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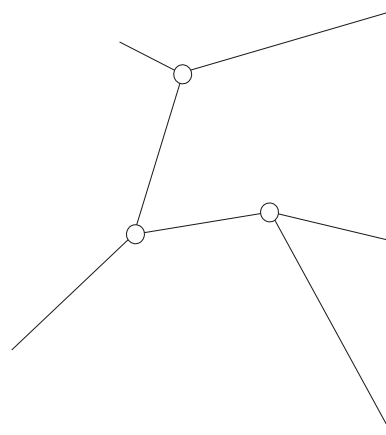
# Questions and answers about the residence status of threatened researchers in Germany

As of 10 December 2025



## Contents

<b>Note.....</b>	<b>5</b>
<b>1. What is the procedure for obtaining a visa/residence permit in Germany? .....</b>	<b>5</b>
1.1. Can a visa be applied for in a third country? .....	5
1.2. Which are the consequences of crossing the border illegally? .....	6
1.3. Is it possible to apply for a residence permit within Germany if you entered the country on a Schengen visa, for example? .....	6
1.4. Is it possible to enter the country or apply for a visa without a valid passport? .....	6
<b>2. Entry and residence procedures for the purpose of research.....</b>	<b>7</b>
2.1. Long-term residence for research purposes (Section 18d of the Residence Act) .....	7
2.2. Residence of up to 180 days within 360 days for researchers who already have a residence permit from another EU member state (§ 18e AufenthG).....	7
2.3. Residence of more than 180 days up to 360 days for researchers who already have a residence permit for the purpose of research in another EU member state (§ 18f. AufenthG) .....	7
2.4. Residence permits for the purpose of employment (§§ 18b,g,19c AufenthG).....	8
2.5. Residence permit for study purposes within the framework of a doctorate or PhD.....	8
2.6. Can I change my place of residence within the EU with a residence permit for study or research purposes?.....	8
<b>3. Special features of applications for persons at risk/refugees abroad and in Germany.....</b>	<b>9</b>
3.1. What protection status can persons at risk obtain in Germany? .....	9
3.2. Are there special visa procedures for people at risk and those seeking protection?.....	9
3.3. Can researchers who are at risk in their country of origin enter Germany on the basis of another visa and later conduct research in Germany?.....	9
3.4. What special provisions apply to entry into Germany for researchers at risk who are in another EU country and have international protection status there? .....	9





3.5. What status should a host institution recommend for researchers at risk? .....10

3.6. What must be taken into account if a short research stay in a third country is planned during or after the asylum procedure?.....10

**4. Social law issues for persons entitled to subsidiary protection, persons with recognized refugee status ..... 10**

4.1. What residence rights and social entitlements do recognized refugees have? .....10

4.2. Which important restrictions must be observed during asylum proceedings? .....11

4.3. Does the residence status have an impact on health insurance coverage? .....11

4.4. What do vulnerable researchers need to bear in mind during their stay regarding receiving social benefits or scholarships?.....12

4.5. Where can questions regarding the receipt of social benefits be directed? .....13

4.6. Are vulnerable researchers entitled to child benefits? .....13

4.7. Who provides advice on questions regarding child benefit entitlements? .....13

**5. Options for changing the purpose of residence permits ..... 14**

5.1. Is it possible to switch from another residence permit to a residence permit for research purposes in accordance with Section 18d of the Residence Act? .....14

5.2. Is it possible to apply for a residence permit for research purposes while an asylum procedure is ongoing? .....14

5.3. Is it possible to start asylum proceedings with a residence permit for research or gainful employment purposes?.....14

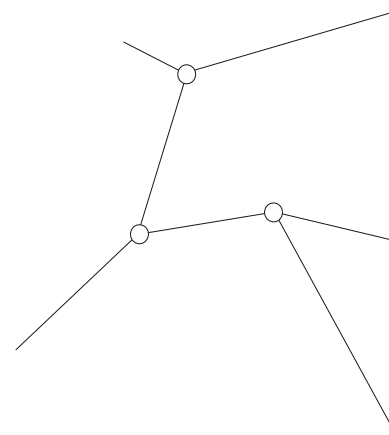
5.4. Which options are there for remaining in the country if the asylum application has been rejected? .....14

