have to apply for a residence permit for study purposes not later than three months after their arrival in Hamburg. This rule applies no matter whether an immigration visa was required or not. Foreign students from non-EU countries who have already had a visa to apply for an academic program or a visa to attend preparatory courses must apply for a new residence permit with the Foreigner's Registration Office in their District Department immediately following acceptance and enrolment as a student.

The residence permit is valid for up to a maximum of two years and has to be renewed regularly during the period of study. The residence permit is tied to the course of study, i.e. if you drop out of university or change your major the permit will expire. After graduation, international

graduates from non-EU countries have the possibility to look for a job matching their qualification for one year and obtain a new residence permit for this period.

2.1 Which residence status can be converted to a student residence permit?

- An Au-pair-stay in Germany (but not in other EU member states) can be transformed into a residence permit for study purposes – BUT you will have to ask for the transformation in time before the end of the year at the Immigration authority

- A **tourist visa cannot** be transformed into a residence permit for study purposes. Neither can it be transformed for the process of applying for a degree nor for preparatory courses. Therefore, you are needed to apply for a study visa or degree applicant's visa (recommended!) in the German diplomatic mission (consulate, embassy) of your home country..

- A residence permit for a voluntary year of social or ecological service can be converted to a student residency permit; the candidate simply has to inquire with the immigration authority before the end of the voluntary year

2.2 Can my spouse and my children enter the country?

Ja, wenn ausreichender Wohnraum zur Verfügung steht und die Finanzierung gesichert ist.

2.3 Where and how do I apply for a residence permit?

You can make an appointment at the Hamburg Welcome Centre (www.welcome.hamburg.de) to apply for your residence permit and the registration of your place of residence. For the renewal of your residence permit you will need to go to your Immigration authority [Ausländerbehörde] in your district. In each District Department [Bezirksamt], there is at least one office responsible for foreigners with settled residence permit status (not for refugees and asylum seekers).

2.4 Required documents

- Fully completed application form
download: www.welcome.hamburg.de/formulare
- National ID card
- Passport-sized photograph with biometric features (max. six months old)
- Recent Proof of Residence
- Proof of health insurance coverage
- Contract of tenancy
- Recent confirmation of studies
- Proof of financial means (see next chapter)

2.5 Financing certificate

You will need a financing certificate because according to Aliens Law [Ausländerrecht] it is assumed that foreign students enter the country for the purpose of studying

and – strictly speaking – are not allowed to work. That is why you will have to explain how you are planning to finance your studies. **The minimum financing per month is 659,- € (=equal to the maximum BAfÖG-grant).**

The following documents count as financing certificate:

- **Personal guarantee**, i.e. somebody obliges themselves with a special declaration of obligation towards the immigration authority (Ausländerbehörde - see useful link & addresses) that he or she will finance the student. This person has to disclose his income, cannot be on welfare and must be able to finance himself, his family and the foreign student.

After having submitted a statement of commitment once for the applicant's visa, am I allowed to submit this statement a second time?

Yes, the statement of commitment submitted by you is valid for your whole study period.

Additional to the statement of commitment, will I be needed to furnish proof of a minimum amount of money on my banking account?

No, the statement of commitment alone will suffice..

- **Scholarships** from German public funds, from funding organizations acknowledged in Germany or public funds from your home country coordinated by the DAAD or other German funding organizations

- **Proof of your parents' income.** You will possibly need to demonstrate how you receive the money (e.g. bank statement with relevant transfers)

- **Own bank statement** that proves that you have enough money to finance yourself for the time of the applied residence permit. Some Foreigner's Offices demand a blocked account.

- Under certain conditions foreign students may also have the possibility to use their income from an occupation that does not require a work permit (90 days or 180 half days per year). [Show **contract!**] Acknowledgement is decided upon on an individual basis by your local immigration authority (Ausländerbehörde - see useful link & addresses). An additional option is the combination of proof by a valid employment contract and proof by an additional sum of money on your bank account.

- **Deposit of a bank guarantee** (has to be renewed annually)

2.6 Electronic residence permits and costs

Beginning with September 2011, new credit card sized electronic residence permits will be issued. The huge benefit of this new format is its mobility, which allows you to have it with you at any time - so you can keep your passport safely at home. Please consider that, after having applied for the residence permit, it will have to be manufactured in Berlin, this being the reason why you'll

have to wait for approx. four weeks before you can get your electronic residence permit. Furthermore, there will be additional costs of €50.

