Working while studying - Working after graduation ... ... without a German passport

Network “Integration through Qualification (IQ)”

Information for international students of German universities

In German and English

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What applies to whom?

For international students from different countries of origin, different legal provisions apply.

EU & EEA states and Switzerland

Do you come from one of the following countries:

Austria, Belgium, Bulgaria, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland or the United Kingdom?

If yes, you are allowed to work as much as you like while studying without any permission. Since January 2013, a freedom of movement certificate is no longer required and will no longer be issued.

“Third countries”

Are you from a country other than those named above? Then you may also work while studying; however, several legal regulations must be considered and respected and are explained in more detail below.

Initial assumption

We assume that you are studying in Germany, are a national of a third country and are already in possession of a residence permit in accordance with § 16 Section 1 of the German Residence Act (AufenthG).

120-cay rule

You may work 120 whole or 240 half days per year without needing a permit from the Foreigners’ Registration Office (Auskünderbehörde). Alternatively, you may carry out an unlimited amount of work as a student assistant (see “student assistant jobs”).

(- Legal basis: § 16 Section 3 German Residence Act -)

Working more than 120 days?

If you would like to work more than 120 whole or 240 half days in a job (which is not a student assistant job), you need a permit from the Foreigners’ Registration Office. The Foreigners’ Registration Office must, in turn, obtain authorisation from the Federal Employment Agency (Bundesagentur für Arbeit). If the Federal Employment Agency gives their approval, the Foreigners’ Registration Office may still refuse permission, if it is considered that the work load might jeopardise the success of your studies.

More under: dgb-jugend.de
Or at the Career Service of your university
Student assistant jobs

Student assistant jobs at universities or other academic institutions may be carried out without any temporal restrictions. Thus, if you are employed as a student assistant or scientific assistant, it is legally no problem to work more than 120 days per year. This also applies to university-related activities in university-affiliated organisations, such as the ASITA. You do not require permission for student assistant jobs; however, the Foreigners’ Registration Office must be informed.

Please keep in mind that if you work more than 20h per week, you will have to pay other social and health contributions as well as taxes.

Internships (Praktika)

There is a difference between voluntary and mandatory internships. Mandatory internships are pre-required in study or examination regulations of a degree course and compulsory. You do not require a permit for a mandatory internship, even if it is remunerated.

The study and/or examination regulations usually also denote the length of mandatory. The 120-day rule is not affected by mandatory internships.

If you undertake a voluntary internship, it is considered a normal form of employment, regardless of whether if paid or not. Hence, you may not work more than 120 whole or 240 half days a year without the permit from the foreigners’ Registration Office, including the days on which you were employed in other jobs.

Minimum Wage

Since January 1 2015, Germany has implemented a national minimum wage. As an intern you are entitled to receive 8,50 €/hour workers according to § 22 Section 1 Minimum Wage Law (Mindestlohn gesetz MiLoG). Exemptions hold for:

- Mandatory internships included in the study curriculum
- A voluntary internship which is shorter than three months.

Legal basis: § 22 Abs. 1 Nr. 1-4 MiLoG

Work placements (Hospitationen)

Work placements are not considered a form of employment. Consequently, you do not require a permit from the Foreigners’ Registration Office. The 120-day rule is also not affected. If in doubt however, you should contact your Foreigners’ Registration Office in order to make sure that it is a work placement rather than a voluntary internship.
Self-employed?

If you would like to become self-employed, you will need a permit from the Foreigners’ Registration Office. Self-employment while studying can be allowed in accordance to § 21 Abs. 6 AufenthG. For this to take effect it has to be ensured that all the work is not jeopardising the successful completion of the degree course. As a rule-of-thumb: 120 full days of working and 240 half days of working are generally not being considered a potential risk of failing your studies.

Please note that some federal states in Germany explicitly exclude the option of self-employment for third country nationals during their studies. Please check your residence permit if you are permitted to perform self-employed activities.

Use the following link to find guidelines for academics and students from Non-EU countries interested in setting up their own business:
http://www.itq-niedersachsen.de/iq/existenzgruendung/studienrende-und-Hochschulabsolvent/innen

**Further information at:**

www.study-in.de/de/leben/job-geld/job-finden--12008
www.dgb-jugend.de/studium/jobben/internationales
www.internationale-studierende.de/waehrend_des_studiums

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**Overview**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Temporal limit?</th>
<th>Permit from the Foreigners’ Registration Office?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid employment (e.g. in a café)</td>
<td>120 days or 240 half day a year</td>
<td>No, except if you worked more than 120 days/240 half days a year</td>
</tr>
<tr>
<td>Student assistance at university</td>
<td>No</td>
<td>No, but inform the Foreigners’ Registration Office</td>
</tr>
<tr>
<td>Mandatory internship</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Voluntary internship</td>
<td>120-day rule</td>
<td>No, except if you work more than 120 days/240 half days per calendar year</td>
</tr>
<tr>
<td>Work placements</td>
<td>No</td>
<td>No, but if in doubt, ask</td>
</tr>
<tr>
<td>Self-employment</td>
<td>Successful completion of studies must not be jeopardised</td>
<td>Yes</td>
</tr>
</tbody>
</table>
General informations

Nationals of EU member states, the European Economic Area and Switzerland have unlimited access to the German labour market (unless there are limitations with regard to the free movement of workers) and do not require a residence permit.

