

## **FAQs**

### **For which of my family members can I apply for the admission under the Hesse State Admission Program?**

Your spouse, your 1st and 2nd degree relatives as well as their spouses and minor children as well as guardians of beneficiary minor children. These can be

- a. Their parents or children (first-degree relatives)
- b. Grandparents, siblings or grandchildren (second-degree relatives).

In addition, the spouses and minor children of the persons under a. and b. can also be included.

Furthermore, custodians of beneficiary children (stepparents, partner of a natural parent, persons who have custody by virtue of a court decision) are included.

### **In which countries my family members have to reside at the time of application?**

Your family members must be residing in Afghanistan, Pakistan, Iran, Turkmenistan, Tajikistan, Uzbekistan or China at the time of application.

### **Do I need to apply for each person individually?**

No, please submit a joint application for all family members for whom any of the above family relationships exist. An application can and may include more than one person. You must list all individuals separately with all supporting documentation. A listing in a free text field is not sufficient!

In addition, please do not submit multiple applications as a family for your Afghan family members. Agree within the family which of you will submit the application. If, due to the family composition, an Afghan family member is in that case not covered by the application due to a lack of family relationship to you, another application can be submitted for this person(s).

### **What requirements do I have to fulfill in order to register as an applicant?**

Applicants must be naturalized German citizens or Afghan nationals in possession of a temporary or permanent residence permit who have been living in Germany for 1 year and have had their main or sole place of residence in Hesse for at least 6 months. Furthermore, the applicant is required not to have any entries in the certificate of good conduct.

### **Which documents do I have to submit?**

Please do not submit an application until you have all the required documents.

In addition to various details, you will be required to provide:

1. a copy of your identity card (in case of German citizenship) or a copy of your temporary or permanent residence permit (in case of Afghan citizenship),
2. proof of entry for Afghan nationals (e.g. certificate of registration as an asylum seeker [BüMA] or forwarding as an asylum seeker [BüWA], confirmation of admission and proof of arrival as a local authority, asylum decision or hearing record on the asylum application, start-up certificate from the Federal Police),
3. an extract from the residents' register pursuant to Section 18 (2) BMG,
4. and a simple extract from the Federal Central Register pursuant to Section 31 (1) BZRG (the so-called certificate of good conduct).

### **Where can I get information from the population register?**

The city or municipality in which you live will issue you with such an extract from the population register upon request. This is an extended registration certificate in accordance with § 18 Paragraph 2 BMG. Here you will also receive the so-called certificate of good conduct, the extract from the Federal Central Register.

**How much living space must be available for my family members so that I can take them in?**

For each family member older than six years there must be 12 m<sup>2</sup> of living space available, for family members under six years 10 m<sup>2</sup>. A shortfall of the living space of 10% is harmless, ancillary rooms (such as kitchen, bathroom, toilet) must be able to be shared to a reasonable extent. But living spaces shared by third parties remain out of consideration.

**Where can I obtain the required extract from the Federal Central Register (certificate of good conduct)?**

You can apply for a certificate of good conduct at the city or municipality where you live and are officially registered. You can also obtain the extract from the population register there.

You can also apply for a certificate of good conduct online at <https://www.fuehrungszeugnis.bund.de/>. To do this, you will need an electronic ID card or an electronic residence permit.

Please note that the certificate of good conduct must be current. If you have already applied for a certificate for other purposes in the past and have it available, this is not sufficient.

**What documents must be presented for my family members?**

The following documents are required from each of your family members:

1. proof of relationship: translated birth certificate (own, if applicable, and those of siblings and/or parents and/or grandparents), marriage certificate, family book for married family members, proof of transferred personal care according to Afghan law or proof of stepparenthood or civil partnership if not in Latin script,
2. translated passport if not in Latin script (whether valid or invalid or passport not to be recognized),
3. translated identity card (e-Tazkira) if not in Latin script,
4. translated proof of citizenship as far as it is not in Latin script (Tazkira; simple, certified or online Tazkira),
5. translated birth certificate if not in Latin script, or
6. translated, equivalent proofs as far as not in Latin script (e.g. student card, certificates, passport substitute papers etc.);
7. copies of valid declarations of commitment (prior application to the local immigration office),
8. proof of admission of additional family members in the rented property,
9. proof that the ban on entry and residence has been lifted by the responsible foreigners authority, and
10. proof of current residence in Afghanistan or the neighboring countries of Afghanistan.

