

Handbook Germany Artikel: Tolerated Stay (“Duldung”)

Who can get a “Duldung”?

According to [§ 60a Asylum Act](#), a Tolerated Stay Permit ("Duldung") is issued for individuals who are, in principle, obliged to leave the country, but their departure is temporarily not feasible. Departure would not be possible, for instance, due to obstacles to deportation or other reasons which necessitate the continuation of the person's presence in Germany. Deportation obstacles may include, for instance, a severe illness or the lack of identification papers. Other legitimate reasons for your stay may be, for example, participation in a vocational training programme or providing care for a sick relative in Germany.

In addition to the “Duldung“ according to §60a, there are also special forms of “Duldung“, such as “Ausbildungsduldung“ or “Beschäftigungsduldung“ to which different requirements and rules apply. You can find out more in our chapters ["Ausbildungsduldung"](#) and ["Beschäftigungsduldung"](#). You can learn more about "Duldung" according to §60b Residence Act in our chapter ["Duldung" for people with "Unclear Identities" \("Duldung Light"\)](#).

What is "Duldung"?

A Tolerated Stay Permit or "Duldung" is not an actual residence permit, but rather a temporary residence document which enables you to stay in Germany for a limited period. Those who hold a tolerated stay permit can legally reside in Germany for the time, but their obligation to leave still stands. A tolerated stay permit is usually valid only for a few days, weeks or months. If the deportation impediment(s) or other causes of issuing a "Duldung" persist, your tolerated stay permit will be extended - otherwise, it will not be prolonged.

You can learn more in the section “How long is my Duldung valid?“ below.

Can I have a tolerated stay permit (“Duldung”)?

In principle, you have to leave Germany when your application for asylum is rejected. The same applies to you if you have entered Germany without a [visa or residence permit](#) and have not applied for asylum. Under certain circumstances, however, you may be granted a tolerated stay permit or "Duldung".

You may be issued a "Duldung", if:

- there is an obstacle to [deportation](#), i.e. your deportation is not feasible due to legal or practical reasons. This is the case, for instance, when you do not have a passport, you are unable to travel due to your health conditions, or when there are no flight connections to your home country. In such situations, you must be permitted a tolerated stay, i.e. the Immigration Office is obliged to issue you a "Duldung".
- you should stay in Germany for important humanitarian or personal reasons. This is the case, for instance, when you are about to graduate from school, need to complete medical treatments, care for a sick family member in Germany, or take part in pre-vocational courses or study at a university. In such situations, the Immigration Office can grant you a "Duldung", although they are not obliged to do so ("Ermessensduldung").
- the public interest requires your further presence in Germany. This is the case, for instance, when you are a witness in a lawsuit.
- you start a qualified [school-based vocational training](#) programme or a [dual degree course](#). In such cases, you will be granted a so-called educational tolerated stay or "Ausbildungsduldung" if you meet certain preconditions. In contrast to other forms of tolerated stay, the educational tolerated stay is valid for the entire duration of your training/education, i.e. usually two to three years. For more, read our chapter "[Tolerated Stay for the Purpose of Vocational Training \(Ausbildungsduldung\)](#)".
- you have been holding a "Duldung" for at least 12 months, you have an ID issued by your country, you have been working for at least 35 hours a week for at least 18 months, you are not receiving aid from the Social Welfare Office, you have an A2 (or higher) language certificate, and you have come to Germany before 01.08.2018. If you meet all of these requirements, you will be issued a so-called "Beschäftigungsduldung" valid for 30 months. You can learn more about this form of Duldung in our chapter "[Beschäftigungsduldung](#)".
- the Ministry of the Interior in your federal state or the German Federal Ministry of the Interior has issued a deportation ban for people from your country. However, such a decision is made rarely and only in cases of acute disaster. It may happen if, for instance, there is a famine in your home country.

A counselling centre or a law firm can tell you whether you can obtain a tolerated stay and what you need to do. You can find counselling centres in your area on our [Local Information page](#)– where you can enter the name of the city where you live and search for asylum, right of residence or legal advice

What are my rights and obligations during my tolerated stay?

There are many special regulations for people with a tolerated stay permit- and their rights are limited. When you have a "Duldung", you:

- may only work if the Immigration Office issues you a work permit. You can learn more in our chapter "[Work Permit](#)".
- can take part in vocational training programmes and study. Keep in mind that you need to obtain a work permit to start dual vocational training.
- are not entitled to participation in an integration course. However, you can search for a free spot in an integration course and submit the corresponding application to the BAMF. Learn more in our chapter "[Integration Course](#)".
- receive asylum seeker benefits and not benefits from the Jobcentre.
- are not, in principle, entitled to any parental benefits ("Elterngeld") or child support ("Kindergeld").
- are not allowed to move to another city or federal state as long as you receive state benefits.
- are not permitted, in principle, to travel abroad. Travelling out of Germany may lead to the revocation or termination of your "Duldung".
- must provide the immigration authorities with information about your identity and citizenship and present the relevant documents.
- The immigration authorities may evaluate data from your smartphone or computer if this is necessary to establish your identity.