Existing residence permits will be valid until August 31, 2021.

More information: www.bamf.de → Das BAMF → IT-Dienstleistungen → Angebote → Der elektronische Aufenthaltstitel

2.7 May I apply for semester leave?

During your studies, you may take **ONE** semester on leave (i.e. one per bachelor's and one per master's program). You do not need to contact the immigration authority. Residence permits can also be extended during a semester on leave. You maintain all previous rights (90-day regulation). If you would like more than one semester on leave, you need to contact the immigration authority and provide reasons.

2.8 May I change majors?

A change of majors is possible during the first three semesters of your studies - as well on undergraduate (Bachelor) as on postgraduate level (Master). A change of majors is defined as every change, regardless whether it is your first or second major (for BA, MA, Magister, Diploma or State Examination).

Beginning with your fourth semester, each case will be decided upon on an individual basis by the immigration authority and will be accepted only, if the change of majors does not exceed the total duration of your studies by a maximum of three semesters (18 months). This prolonging of the study duration needs to be confirmed by a university statement. Such statement can be produced by i.e. a professor, or your program or degree coordinator/supervisor of your Department or institute.

2.9 Am I allowed to study in Germany twice?

After successful graduation, you can pursue postgraduate studies such as a Master degree or PhD studies. It is not possible to pursue two undergraduate degrees (Bachelor).

2.10 How long may I study in Germany?

You may stay in Germany to study, including academic preparation, for 10 years. If you are pursuing a doctorate, you may, in individual cases, stay up to 15 years.

If you study **longer than the standard period of study plus three semesters, have not taken exams** and would like to extend your residency permit, the immigration authority requires a **statement by your university**. This must confirm that you will complete your studies within the 10-year deadline. You can get this statement from a professor in your department.

3 Residence for study purposes for students from EU countries

Foreign students from EU countries enjoy Freedom of Movement ("Freizügigkeit") and can enter the country without visa.

Since January 1st 2005, foreign students from EU countries officially receive a certificate of Freedom of Movement without having to apply for it.

Students from EU-2 states (Bulgaria & Romania) can arrange a meeting with the Welcome Center Hamburg www.welcome.hamburg.de or contact the immigration authority in their district department. Students will need: Passport, registration card, and lease or certificate of landlord, student identity card, and financing certificate.

Students from other EU member states automatically obtain their certificate after registration at the Hamburg Welcome Centre or at their local immigration authority.

4 Student Jobs

European citizens from the EU-15 countries and the EU-8, citizens from Malta, Cyprus and Switzerland and those from EEA member states enjoy Freedom of Movement and are allowed to pursue any job without prior appointment at their immigration authority.

International students (and also participants of the Studienkolleg) from non EU-countries and students from the EU 2 countries are allowed to work, but need to abide by some rules.

Your residence permit or a certificate of Freedom of Movement for study purposes states:

~~"Occupation up to 90 days or 180 half days per year and a student job are allowed"~~

This means:

4.1 90-days rule

~~International students are allowed to work for 90 days or 180 half days per year without having to apply for a work permit.~~

~~This three month occupation does not require a work permit ("vacation job") and can be split up into multiple sections. However, students are not allowed to work more than **90 full or 180 half days** (up to four hours per day) per year. This regulation enables students to take up a steady student job – e.g. for two days a week during 45 weeks per year. All workdays are counted including leave days and (paid) sick leave.~~

~~As a basic principle students are **not allowed to work more than 20 hours per week during lecture period.**~~

4.2 Student temp/part-time jobs

In addition, students are allowed to take up a student job without time limitation.

Student jobs at universities or other academic institutions are allowed without time limitation. This is also effective for jobs that are NOT carried out at universities or other academic institutions, BUT serve educational purposes within the practical field of studies, e.g. supplementary internships recommended by the university or activities in organisations with links to the university (e.g. student union, university communities, World University Service). Employment within the [ConAction](#) project is also deemed a student temp job. Please ask at your local immigration authority if you are not sure whether a job meets these criteria.

