



Global BRIEF



GERMANY | Issuance of New Biometric Residence Permit Cards

As of September 1, 2011 the German Foreigner's Offices (Ausländeramt) are issuing new, biometric identity cards (eAT) in lieu of the traditional German residence permits (affixed as a sticker in a foreign national's passport). The new eAT cards are an electronic, credit-card format that will serve as a foreign national's "e-residence permit". All existing residence permits in passports will retain their stated validity until April 30, 2021. Applicants submitting applications for renewal or replacement of residence permits will be issued new cards.

Requirement for eAT Card

Pursuant to Council Regulations (EC) nos. 1030/2002 and 380/2008 all 27 European Union (EU)-member states are required to introduce the electronic residence permit ("e-residence permit"). This is designed to standardize all EU-member country residence permits by providing the permit holder's biographic and biometric information and reducing incidence of fraudulent documentation.

In Germany, as of September 1st, the new eAT cards are being issued for long-term residence authorizations (i.e., stays exceeding 90 cumulative days in a 180-day period) for both non-EU and Swiss national applicants. Qualified dependents are also issued an eAT card.

The eAT card contains encrypted data containing the holder's biometric information (i.e., digital photo and two fingerprint impressions for individuals age six and over) and any additional information considered relevant to establishing the card-holder's identification. The electronic chip carries the card-holder's proof of identity and also offers an electronic signature function.

The validity of the eAT is determined according to the category of residence authorization. In cases of permanent residence, a new card will be issued every 10 years.

What's Changed?

Beginning September 1st, foreign nationals submitting new applications for residence will be issued an eAT card. The current, estimated time to receive these cards is up to six weeks. Therefore, residence permits are no longer issued on the date of application.

Provided that there is an approval of a work permit by the time they apply for

residency, employees who are visa-exempt nationals will receive a temporary work and residence permit valid for three months from the date of application for the residence permit.

Employees who are visa nationals will receive a Schengen "D" visa from a German consular post prior to entering Germany. After submitting an application for a residence permit, visa nationals will not automatically receive a temporary permit. However, their "D" visa will permit work and residence status.

Dependents of any nationality will not be issued a temporary residence permit, since either their passport or visa will allow them to stay in Germany up to 3 months without a residence permit.

If, a foreign national's temporary three-month status will expire prior to issuance of his or her eAT Card, he or she will be allowed to apply for a new temporary residence permit (and temporary work permit for employees) prior to expiration of temporary stay.

Please note that as it may take up to six week to receive an eAT card, non-visa nationals and visa nationals should be aware of potential travel restrictions outside of Germany while in temporary residence status.

Schengen Area law does not recognize residence registration receipts issued by the local Town Hall or the Foreign Office as valid proof of residence to permit travel throughout Schengen. In addition, for those visa nationals who do not possess a 90-day, multiple-entry "D" visa valid beyond their intended date of return to Germany, German migration authorities may refuse re-entry to Germany. Therefore, prior to departing Germany for an overseas trip, non-visa nationals (e.g., U.S. citizen) and visa nationals (e.g., Indian) in temporary residence status should confirm with the local Foreigner's Office if a re-entry permit or re-entry visa is required.

Action Item for Employers

Given that Foreigner's Offices throughout Germany will be implementing the new eAT card requirement, obtaining appointments for registration and receiving cards may require some flexibility and patience over the next couple of months.

For new eAT card applications: Within one week of arrival into Germany, Pro-Link GLOBAL will work with the assignee and family members to arrange address registration with the local Town Hall. Once registered, an appointment at the local Foreigner's Office to submit the application for the residence permit is generally scheduled within one week of the date of address registration. Any applicant age six or older must appear in person at the Foreigner's Office to submit fingerprint impressions and take digital photographs.

During an estimated six weeks to process the residence permit application, assignees will have work authorization in Germany as follows:

- For visa nationals: Entering Germany with a valid Schengen "D" visa.
- For visa-waiver nationals: provided the work permit approval is issued by the time the assignee arrives in Germany, the assignee receives a temporary work and residence permit valid for three months.

Residence Permit Renewals: Because of the current, lengthy processing times for eAT cards, Pro-Link GLOBAL is advising clients to initiate renewal of an assignee's and family's residence permit renewal applications three months prior to expiration of status.

This news alert was provided in coordination with our German KGNM- Cheryl Koenig

Relocation Services Group.

Caveat Lector | Warning to Reader

This content is provided for general information purposes only and does not constitute legal advice or final guidance for any immigration matter. Readers are reminded that a country's immigration laws and requirements may change with little to no advance public notice. Questions regarding specific immigration matters should be addressed to your Pro-Link GLOBAL specialist. Pro-Link GLOBAL has worked with our PLG | KGNM Correspondent Office, AFN Visas in Argentina, to provide this update.

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