5.5. What options are available to persons who have successfully completed their asylum proceedings? .....15

**6. Options for securing residence (sections 18b, 18c, 9a AufenthG?) .. 15**

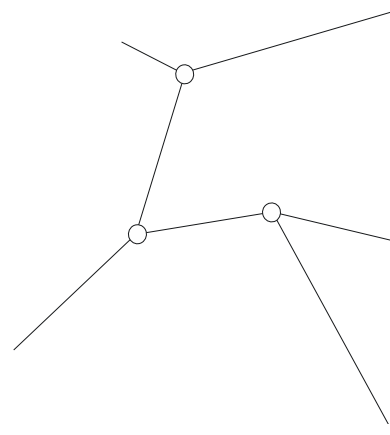
6.1. What are the prospects for researchers at risk if they want to bring their spouses or minor children from their home country? .....16

6.2. After completing the research activity, is there a right to extend the residence permit for the purpose of looking for work? .....16





6.3. Under what conditions do researchers at risk receive a permanent residence permit?.....	16
6.4. Are asylum or international protection (refugee status and subsidiary protection) subject to a time limit? .....	17
6.5. Is it permitted to move to other EU countries if asylum or international protection (refugee status or subsidiary protection) has been granted? .....	17





## Note

The BAMF's citizen service provides advice on general questions relating to immigration law. However, as the interpretation of residence law provisions is a matter for the federal states, it is recommended that you contact your local immigration office if you have specific questions. You can find the immigration office responsible for your location on the BAMF website.

## 1. What is the procedure for obtaining a visa/residence permit in Germany?

As a rule, a visa appropriate to the planned activity in Germany must be applied for at a German diplomatic mission in the person's home country. Specific details of the purpose of the visit must be provided at this stage. In addition, evidence of research projects, qualifications, and admission agreements must be submitted, as well as proof of sufficient funds to cover living expenses, if necessary, and health insurance coverage.

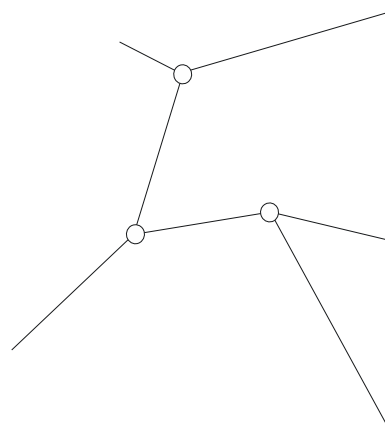
### 1.1. Can a visa be applied for in a third country?

To apply for a national visa in a country other than the home country, the following conditions must be met:

1. Either the person has proof of their legal and habitual residence in that country (residence permit, registered address);
2. Or the person is in a country neighboring their home country that allows applications due to the lack of a German diplomatic mission. An example of this is Afghanistan – the Federal Republic of Germany has declared the diplomatic mission in Pakistan responsible for processing visa applications from Afghan citizens as well.
3. Or the person is registered at a UNHCR refugee camp. Proof of this is sufficient for the embassy as evidence of legal and habitual residence in the third country.

#### 4. Special features for Syrian nationals:

The German embassy in Damascus is closed. Syrian nationals can apply for a visa at the German missions in the neighboring countries of Turkey, Lebanon, and Jordan. If they have been outside Syria for more than six months, they can also apply for a visa in the country of residence. If they have been there for less than six months, they should contact the German embassy there to ask for an exception.





### **1.2. Which are the consequences of crossing the border illegally?**

In general, illegal border-crossing leads to an obligation to leave the country. If a person wishes to obtain a residence permit in accordance with Sections 16 ff. (purpose for education and studies) 18 ff. (purpose of employment) of the Residence Act (AufenthG) after entering the country illegally, this is not possible due to the illegal entry (lack of the required visa). However, this is not a problem for persons seeking and applying for asylum.

### **1.3. Is it possible to apply for a residence permit within Germany if you entered the country on a Schengen visa, for example?**

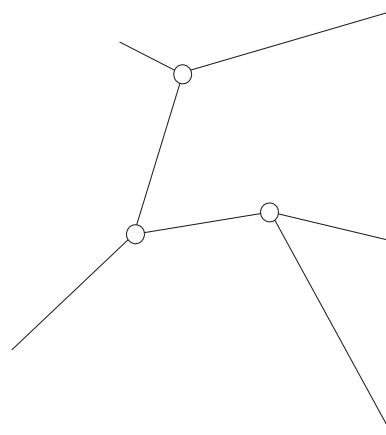
This is only possible in exceptional cases. These are regulated in Section 5 (2) of the Residence Act.

