BLEIBdran+
Berufliche Perspektiven für Geflüchtete in Thüringen

WIR. SCHAFFEN BERUFLICHE PERSPEKTIVEN

Duldung + Work = Residence Permit?

Englisch

12/2025

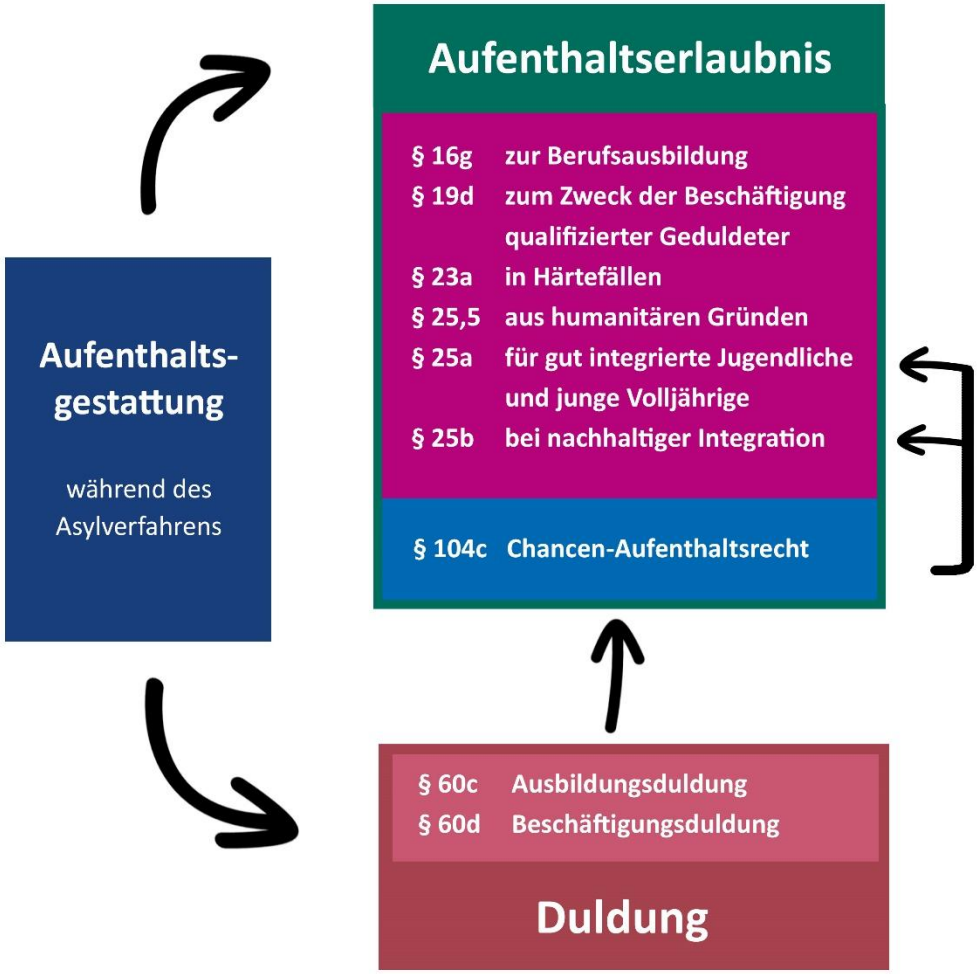
Table of Contents

Introduction
(Einleitung)

You have a toleration status (Duldung). There are various ways to obtain a residence permit. Vocational training or employment can be very helpful in this process or may even be a requirement. However, having a job or undergoing vocational training does not automatically result in a residence permit. In this brochure, we present different options for obtaining a residence permit.

This brochure does not replace professional counselling! Every case is different. You should consult a specialized advisory service or a qualified lawyer.

During the asylum procedure, you generally have a temporary residence permit (Aufenthaltsgestattung).
Is your asylum application approved? Then you will receive a residence permit.
Is your asylum application finally rejected? Then you will receive a toleration status (Duldung).



These are ways to obtain a residence permit from a toleration status (Duldung):

- Residence permit for vocational training[1]
- Residence permit based on sustainable integration[2]
- Residence permit for qualified tolerated persons for the purpose of employment[3]
- Residence permit for well-integrated adolescents and young adults[4]
- Residence permit on humanitarian grounds[5]
- Granting of a residence permit in cases of hardship[6]

In addition, it is possible to obtain a residence permit indirectly through a training toleration (Ausbildungsduldung)[7] or employment toleration (Beschäftigungsduldung).[8]

To obtain a training or employment toleration, or a residence permit, you must always submit an application to the immigration office.[9] Seek professional advice!

