



# 1.

## ENTRY – RESIDENCE – NATURALISATION

1. ENTERING GERMANY UNDER THE FREEDOM OF MOVEMENT ACT
2. TRANSFERRING RESIDENCE TO GERMANY
3. RESIDENCE OF FAMILY MEMBERS
4. RESIDENCE OF CLOSE RELATIVES
5. PERMANENT RIGHT OF RESIDENCE
6. NATURALISATION

**In this chapter  
you will learn**

which rights you can claim for yourself and your family members as a national of an EU member state with regard to residence and which requirements apply for the right of permanent residence and for naturalisation.

At the end of the chapter you will also find the advice centres and contacts you can turn to in Saxony-Anhalt.

## 1. ENTRY REQUIREMENTS FOR EU NATIONALS TO GERMANY

As a national of a member state of the European Union and thus a "citizen of the Union", you basically have the right to move freely within the EU. You can therefore enter and stay in Germany and any other EU member state without a visa. The legal basis for this is **the Freedom of Movement Act/EU (Freizüg/EU)**.

To enter Germany, you need an identity document (passport or identity card). You can stay in Germany for up to 3 months without further requirements and conditions.

You are entitled to stay in Germany for longer than 3 months if you are

- are employed or self-employed,
- are undergoing vocational training,
- are looking for work with a reasonable chance of success,
- are not gainfully employed, but have sufficient means of subsistence and health insurance cover (also applies to students) or
- have already legally resided in Germany for at least 5 years (permanent right of residence).

As soon as you have found a job, you will need a certificate from your employer or your employment contract. With this proof you acquire your **Aufenthaltsrecht (right of residence)**.



## 2. TRANSFER YOUR RESIDENCE TO GERMANY



*Pay attention to the registration deadline. If you miss this deadline, you may face a fine of up to €1000.*

After you have entered Germany, you must register at the registration office (Meldebehörde) of your place of residence within 2 weeks of moving in. To do this, you will need a "Wohnungsgeberbestätigung" or "Vermieterbescheinigung" from your landlord as well as your identification documents. You can find more information about the services of the Residents' Registration Office or download forms [here](#).

In accordance with the European Directive on the Free Movement of Persons, the Foreigners' Registration Office can demand that you certify your legal entitlement (§ 5a FreizügG/EU). In order to do so, they can demand the presentation of certain documents, for example:

- a confirmation of employment or a certificate of employment from the employer,
- proof of self-employment,
- proof of sufficient means of subsistence and health insurance cover in the case of non-employed persons,
- if you are looking for work, proof that you are seriously looking for work with reasonable prospects of success.

*Do I have to have my documents translated into German for registration at the registration office?*

As a rule, your personal data will be taken from your national passport or identity card; no translations are required here. However, family relationships are regularly verified by means of marriage, birth and death certificates (so-called civil status certificates) and then registered. Some EU countries can issue international versions of marriage, birth and death certificates. These international certificates are recognised in the member states of the Convention without further formalities (legalisation or apostille endorsements).

Documents from other countries must be certified in the home country and then translated into German by a sworn translator. The certification can be carried out either by the competent authority in the home country (apostille) or by the competent German mission abroad (legalisation).

### 3. RESIDENCE OF FAMILY MEMBERS

The right to freedom of movement also applies to family members who accompany you or join you as Union citizens entitled to freedom of movement. The nationality of the family member is irrelevant.

The following are considered **family members**

- spouses,
- registered life partners (life partnership according to the German Life Partnership Act or on the basis of the legal provisions of another EU member state or the states of Norway, Iceland and Liechtenstein),
- the EU citizen's own children or grandchildren, spouses or life partners who are younger than 21 years of age.

An identity document (passport or identity card) is required. The foreigners authority may demand proof of the family relationship to the EU citizen entitled to freedom of movement. In addition, the foreigners authority may request the submission of the EU citizen's confirmation of registration.

To prove the right to freedom of movement and residence of a family member, the Aliens Department issues a **residence card** to family members of third-country nationals. This should be issued within 6 months and is generally valid for 5 years.