The authority **may** waive the requirement to enter the country with a national visa corresponding to the purpose of the stay if the applicant is entitled to the desired residence permit (“... is to be granted”) and fulfills the requirements of section 39 AufenthV. There is also entitlement to the granting of a residence permit for research purposes in accordance with Section 18d of the Residence Act.

The authorities **shall** waive the requirement to enter the country with a national visa in individual cases if it is unreasonable to catch up on the visa procedure. Unreasonableness must be illustrated in detail.

### **1.4. Is it possible to enter the country or apply for a visa without a valid passport?**

The visa procedure requires possession of a passport. If no passport is available and cannot be applied for or issued, the persons concerned must first obtain replacement documents. Examples of this are a “blue passport” issued by the signatory states to the Geneva Refugee Convention (prerequisite: recognition of refugee status), or a travel document for foreigners (§ 5 AufenthV), which can be applied for at the competent German diplomatic mission abroad. The Federal Office for Migration and Refugees (BAMF) must approve the issuance, which is why legal advice and assistance is strongly recommended during the process.





## 2. Entry and residence procedures for the purpose of research

### 2.1. Long-term residence for research purposes (Section 18d of the Residence Act)

This residence permit requires that you have a valid contract with a recognized research institution. The residence permit entitles you to conduct research within the scope of the contract or admission program and to teach. Livelihood shall be secured through simultaneous employment within the scope of research activity for at least 50% of regular working hours.

If the research institution is recognized for carrying out the special admission procedure, the residence permit must be issued within 60 days of the application being submitted. This residence permit is issued for at least one year. If the research activity takes place within the framework of a European Union or multilateral program, the residence permit is issued for at least two years.

### 2.2. Residence of up to 180 days within 360 days for researchers who already have a residence permit from another EU member state (§ 18e AufenthG)

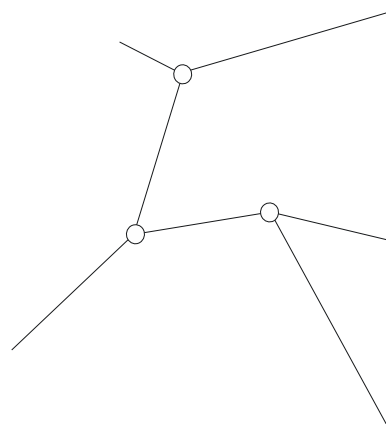
If the person already holds a residence permit for the purpose of research in another Member State of the European Union, no special residence permit from the Federal Republic of Germany is required for research purposes of **a maximum of 180 days** within 360 days. In such cases, the Federal Office for Migration and Refugees issues a certificate of eligibility for entry and residence.

To this end, however, the research institution must inform the BAMF and submit evidence of the admission agreement in Germany. Furthermore, the person must have a valid passport and proof of sufficient funds to cover their living expenses.

Teaching activities are also permitted within the scope of the research activity.

### 2.3. Residence of more than 180 days up to 360 days for researchers who already have a residence permit for the purpose of research in another EU member state (§ 18f. AufenthG)

Researchers are granted a residence permit for a period of **at least 180 days** and up to 360 days for the duration of their research activities if they present the research cooperation agreement, their





passport, and a valid residence permit for the entire period of their stay in Germany.

#### **2.4. Residence permits for the purpose of employment (§§ 18b,g,19c AufenthG)**

Apart from the above-mentioned residence permits, which serve the direct purpose of research, it is of course also possible to apply for residence permits for the purpose of employment that include research activities within the scope of employment. The options must be clarified on a case-by-case basis depending on existing qualifications, employment contract, and minimum salary requirements.

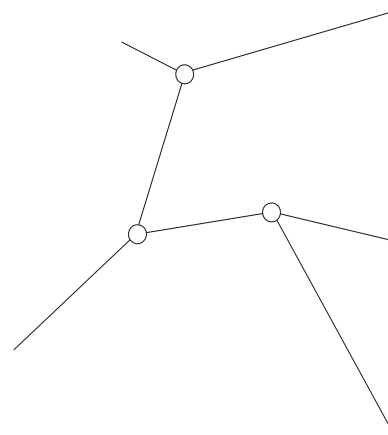
#### **2.5. Residence permit for study purposes within the framework of a doctorate or PhD**

If the research activity takes place within the framework of a doctorate and the studies are mainly financed by the applicant's own funds, a residence permit for the purpose of study can be applied for in accordance with Section 16b of the Residence Act. The main requirements are enrollment at a university in Germany and proof of sufficient funds to cover living expenses.

