

# Information sheet on a new right to residence of opportunity (Chancenaufenthalt)

On 01.01.23, several amendments to the Residence Act (AufenthG) have come into effect. The “Chancenaufenthalt” (residence of opportunity), § 104c AufenthG, is new. This information sheet contains a brief overview of the requirements and a sample application for the “Chancenaufenthalt”. If in doubt, legal advice should be sought. Problems can arise with the Bavarian immigration authorities, especially if border crossing certificates (GÜB) have been issued or there are allegations regarding identity clarification.



## Prerequisites

- Must have a “**Duldung**” (GÜB in some circumstances also possible. Consultation necessary.)
- **Entry before 31.10.2017**, i.e., at least 5 years uninterrupted residence on 31.10.2022 with a permit (“Gestattung” or “Aufenthaltserlaubnis”) or “Duldung” (3 months interruption typically harmless)
- **No offences** (“Strafen”) exceeding 50 daily sentences (general offences) or 90 daily sentences (criminal matters under immigration law, e.g., lack of passport, illegal residence), offences under juvenile criminal law are largely unproblematic.
- No false statements or deception about **identity**

**Attention:** “Chancenaufenthalt” is **only granted for 18 months**. It is not renewable. Accordingly, the requirements of § 25a or § 25b AufenthG (integration stay) must be fulfilled in order to continue to hold residency. I.e., for § 25b: German A2, clarification of identity (usually a passport), at least 51% of your income must be generated by you and completed test “Living in Germany/Leben in Deutschland”. Otherwise reversion to “Duldung”!

You must apply for “Chancenaufenthalt” yourself. Although the immigration authorities should be reaching out to people who could benefit from this opportunity, not all immigration authorities will probably do so. Some immigration authorities have their own application requirements. The Munich KVR has an online application form. For all other immigration authorities without any specifications, the application can be submitted informally and you find a sample application letter on the next page.

**English translation of the sample application letter below!**

**Muster ("sample")**

Hiermit beantrage ich, [NAME], geb. [Geburtsdatum], einen Aufenthalt gem. § 104c AufenthG.

Ich bin am [Einreisedatum] eingereist und bin somit am 31.10.22 bereits fünf Jahre in Deutschland gewesen.

Ich bekenne mich zur freiheitlichen demokratischen Grundordnung der Bundesrepublik Deutschland. Ich habe auch nicht über meine Identität getäuscht oder falsche Angaben gemacht und dadurch meine Abschiebung verhindert.

*[Zusatz bei Familienangehörigen]*

*Ich beantrage außerdem für folgende Familienangehörige einen Aufenthalt nach § 104c Abs. 2:*

*[Namen und Geburtsdatum der Familienangehörige, auch wenn diese nicht seit 5 Jahren in Deutschland leben oder inzwischen volljährig geworden sind]*

Zusätzlich beantrage ich eine Arbeitserlaubnis bis zur Entscheidung über meinen Antrag nach § 104c.

Bitte informieren Sie mich, falls Sie noch weitere Informationen von mir brauchen.

\_\_\_\_\_  
Datum, Unterschrift

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**Sample Application Letter:**

*I, [NAME], born [BIRTHDATE], hereby apply for a residence in accordance with § 104c AufenthG.*

*I arrived on [entry date]. On 31.10.22 I will have been in Germany for five years. I am committed to the basic democratic principles („Grundordnung“) of Federal Republic of Germany. I have never made false or misleading statements about my identity and as such have not risked deportation.*

*[Additions for other family members]*

*I am also applying for residence in accordance to § 104c Abs. 2, for the following family members:  
[Name and birthdate of the family members, even if they have not yet lived in Germany for 5 years or they have reached the age of majority in the meantime.]*

*Additionally, I am applying for a work permit until my application in accordance with § 104c AufenthG has been decided upon.*

*Please let me know if you require any additional information from me.*

\_\_\_\_\_  
Date, Signature