**Which documents must be submitted to substantiate the family relationship?**

- Spouse: marriage certificate
- Parents, children: birth certificate or family book
- Siblings: birth certificate of the applicant and the sibling to be admitted or family book of the parents.
- Spouse of 1st or 2nd degree relative: marriage certificate and birth certificate of 1st or 2nd degree relative
- Grandparents: Family book or birth certificates of the applicant and his/her parents.
- Legal guardian of a minor child: Proof of custody
- Civil partnership: proof of the existence of the civil partnership

**What is the difference between e-Tazkira, simple and authenticated/online Tazkira?**

- e-Tazkira or e-ID card: Is the credit card-sized Tazkira in use as a national ID card since 2018, which is issued by the Population Registration Department.
- Simple Tazkira: Old form of Tazkira in A4 format with passport photo and fingerprint in Dari.
- Certified/online Tazkira: also in DIN A4 format, but the document is translated into English and has three stamp imprints. However, the translations alone are not suitable as proof of identity. To prove the authenticity of the stated personal data, the original document must be presented (Tazkira).

**I have already applied for a certificate of good conduct some time ago. Can I also use this one?**

No. The certificate of good conduct must be up to date. Therefore, please apply for a current certificate of good conduct. Wait until you have received the document. Applying for the certificate of good conduct alone is not sufficient proof.

**What is a declaration of commitment, to what extent and where do I have to submit it?**

The admission order, which governs the application procedure, requires the submission of a declaration of commitment in accordance with the Residence Act. By submitting this declaration, you undertake to pay for the costs of your family members if they are unable to cover their living expenses from their own resources. You, as the sponsor, are responsible for all costs incurred by your family members, which, according to the law, can be accommodation costs as well as health costs and other costs.

In order to limit your financial burden, the state of Hesse has limited the scope of the obligation. Costs for services in case of illness, pregnancy, birth, need of care and disability have been excluded and will be covered by the respective competent authorities.

The declaration of commitment must be submitted to your foreigners authority individually for each Afghan family member whom you wish to bring to Germany with your application.

**What is the maximum period of time between the submission of a declaration of commitment and the issuance of the visa?**

In principle, no more than 6 months should elapse between the submission of a declaration of commitment and the issuance of the visa, as the financial circumstances of the person submitting the declaration of commitment may have changed in the meantime. After this period, it is therefore usually necessary to submit a new declaration of commitment.

**Who and how many persons can submit a declaration of commitment?**

You as the applicant, your relatives living in Hesse and third parties can generally submit a declaration of commitment. The declaration of commitment for one of your Afghan family members can be submitted by one person or jointly and severally by up to four persons.

**Can a person or family member who lives in another federal state also submit a declaration of commitment?**

Yes, persons and family members who live in another federal state can also submit a declaration of commitment. The declaration of commitment must be received by the foreigners authority in whose district the person whose admission is sought will have his or her habitual residence, or - alternatively - by the foreigners authority in whose district the applicant has his or her main or sole residence as defined in No. 4.2 of the admission order, and must be issued after all requirements have been met.

**My family members have sufficient financial means to finance a life in Germany on their own. Is a declaration of commitment still necessary?**

Yes. A declaration of commitment is also necessary in such cases.

**How long can I be claimed from the obligation declaration?**

Obligors can be claimed for a period of five years from the date of entry of the Afghan family member. This results from § 68 para. 1 sentences 1 and 4 AufenthG.

**Can I also submit a declaration of commitment with a temporary residence title?**

If you hold a temporary residence title, you can also submit a declaration of commitment. However, there must be sufficient prospect of the residence title being extended. You can clarify this question with your local foreigners authority.

**Can I submit a declaration of commitment with a so-called fictitious certificate?**

Yes, a declaration of commitment can also be submitted with a fictitious certificate if the income is sufficiently exempt from seizure.

**How high must my garnishment-free income be in order to submit a declaration of commitment?**

You submit the declaration of commitment to the municipal foreigners authority responsible for you. Based on the documents you bring with you and the number of persons to be accommodated, they will calculate how much garnishment-free income you must have. If your garnishment-free income is not sufficient, you will be informed that additional or other obligors must submit a declaration as joint and several debtors for your family members to be caught up. It is important that each additional obligor has garnishment-free income in his or her person. It is not possible to make a blanket statement about the amount of garnishment-free income.

**Do the jointly and severally liable obligors have to have their own garnishment-free income per person?**

Yes, each jointly and severally liable obligor must have garnishment-free income (in his or her own person; independently). This means that if you do not have a garnishment-free income and the other guarantors do not have a garnishment-free income either, a declaration of obligation cannot be issued. You can obtain further information from the foreigners authority responsible for you.