#### **2.6. Can I change my place of residence within the EU with a residence permit for study or research purposes?**

Residence for research purposes for up to 180 days in 360 days is already permitted with the granting of § 18d AufenthG. For other residence permits for the purpose of study (Section 16b of the Residence Act) or a research stay of 180-360 days as part of another research program (Section 18f), applications must be resubmitted in the destination country.

In this case, it is essential to observe the expiry requirements of Section 51 of the Residence Act, according to which, for example, an absence from the federal territory of more than six months leads to the expiry of the German residence permit.







### **3. Special features of applications for persons at risk/refugees abroad and in Germany**

#### **3.1. What protection status can persons at risk obtain in Germany?**

Persons who are at risk of persecution in their country of origin for political or other relevant reasons may be entitled to asylum (Art. 16a GG) and/or refugee status (§ 3 AsylG) in Germany.

If they are at considerable risk in their home country (e.g., in the course of an internal armed conflict) within the meaning of § 4 AsylG without being persecuted, they may be entitled to subsidiary protection. However, this is subject to the condition that the persecuted persons are residing in the Federal Republic of Germany. Recognition of this status results in an independent right of residence in Germany.

Asylum and international protection status can only be applied for in an asylum procedure at the Federal Office for Migration and Refugees (BAMF) and can only be granted by this authority.

#### **3.2. Are there special visa procedures for people at risk and those seeking protection?**

No, unfortunately, the fact that a person is threatened by war or persecution has no effect on visa law. There is no visa for applying for asylum or carrying out the protection procedure.

#### **3.3. Can researchers who are at risk in their country of origin enter Germany on the basis of another visa and later conduct research in Germany?**

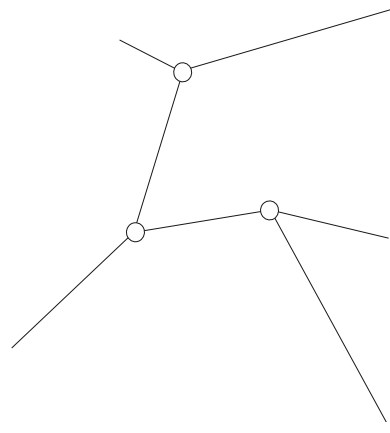
In principle, entry must be for a specific purpose, which should then be fulfilled in Germany. A change of purpose must be discussed in detail and often requires individual legal advice.

Nationals of the following countries may enter visa-free in accordance with Section 41 (1) of the Residence Regulation and carry out the procedure for obtaining a residence permit in Germany:

Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand, and the United Kingdom of Great Britain and Northern Ireland.

#### **3.4. What special provisions apply to entry into Germany for researchers at risk who are in another EU country and have international protection status there?**

With the implementation of the EU REST Directive (Directive EU 2016/801) and the Act on the Further Development of Skilled





Immigration, Section 18d (6) of the Residence Act stipulates that such persons entitled to protection may take up research activities in the Federal Republic of Germany if they have resided in the other member state for at least two years after their recognition and meet the requirements for admission to a research program in accordance with Section 18d (1) of the Residence Act.

### **3.5. What status should a host institution recommend for researchers at risk?**

A recommendation depends on how likely it is that asylum or refugee status will be granted and how long-term and secure the research project and the researcher's personal prospects are. However, the foreign researcher's plans for returning home should also play an important role in the decision. Visits to the home country often lead to the loss of asylum or refugee status in Germany. This exclusion does not apply to people entitled to subsidiary protection or persons with a humanitarian national ban on deportation (Section 60 (5) and (7) of the Residence Act).

### **3.6. What must be taken into account if a short research stay in a third country is planned during or after the asylum procedure?**

Travel abroad is not planned or permitted during the ongoing asylum procedure. With the approval of the competent immigration authority, travel within Germany may be permitted.