Note: There are other possibilities. For example, under certain circumstances, a subsequent asylum application may be filed. However, since this guide focuses on the topic of "toleration status and work," these options are not explained here.

[1] Sec. 16g Res. Act
[2] Sec. 25b Res. Act
[3] Sec. 19d Res. Act
[4] Sec. 25a Res. Act
[5] Sec. 25 para. 5 Res. Act
[6] Sec. 23a Res. Act
[7] Sec. 60c Res. Act
[8] Sec. 60d Res. Act
[9] Sec. 81 Res. Act

General requirements for a residence permit (Allgemeine Voraussetzungen für eine Aufenthaltserlaubnis)

To obtain a residence permit, your means of subsistence usually must be secured, your identity must be verified, and a national passport must be presented.[10].

Exceptions regarding the means of subsistence
For a training toleration (Ausbildungsduldung), securing your means of subsistence is not required. The same applies to the Opportunity Residence (Chancenaufenthalt).[11]

Do you want to obtain another residence permit after a training toleration or an Opportunity Residence? In that case, you usually must (mostly) secure your means of subsistence.

What is securing your means of subsistence?
Securing your means of subsistence is an important criterion in many cases for obtaining a residence permit. Simply put, it means that the money you need for living (food, clothing, etc.) does not come from the Jobcenter or social welfare office.

The calculation of securing your means of subsistence under residence law is very complex. It depends on your residence status and your individual life situation.
Certain benefits are often counted as income (e.g., child allowance, parental allowance), while others are not taken into account (e.g., housing allowance).

For *predominant securing of one's means of subsistence*, more than 50% of the means of subsistence must be secured.

Exceptions regarding identity clarification and obtaining a passport
For the **Opportunity Residence** (Chancenaufenthalt), you do not yet have to have your identity clarified or present a passport. However, you must make efforts to clarify your identity and to obtain and present a passport.

For a **training or employment toleration** (Ausbildungs- or Beschäftigungsduldung), your identity usually must be clarified—there are deadlines for this. Presenting a passport is not strictly required for the granting of a training or employment toleration. However, you are obliged to obtain a passport.

Do you want to apply for a residence permit on the basis of a training or employment toleration? Or do you want to obtain a residence permit after the Opportunity Residence? In these cases, you usually must present a passport.

[10] Cf. Sec. 5 Res. Act
[11] Sec. 104c Res. Act

In exceptional cases, the immigration authority may issue a travel document for foreigners[12]. For this, your identity usually must be clarified. In addition, you must prove that you have done everything necessary and reasonable to obtain your passport.

Documentation of identity clarification and obtaining a passport

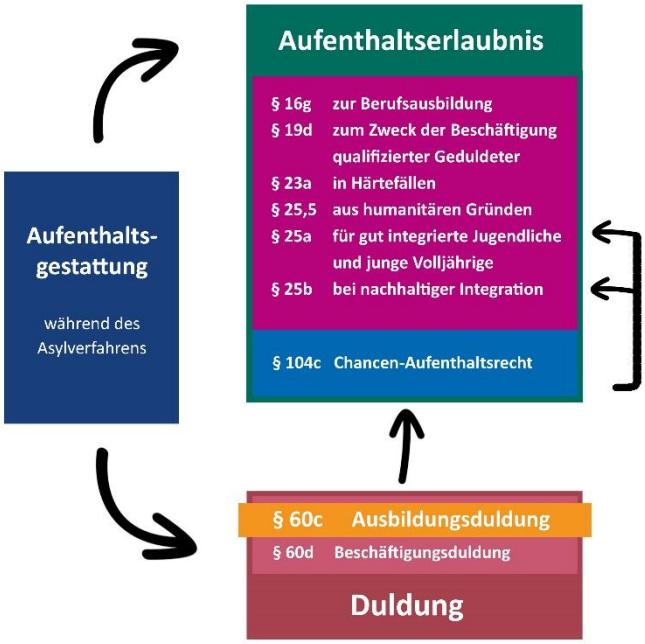
It is very important that you carefully document your efforts to clarify your identity and to obtain a passport. This guide is intended for people with a toleration status (Duldung). It can help you with this and is available in many languages:
https://www.asyl.net/view/mitwirkungspflichten-bei-der-identitaetsklaerungpassbeschaffung-fuer-menschen-mit-duldung-1/

