



Freie und Hansestadt Hamburg

Behörde für Inneres und Sport

FAQ on the new Opportunity Card

1 Information on applying for the Opportunity Card (§ 104c AufenthG [German Immigration Act])

1.1 What is the Opportunity Card?

People who had been living in Germany on a tolerated basis for at least 5 years on October 31, 2022, are to receive an 18-month probationary residence permit in order to fulfil the other requirements for gaining residency. The aim of the Opportunity Card is to give people who have been living in Germany for a longer period the chance to gain legal residency.

1.2 Can I apply for the Opportunity Card?

You can apply for the Opportunity Card if

- you had lived in Germany for at least 5 years on October 31, 2022 on a tolerated, permitted or residence permit basis,
- you are committed to the free democratic basic order,
- you have not been convicted of a criminal offence (with the exception of minor convictions)
- you have not repeatedly made false statements about your identity and thereby prevented deportation.

1.3 How do I declare my support for the free democratic basic order?

When submitting your application, you must declare your support for the free democratic basic order in writing.

1.4 What are minor convictions?

Fines totalling up to 50 daily payments or up to 90 daily payments for offences under residence or asylum law, or convictions under juvenile criminal law that have not been sanctioned with juvenile detention, as long as these have not yet been expunged in the Federal Central Register.

1.5 How much time do I have to apply for the Opportunity Card?

In principle, you have 3 years to apply. This is because the new Opportunity Card system will expire 3 years after it comes into force. This is to give persons who met the application requirements on the cut-off date (October 31, 2022) sufficient opportunity to submit corresponding applications, taking into account the processing times at the immigration offices.

1.6 Does it make sense to wait before submitting an application and to seek advice beforehand?

Yes, because 18 months from the date of application is not much time to meet the requirements for a lawful right to remain. Therefore, it makes sense to get advice first to make the best use of the 18-month Opportunity Card period. Seeking advice is particularly useful if

- you speak little or no German
- you need further training in order to work
- you are looking for employment, a training position or an internship.

1.7 Is seeking advice also useful if I have an employment ban?

In this case, we recommend that you apply for an Opportunity Card immediately. For assistance with the application, general consultation services and information on German courses, you can contact the Flüchtlingszentrum Hamburg (Hamburg Refugee Centre). You can find the contact details under section 1.9.

1.8 What can I do if I have no or hardly any knowledge of German?

If you are not yet a customer of the Jobcenter team.arbeit.hamburg, it is advisable to seek advice about German courses from the Flüchtlingszentrum Hamburg. You can find the contact details under point 1.9.

1.9 Where can I seek advice?

Hamburg Welcome Center, Süderstraße 32b, 20097 Hamburg,
+ 49 40 42839-5555
welcome.hamburg.de/hwc



Flüchtlingszentrum Hamburg, Adenauerallee 10, 20097 Hamburg,
+49 40 2840790
www.fz-hh.de



1.10 Where can I apply for the Opportunity Card?

Amt für Migration, Behörde für Inneres und Sport,
Hammer Straße 30-34, 22401 Hamburg, + 49 40 42828-0
chancenaufenthaltsrecht@amtfuermigration.hamburg.de



1.11 Is there an application fee?

Application is free for anyone receiving state welfare, otherwise it costs 100 euros.

1.12 Can I work during the Opportunity Card period?

Yes, you have full access to the job market. After all, supporting yourself predominately through work is a prerequisite for transitioning to a long-term right of residence. However, the exercise of a self-employed professional activity is not permitted.

1.13 Can I continue to receive state welfare during the Opportunity Card period?

Yes, you are entitled to welfare payments through the Jobcenter team.arbeit.hamburg.

1.14 Can I leave the country during the Opportunity Card period?

This is possible for temporary stays abroad (e.g. vacations) if you have a valid passport.

2 Prerequisites for the right to stay after the 18-month Opportunity Card period (§§ 25a and 25b AufenthG)

2.1 What requirements do I have to meet for a right to stay?

After the 18-month Opportunity Card period has expired,

- you must be able to predominantly support you and your household members (if they are capable of work) through employment,
- have A2-level spoken German skills,
- be able to prove your identity or have made every effort to prove your identity.

2.2 What must I do to support myself financially?

Supporting yourself financially means you must secure at least 51% of your needs through gainful employment. Social benefits that secure a maximum of 49% of your needs, as well as housing allowance (Wohngeld), will not prevent you from obtaining a residence permit.

You also need to be able to financially support other persons living in your household. Household (Bedarfsgemeinschaft) here means those living with you who are able to work and help run the household financially.

As long as you are in school or vocational training or studying at a university, receiving public money to support yourself will not prevent you from being issued a residence permit.

2.3 How can I prove A2-level language skills?

Normally a certificate will be necessary for this. However, since oral skills are decisive, other evidence is also possible (e.g. education completed in Germany) or other proof of sufficient oral language skills.

2.4 Where can I get advice on German courses?

Please contact your Jobcenter or your employment agency (Agentur für Arbeit). If you are already working, in training or undergoing a procedure for professional recognition, you can contact the Federal Office for Migration and Refugees (BAMF) directly.



If you are not yet a customer of the Jobcenter team.arbeit.hamburg, you can contact the Hamburg Refugee Centre (Flüchtlingszentrum Hamburg) for advice on German courses before applying for the Opportunity Card (section 1.9)!

2.5 What happens if I only have a temporary employment contract after the 18-month Opportunity Card period has expired?

The contract does not have to be permanent. What's essential is that the contract is still valid on the date that the Opportunity Card expires (meaning that the employment stands a good chance of continuing to support you financially).

2.6 What happens if I do not fulfil the requirements within 18 months?

Your residency rights will expire and you will receive a "tolerated stay" status (Duldung) again.

2.7 What happens if I cannot get a passport because my embassy is not working, or my documents are not recognised and I cannot get any others, or my embassy refuses to help me?

A passport is normally required. Your case officer will define specific action for you to take in order to help you clarify your identity and obtain a passport. If, in individual cases, it is not possible to clarify your identity and obtain a passport for reasons for which you are not responsible, the passport requirement may be waived.