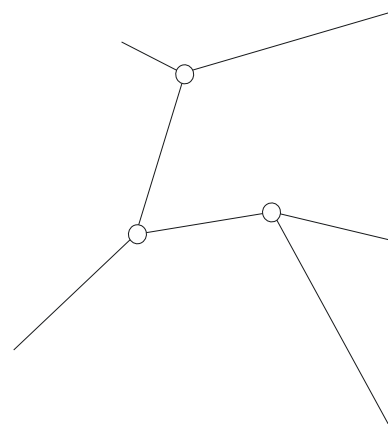
Once the procedure has been completed and you have either been granted asylum or protection status, or there is a ban on deportation, you will receive a residence permit (pursuant to Section 25 (1), (2) or (3) of the Residence Act).

With these residence permits and a valid passport, the person is allowed to travel. The entry requirements of the third countries must always be observed. A stay outside the federal territory of more than 6 months should have been approved in advance by the competent immigration authority (Section 51 (1) No. 7 of the Residence Act).

## **4. Social law issues for persons entitled to subsidiary protection, persons with recognized refugee status**

### **4.1. What residence rights and social entitlements do recognized refugees have?**

Persons who are recognized as persons entitled to protection receive a residence permit (depending on their protection status) in





accordance with Section 25 (1) or (2) (1st or 2nd alternative) of the Residence Act. This means that, like Germans, they are also entitled to all social benefits. However, if they receive scholarships, these must be reported to the social welfare authorities and credited in accordance with social welfare regulations.

#### **4.2. Which important restrictions must be observed during asylum proceedings?**

Asylum seekers cannot choose their place of residence within Germany themselves; this already begins when they submit their application: They are distributed nationwide and, in a second step, within the federal state that is then responsible for them. However, legitimate interests can be taken into account, which may include research activities or participation in university events.

After three months of permitted residence, gainful employment is permitted with the consent of the immigration authorities. If they are able to fully support themselves – e.g., through gainful employment or a scholarship – this residence requirement is also lifted.

This does not apply to people from so-called safe countries of origin. Asylum seekers from safe countries of origin are generally excluded from taking up employment and enjoying free mobility. They are also subject to a more restrictive residence requirement in the initial reception facilities. In addition, there are restrictions in the area of social benefits.

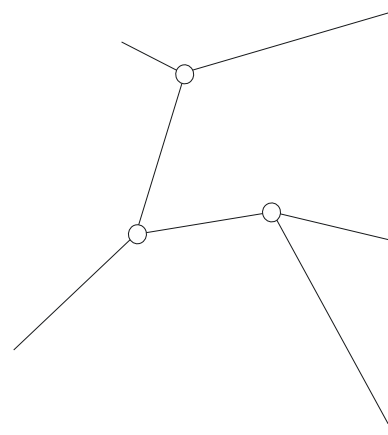
Safe countries of origin, as of 2025: the member states of the European Union, Albania, Bosnia and Herzegovina, Georgia, Ghana, Kosovo, North Macedonia, Montenegro, Republic of Moldova, Senegal, Serbia.

#### **4.3. Does the residence status have an impact on health insurance coverage?**

##### **a) During asylum proceedings**

As long as they are not in employment subject to social insurance contributions, asylum seekers receive medical benefits in accordance with the Asylum Seekers Benefits Act (AsylbLG). Depending on the federal state, these benefits are limited to acute treatment for the first 15 months. After these first 15 months, asylum seekers receive medical benefits in accordance with the general benefits scheme.

##### **b) After recognition**





Persons who have been granted protection, on the other hand, have access to all medical benefits that are also provided for Germans without income by law.

**c) Persons with temporary suspension of deportation**

Researchers who have temporary suspension of deportation receive benefits in accordance with the rules of the AsylbLG if they do not engage in any activity subject to compulsory insurance; in this respect, they are treated the same as asylum seekers.

**4.4. What do vulnerable researchers need to bear in mind during their stay regarding receiving social benefits or scholarships?**

**a) When receiving social benefits under Sections 16 ff. and 18 ff. of the Residence Act**

It is essential to ensure that researchers who have been granted a residence permit under Sections 16 ff. or 18 ff. of the Residence Act for the purpose of carrying out a research project cover their living expenses from their own resources (gainful employment, cost coverage or scholarships). The loss of these benefits and, even more so, the subsequent receipt of public benefits will jeopardize their residence. In this case, it is advisable to contact an advisory center in good time.

If the means of subsistence are insufficient, the state will provide social assistance, to which the person is also entitled. However, this has a detrimental effect on their residence status.