Even during the asylum procedure, it may be useful to document efforts to clarify your identity. However, during the asylum procedure you *must not, under any circumstances, go to the embassy* or contact authorities of your country of origin. Information on this can be found here:
https://www.asyl.net/view/mitwirkungspflichten-bei-der-identitaetsklaerung-fuer-menschen-im-asylverfahren/

[12] Cf. Sec. 5 Residence Ordinance (AufenthV)

Sec. 60c Res. Act – Toleration for vocational training (§ 60c AufenthG – Ausbildungsduldung)

Are you undergoing vocational training? If so, you may be entitled to a training toleration (Ausbildungsduldung).



To obtain a training toleration (Ausbildungsduldung), you must meet the following requirements:

- ☐ You have had a toleration status (Duldung) for at least 3 months. **Exception:** Did you already start your vocational training during the asylum procedure (i.e., with a temporary residence permit/"Aufenthaltsgestattung")? In that case, there is no "waiting period."
- ☐ The vocational training is state-recognized and lasts at least 2 years. **Exception:** You can also obtain a training toleration for an assistant or helper vocational training. The requirement is that you already have a confirmation for a subsequent vocational training program lasting at least two years in an occupation for which the Federal Employment Agency has identified a labor shortage.[13]
- ☐ Your identity has been clarified.
  - Did you enter Germany before 01.01.2017? Then you must have proven your identity by the time you apply for the training toleration.
  - Did you enter Germany between 01.01.2017 and 01.01.2020? Then you must have clarified your identity by 30.06.2020.
  - Did you enter Germany after 01.01.2020? Then you must clarify your identity within the first six months after entry.
    Exception: If it is not your fault that your identity has not been clarified, you may still be granted a training toleration by the immigration authority.

There are various reasons why you may not receive a training toleration, for example:

- × You are in a Dublin procedure.
- × You are subject to an employment ban[14].
- × You have been convicted of an intentional criminal offense and sentenced to a specific level of punishment.

[13] A labor shortage means that not enough people in Germany want to pursue a particular vocational training program. This mainly affects health and nursing professions as well as various occupations in the construction and electronics sectors. A current overview can be found at: https://www.mangelberufe.de/facharbeiter/

[14] Sec. 60a para. 6 Res. Act

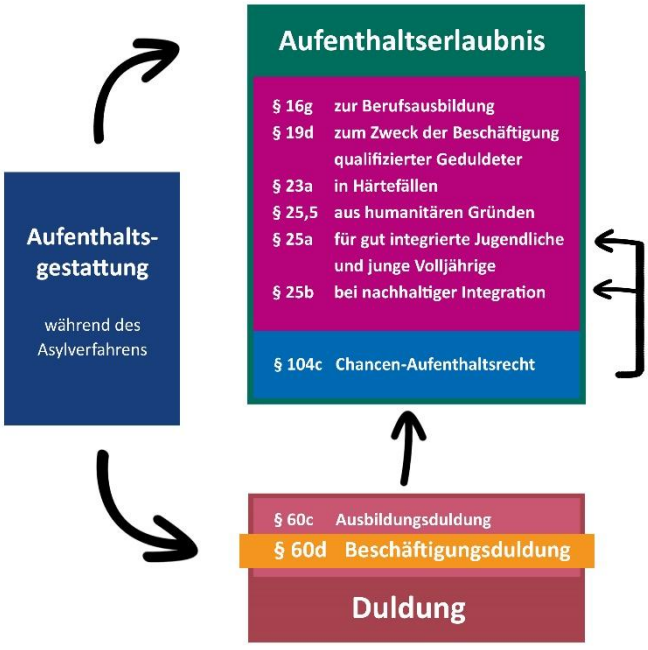
Have you successfully completed your vocational training? And have you found a job that corresponds to your training? If so, you are entitled to a residence permit pursuant to Sec. 19d para. 1a Res. Act. In some cases, you may already apply for a residence permit while you still have a training toleration. For example, this may be possible if you already meet the requirements for a residence permit under Sec. 25a or Sec. 25b Res. Act.

Note: There are different federal states[15], that have further defined this regulation[16]. In Thuringia, for example, there are extensive options to obtain a so-called "discretionary toleration" (Ermessensduldung) even before starting vocational training, such as during the final year of school or during an entry-level qualification program.