**How are joint and several obligors liable if a claim is made against you under the declaration of obligation?**

If you have issued joint and several declarations of obligation with other persons, all persons (joint and several debtors) owe a performance in such a way that each individual person is obliged to provide the entire performance. The creditor may demand the entire performance only once and he selects from the joint and several debtors the person for performance who, from his point of view, will probably perform the performance most reliably. The joint and several debtor who has been called upon may then demand recovery from the remaining joint and several debtors in equal shares. In this respect, reference is made to §§ 421 et seq. German Civil Code (Bürgerliches Gesetzbuch).

**I would like to submit my declaration of commitment at the municipal foreigners authority. Which visa do I choose?**

The municipal foreigners authorities in Hesse have been asked by decree to provide the appropriate documents (online or paper application) for the submission of declarations of commitment within the framework of the Afghanistan admission program and to use the purpose: D-Visa/Humanitarian reasons/Duration of stay 24 months. Please indicate this visa in the application at your municipal immigration

office. In free text fields, it should include references to the country's admission program for Afghan family members, if possible.

**I have further questions about the declaration of commitment. What can I do?**

Please direct any further questions regarding the declaration of commitment to your local foreigners authority.

**What is a pre-consent?**

A visa pre-consent is issued for each of your family members after successful application review. However, it may turn out during the application examination that a preliminary visa approval cannot be issued for all family members applied for; in this case, not all application requirements are met. There is no entitlement to the issuance of a preliminary approval.

The Regierungspräsidium Gießen will send a copy of the preliminary approval to the Federal Foreign Office. The original will be sent to you as the applicant for forwarding to your family members. With the preliminary approval, your family member will receive an appointment at the responsible foreign mission (embassy or consulate) to apply for a visa. The visa pre-consent is usually valid for six months from the date of issue.

**When is there a ban on entry and residence (EAV)?**

If your family member has already been deported, returned or expelled from the Federal Republic of Germany, such an entry and residence ban exists. This means that the family member concerned may not re-enter the Federal Republic of Germany due to the forced enforcement of his or her obligation to leave the country, nor may he or she stay there or be granted a residence title. The duration of the entry and residence ban depends on the individual case and is determined in the decision of the obligation to leave the country (negative decision of the Federal Office for Migration and Refugees, deportation order). In order to allow your family member to enter the country after all, the entry and residence ban must be lifted first.

**Where can I apply for the lifting of an existing entry and residence ban?**

You have to apply for the lifting of an existing entry and residence ban at the foreigners authority last responsible for your family member. The decision on the lifting/reduction/extension of the time limit must be attached to the application.

**Why are costs claimed by government agencies?**

The costs of a deportation, rejection or other type of compulsory enforcement of an existing obligation to leave the country are asserted against the obligated party by the responsible authority by means of a so-called benefit notice. If your family member is subject to an entry and residence ban, the costs of deportation will be claimed upon re-entry, even if the ban is lifted. Your family member must reimburse the costs incurred by him/her for the enforcement of his/her obligation to leave the country.

**Why do I have to provide detailed information on living space in the application?**

The admission of your family members requires that you have sufficient living space. This means that the apartment or house occupied by you must be big enough to accommodate all persons.

If you do not own the apartment or house you are living in, but are renting it, you must notify the landlord in advance that you intend to take in your Afghan family members. The landlord should give you a written assurance that there is nothing to prevent the admission of further family members. You must attach this written agreement to the application.

For each family member older than six years, 12 m<sup>2</sup> of living space must be available, for family members under six years 10 m<sup>2</sup>. A shortfall of 10 % of the living space is harmless, ancillary rooms (such as kitchen, bathroom, toilet) must be able to be shared to a reasonable extent. However, living space shared by third parties is not taken into account.

If you have to rent living space for the accommodation of your family members in the future, a sufficiently concrete indication of the location must be made in the application.

### **Can my Afghan family members also take up residence outside Hesse?**

Due to the state admission order, which only applies to the state of Hesse, and the benefits granted in the future in the event of illness, pregnancy, birth, need for care and disability, your Afghan family members can only take up residence in Hesse. Should they take up residence outside of Hesse, the corresponding benefits cannot be granted and a residence title cannot be issued with reference to the state admission order. Likewise, no flight costs can be reimbursed.