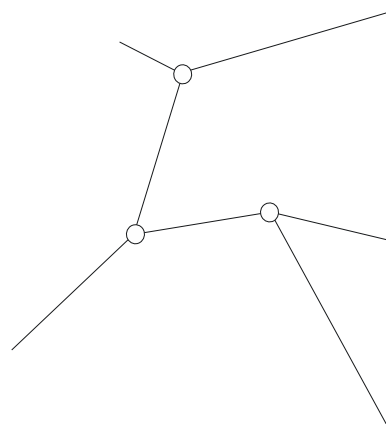
**b) For individuals participating in a research project pursuant to Section 18 d of the Residence Act**

If the research institution covers the costs, social benefits are not required because the research institution is generally responsible for covering the costs.

Self-financing researchers or those who finance themselves through a scholarship may find themselves in a situation where these funds are no longer sufficient. In this case, it is legally possible to receive social benefits, but this has a negative effect on the right of residence due to the lack of means of subsistence.

**c) Persons in the asylum process / persons entitled to protection (recognized) and tolerated persons**

For all persons who are permitted to stay because of an asylum procedure or who are granted protection, receiving social benefits does not have a negative effect on their right of residence. The same applies to tolerated persons. They are allowed to receive public benefits.





However, it should be noted that scholarships or benefits from third parties must be offset against public benefits. In such cases, entitlement to benefits may be lost in whole or in part. Recipients of public benefits are also obliged to report the receipt of such benefits (or scholarships) to the social welfare authority. The latter is very important to note, as failure to do so may result in criminal charges for attempted social welfare fraud.

#### **4.5. Where can questions regarding the receipt of social benefits be directed?**

All social counseling services can be used for this purpose, whether those of welfare organizations, churches, trade unions, or social welfare offices.

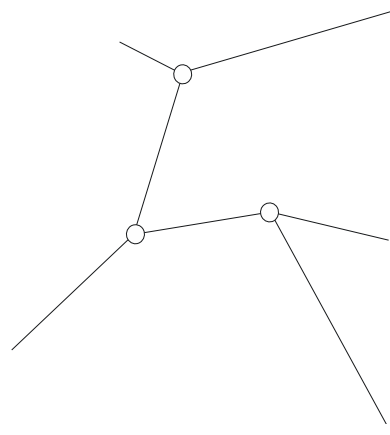
#### **4.6. Are vulnerable researchers entitled to child benefits?**

If vulnerable researchers have been recognized as refugees or persons entitled to subsidiary protection, they are entitled to child benefits. This applies to persons with a national ban on deportation (humanitarian protection) pursuant to Section 60 (5) and (7) of the Residence Act (AufenthG) if they have been resident in Germany for at least 15 months.

Researchers with a residence permit under Section 18 ff. of the Residence Act are also entitled to child benefits. The legal restrictions under Section 1 (3) No. 2b of the Child Benefit Act (BKGG) are not normally relevant for researchers: anyone who is qualified as a researcher is not subject to any upper limit and can therefore receive child benefits.

#### **4.7. Who provides advice on questions regarding child benefit entitlements?**

The family benefits offices provide advice on this matter. In addition, all counseling centers that provide youth and educational counseling (pro familia, associations for the support of single parents, churches, etc.) are suitable for these questions.





## **5. Options for changing the purpose of residence permits**

### **5.1. Is it possible to switch from another residence permit to a residence permit for research purposes in accordance with Section 18d of the Residence Act?**

Yes, there are many options for switching to a residence permit in accordance with Section 18d, provided that the requirements are met.

A table providing an overview of which changes are possible in principle has been created by the Non-Profit Society for the Support of Asylum Seekers (GGUA Refugee Aid).

### **5.2. Is it possible to apply for a residence permit for research purposes while an asylum procedure is ongoing?**

According to Section 10 (1) of the Residence Act, persons who are in the asylum procedure can only be granted a residence permit to which they are entitled (gainful employment, research, study) with the consent of the highest state authority if important interests of the Federal Republic of Germany require it. Legal advice is strongly recommended in this case.

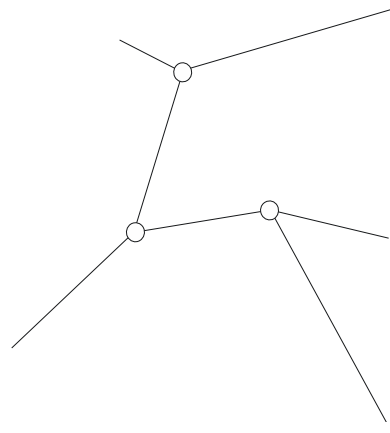
### **5.3. Is it possible to start asylum proceedings with a residence permit for research or gainful employment purposes?**

It is possible to change from permitted residence by submitting an asylum application. The residence permit remains valid and can also be extended during the asylum proceedings (Section 10 (2) AufenthG).

