

Beschäftigungsduldung (Employment Tolerance)

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You have a permanent job?

You earn your own living?

Then the "Beschäftigungsduldung" (employment toleration) could be an option for you.

Since the beginning of 2020, this type of Duldung can be granted under certain conditions.

It protects from deportation!

The "Beschäftigungsduldung" is granted for 30 months, i.e. for 2 ½ years. After that, you can apply for a residence permit.

First the most important things - then all points are explained again in detail.

- You must have had a permanent job for 18 months.
- It has to be a full-time job.
- You have to earn your own living for 12 months. And it has to be sure that you will continue to pay for everything yourself.
- You have to speak good verbal German.
- You must not have committed any crimes.
- You have to make any effort to clarify your identity and your nationality. This normally means that you have to hand in a passport.
- You will only receive the Beschäftigungsduldung if your asylum application has been finally rejected and you have already been in Duldung for 12 months.
- During this period of toleration, an application to the Hardship Commission can protect you from deportation. But only if you fulfill all other conditions.

What does that mean exactly?

18 months with a permanent job: This can also be with different employers one after the other. It doesn't matter what you work at. It also doesn't matter whether you have a limited or unlimited contract. The important thing is that you are paying contributions to health insurance, pension insurance, unemployment insurance and taxes.

You get the Beschäftigungsduldung even if you had to pause your occupation for a short time (about 3 months) through no fault of yourself (for example: your company closed down). If you lost your job due to Corona, the interruption can last up to 6 months. The interruption must always be documented (for example by the job center)! Short-time work through Corona has no negative consequences. The time is counted as full-time work.

Full-time job: This means that you work at least 35 hours a week. However, you can also have two half-time jobs in which you work a total of 35 hours or more per week.

12 months you have earned your own living: that means you pay everything yourself, including your rent. You no longer need financial support from the German authorities. And it must be certain that you will continue to require no support and can pay for everything yourself (for example, because you have an employment contract).

It may be that you did a vocational training, but it was not successful. You had to quit. If you then get a permanent job, you can still get Beschäftigungsduldung. The condition is that you have earned your own living in the last year of your training. And you must already have had an (Ausbildungs-) Duldung for 12 months.

German language skills: You do not need to be able to read or write German well. But you must be able to speak and communicate well. If you have done an A2 language course and got a certificate for it, then everything is fine. If you don't have a certificate, then you should try to do another German course with an oral exam.

Criminal offenses: If you have been sentenced by a German court because you have violated German laws, then you cannot get Beschäftigungsduldung. **Attention:** Even if you have been busted for stealing or several times for fare evasion, you do not get Beschäftigungsduldung!

Your identity and nationality: The German authorities require that you disclose your identity and nationality. (This is the case in all countries in the world, including The Gambia.) Gambians are required to provide a proxy or travel passport or another passport. If it is not possible for you to get an identity document, then you have to prove to the German authorities in detail that you have done everything possible to get an identity document. If you do not cooperate, you will not get an Beschäftigungsduldung, but a work ban!

12 months of toleration: You will only receive the Beschäftigungsduldung if your asylum application has been finally rejected and you are already for 12 months in Duldung. This is a long time, during which you are not protected from deportation by law. **But very important:** An **application to the Hardship Commission (Härtefallkommission)** can protect you from deportation. However, you must fulfill all the other conditions that have been described. The Härtefallkommission is an institution that examines whether refugees can stay in Germany in special cases, even though the asylum application has been rejected. As long as the commission is reviewing an application, the applicant cannot be deported. In Baden-Württemberg and other German states, the Hardship Commission also accepts applications from refugees who meet all the preconditions for Beschäftigungsduldung, but who have not yet been tolerated for 12 months. The commission will review these cases until the 12 months are up and you get Beschäftigungsduldung.

The residence permit: After 2 ½ years in Beschäftigungsduldung you can apply for a residence permit (Aufenthaltserlaubnis). If you have already been in Germany for 8 years, you can also get a residence permit before that. With it you can live and work wherever you want. It is also possible to travel abroad, for example to Gambia.

Ask for guidance and support! German laws and rules are complicated. Go to the counseling centers of Caritas, Diakonie, DRK, AWO and others or to the integration manager of your city. Get support from volunteers!

