

Handbook Germany Artikel: "Duldung" for people with "unclear identities"

How can Duldung Light affect me?

There are different types of tolerated stay or "Duldung"- and "Duldung for persons with unclear identity" according to [§60b Residence Act](#) is one of them. This is a special form of "regular" Duldung according to [§60a Residence Act](#), but has its distinct consequences, including the prohibition of working. "Duldung for persons with unclear identity" according to §60b Residence Act is often called "Duldung Light". Here you can find out who gets a "Duldung Light", what it means and what you can do when you are issued a Duldung according to §60b.

You can find general information on Duldung (according to §60a) in our chapter "[Duldung](#)". For more information about special types of Duldung, check out our chapters "[Ausbildungsduldung](#)" and "[Beschäftigungsduldung](#)".

Please note: You can learn about the so-called "Chancen-Aufenthaltsrecht" for people with "Duldung Light" in the sections "What effects does a 'Duldung' according to §60b Residence Act have?" and "How can I switch from 'Duldung light' to regular 'Duldung'?" as well as our chapter "[Chancen-Aufenthaltsrecht](#)".

Do I currently have a Duldung according to §60b Residence Act?

Your Duldung type is specified on your Duldung paper. When your Duldung is issued according to §60b, you may see the following sentences:

- „für Personen mit ungeklärter Identität“ ("for people with unclear identity")
- „Erlischt bei Besitz eines zur Ausreise bzw. Rückführung in den Herkunftsstaat berechtigenden Dokumentes“ ("Expires if you have a document authorising you to leave or return to your country of origin")
- „Erwerbstätigkeit nicht gestattet (§60b Abs. 5 S. 2 AufenthG)“ ("Employment not permitted (Section 60b, Paragraph 5, Sentence 2, Residence Act)") and „Bei Verstößen droht Unternehmer/Arbeitgeber Bußgeld bis zu €500.000“ ("In the event of violations, entrepreneurs / employers face a fine of up to €500,000")
- „Wohnsitznahme in ... erforderlich“ ("Residency in ... required").

Who is issued a Duldung according to §60b Residence Act?

When the Immigration Office concludes that generally, you are entitled to a Duldung, at the time of issuing or extending the document, they will check whether you meet all the requirements for a Duldung following section 60a of the Residence Act. If not, it will be checked whether the grounds for a "Duldung light" according to the §60b Residence Act exist - that is, when you could not be deported because:

- you have misled authorities about your identity or nationality, e.g., you have not given them your actual country of origin or have not submitted a real passport.
- you have given false information.
- you do not have a passport, and you have not made an effort to obtain one. This is called the "passport procurement obligation" ("Passbeschaffungspflicht")

Important: §60b does not apply to you if:

- there are other reasons (e.g., an illness) for your Duldung. For a "Duldung Light", deception, false information or lack of attempt to obtain a passport must be the only reason why you cannot be deported.
- you are a minor. Minors are not liable for deception, false information or a missing passport - their parents or guardians are.
- you have a Duldung for vocational training ("Ausbildungsduldung") or a Duldung for employment ("Beschäftigungsduldung") or you have already applied for one of them and meet all the requirements.

Please note: The immigration authorities are legally obliged to inform you of your obligation to cooperate and give you the opportunity to apply for a passport. Only if you fail to apply for a passport or prove that you have made an effort, the Immigration Office can give you a Duldung according to §60b.

What does "Passbeschaffungspflicht" mean?

In principle, people with "unclear identity" are obliged to obtain a passport and are expected to do all they can to do so, but within what is feasible. Generally speaking, for obtaining a passport, the following steps are considered feasible:

- Visiting the embassy in person as well as the submission of fingerprints or other identification measures (e.g., photos, measurements).
- Submitting a declaration of willingness ("Freiwilligkeitserklärung"). A declaration of willingness states that you are willing to return to your home country voluntarily if necessary. Many countries require this declaration before they can issue you with ID papers (from your home country). You have to sign the declaration in the embassy of your country.
- Attending hearings.
- Communication of all facts and evidence that are necessary to clarify your identity.
- You have to make a declaration in which you confirm your general readiness to do military service in your country. You do not have to declare that you have done your military service.
- Payment of passport fees and other costs.
- Obtaining documents such as a birth certificate from contact persons in your home country.

Please note: If the authorities require you to do something that you find unreasonable, e.g., because you have a well-founded fear of visiting the embassy, or you cannot make a declaration about military service, it can be advisable to contact a counselling centre. You can find the addresses of a counselling centre in your area in the section "Where can I find help and support?".

If the authorities so require and a different outcome is likely in the future, you must repeat the above actions in order to obtain a passport.