Sec. 60d Res. Act –Toleration for employment (§ 60d AufenthG – Beschäftigungsduldung)

Do you have a job? If so, you may be able to obtain an employment toleration.
To do so, you must meet the following requirements, among others:

- ☐ You entered Germany before 31.12.2022.
- ☐ You have 1 year of prior toleration period.
- ☐ Your identity has been clarified:
  - You entered Germany before 01.01.2017: Then you must have clarified your identity by the time you apply for the employment toleration.
  - You entered Germany after 31.12.2016: Then you must have clarified your identity by 31.12.2024.
  - **Achtung:** Note: You can only receive an employment toleration if the identity of your spouse or partner is also clarified within the required timeframe. **Exception:** If it is not your fault that your identity or that of your spouse or partner has not been clarified, you may still be granted an employment toleration by the immigration authority.



[15] As of 04/2025: Rhineland-Palatinate, Thuringia, Hamburg, Baden-Württemberg, Lower Saxony, North Rhine-Westphalia, Schleswig-Holstein, Saxony, Saxony-Anhalt, Berlin
[16] An overview of the decrees and implementation guidelines can be found at: https://www.ibs-thueringen.de/wp-content/uploads/2021/Erlasslage-Auslaenderrecht.pdf

- ☐ You have been working for at least 12 months with at least 20 hours per week.
- ☐ You have secured your means of subsistence for 12 months and will continue to do so in the future.
- ☐ You have oral A2-level German skills.

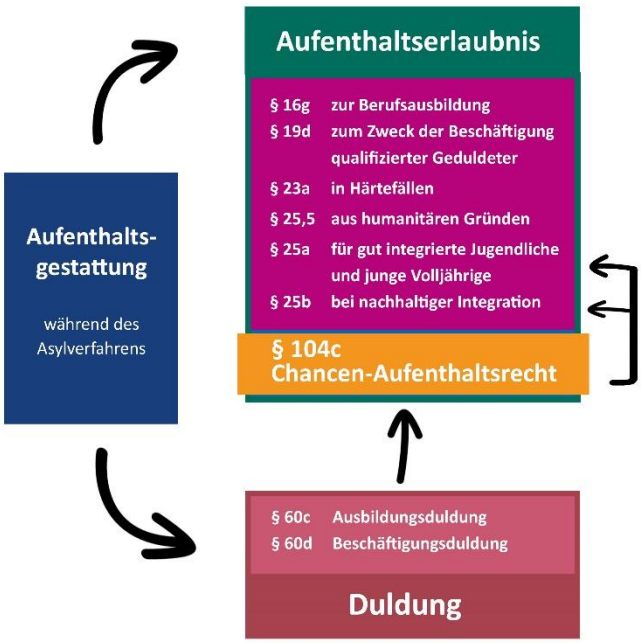
There are various reasons why you may not receive an employment toleration, for example:

- × You or your spouse or partner have been convicted of an intentional criminal offense.
- × You were required to attend an integration course and did not complete it.

After 30 months of employment toleration, you are entitled to a residence permit.[17]

Note: In some cases, you may already be able to apply for a residence permit while you still have an employment toleration. For example, this may be possible if you already meet the requirements for a residence permit under Sec. 25a or Sec. 25b Res. Act.

Sec. 104c Res. Act – Opportunity Residence (§ 104c AufenthG – Chancenaufenthalt)