Graduates of German universities with a third-country nationality have almost unlimited access to the German labour market. However, they require the relevant residence permit that allows the employment to be carried out.

Residence permit after graduation

Do you have third-country nationality (non-EU, EEA country or Switzerland) and have successfully graduated in Germany? Then you can have your resident permit extended by up to 18 months for the purpose of looking for a job that is appropriate to your degree by the relevant foreigners’ authority.

(-Legal basis: § 16 Section 4 German Residence Act (AufenthG) -)

As soon as you have the written notification of the examination result in hand, you should register at the Foreigners’ Registration Office (Ausländerbehörde) to have your residence permit extended. The 18 months begin at the time of the written notification of having passed your final examinations and the examination results. Your de-registration or the day on which you received your certificate is not relevant for this deadline.

While you are seeking employment

For a residence permit to seek employment, proof of sufficient resources to cover the cost of living (subsistence) must be provided. (-Legal basis: § 5 German Residence Act -)

According to § 2 Section 3 of the German Residence Act (AufenthG), subsistence is ensured if you can cover your costs of living including adequate health insurance protection without resorting to public funds. This may mean that you have to work while seeking employment, which has been possible without limitation since 1 August 2012.

(-Legal basis: § 16 Section 4 p. 2 German Residence Act -)

If you have a job that is merely to cover your costs of living while looking for appropriate employment, this does not represent a change in residence purpose. Your residence purpose thus remains (for the 18 months already mentioned) the search for a job that is appropriate to your degree. This job does not have to correspond your acquired qualifications. You may also take up an internship, as long as you can cover your costs of living.
Requirements that the job must meet

The job leading to a change in the purpose of residence must be appropriate to your qualification (your degree). It must therefore be a job that presupposes an academic degree and in which the knowledge from your studies are at least partially or indirectly required. The payment must be sufficient to cover your costs of living.

Priority check or approval by the Federal Employment Agency is not necessary

For foreign graduates from German universities with a recognized university qualification, a “priority check” is unnecessary. This means that it is not necessary for the Federal Employment Agency (Bundesagentur für Arbeit) to check whether a German worker or equal status EU or EEA national should be considered for the position in question.

(-Legal basis: § 27 Section 1 No. 4 German Residence Act -)

Moreover, further approval is not required by the Federal Employment Agency.

(-Legal basis: § 3 b German Residence Act -)

When you have a job

When you have found suitable employment, your existing residence permit can be changed into a residence permit for the purposes of employment.

(-Legal basis: § 18 German Residence Act -)

For this, you need a concrete written job offer from the employer (including task description and information regarding payment and working hours) or even better: a work contract.

An additional possibility is the “EU Blue Card”. The precondition for this is an annual minimum gross salary of € 48,400 (2015). For graduates in the natural sciences, mathematics and engineering, as well as medical doctors and IT specialists, a lower salary limit of € 37,752 (2015) applies.

(-Legal basis: § 19a German Residence Act -).

In any case you will need an employment position which corresponds your acquired qualifications.

Self-employment

You may also become self-employed if the self-employment activities are related to the qualifications acquired when studying. Here, however, you must also be able to cover your costs of living. In this case, you should apply for a residence permit to take up self-employment at the Foreigners’ Registration Office.

(-Legal basis: § 21 German Residence Act -)

In order to become self-employed in Germany, you must first apply for a tax number at the relevant tax office (Finanzamt) and, in case of commercial activities, you must also register with the trade office (Gewerbeamt).
Use the following link to find guidelines for academics and students from Non-EU countries interested in setting up their own business:
http://www.iq-niedersachsen.de/iq/existenzgruendung/studienrende-und-Hochschulabsolvent/innen

Further information at:
- www.bamf.de

Permanent Residence Permit in Germany

The permanent residence permit (Niederlassungserlaubnis) in an unlimited residential right based on §18b of the AufenthG (Residence Act). Apart from the general requirements (knowledge of German, assurance of livelihood) the following is necessary:
- a residential permit title for two years in accordance with Article 18, 18a, 19a or 21 of the AufenthG (Residence Act)
- Having a job appropriate to the educational qualifications
- Minimum 24 months of payment to the pension scheme

Further information at:
- http://www.iq-niedersachsen.de/iq/start
- https://www.daad.de/deutschland/in-deutschland/arbeit/de/