Important: You do not need to apply for a passport if:

- You have a ban on deportation according to Section 60 (5) or (7) that is not based solely on health reasons.
- You are still in the asylum procedure. Please note: Your asylum procedure is only completed when the rejection of your asylum application becomes final.

How can I prove that I have tried to obtain a passport?

In case you cannot present a passport, you must credibly demonstrate that you are making an effort to obtain one. Otherwise, your lack of effort may be held against you. Possible evidence can be, for instance, an appointment confirmation from the embassy, a letter from the embassy

or a letter to a relevant contact person in your home country. You can also try to prove your efforts with photos of your visits to the embassy. The Thuringia Refugee Council has developed a template that you can use for documenting your efforts. You can find it on the last pages of the Info-booklet "[Arbeitshilfe "Mitwirkungspflichten"](#) (PDF).

If the evidence proves that you are making an effort, you have fulfilled your obligation to cooperate. When that is the case, §60b does not apply to you any longer, and you will receive a Duldung according to §60a. You can find out more about your rights and obligations as a person with a Duldung according to §60a in our chapter "[Duldung](#)". If you do not have any proof, but the immigration authorities believe that you have made an effort, they can ask you to take out a so-called "eidesstaatliche Versicherung" i.e. an affirmation in lieu of an oath. An "eidesstaatliche Versicherung" or "Versicherung an Eides Statt" is a specific affirmation with which a person confirms that a certain declaration is true. Once you have submitted such an affirmation, you have fulfilled your obligation to cooperate. That means §60b will not apply to you any longer.

Please note: Whether you get the opportunity to prove your efforts through an affirmation in lieu of an oath is up to the immigration authorities to decide. That means you are not entitled to it.

Important: If you submit a false affirmation in lieu of an oath, you will be liable to prosecution - and you can be punished with a prison sentence or a fine.

What effects does a 'Duldung' according to §60b Residence Act have?

When you have a Duldung under §60b, there are some direct legal implications you need to consider.

Holders of "Duldung light" are:

- Not allowed to work.
- Not allowed to move to another district.
- Your asylum seeker benefits will be reduced. So you get less financial aid from the state.
- Also, the months or years with "Duldung light" are not counted if you later want to apply for a residence permit for people with Duldung such as the residence permit according to §25a or §25b Residence Act or a settlement permit. You can find out more about

residence permits for people with Duldung in our chapter "[Residence permit for individuals with Duldung](#)".

Please note: Failure to make an effort to get a passport is an administrative offence. And it can be punished with a fine of up to €5000.

New: "Chancenaufenthaltsrecht"

Since December 31, 2022, as the holder of a "Duldung light", you have the opportunity to obtain the new "Chancen-Aufenthaltsrecht" ([§104c Residence Act](#)). With this temporary residence permit, you can work and even move within Germany. However, you must have lived in Germany for at least five years by October 31, 2022 at the latest to benefit from such opportunity. The months or years you stayed in Germany with a "Duldung light" are also taken into account. For more information, see our "[Chancenaufenthaltsrecht](#)" chapter.

How can I switch from Duldung light to regular Duldung?

The requirement for losing the Duldung under §60b is to credibly make an effort to obtain a passport. As soon as you can prove that you are trying to get a passport, you have fulfilled your obligation to cooperate. To find out how to do so, see "How can I prove that I am trying to get a passport?". As soon as you have fulfilled your obligation to cooperate, you can switch to the "regular" Duldung according to §60a. And again, benefit from the rights that holders of a Duldung (according to §60a) have. You can find out more about this in our chapter "[Duldung](#)".

Important: Since December 31, 2022, the so-called "Chancen-Aufenthaltsrecht" has been introduced. If you have lived in Germany for at least five years by October 31, 2022, the new law makes it easier for you to get out of "Duldung light": You then do not have to apply for a passport to obtain "Duldung". Rather, you can apply for a residence permit directly, given you meet the requirements. Such a residence permit will be valid for 18 months. During this time, it is advised to try to obtain a passport so that you can have a secure stay after the 18 months time is up. You can learn more about this new law and the requirements in our chapter "[Chancen-Aufenthaltsrecht](#)".

Where can I find advice and support?

If you have (or qualify for) a Duldung according to §60b, a counselling centre or lawyer can provide you with significant support. A Duldung according to §60b has several negative impacts. Therefore, it is in your interest to find out what kind of cooperation the immigration authorities can ask you for toward procuring a passport and what consequences they may have for you. Many people with a Duldung are, for instance, afraid that they will be deported if they present a passport. For others, it is very difficult or even impossible to obtain a passport. It is therefore important that each individual seek case-specific counselling. You can find counselling centres nearby on our [Local Information page](#). Enter the name of your city and search for asylum, residency or legal counselling services in your area.

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