



# Basic Information Temporary toleration certificate (Duldung)

There are thousands of people living in Schleswig-Holstein and all over Germany with so called 'temporary toleration certificates' (Duldungen) in a situation which can be considered to be 'illegal but not persecuted' for years. This is an overview of the conditions surrounding a life with a Duldung.



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## More information

This information leaflet was issued in November 2011. Changes may have taken place in the meantime. Moreover, this information is simplified and cannot substitute a personal consultation. Please consult an advice centers or lawyers, too! You will find Immigration Advice Centres (Migrationsberatungsstellen) in your area at [www.frsh.de/seiten-im-hauptmenue/service/beratungsstellen](http://www.frsh.de/seiten-im-hauptmenue/service/beratungsstellen).

The projects of the network *Land in Sicht! (Land in sight!)* – Work for refugees in Schleswig-Holstein you will find at [www.landinsicht-sh.de](http://www.landinsicht-sh.de).

This leaflet has been translated into various languages, it is available on-line at [www.landinsicht-sh.de/publikationen.html](http://www.landinsicht-sh.de/publikationen.html).

Five projects are involved in the network '*Land in sight! – Work for refugees in Schleswig-Holstein*'. They and their partners from administration and economy are working for a sustainable labour market integration of refugees all over Schleswig-Holstein. The goal of this network is to create a supportive climate for the integration of refugees by means of coaching, training, networking and social work in Schleswig-Holstein, also for refugees without any secure residence perspectives.

The network is coordinated by PARITÄTISCHEr Schleswig-Holstein e.V. and FLÜCHTLINGSRAT (Refugee Council) Schleswig-Holstein e.V. and is sponsored until October 2013.



**Network Land in sight! – Work for refugees in Schleswig-Holstein**  
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### Attention please:

This leaflet is meant as an overview of the general living conditions of people with a Duldung. The individual case of every single person has to be carefully examined. This information has been compiled to the best of our knowledge. Nevertheless, it cannot substitute legal advice. We cannot guarantee the completeness and correctness. All data apply to Schleswig-Holstein.

city the refugees lives in. In this case a travel permit has to be requested even for leaving the administrative district (Landkreis). Leaving without a permit can be fined. Repeated breaches of the travel permit regulations are regarded as a criminal offence.

## Family

- The children of people with a Duldung who were born in Germany normally get a Duldung, too.
- The Duldung does not give the right to family reunification.
- To register a marriage or a civil partnership in Germany all necessary papers must be submitted (like a passport or an alternative identity card). These documents can be used by the Ausländerbehörde for other purposes also.

## Perspectives

A Duldung does not have to be the last way to stay in Germany. Under some circumstances it is still possible to get a secure residence status.

- After more than 18 month stay with a Duldung a refugee can apply for a residence permit according to § 25,5 of the Residence Act (Aufenthaltsgesetz) when a deportation is apparently impossible in the near future. However, a lot of additional requirements have to be satisfied.
- People with a Duldung who are working in their profession can get a residence status according to § 18a of the Residence Act.
- Young people (15-20 years old) can get a residence status according to § 25a of the Residence Act if they fulfill additional requirements.
- A new residence right regulation is being discussed in Parliament and might offer long-standing refugees a chance for a residence permission.

- Problems can arise in case of chronic diseases, rehabilitation expenses and preventative health examinations.
- Before getting any medical treatment, refugees with a Duldung have to apply for a health insurance voucher (Krankenschein) at the Department of Public Welfare (Sozialamt).
- The Sozialamt can demand evidence of the necessity of the examination.

## Living

- People with a Duldung have to live in the community allocated to them by the Ausländerbehörde.
- They can be assigned to live in a community accommodation (Gemeinschaftsunterkunft). It is possible that they have to share a room with several other people. These accommodations are usually not centrally located and far from shopping and leisure facilities. Public transport costs money and is not necessarily frequent.
- An application to move into an apartment is normally rejected, unless there are special reasons (e.g. illness).

## Area restriction (Residenzpflicht)

- Since May 2011 refugees with a Duldung are allowed to travel freely within Schleswig-Holstein (but they are still not free to move from their address).
- To go to another federal state a travel permit (Verlassenslaubnis) has to be requested from the Ausländerbehörde.
- The Ausländerbehörde can restrict the movement of tolerated refugees further. If it is considered that the refugee is at fault for the impossibility of a deportation (in case of deception concerning the identity or a lack of cooperation in obtaining a passport), movement can be restricted to the administrative district or self-governing

### The Duldung

- The Foreigners' Registration Authority' (Ausländerbehörde) issues a Duldung if a deportation is impossible e.g. in case of the country of origin's refusal to admit the refugee back into the country, the absence of documents or for other reasons.
- The Duldung is no permission to stay in Germany permanently. It only certifies that someone is obliged to leave but cannot do so or cannot be deported at the moment.
- The Ausländerbehörde can take measures to 'enhance the willingness to leave'. These can include reductions of benefits and bans on work.
- The Duldung gives no information about the reasons a person had to come to Germany or about a previous residence status.