If the person concerned still has a valid residence permit, for example under Section 18d of the Residence Act, they can even submit their asylum application in writing to the headquarters of the Federal Office for Migration and Refugees (BAMF) in Nuremberg. This has the advantage that the person concerned is not distributed nationwide and does not have to move to an initial reception center. They can continue to live at their previous place of residence. If a change to asylum is considered, the asylum application should be submitted in good time before the residence permit expires.

### **5.4. Which options are there for remaining in the country if the asylum application has been rejected?**

Anyone whose asylum application has been rejected must leave the country at the end of the procedure, unless they can present legally





applicable reasons to remain. The same applies if the asylum application has been withdrawn.

If deportation fails for factual or legal reasons, the person will be tolerated until the obstacle is removed. A tolerated person may, under certain circumstances, apply for a residence permit in accordance with § 19d AufenthG (qualified tolerated persons). The main requirements are completed training, secure livelihood, German language skills (B1), professional experience, and a clean criminal record.

In addition, people who have been tolerated in Germany for a longer period of time may have the following options, which must be considered on a case-by-case basis:

1. Tolerated stay for educational purposes (Section 60c of the Residence Act),
2. Tolerated stay for employment purposes (Section 60d of the Residence Act),
3. Opportunity or integration stay (Sections 104c and 25b of the Residence Act).

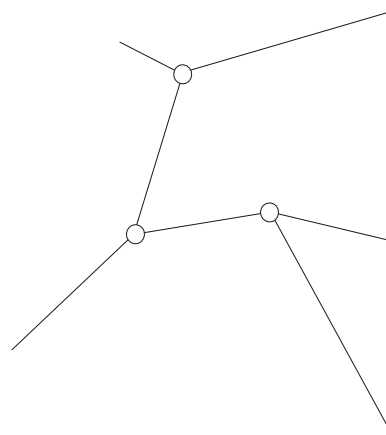
### **5.5. What options are available to persons who have successfully completed their asylum proceedings?**

Residence for recognized refugees or persons entitled to subsidiary protection (according to § 25 (2) AufenthG) is not restricted to a specific purpose. These persons may remain in the country; whether they conduct research or engage in other activities (or receive social benefits) is irrelevant. Due to the proven threat in their country of origin, they are allowed to remain and have access to all social benefits available to German citizens.

Persons who have been granted national protection against deportation (e.g., on humanitarian grounds) (Section 60 (5) and (7) of the Residence Act) may also remain in the Federal Republic of Germany and have the right to study, conduct research, or work at a research institution.

## **6. Options for securing residence (sections 18b, 18c, 9a AufenthG?)**

Since March 2024, researchers have been granted a residence permit for the purpose of seeking employment pursuant to Section 20 (1) No. 2 of the Residence Act for 18 months following their research stay.





### **6.1. What are the prospects for researchers at risk if they want to bring their spouses or minor children from their home country?**

#### a) During the asylum procedure

Unfortunately, family reunification is not possible during the asylum procedure. Spouses and children of asylum seekers do not have the right to move to the Federal Republic of Germany for this reason. The only exception is if the family members are already asylum seekers in another EU country, Switzerland, or Norway. In this case, the remaining family members can apply to move to Germany in order to go through a joint asylum procedure.

#### b) With asylum entitlement or international protection (refugee protection or subsidiary protection)

With this protection status, family reunification is generally possible.

#### c) with a residence permit pursuant to Sections 18 ff. of the Residence Act

Family reunification is possible but requires proof of sufficient funds to cover living expenses without recourse to public benefits (transfer payments). This proof of sufficient funds can also be provided in the form of a scholarship, provided that it covers the required basic amounts.