4.3 More than ~~90~~ days?

For additional jobs that go beyond the described options, students from non-EU countries will need a permit from the Immigration authority. This permit has to be approved by the Employment Agency [Agentur für Arbeit]. Students from the EU-2 will need a EU work permit in addition to your certificate of Freedom of Movement according to § 5, Act on the General Freedom of Movement for EU citizens [Freizügigkeitsgesetz/EU], which you are needed to apply for by yourself at the German International Employment Agency (abbrev. ZAV - see useful links & addresses).

Granting of work permits for jobs that go beyond the described options depends upon the job situation. The Employment Agency follows the guideline to first place all persons with free access to the employment market suitable for the job. The time needed for this Priority Inspection (i.e. a check whether there are more eligible job candidates that can be placed) varies strongly.

Watch out! Students who work more than ~~90~~ days ("off campus") per year without permission by the Immigration authority infringe the regulations and a fine can be imposed. It has to be controlled by employee AND employer whether the 90 days are already used up.

4.4 Self-employed work/freelancer?

Self-employed work needs to be approved by your local immigration authority (Ausländerbehörde - see useful links & addresses).

If you are made a job offer that falls not under "400-euro job"-regulations and you will not be working with an income tax card ("Lohnsteuerkarte"), but are asked to work via self-issued invoices and a tax number or trade license, then you are asked to do self-employed work as a freelancer, which is only allowed to EU citizens without further requirements. Students from non-EU countries

will need a special approval of the immigration authority (Ausländerbehörde - see useful links & addresses)

Students from non-EU countries can apply for this approval at their immigration authority, if they plan to do self-employed work (such as teaching, translating or interpreting) on a maximum duration of 20 hours per week. The approval can be issued by the authority within the time frame set by the 90-days rule (§ 16 Par 3 of the German Residence Act- "Aufenthaltsgesetz", abbrev. AufenthG), but only if a successful completion of your studies is not compromised (i.e. if you are employed as a freelance worker but effectively do work like an employee). An approval of self-employed work extending the 90-days rule is generally made only in such cases, where the expected work load is connected to short periods of work (e.g. interpreting).

5 Internships while studying

Students from the EU 15 countries and, as of 1 May 2011, students from the EU 8 countries, enjoy freedom of movement as employees and may pursue internships on an unrestricted basis.

Students from non-EU countries and students from EU 2 countries need to note the following:

Mandatory internships

There are no special permit issues which need to be observed in the case of mandatory internships which required in program's academic or exam regulations.

Voluntary internships:

With regard to residency laws, internships which do constitute a program requirement are considered as normal employment and are, as a rule, possible only within the framework of the ~~90~~-day regulation for part-time employment (exception: practical exam projects and program-related activities at universities/research institutions). An internship is regarded as employment whether it is paid or unpaid.

If, for example, you would like to do a six-month internship or if the ~~90~~ days for a part-time job have already been used, the following applies:

Students from non-EU countries require permission from the immigration authority, which must in turn receive consent from the German International Employment Agency (abbrev. ZAV - see useful links & addresses). The immigration authority checks primarily whether or not the 10 year deadline for academic study will be exceeded and the ZAV checks whether or not the internship has an educational orientation (i.e. whether or not you will acquire additional knowledge related to your studies) and that it is not simply an underpaid job.

Students from EU 2 countries require, in addition to their freedom-of-movement certificate, a work permit in accordance with §5 *FreizügG/EU*. They are needed to apply for this work permit by themselves at the German International Employment Agency (abbrev. ZAV - see useful links & addresses).

The ZAV checks whether or not the internship has an educational orientation (i.e. whether or not you will acquire additional knowledge related to your studies) and that it is not simply an underpaid job.

6 Residency laws following study for international graduates of German universities (FAQs)

The questions and answers below have been documented by the seminar „Completing studies in Hamburg and what's the next step?“ which has taken place every January since 2009. They are updated by Section 52 of the Department of International Affairs on an annual basis and verified by the Authority of Internal Affairs and Sports.

6.1 How much time do I have in total for my studies in Germany?

Including the time you need to prepare, for example, by taking a language course or attending a Studienkolleg, the student residence permit (§16 of the Residency Law) can be extended to up to 10 years. If you subsequently pursue a doctorate, the residence permit can be further extended in individual cases.