### Time limits of the Duldung

- A Duldung can be issued for a few days or several months.
- A Duldung is more or less 'secure' depending on the reasons why it was issued: If the Duldung was for example issued because of the illness, the stay in Germany will be tolerated until a departure is possible again. As long as the Duldung is valid, a person won't be deported. The situation is different if the Duldung was issued because the country of origin refuses the return of the refugee. As soon as the situation changes, a deportation is possible even if the Duldung is still valid. For more information please contact any Migration Advice Centre (Migrationsberatungsstelle).
- Many refugees have to live with series of Duldungen, i.e., the certificate is constantly being prolonged. More than a half of the ca. 1.800 tolerated refugees in Schleswig-Holstein has been living here for more than 6 years already (in June 2011).

- Any German language courses have to be financed by tolerated refugees themselves. There is no entitlement to participation in integration courses.
- A compulsory school attendance applies to all children and teenagers under the age of 16 and a compulsory vocational school attendance until the age of 18. The compulsory education covers a total of 9 years. School years attended in other countries are taken into account. After that refugees are allowed to stay in education, but the schools do not have to accept them. Ask for available possibilities at the local schools.
- If a child attends a day care centre or a school, the family can apply for social benefits according to Educational and Social Package (Bildungs- und Teilhabepaket) at the Department of Public Welfare (Sozialamt).
- Further education is possible if all admission conditions are met. An application for financial support according to Law on the Promotion of Vocational Training (Bafög) is only possible after four year residence in Germany. Before that, as a rule, the educational and living expenses have to be carried by tolerated refugees themselves.

## Employment and vocational training

### Ban on work

- People with a Duldung are prohibited to work as well as to take up internships and in-company apprenticeships during the first year of their residence in Germany. Purely school-based training is possible.
- The Foreigners' Registration Authority (Ausländerbehörde) can issue an employment prohibition even after the first year of residency if the Ausländerbehörde thinks the refugee is responsible for the impossibility of a deportation (in case of suspected false information

concerning the identity or a lack of cooperation in obtaining a passport). Advice centres may be able to give further information on the issue.

### Restricted access to the labour market

In all other cases the Ausländerbehörde adds 'Employment is allowed only with permission of the Foreigners' Registration Authority' into the Duldung after a year in Germany. Access to the labour market is now 'subordinated'. This means:

- You can apply for a work permit (Arbeitserlaubnis) at the Ausländerbehörde.
- The work permit can only be issued for a particular job offer.
- The Ausländerbehörde submits the application to the Employment Center (Agentur für Arbeit). Here they check if there are no other people with priority (e.g. Germans) available for the job and if the working conditions (especially wage and working hours) are comparable to those of German employees. The Ausländerbehörde issues a work permit only if there is nobody else available for the job.

### Equal access to labour market

- Tolerated refugees have full access to the labour market after four years of residence in Germany. The Duldung now states: 'Employment is permitted without restrictions'.
- It is possible to start an apprenticeship without any restrictions already after one year of residence in Germany.
- Both points are only valid as long as the Ausländerbehörde does not issue an employment prohibition.

### Unemployment benefits

- Tolerated refugees can get registered as unemployed at the Employment Center (Agentur für Arbeit) if they are not prohibited from working. The Agentur für Arbeit is responsible for advising and supporting them in their job search. Recruitment grants and costs for additional qualification training can be covered in special cases.
- If tolerated refugees have been paying social security contributions in Germany for more than one year and after that become unemployed, they are entitled to cash benefits from the Employment Center (Alg 1).

## Social benefits

Refugees with a Duldung receive only limited social benefits according to the Law of Benefits for Asylum Seekers (Asylbewerberleistungsgesetz).

The benefits according to the Asylbewerberleistungsgesetz

- are ca. 40% lower than the benefits of the Job Centre (Alg 2/Hartz IV) during the first four years of payment.
- After four years, cash benefits to the same amount as 'Arbeitslosengeld 2' will be paid by the Department of Public Welfare (Sozialamt). This does not happen if the Ausländerbehörde accuses a tolerated refugee of being responsible for the delay of his or her deportation. In this case cash benefits can be reduced or even cancelled.
- Lawyers, German courses etc. have to be paid by refugees with a Duldung themselves.

### Public health care

- The Law of Benefits for Asylum Seekers grants only limited health care in the first four years (exception: during pregnancy there are no limitations on health care).