### **Issuance of a pre-consent to Afghan family members who are still in Afghanistan at the time of application!**

If your Afghan family member is still in Afghanistan at the time of application, you may indicate this in the application. If a pre-consent is possible, you will be contacted during the application review and asked to name a neighboring country of Afghanistan to which your Afghan family member has to go independently to apply for the visa. The pre-consent will then be sent there.

### **What happens after a pre-consent is granted? What is the visa procedure?**

After the preliminary visa approval has been granted, the Afghan family member has to go to the German embassy in the neighboring country of the current place of residence or from Afghanistan to one of the responsible German embassies in the neighboring countries.

There he must apply for the visa procedure. Any necessary documents, such as the valid, unrecognized or invalid passport and other documents (e.g., identity card (e-Tazkira), proof of citizenship [Tazkira; simple, certified or online Tazkira], birth certificate) must be brought there in the original.

The preliminary approval will be forwarded by the Regierungspräsidium Gießen to the German embassy that will presumably be responsible. The preliminary approval will be sent to the applicant by mail.

Within the scope of the visa procedure, a check of the persons will be carried out by the security authorities and the existence of the further general requirements for the issuance of the title will be examined. The collection of personal and necessary biometric data, i.e. in particular fingerprints, required for the admission procedure, as well as the security check, takes place at the diplomatic mission or consular post abroad. Successful completion of the security check is a mandatory prerequisite for admission. Exceptions to the passport requirement under Section 3(2) of the Residence Act may be permitted if the passport presented by the person seeking entry is not recognized or is not valid, but the identity of the person seeking entry is proven by other documents (e.g. identity card (e-Tazkira), proof of nationality [Tazkira; single, certified or online Tazkira], birth certificate). If the person wishing to enter the country cannot present a passport, but can prove his or her identity in another way (e.g. identity card [e-Tazkira], proof of citizenship [Tazkira; simple, certified or online Tazkira], birth certificate), a travel document for foreigners can be issued in

accordance with the requirements of §§ 5 and 7 AufenthV. The respective German embassy in the bordering country, where the visa application is filed, is responsible for this.

### **In which states can my relatives apply for a visa?**

Your relatives can only apply for a visa in the German embassies of the countries bordering Afghanistan - Pakistan, Iran, Turkmenistan, Tajikistan, Uzbekistan and China. Appointments must be made there independently after obtaining a pre-approval.

### **Who will pay for the transportation of my family members to Germany?**

The flight costs will be reimbursed to you by the state of Hesse. This means that you or your family members must pay in advance first. After entering Germany with the visa issued by the German Embassy in the respective neighboring country, your family members will present themselves at the responsible foreigners authority for the issuance of a residence permit. During this appointment, your family members will also present the airline tickets with invoice as well as bank details for reimbursement. Your family members will receive a form from the Foreigners' Registration Office to apply for reimbursement, which will be sent to the Gießen Regional Council together with the documents submitted by your family members.

### **How do my family members get to Germany?**

The entry of visa holders is self-determined. After entering Germany, an application for a residence permit must be submitted to the responsible foreigners authority before the visa expires.

### **Which costs are not reimbursed?**

The state of Hesse will only reimburse flight costs to Hesse. This only applies to economy class flight tickets. For higher value bookings, only the proportional amount of an economy class ticket will be reimbursed. The following costs will not be reimbursed:

- Meal costs,
- Travel to & from the respective airport in the neighboring country and Frankfurt,
- Excess baggage or special baggage
- Pet transport
- Self-inflicted rebooking or cancellation costs

### **What happens if it is discovered during application processing that an attachment was uploaded incorrectly or incompletely?**

If it is discovered during application processing that your application is incomplete, you will receive a message with the missing but needed documents and the opportunity to submit them within three working days. Your application will be placed on hold until all documentation is received. No space will be reserved.

If your application is still not complete after the three working days, it won't be considered any further and will be deemed not to have been submitted. If you still wish to bring your family members to Germany, you must submit the application again.

### **Which documents are not accepted?**

Documents must be submitted exactly as requested in the instructions. A letter requesting documents such as a certificate of good conduct or the application for the declaration of commitment are not sufficient.

This also applies to acknowledgements of receipt from authorities or outdated/expired documents.

**I have three business days to complete the application. When does the period begin?**

The three business days start from the day you receive an email from us with the documents you still need to submit.

**How long will it take to process my application?**

Please understand that due to the large number of applications submitted, we are unable to provide any specific information on processing times.

## **Questions about the online application**

### **Is there a deadline by which I must submit my application?**

Applications can be submitted until 12/31/2023 or until 1,000 people are reached. If the 1.000 person limit is reached before 12/31/2023, the online application will no longer be accessible through the link.