People with Duldung are obliged to cooperate to ensure that their identity is clarified, and their deportation is possible. This obligation to cooperate is known as "Mitwirkungspflicht". That is why, for example, the authorities may require you to apply for a passport from your home country's embassy. If you do not try to get a passport, the immigration authorities may issue you a "Duldung" according to §60b Asylum Act. This is a form of "Duldung" that can have many negative effects on your situation. You can find out more in our chapter "Tolerance for people with unclear identities". If you do not cooperate, in addition, your asylum seeker benefits also can be decreased - it may even be considered a crime.

Please note: It can be beneficial to seek advice from a counselling centre or a law firm if the Immigration Office demands your cooperation. You are not obliged to take every action in every case. The law firm or a counselling centre can tell you what you actually need to do and what the consequences are. You can find counselling centres in your area on our [Local Information page](#)– where you can enter the city where you live and search for asylum, right of residence or legal advice.

How long is my "Duldung" valid?

A "Duldung" is usually only valid for a short time: often one, three or six months. And then you need to have them extended. If your deportation is still not possible, your Duldung will be extended. A Duldung can be extended again and again over many years. If the original reason for issuing your Duldung no longer applies and there is no new reason for a Duldung, your Duldung will not be extended. When that is the case, you may be at risk of deportation.

Please note: The date stated in the Duldung does not guarantee that you will not be deported before. Many Duldung papers indicate that the document loses its validity if a specific event occurs. The mentioned event could be the end of your medical treatment or the arrival of your passport, for example. The Immigration Office can also revoke your Duldung at any time if the reasons for the issuing of your Duldung no longer exist. For example, if you received a Duldung because there was no flight connection to your home country, but now the necessary flight connection exists, the Immigration Office can revoke your Duldung. The Duldung then loses its validity, and you may be deported.

Can I be deported despite having a "Duldung"?

A "Duldung" is not a residence permit, but rather the suspension of your **deportation** obligation. Having a "Duldung" does not eliminate your obligation to leave Germany, but only postpones it for a specific period.

After the expiration or revocation of your "Duldung", in principle, you may be deported. Your deportation then may be carried out immediately and without any notice ("Abschiebungsandrohung"). Only if you have lived with a "Duldung" for more than a year, the authorities are obliged to notify you of your imminent deportation at least one month in advance. In this case, you will be sent a deportation notice or "Abschiebungsandrohung" unless you have a "Duldung" according to §60b Asylum Act.

Where and how can I apply for a "Duldung"?

You can apply for a tolerated stay permit at the Immigration Office responsible for you. To do so, you must make an appointment and bring all the documents you need for your application. For example, if you would like to apply for an 'Ausbildungsduldung', it is advisable to bring your vocational training contract and, if applicable, a confirmation from the Chamber of Crafts ("Handwerkskammer") or Chamber of Industry and Commerce ("Industrie- und Handelskammer").

If your **deportation** is not possible due to practical or legal reasons, you will automatically be granted a tolerated stay permit, i.e. you do not need to apply for it personally. It is, therefore, advisable to always inform the immigration authorities about all relevant events. It is also beneficial to seek advice from a counselling centre or a lawyer beforehand.

You can find the Immigration Office responsible for you at bamf.de.

Can I get married despite having a "Duldung"?

A "Duldung" per se is not an obstacle to a marriage. In order to get married at a German registry office, however, you need a number of documents, including a passport. If the reason for issuing of your "Duldung" is the lack of a passport, it is advantageous to seek advice from a counselling centre or a law firm. You can find out more about marriage in Germany in our chapter "**Marriage**".

Can I obtain a residence permit as someone with a "Duldung"?

Many people live in Germany with “Duldung” for years. But there are also possibilities for persons with “Duldung” to obtain a residence permit. You can find out more in our chapter ["Residence Permits for Individuals with Duldung"](#).

Where can I find counselling and support?

If you have a Duldung, seeking advice from a counselling centre or a lawyer is in your best interest. Every case is unique. You can find counselling centres nearby on our [Local Information page](#)– where you can enter the name of the city in which you live and search for asylum, right of residence or legal advice.

Herausgeber
Neue deutsche Medienmacher*innen e.V.
Potsdamer Str.99
10785 Berlin
www.neuemedienmacher.de

Amtsgericht Charlottenburg
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