### **6.2. After completing the research activity, is there a right to extend the residence permit for the purpose of looking for work?**

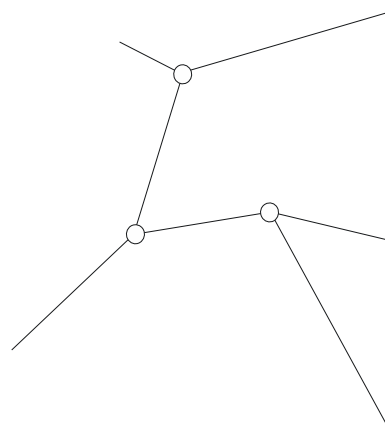
Yes. Researchers who have a residence permit in accordance with Sections 16b (study) or 18d, f (research) of the Residence Act are granted a residence permit for the purpose of seeking employment for 18 months following their stay. In this case, the requirement is that the applicant can cover their living expenses.

### **6.3. Under what conditions do researchers at risk receive a permanent residence permit?**

When it comes to the question of a settlement permit, it depends on the person's residence status. Recognized refugees can obtain a settlement permit after three years of prior residence if they can demonstrate that they have sufficient means of subsistence and have German language skills.

Three years of prior residence apply to persons who are married to German citizens.

Skilled workers (residence permits pursuant to Sections 18a, 18b, 18d, 18g of the Residence Act) can apply for a settlement permit pursuant to Section 18c (1) of the Residence Act after three years (after 24 months if they have a domestic degree). The requirements







here are also a sustainable means of subsistence, German language skills at least at B1 level, and successful completion of the naturalization test or “Life in Germany” test, as well as 36 (or 24 with a German degree) contributions to the statutory pension insurance scheme and sufficient living space.

Otherwise, a foreigner must have lived in Germany regularly for at least five years and be able to prove that they have sufficient means of subsistence and have paid compulsory contributions for 60 months. In addition, they must have German language skills corresponding to B1. Only half of the time spent studying in Germany in accordance with Section 16 of the Residence Act is counted. Otherwise, the general conditions set out in Section 9 of the Residence Act apply. The same applies to the EU long-term residence permit, which has the same requirements as the settlement permit. However, with regard to intra-EU mobility, it is advisable to also apply for an EU long-term residence permit.

#### **6.4. Are asylum or international protection (refugee status and subsidiary protection) subject to a time limit?**

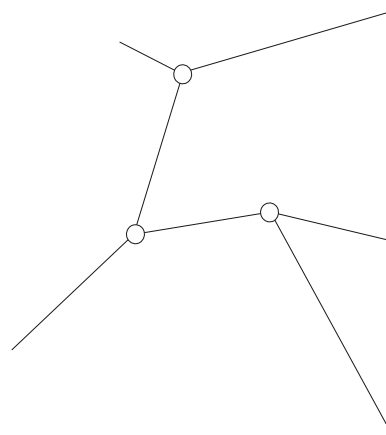
Yes, all protection titles can be revoked by the BAMF if the threat in the country of origin no longer exists. However, this must be determined in a formal procedure and is subject to judicial review.

This does not mean that the residence permit expires immediately, because after the protection status has been revoked, the immigration authorities must still take action and revoke the residence permit. If necessary, other reasons may then be relevant that justify further residence (e.g., family, long-term residence leading to a permanent residence permit, or residence for the purpose of employment or research).

#### **6.5. Is it permitted to move to other EU countries if asylum or international protection (refugee status or subsidiary protection) has been granted?**

In principle, no, there is no direct intra-EU mobility for persons entitled to asylum or recognized as persons in need of protection. Residence in another EU country must be reapplied for and approved in each case.

Only after a five-year stay – and if they can secure their livelihood – do persons entitled to protection from non-EU countries acquire the right to migrate within the EU under the Long-Term Residence Directive, but even then, they first need a residence permit in the other EU country.





However, there is also an **important exception** to this rule in the EU's REST Directive. If they are persons entitled to international protection who have been residing in Germany for at least two years, these persons may go to a host institution in an EU member state as researchers, provided they meet the admission requirements. In this case, the loss of the German residence permit is only recorded after a six-year absence.

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\*This selection of questions and answers is intended as non-binding information on the possibilities under residence law for the admission and support of researchers at risk at German universities and research institutions. The list has been compiled to the best of our knowledge but does not claim to be exhaustive. Furthermore, legal decisions depend on a variety of individual circumstances, so this information cannot replace legal advice. No liability is assumed for the accuracy and timeliness of the information provided. It is advisable to contact appropriate counseling centers and/or the immigration authorities. It should also be noted that many official decisions are at the discretion of the authorities and that the person concerned is only entitled to a specific decision in exceptional cases. As a result, it is only possible to make very limited predictions about the decision of an authority.