6.2 What is valid for whom?

+++Looking for work+++

Since January 1st, 2005, international graduates from German universities have the possibility to renew their residence permit for a year in order to find a job matching their qualification.

Graduates from EU-countries, Iceland, Liechtenstein, Norway and Switzerland enjoy Freedom of Movement and do not have to go to the Immigration authority.

Graduates from non-EU countries need to apply for a renewal of their residence permit at the responsible Immigration authority according to § 16 paragraph 4, Residence Law [Aufenthaltsgesetz] within a short period of time after graduation.

+++Starting work: my first "real" job+++

European citizens from the EU-15 countries and the EU-8, citizens from Malta and Cyprus and those from EEA member states enjoy Freedom of Movement and are allowed to pursue any job without prior appointment at their immigration authority (Ausländerbehörde - see useful links & addresses).

The following applies for **EU citizens from EU 2 countries**: If you have a concrete offer of employment which corresponds to your degree, you need to apply for a proper EU work permit at the German International Employment Agency (abbrev. ZAV - see useful links & addresses).

Non-EU citizens in this case need to apply at the immigration authority for a new residence permit which includes employment permission in accordance with §18 German Residence Law ("Aufenthaltsgesetz", abbrev. AufenthG).

6.3 Looking for work

Non-EU citizens: What is the latest point at which I need to have my residence permit converted (from student to job-seeking status)?

NOT at the end of the semester in which final exams have been passed. RATHER: the successful completion of an academic program is regulated by the respective academic or exam regulations for the program for which the permit was issued. As a rule, this is when you receive written confirmation that you have passed final exams and you have been notified in writing of your exam results. The date of exmatriculation is irrelevant.

„The time at which you receive written confirmation that you have passed final exams is constituted by the time at which written confirmation has actually been received. As a rule, this is later than the date of the transcript of records (as a rule, the transcript of record is dated on the day of the final exam).“

Non-EU citizens: Can I use the same proof that I can finance my living costs for my job-seeking year as I did for my studies?

Yes, the same regulations apply. You need to prove that you have 12 x 659.00 euros at your disposal. As proof, you can submit a declaration of obligation, a bank statement and/or an employment contract.

What do I need to do if I want to work more than 90 days while looking for permanent employment?

~~Non-EU and EU-2 citizens: You may only work for 90 days without a work permit. For everything exceeding, you must apply for permission (as during your studies). In this case, the primacy test applies, i.e. you receive a work permit only when no other person is willing or able to perform this job.~~

European citizens from other EU member states, Malta and Cyprus as well as nationals of the EEA German Residence Law ("Aufenthaltsgesetz", abbrev. AufenthG) and Switzerland enjoy freedom of movement as employees and can work on an unrestricted basis.

Can I do an internship during this year?

~~An internship (paid or unpaid) is always regarded as employment. You can complete any internship within 90 days and you must ensure that you can continue to cover your costs of living. If the internship exceeds 90 days, you need a work permit (see above).~~

Can I do an internship outside of Germany in this year?

In this case, the following applies:

- An internship abroad which lasts more than 6 months (generally every longer-than-6-month stay abroad during the year in question, whether consecutively or distributed throughout the year) leads to revocation of your residence permit only if you do not have arranged an extended deadline in writing.

- Short internships abroad during the year in question should not be problematic. It is recommended, however, that you discuss the internship contract with the responsible foreigner's department. Cases are determined individually.

If you do an internship abroad, the year of job-seeking is shortened accordingly.

After having looked for a job, will I still be able to do graduate studies?

Yes, you are allowed to start post-graduate or doctoral studies during your job search year, as well as right after this period. Keep in mind that you need to apply for a residence permit for study purposes. Same rules as those mentioned in section 2-5 apply. If you fail to complete your postgraduate or PhD studies, you will not be eligible for remaining months of your "old" job search year. If you succeed with your postgraduate or PhD studies, you can reapply for another job search year.

If I go to work abroad immediately following my studies, can I use my job-seeking year later?

The year to look for a job can ONLY be taken immediately following completion of your studies. Postponement is not legally possible! (It is no problem, however, to acquire a work permit if you leave the country and then apply for and receive a job in Germany).