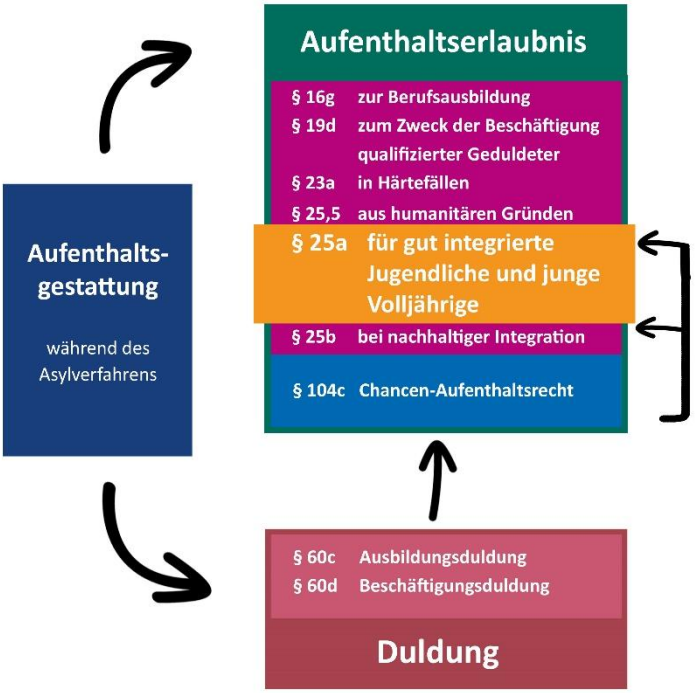


The Opportunity Residence could be applied for between 31.12.2022 and 30.12.2025 by persons who had been living in Germany for at least 5 years and had a toleration status (Duldung) as of the reference date 31.10.2022. It was granted for 18 months and cannot be extended. During these 18 months, the requirements should be met to transition to a residence permit under Sec. 25a or Sec. 25b Res. Act. To do so, you must meet certain conditions. Explanations on this can be found on the following pages. If the requirements are not met by the end of the residence period under Sec. 104c Res. Act, you will again receive a toleration status. We recommend submitting the application for a residence permit under Secs. 25a or 25b Res. Act before the end of the Opportunity Residence, even if some requirements are not yet fulfilled. You will initially receive a provisional residence permit (Fiktionsbescheinigung) until a decision is made on your application.

[17] Sec. 25b para. 6 Res. Act

Sec. 25a Res. Act – Residence permit for well-integrated adolescents and young adults
(§ 25a AufenthG – Aufenthaltserlaubnis für gut integrierte Jugendliche und junge Volljährige)

Adolescents (from 14 years old) and young adults with a toleration status (Duldung) can obtain a residence permit. The following requirements must be met:



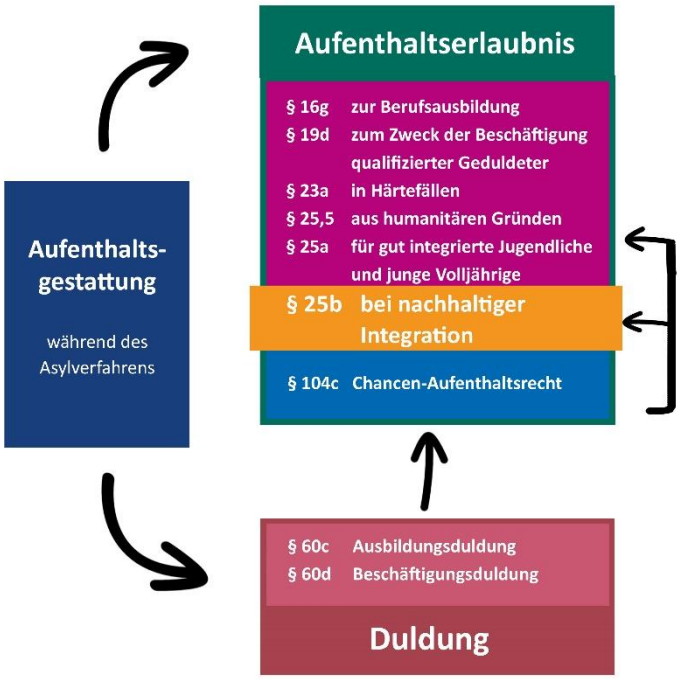
- ☐ You have had a toleration status (Duldung) for 12 months, or you have the Opportunity Residence (Chancenaufenthalt)[18].
- ☐ You have been living in Germany for at least 3 years.
- ☐ You have been successfully attending school for 3 years or have obtained a school or vocational qualification in Germany.
  Exception: You were unable to attend school due to illness or disability.
- ☐ You are applying for the residence permit before your 27th birthday.
- ☐ You have a positive integration prognosis.
- ☐ Your means of subsistence are secured.
  Exceptions: You are attending school, undergoing vocational training, or studying at a university. Exceptions may also apply in cases of illness or disability.[19]
- ☐ You have a passport (exceptions may be possible in individual cases).