*Own children or grandchildren who are older than 21 years, as well as relatives in the direct ascending line (parents, grandparents, etc.) may only come to Germany if the accompanied EU citizens provide them with maintenance.*



*Family members who are not EU citizens themselves ("third-country nationals") require a Aufenthaltskarte (visa) to enter Germany.*

## 4. RESIDENCE OF CLOSE RELATIVES



*In addition to the status as a close person, further requirements must be fulfilled.*

*There must be a reason for residence ("reasons for residence"). In the case of relatives, this can be maintenance by the EU citizen or care of the relative by the EU citizen. In the case of cohabitants, it is necessary that they will live together with the EU citizen on a permanent basis in the territory of the Federal Republic of Germany (§ 3a paragraph 1 FreizügG/EU).*

You can also apply for a right of residence as a person close to the EU citizen at the Aliens' Registration Office. This is the case if there is a close and stable family or partnership relationship with the person, e.g.:

- relatives in the collateral line (e.g. siblings, uncles and aunts, cousins, etc.), also the relatives of the spouse or life partner, i.e. also persons who are related by marriage to the EU citizen,
- minor children (under 18 years of age) who are under the guardianship of or in a foster-child relationship with the EU citizen,
- cohabitants of an EU citizen (without the existence of a recognised civil partnership), if there is a provable, long-term relationship (i.e. similar to marriage). The assumption of the status of cohabitant is always excluded in the case of persons who are married or in a life partnership at the same time.

The Aliens Department decides on the application on the basis of a detailed examination of the respective personal circumstances. It may request the following proofs and documents:

- a valid identity document (passport or identity card)
- proof of the (family) relationship to the EU citizen entitled to freedom of movement
- the presentation of the EU citizen's registration confirmation
- proof of the reason for residence (e.g. proof of maintenance payments).

The "related persons" receive a "residence card" in accordance with § 3a of the Freedom of Movement Act as proof of the right of residence.

## 5. PERMANENT RIGHT OF RESIDENCE

If you are an EU citizen and have been legally resident in Germany for 5 years, you acquire a permanent right of residence. Your right of residence then applies irrespective of whether the conditions for freedom of movement are met. You can have your permanent right of residence certified by the Aliens' Registration Office.

Family members and close relatives also acquire a permanent right of residence if they have legally resided in Germany with the EU citizen for five years. They will be issued a permanent residence card within 6 months of application if they are not EU citizens themselves.



*In special cases, EU citizens have the right of permanent residence even before the expiry of 5 years: For example, if they have given up gainful employment at an age of over 65, if they have taken early retirement or if they have been fully disabled, e.g. due to an accident at work or occupational disease (§ 4a paragraph 2 FreizügG/EU).*



## 6. NATURALISATION

### **GOOD TO KNOW:**

*In general, you are no longer required to give up your previous nationality in order to be naturalised. However, according to the law of your country of origin, you may lose your previous nationality if you naturalise in Germany. Seek advice from the embassy or consulate of your country of origin.*



*The best people to contact with questions are the municipal naturalization authorities themselves (by e-mail or in person). When making appointments, however, you should plan several months in advance (about 4 months). Appointments are usually booked online during the week after new appointment offers have been released.*

As a citizen of the European Union, you are entitled to acquire German citizenship through naturalisation, as you enjoy an unlimited right of residence in Germany as a citizen of a member state of the European Union who is entitled to freedom of movement. As a Union citizen who is not gainfully employed, you are entitled to freedom of movement if you have sufficient health insurance cover and sufficient means of subsistence (§ 4 Freedom of Movement Act).

In the naturalisation procedure, which is subject to application, you prove by means of suitable documents that you fulfil the conditions for obtaining German citizenship. You can prove your knowledge of the legal and social system as well as living conditions in Germany by taking a naturalisation test.

The "**Naturalisation Portal**" of the state government of Saxony-Anhalt provides detailed information, for example, on the naturalisation procedure, the requirements and the mandatory naturalisation test. Tip: The best contact points for questions are the municipal naturalisation authorities themselves (by e-mail or in person). When making an appointment, however, you should plan several months in advance (approx. 4 months). Appointments are usually booked online during the week after new appointments have been made available.

## CONTACT POINTS AND ADVICE ON SITE



Migrationsberatung für erwachsene Zuwanderinnen und Zuwanderer (MBE)

Jugendmigrationsdienste (JMD)

WelcomeCenter Sachsen-Anhalt

Ausländerbehörde

## INFORMATION MATERIALS



Make it in Germany

Willkommen in Sachsen-Anhalt

Willkommen in Deutschland

Praxisleitfaden für EU-Arbeitnehmerinnen und Arbeitnehmer in Deutschland

Beratung von Unionsbürger\*innen: Die Freizügigkeitsrechte in familiären Konstellationen

Ausgeschlossen oder privilegiert? Zur aufenthalts- und sozialrechtlichen Situation von Unionsbürger\*innen und ihren Familienangehörigen