6.4 Employment: My first „real“ job

The following information refers to **non-EU citizens** and citizens from **EU-2** states.

Which documents do I need for a work permit?

Passport, biometric photograph, certificate of university degree, work contract (draft) with description of work field and details regarding employment conditions (i.e. work hours, salary, vacation), and a form which needs to be completed by the employer. This form can be found online:

<http://welcome.hamburg.de/formulare/Angaben-Betrieb-und-Beschaeftigung> (PDF)

Where can I apply for a work permit?

Citizens from EU-2 states can apply for a EU work permit at the **German International Employment Agency (abbrev. ZAV** - see useful links & addresses). Which of the ZAV teams is responsible for your application depend on the location of your employer (see useful links & addresses).

Non-EU citizens need to apply for a residence permit for access to employment according to § 18 German Residence Law ("Aufenthaltsgesetz", abbrev. AufenthG) at the **respective local authority or the Hamburg Welcome Center**. ~~Validation of the actual work permit by the German International Employment Agency (abbrev. ZAV) will be conducted via internal processes.~~

What is the adequacy assessment of the German International Employment Agency (ZAV) comprised of?

- In content: An adequacy assessment of required qualifications and the future activity to the planned degree. (e.g. one will not be allowed to do academic translations as a biologist, if the job description does not explicitly state the connection to biology).
- In form: There will also be an assessment of the advertised job details (such as work hours, vacation, ...) and salary and if they correspond with an average academic job of the same sector.

Where do I get information on adequate payments of the multitude of jobs available?

Online at <http://berufenet.arbeitsagentur.de>

How long does it take to receive a response to my application for a work permit under § 18 German Residence Law ("Aufenthaltsgesetz", abbrev. AufenthG)??

~~Six to eight weeks~~, if all required documents (passport, biometric photo, certificate of university degree, job description, draft of work contract, forms filled out by employer) have been submitted.

Can I get a work permit for a traineeship?

In case of a traineeship, a work permit will be issued depending upon the contents of the contract in question, i.e. the nature of the traineeship, working conditions and financial conditions must correspond to your university degree.

Can I get a work permit for a part-time job?

Yes, on the condition that it corresponds to your degree and that you can cover your costs of living with a part-time job. The minimum cost of living is determined by the current standard rate of the SGB II (German Social Code) (unemployment payment II) plus the costs of accommodation (rent and incidentals).

Can I get a work permit for a (full/part-time) position as a research assistant at the university?

Yes. A position as a research assistant at a public institution does not require consent.

Can I also get a work permit for self-employment?

During your studies and during the one-year job search extension:

Self-employment is permissible during academic study within the framework of the 90-day regulation (§16, paragraph 3 AufenthG) but only if this does not hinder completion of studies (e.g. if an hourly-wage position essentially constitutes permanent employment). The work permit for self-employment which exceeds the 90-day regulation can only be considered if the job involves a low time commitment (e.g. interpreting).

For self-employment when the activity corresponds to the degree:

Yes. It must be proven that 1) the activity genuinely involves self-employment and 2) profit can be made on the basis of a business plan. This must ensure that the person in question can finance costs of living. The minimum cost of living is determined by the current standard rate of the SGB II (German Social Code) (unemployment payment II) plus the costs of accommodation (rent and incidentals).

Where can I apply for a permit of self-employed work?

Non-EU citizens should refer to the respective immigration authority ("Ausländerbehörde" - see useful links & addresses) or the Hamburg Welcome Center. The assessment of your application will be made in cooperation with the Chamber of Commerce, if applicable, and not with the Federal Employment Agency ("Arbeitsagentur"). Decisions will be made by the immigration authority.

EU citizens can choose freely to pursue self-employed work.

Do I need a work permit as a student teacher, medical intern or similar?

If an apprenticeship is a required part of your studies and you cannot complete them without it (e.g. 2nd State examination), this will be deemed approval-free employment and you will receive a residence permit for the purpose of in-firm, industrial or teacher training, according to § 17 German Residence Law ("Aufenthaltsgesetz", abbrev. AufenthG).

What will happen during my waiting time for a teacher training post?