Are you not yet 18 years old? Then your parents can also obtain a residence permit.[20] Among other requirements, your parents' means of subsistence must be secured. In this case, your minor siblings can also receive a residence permit. If your parents do not secure the means of subsistence, you will receive a toleration status (Duldung) as long as you are a minor.[21]
Do you have children or a spouse or partner? They should also be able to obtain a residence permit together with you.[22]

[18] Sec. 104c Res. Act
[19] Cf. Sec. 5 para. 3 sentence 2 Res. Act
[20] Sec. 25a para. 2 Res. Act
[21] Sec. 60a para. 2b Res. Act
[22] Sec. 25a para. 2 sentence 2 Res. Act

Sec. 25b Res. Act – Residence permit based on sustainable integration (§ 25b AufenthG – Aufenthaltserlaubnis bei nachhaltiger Integration)

You can obtain a residence permit under Sec. 25b Res. Act if the following requirements are met:



- ☐ You have a toleration status (Duldung) or the Opportunity Residence (Chancenaufenthalt)[23].
- ☐ You have been living in Germany for 6 years (or 4 years if you have minor children).
- ☐ Your means of subsistence are (or will be) predominantly secured.
  Exception: You may not be able to secure your means of subsistence due to illness, disability, or age.
- ☐ You have at least oral A2-level German skills.
  Exception: You may not be able to demonstrate language skills due to illness, disability, or age.
- ☐ You have basic knowledge of the social and legal system. You can, for example, demonstrate this through the "Living in Germany" test or the naturalization test.
- ☐ You acknowledge the free democratic basic order.
- ☐ You have a passport (exceptions may be possible in individual cases).

[23] Sec. 104c Res. Act

Sec. 25 para. 5 Res. Act – Residence permit on humanitarian grounds

(§ 25 Abs. 5 AufenthG – Aufenthaltserlaubnis aus humanitären Gründen)

Under certain circumstances, you may obtain a residence permit pursuant to Sec. 25 para. 5 Res. Act. The following requirements must be met:

- ☐ Departure to your country of origin is not possible for "legal" or "factual" reasons, even on a voluntary basis.
  Examples include:
  - You are "rooted" in Germany.[24]
  - You have a minor child with a person who holds a residence permit or German citizenship and you care for this child.
  - There are no flight connections to your country of origin.
  - A public health officer has determined long-term unfitness to travel.
- ☐ You must not have provided false information about your identity or nationality.
- ☐ You are not responsible for the fact that you cannot be deported.
- ☐ Your means of subsistence are secured (exceptions are possible).
- ☐ You have a passport (exceptions may be possible in individual cases).

If you meet these requirements and it is not foreseeable that the situation will change in the future, the immigration authority may grant you a residence permit. After 18 months, the immigration authority should grant you the residence permit.

Note: Was your asylum application rejected by the Federal Office for Migration and Refugees (BAMF) as "manifestly unfounded"? In some cases,[25] the immigration authority is not permitted to grant you a residence permit under Sec. 25 para. 5 Res. Act.[26]

[24] According to Art. 8 of the European Convention on Human Rights, everyone has the right to respect for their private and family life. Have you been living in Germany for a long time? And do you no longer have ties to your country of origin? In that case, it may be legally impossible for you to leave the country because you are considered to be "rooted" in Germany.
[25] Cf. Sec. 30 para. 1 nos. 3–7 Asylum Act (AsylG)
[26] Sec. 25 – Rejection as "manifestly unfounded" pursuant to Sec. 30 para. 1 nos. 1–2 and nos. 8–9 Asylum Act (AsylG)

Sec. 19d Res. Act – Residence permit for qualified tolerated persons for the purpose of employment
(§ 19d AufenthG – Aufenthaltserlaubnis für qualifizierte Geduldete zum Zweck der Beschäftigung)

Sec. 19d Res. Act offers people with a toleration status (Duldung) who are particularly well qualified professionally the opportunity to obtain a residence permit.
This applies in the following situations:

- You have completed qualified vocational training or a university degree *in Germany* and now have a corresponding job.
- You obtained a degree *abroad that is recognized or comparable to* a German university degree, and you *have been working for two years* in a position corresponding to that degree.
- *You have been working as a skilled worker*[27] *for three years*. Your job (in principle) requires vocational training or a university degree.[28]

Further requirements for a residence permit under Sec. 19d Res. Act include, among others:

- ☐ You have sufficient living space.
- ☐ You have German language skills at level B1.
- ☐ You have not committed any criminal offenses that meet a specified level of punishment.
- ☐ You have a passport (exceptions may be possible in individual cases).

