

Information on family reunification for asylum seekers and persons with protection status

Did you apply for asylum in Germany?

Do you have family members abroad whom you would like to bring to Germany?

Here you will find some information on the topic of family reunification.

What are the requirements for family reunification?

Family reunification is only possible if you have a **residence permit**. This means:

- If your **asylum application** has been **rejected**, you **cannot bring** your family members here.
- If you have **not yet received a decision** on your asylum application, you **cannot bring** your family members here. However, you can already **prepare the documents** that your family members will need for family reunification.
- If you have already received a decision on your asylum application and have been **granted protection status**, you **can bring** your family members here **under certain conditions**.

Which conditions these are depends on two **questions**, among others:

- **What kind of protection status** have you been granted? Refugee status (GFK)? Subsidiary protection? A deportation ban (according to § 60 (5) or (7) AufenthG)?
- **Which family members** do you want to bring here? Your wife or husband? Your minor children? Your adult children? Your parents? Your brothers and sisters? Other family members?

In general, family reunification is only possible for the closest family members - i.e. for **spouses** and for **parents and their minor children**. **All other family members** are generally **excluded** from family reunification. The authorities only make

exceptions to this rule in very rare, **exceptional hardship cases**. This applies no matter what protection status you have been granted.

Refugee status (GFK)

If you have been granted **refugee status (GFK)**, you have the right to bring your wife or husband and your minor children with you. It is important that you file a "**timely notification**" for family reunification **within 3 months** after your recognition as refugee. Then it does not matter for family reunification whether you have a job or a flat. The best thing to do is to ask an counselling centre or a lawyer about this.

If **your child** abroad has turned **18 during your asylum procedure**, he or she still has a right to family reunification if a **visa application** is submitted to the German embassy **within 3 months** after your recognition as refugee. A booking of an appointment or a "timely notification" is not sufficient for this. It is best to ask for counselling on this.

Subsidiary protection

If you have been granted **subsidiary protection**, you can also bring your wife or husband and your minor children to Germany. You do not have to have a flat or a job to do this and you do not need to submit a "timely notification". If you appeal to the court against the BAMF decision, you will already receive a residence permit and can start the family reunification process.

If you only **got married after you had already fled** your country of origin, you **cannot bring** your husband or wife to join you.

Deportation ban

If you have only been granted a **deportation ban**, family reunification is more difficult. It is only possible if you have a **flat** and a **job** through which you can secure a livelihood for your family. In addition, there must be a **humanitarian reason**. A humanitarian reason can be, for example, that you have no chance of living together as a family in any other country. In addition, your spouse must **learn German** and pass an **exam (A1)**. If you appeal to the court against the BAMF decision, you will not yet receive a residence permit and cannot start the family reunification process.

How does the family reunification procedure work?

In order for your family members to join you, they must **apply** for a **visa** at a German embassy or consulate.

As a rule, the **German embassy in the country where your family members have been living** (for at least 6 months) is responsible. If there is no German embassy there or no visa office (e.g. in Syria, Afghanistan, Eritrea), you must check the website of the German embassy abroad to find out which embassy is responsible instead.

In order for your family members to apply for a visa at the German embassy or consulate, they must **book an appointment**. You can find out how to do this on the website of the German embassy. It is important that you book the appointment in the **correct category** ("national visa", "family reunion"). There is a separate list for appointments for family reunification with persons with "subsidiary protection". It is important that you provide **valid contact details** (e-mail, telephone number) when booking. If you are unsure, you can ask for assistance at an counselling centre.

At some German embassies, you have to **wait** a long time after booking an appointment until your family members get an appointment. You and your family can use this time to **prepare** all the **documents** you need for family reunification.

To find out which documents are required, please visit the website of the German embassy. There you will find **information sheets** where all documents are listed. These include, for example, passports, marriage certificates or birth certificates. If possible, collect all the documents mentioned.

If the embassy gives your family members an appointment, they must travel there, **submit the application** and hand in the documents.

Then the **embassy** examines the application and then sends the file to the **Foreigners' Registration Office** (Ausländerbehörde) in Germany. Both authorities **examine** whether the requirements for a visa are fulfilled. If one of the two authorities has a **question**, they will contact you or your family members by post, e-mail or telephone. During the examination by the authorities, you often have to **wait** a long time again until you receive a decision.

If both authorities come to the conclusion that the **requirements** for a visa are **fulfilled**, your family members will be

notified that they can come and **pick up** their **visas**. After they have picked up their visas, they can **enter Germany**.

If the authorities come to the conclusion that the **requirements** for a visa are **not fulfilled**, your family members will receive a **rejection letter**. This will state the reasons for the rejection. Your family members have the option of submitting an **objection** against the rejection to the embassy ("**Remonstrations**") or filing a **lawsuit** with the Berlin Administrative Court. Usually there is a **time limit** of **one month** for this. After a rejection, it is absolutely important to ask for advice from a lawyer or a counselling centre as soon as possible.

What if you are a minor and came to Germany without parents?

Refugee status (GFK)

If you have been granted **refugee status (GFK)**, you have the right to reunite with your parents if you came to Germany **without parents** and are **younger than 18** years. Even if you have reached the age of **18 during the asylum procedure**, you have the right to reunite with your parents. It is important

that your parents have **applied for a visa** at the **embassy within 3 months** after your recognition as refugee. A booking of an appointment or a "timely notification" is not sufficient for this. It is best to ask for counselling in this case.

If you want to bring not only your parents, but also your **siblings**, it is more complicated. It is best to ask for counselling on this.

Subsidiary protection

If you have been granted **subsidiary protection** status, you have the right to reunite with your parents if you have come to Germany **without parents** and are **under 18** years. It is important that your parents get a visa and **enter Germany before your 18th birthday**. If you have reached the age of 18 during the asylum procedure, you unfortunately do not have the right to reunite with your parents.

If you want to bring not only your parents, but also your **siblings**, it is more complicated. It is best to ask for counselling on this.

Deportation ban

If you have been granted a **deportation ban**, you unfortunately do **not have the right** to reunite with your **parents**.

Unfortunately, we **cannot describe all the rules and exceptions** for family reunification in this short information sheet. At the latest when you have received a decision on your asylum application and have questions about family reunification, it is best to go to a **counselling centre** or to a **lawyer** as soon as possible and talk to them about your **specific individual case**. This also applies if you are still in the asylum procedure and have relatives in another EU country, e.g. Greece.

Laws can **change**. Therefore, some of the information in this leaflet may soon **no longer be up-to-date**. It is best to ask at a counselling centre or a lawyer.

The laws on family reunification and the authorities in Germany do not allow all people to live together with their families. We think this is not fair: the **right to family life** should apply equally **to all people!** If you think so too, you can join others in demanding better laws and better policies. Examples of previous actions: www.familienlebenfueralle.net

This information sheet was created by:

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