It is regarded normal to wait for such a post for several months between your first State examination and the beginning of your practical teacher training, and can be bridged with your residence permit. Please do contact your local immigration authority and provide proof of your application for a teacher training post or a statement of the estimated waiting time. With wait-

ing periods exceeding one year, you will be needed to look for an in-between temp/part-time job, e.g. as teacher at a private language school.

Can I get a work permit for work which corresponds to an earlier or a second degree or to a job before or while I studied? (e.g. I already worked as an interpreter while studying?)

The work permit is only issued for work which corresponds to the highest respective degree. Your resume will also be reviewed.

Is the work permit only valid for this job? Or can I take another (e.g. more interesting) job using this permit?

The work permit is only valid for this job

For citizens of EU-2 member states, an EU work permit can be issued for any kind of employment on an unrestricted basis after a period of one year. (work permit ordinance §12 a, paragraph 1).

For non-EU citizens, there is no general answer as to when a general and unrestricted work permit can be issued. This is determined individually as various requirements may apply

Is it true that I may not take on temp work (e.g. for a temping agency)?

That's correct. You cannot be issued a work permit for a temp contract.

If my first position does not go well (I quit or am let go within the trial period), can I still use the remaining months which I have not used to continue my job search?

That depends on the factors of each case and will be decided upon on a case-to-case basis. This also means, though, that there will be no definite legal certainty.

6.5 Looking towards the future

When can I get a permanent residence permit (unlimited) as a non-EU citizen?

- You have had a residence permit for five years. (If you have left the country for more than 6 months in this period of time, the time preceding is not calculated). Please do consider that residence time as a student (according to § 16 German Residence Law ("Aufenthaltsgesetz", abbrev. AufenthG) will only be accredited for as half.
- You have paid at least 60 months of social security.
- You have worked 12 months for the same employer or 18 months for different employers and are not currently unemployed. (<http://www.hamburg.de/contentblob/415392/data/weisung-1-2008.pdf>)

What is the significant difference between a work permit for work which corresponds to a university degree and a job within the 90-day regulation in the year following graduation which takes the future into consideration?

Work permit for work which corresponds to a university degree:

You receive a (limited) residence permit if you are staying in Germany in order to work (§18 Employment). If you apply later for a permanent residence permit (unlimited), you must have had a limited residence permit for 5 years. The period under §18 in your passport is calculated in total.

Work within the 90-day regulation:

In this case, you receive a student residence permit in order to study (§16 study, language course or school attendance). If you apply later for an (unlimited) permanent residence permit, you must have had a limited residence permit for five years. Only half of the period under §16 in your passport is calculated.

During naturalization, will only half of my time of studies be accepted?

No. The duration of your studies will be fully credited towards the general residency minimum of eight years needed for naturalization. More information on naturalization can be found here:

<http://www.hamburg.de/contentblob/650070/data/einbuergung-flyer.pdf>

As an EU citizen, can I get a permanent residence permit in accordance with EU law after I have had a freedom-of-movement permit for five years?

Yes, if you have lived for five years in Germany and fulfilled freedom-of-movement conditions in accordance with §2 FreizügG/EU, you can apply for a permanent residence permit at the responsible district department..

7 Useful links and addresses

Hamburg Municipal Offices

Zentrale Ausländerbehörde / Central Immigration Authority

Assessment of all visa applications sent in by German missions abroad.

Section for Immigration Matters

Amsinckstr. 28

D-20097 Hamburg

phone: +49 (0) 40 42899-2233

fax: +49 (0) 40 427939-610

 www.hamburg.de/allgemein/109116/einreise.html

 Service.Visa-Stelle@eza.hamburg.de

Hamburg Welcome Center

To apply for the first time for a residence permit (as well as to register for the first time for your place of fixed residence), you can make an appointment at the Welcome Center Hamburg. You can also make an appointment via Internet.

Alter Wall 11, D-20457 Hamburg

phone: +49 (40) 428 28 0

fax: +49 (40) 428 54 50 02

 www.welcome.hamburg.de

 info@welcome-center.hamburg.de

Bezirkliche Ausländerbehörde / Local Immigration Authority

Addresses and opening times of the immigration authority within the respective local authority can be found online via the City of Hamburg's authority finder. To find what you are looking for, just **enter the key word** "Aufenthaltsgenehmigungen, Studenten" and then, on the next page, the **street name** of your personal address www.hamburg.de/behoerdenfinder

Arbeitsagentur Hamburg / Hamburg Employment Agency

The internal assessment of non-EU citizens' work permit applications is mainly conducted at the German International Employment Agency (ZAV), only job criteria and working conditions of employers located in Hamburg is done here.