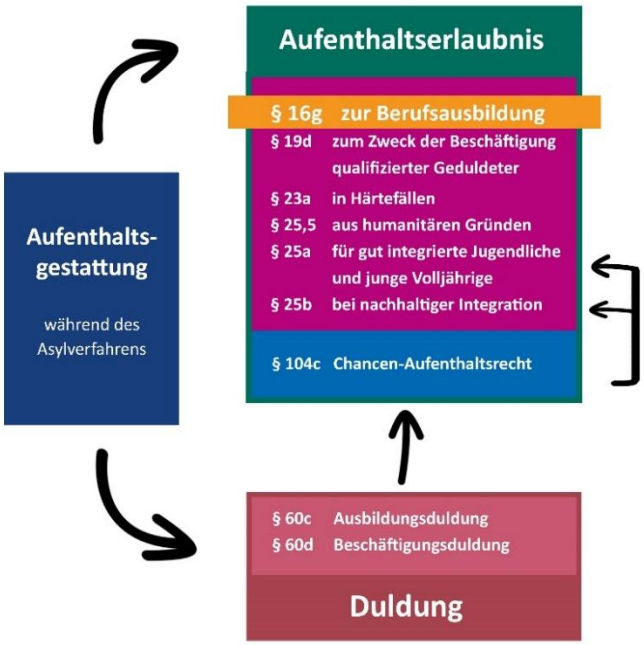
Have you completed **vocational training** while holding a training toleration? Then you are entitled to a residence permit under Sec. 19d para. 1a Res. Act if you have found a corresponding job. You have a legal **entitlement** to this permit if you meet the requirements listed above.

[27] A skilled worker within the meaning of Sec. 18 para. 3 Res. Act means that you hold a foreign (informal) vocational qualification that is equivalent to qualified vocational training, or you have completed qualified vocational training in Germany.

[28] If you are working as a skilled worker and have family members, their means of subsistence must also be secured (excluding housing and heating costs).

Sec. 16g Res. Act – Residence permit for vocational training for foreigners required to leave the country (training residence permit)
(§ 16g AufenthG – Aufenthaltserlaubnis zur Berufsausbildung für ausreisepflichtige Ausländer (Ausbildungsaufenthaltserlaubnis))

Are you undergoing vocational training? If so, you may be entitled to a training residence permit.



To obtain a training residence permit, you must meet the following requirements, among others:

- ☐ You have had a toleration status (Duldung) for at least 3 months.
  Exception: Did you already start your vocational training during the asylum procedure (i.e., with a temporary residence permit / Aufenthaltsgestattung)? In that case, there is no "waiting period."
- ☐ The vocational training is state-recognized and lasts at least 2 years.
  Exception: You may also obtain a training residence permit for an assistant or helper vocational training. The requirement is that you already have a confirmation for a subsequent vocational training program lasting at least two years in an occupation for which the Federal Employment Agency has identified a labor shortage[29].
- ☐ Your identity has been clarified.
  - You entered Germany before 01.01.2017? Then you must have proven your identity by the time you apply for the training toleration.
  - You entered Germany between 01.01.2017 and 01.01.2020? Then you must have clarified your identity by 30.06.2020.
  - You entered Germany after 01.01.2020? Then you must clarify your identity within the first six months after entry.

  Exception: If it is not your fault that your identity has not been clarified, the immigration authority may still grant you a training residence permit.
- ☐ Your means of subsistence are secured. The basis for this is the BAföG rate.[30]

There are various reasons why you may not receive a training residence permit, for example:

- × You are in a Dublin procedure.
- × You are subject to an employment ban.

[29] A shortage means that in Germany not enough people want to train for a particular profession. This mainly affects healthcare and nursing professions as well as various jobs in construction and electronics. You can find a current overview here: https://www.mangelberufe.de/facharbeiter/

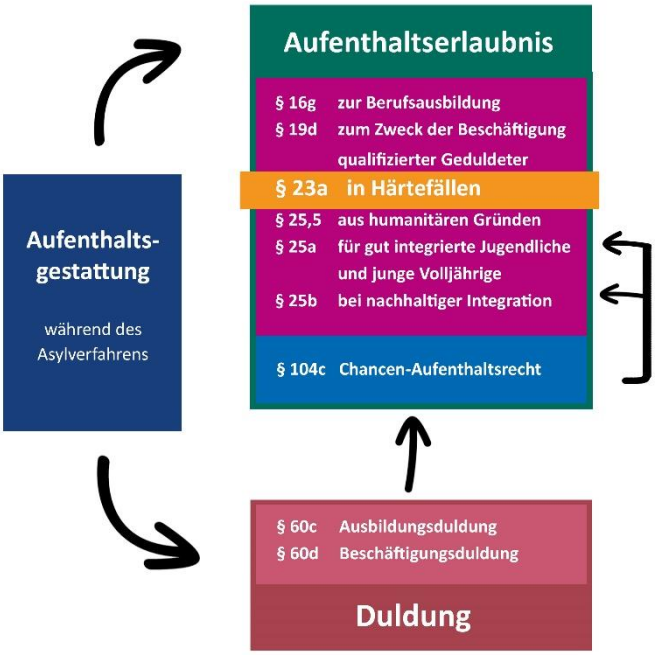
[30] Sec. 2 para. 3 sentence 5 Res. Act – the BAföG rates are adjusted regularly. They are set out in Sec. 12 BAföG (as of 04/2025: EUR 666 per month for trainees who do not live with their parents).

