

The Corona pandemic poses great challenges not only for you, but also for the foreigners' registration offices responsible for you being important contacts for your legal residence matters. Unfortunately, personal contact between you and the staff of the foreigners' registration office cannot always take place to the desired extent for reasons of infection control. However, in order to avoid any disadvantages for you when applying for or renewing a residence permit, you will be issued a so-called fictional certificate by your competent foreigners' registration office. You can find out what this means for you in the following explanations:

### **Fictional Certificate**

The fictional certificate is an official document. With this document, third-country nationals<sup>1</sup> in Germany prove that they have a temporary right of residence if you have previously submitted an application for the issuance or extension of a residence permit to your competent foreigners' registration office. If such an application has been submitted to the foreigners' registration office, you will usually be granted this document for the period during which the foreigners' registration office is still examining the submitted application for a residence permit.

The fictional certificate has the following main applications:

1. Applying for a residence permit for the first time

If you are legally a resident in Germany and have applied for a residence permit for the first time at your local foreigners' registration office, your residence is considered permitted until a decision is made on your application.

Until a decision is made on your application, you may not engage in gainful employment. This fictional certificate also does not entitle the holder to (re-)enter Germany.

2. Staying with a residence permit

If you already have a residence permit and apply for an extension or another residence permit in good time (i.e. before your residence permit expires), your previous residence permit is considered to be valid until the decision of the foreigners' registration office.

Consequently, all effects and ancillary provisions attached to the old residence permit continue to apply. You are to be placed in the same position as if you

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<sup>1</sup> Does not apply to EU/EEA citizens, Swiss nationals and their family members entitled to free movement according to Art. 3 of the Agreement on the Free Movement of Persons/ Free Movement in Switzerland, and Turkish nationals entitled to free association.

had a residence permit, with all the legal consequences. This also permits (re-)entry into Germany.

3. NEW: Electronic residence permit (eAT) and gainful employment pursuant to section 81 (5a) Residence Act (AufenthG)

If the foreigners' registration office has arranged for the electronic residence permit (eAT) to be issued for your stay for the purpose of training or gainful employment, then gainful employment is still permitted for you to the extent provided for in your residence permit. This permission shall be included in the fictional certificate.

In addition, this regulation also applies in cases of a change of employer, continued employment after a previously fixed-term employment relationship or even first-time employment.

4. Informal certificate (in terms of content comparable to a fictional certificate pursuant to section 81 (4) Residence Act)

If you have received an informal certificate from your foreigners' registration office that was not issued on a standard form, this must be equated with a fictional certificate. However, this only applies if the certificate states that your residence (and, if applicable, your employment within the framework resulting from the previous document) is still considered permitted, authorised or tolerated.

As a rule, this certificate is limited to three months and contains the note that re-entry from abroad is not possible with it.

Please note that this is general non-binding information on the fictional certificate under the Residence Act (Aufenthaltsgesetz, AufenthG). If you have specific questions about your stay in North Rhine-Westphalia, please contact the foreigners' registration office responsible for your area.