Kurt-Schumacher-Allee 16, D-20097 Hamburg

phone number **for employees**: +49 (0) 1801 555111 *

phone number **for employers**: +49 (0) 1801 664466 *

* land line: 3.9 eurocent/min ; mobile: max. 42 eurocent/min (prices for international calls may differ)

 Hamburg@arbeitsagentur.de

 www.arbeitsagentur.de (>Partner vor Ort>Hamburg>Hamburg>Agentur>

ZAV - Zentrale Auslands- und Fachvermittlung / German International Employment Agency

The process of applying for and assessing of work permits was transferred within the Federal Employment Agency to the German International Employment Agency (ZAV). This process is handled by six teams within the ZAV, which are located in Bonn, Duisburg, Frankfurt/Main and Munich:

<http://www.arbeitsagentur.de/Dienststellen/besondere-Dst/ZAV/Downloads/AMZ/amz-neuausrichtung-standorte.pdf>

Since May 1, 2011, those teams are responsible for internal assessment and decision-making regarding applications of graduate non-EU students. In addition to that, they are responsible for work permit applications of Bulgarian and Romanian citizens (EU-2 citizens).

Team 325 (responsible for Hamburg)

Dahlmannstr. 23, D-47169 Duisburg

central phone number: +49 (0) 228 713 2000

fax: +49 (0) 203 9907 279 238

 ZAV-Duisburg.AE-Team325@arbeitsagentur.de

 www.arbeitsagentur.de → Über uns → Weitere Dienststellen → Zentrale Auslands- und Fachvermittlung → Arbeitsmarktzulassung (or just enter the keyword "ZAV" in the search engine of your choice)

On-campus advising on residence laws

Student Services Hamburg

The Office of Social and International Affairs provides information and personal advising on questions about life as a foreign student in Hamburg

www.studierendenwerk-hamburg.de/

PIASTA Intercultural living and studying

↻ Cultural Program

↻ Training Coaching Program

↻ Information and Advising

Advising for International Students, Doctoral Candidates, and Graduates of Universität Hamburg for questions and problems regarding work permits, residence permits, student jobs, internships and much more.

www.uni-hamburg.de/piasta

Part-time work and student jobs

Stellenwerk (Job exchange)

Joint online job exchange service of Universität Hamburg, the University of Applied Sciences of Hamburg and the Technical University of Hamburg-Harburg! Students and graduates can find jobs, relevant internships, recommendations for final theses and projects and, later, the first permanent job.

www.stellenwerk-hamburg.de

German social security

Very useful brochure: „Tips for Students: Working and Studying“ (PDF) (only available in German)

www.deutsche-rentenversicherung.de > >Formulare und Publikationen >Broschüren und Gesetzestexte >vor der Rente > unter „T“ wie Tipps

Starting professional life

CareerCenter of Universität Hamburg

- ➔ Professional orientation
- ➔ Career planning
- ➔ Applying
- ➔ Expanding skills

www.uni-hamburg.de/careercenter

Self-employment

- Handelskammer Hamburg: www.hk24.de
- H.E.I. Hamburger Initiative für Existenzgründungen und Innovationen www.hei-hamburg.de
- LAWÄTZ – Stiftung www.lawaetz.de
- Gründungszentrum ENIGMA: www.enigmah.de, www.garagehamburg.de
- Arbeitsgemeinschaft selbstständiger Migranten e.V. (ASM) www.asm-hh.de
- Unternehmer ohne Grenzen www.unternehmer-ohne-grenzen.de

Information and academic advice

CampusCenter at Universität Hamburg

- ➔ Before you start studying
- ➔ Applying
- ➔ Studying

www.uni-hamburg.de/campuscenter

Exam offices

www.uni-hamburg.de/Einrichtungen/pruefungsaeamter.html

Advice in the departments

<http://www.verwaltung.uni-hamburg.de/vp-1/3/34/fachberatung.html>