× You have been convicted of an intentional criminal offense and sentenced to a specific level of punishment. Have you successfully completed your vocational training? And have you found a job that corresponds to your training? If so, you are entitled to a residence permit pursuant to Sec. 16g para. 8 Res. Act.

Important: In some cases, it may be better to choose a training toleration instead of a training residence permit. A residence permit does, of course, have advantages over a toleration status: you accumulate time toward a permanent residence permit and you are allowed to travel abroad.
However: Unlike with a training toleration, it is not possible to transition from a training residence permit to the very favorable residence titles under Secs. 25a or 25b Res. Act.
Are you unsure whether you will be able to complete the training? Or do you want to change your vocational training? With a training residence permit, you also have the option—if the training is terminated—of searching for a new vocational training once. However, unlike with a training toleration, you are not entitled to social benefits during this period.[31]

Sec. 23a Res. Act – Granting of a residence permit in cases of hardship (§ 23a AufenthG – Gewährung einer Aufenthaltserlaubnis in Härtefällen)

Each federal state has a hardship commission. If deportation would constitute a particular hardship (for example, because the person concerned is very well integrated, seriously ill, or in a difficult personal situation), they can apply to the hardship commission for a residence permit. The hardship commissions of the individual federal states operate very differently. For example, in Thuringia there is no rule on how long a person must have been living in Germany, whereas in Bavaria at least five years are required.



The hardship commission often requires that the means of subsistence are (partially) secured. Exceptions may be made, for example, in cases of serious illness.

Find out locally how the hardship commission in your federal state operates. Information on this can be provided, for example, by the refugee council in your federal state.

[31] However, during the period in which you are searching for a new vocational training program, you are allowed to work up to 20 hours per week.

Further information and counselling

(Weiterführende Informationen und Beratung)

Information on the Thuringian WIR network can be found here: www.bleibdranplus.de

An overview of the decrees in the individual federal states can be found here: https://www.ibs-thueringen.de/wp-content/uploads/2021/Erlasslage-Auslaenderrecht.pdf

The refugee council in your federal state can help you find a suitable advisory service. Contact details for the refugee councils can be found here: https://www. luechtlingsrat.de/

Imprint

Impressum

Herausgeberin

WIR-Netzwerk „BLEIBdran+. Berufliche Perspektiven
für Geflüchtete in Thüringen“

Institut für Berufsbildung
und Sozialmanagement gGmbH
Wallstraße 18
99084 Erfurt
Tel.: 0361 511500-250
E-Mail: migration@ibs-thueringen.de I www.ibs-thueringen.de

Geschäftsführerin: Katja Glybowskaja
Prokuristin: Christiane Götze
Unternehmenssitz: 99084 Erfurt; Juri-Gagarin-Ring 160
Handelsregister beim Amtsgericht: Jena
Handelsregister-Nummer: HRB 505545

Redaktion:
Christiane Welker (IBS gGmbH)
Jan Elshof (Flüchtlingsrat Thüringen e. V.)
Lewina Höhlein (Sozialamt Ilm-Kreis)

Layout:
Gina Hoffmann (IBS gGmbH)

Dezember 2025

Das Projekt „BLEIBdran+ Berufliche Perspektiven für Geflüchtete in Thüringen“ wird im Rahmen des Programms „WIR - Netzwerke integrieren Geflüchtete in den regionalen Arbeitsmarkt“ durch das Bundesministerium für Arbeit und Soziales und die Europäische Union über den Europäischen Sozialfonds Plus (ESF Plus) gefördert.

Gefördert durch:

Bundesministerium
für Arbeit und Soziales

Kofinanziert von der
Europäischen Union