### **How do I switch the online application to English?**

When you go to the homepage of the online application, you will find a drop-down menu labeled "Language" to the right of the country logo. Click on the arrow and select English. Then confirm the selection in the opened window with "Yes".

### **When I use the online application in English and click on "Create registration" the language changes. What to do?**

If you use the English language and click on "Create registration" you will be redirected to another page. Here the language jumps back to German. You can change the language setting again in the upper right corner next to the country logo. Please proceed as described above.

### **How do I get to the registration?**

When you call up the online application, you will be taken to the start page. There you will first find a summary of all important information about the state registration program. The information can be expanded by clicking on the "+". To proceed to registration, you must first accept the privacy policy by clicking on the box in front of "I agree to the privacy policy". After that you can click on "Continue". This will take you to the "Login" page. Here you can create a new registration or login with existing credentials.

### **How do I log in again after registration or submitting an application?**

If you want to log in again after you successfully registered, it first takes you back to the start page. There you accept the privacy policy by clicking the box in front of "I agree to the privacy policy" and click Next. You will then be taken to the "Login" page. Here you can log in by entering your access data. After that you will be taken to the start page of the online application.

### **How can I enter a person in the online application?**

You can enter persons via the box "Enter another person" by clicking on Edit. This will take you to a further page where you have to enter data on your Afghan family member, their previous stays in Germany, the declaration of commitment and the future accommodation.

### **How can I apply for additional Afghan family members after I have already applied?**

You can log in again with your existing access data and create additional persons in the application under "Enter additional persons". If you have already submitted an application, you will see a box on the "Details of your family members" page with all the persons for whom an application has been submitted. In the box "Details of persons" you can add further Afghan family members via "+ Add entry".

### **Why are fields marked with an \*?**

Fields marked with an \* are mandatory. It is mandatory to fill them out.

### **How do I know that a document has been successfully added to the application?**

Once you have successfully added a document, the file name will appear below the upload field in a field labeled Filename\*, and directly behind it will be the icon with a trash can if it is necessary to delete it.

**How do I move through windows that open?**

When you add entries or subsequently edit people, windows open which appear in a smaller format. In these windows you must scroll to the bottom of the page. If you accidentally press Apply or Cancel before completing all fields, you will be notified of incomplete data entry.

**Why is an unrecognized or invalid passport being asked for when two other identity documents have already been uploaded?**

To the extent that your Afghan family member has an unrecognized or invalid passport in addition to two other identity documents, it must be attached to clarify identity. In particular, attaching an unrecognized or invalid passport may be helpful in clarifying transcription errors, minimally discrepant dates of birth, and the like. Furthermore, the unrecognized or invalid passport is important for the granting of an exemption from the passport obligation according to Section 3 (2) Residence Act.

**In which format do dates have to be entered?**

Dates must be entered in the format DD/MM/YYYY or the drop-down menu provided in the form of the displayed calendar must be used.

**I cannot finish my application because documents are still missing! What to do?**

If you notice during the application processing that not all necessary documents are available, you can temporarily save the application. Please note: A PIN will be displayed on the website when you save your application. You must make a note of this PIN, as you will need it to continue processing the application. The PIN cannot be provided to you by the system.

**What can I do if I cannot find the PIN from the temporary storage or have not written it down?**

If you have not noted the PIN displayed in the intermediate storage or cannot find it again, unfortunately it cannot be made available to you. We ask you to enter the person again.

**Why do I get back to the user overview after entering the details for the declaration of commitment and how can I submit the application?**

Once you have entered all the information for your Afghan family members in the application, you will be taken back to the user overview first (Legend, Enter additional persons, Submit attachments and Update my address data). At the bottom you will find the button "Submit application". You have to click on this button to submit the application. You will then be taken to a page with instructions on how to obtain prior approval, the visa procedure, exclusion from the visa procedure, and how to enter Germany. On the instructions page, you must first confirm that you have read and understood the instructions by clicking the checkmark. Then you can click on continue and submit the application. In this step, you will be provided with a downloadable PDF-File containing all the details of the application.

**How do I submit missing documents?**

Please log in to the online portal with your login details. You can upload the documents via the "Submit attachments" tab. Please refrain from sending them by e-mail - these documents cannot be considered.

**I have a question that was not answered in the FAQs.**

You are welcome to contact the Gießen Regional Council by e-mail at [LapA.RPGI@rpgi.hessen.de](mailto:LapA.RPGI@rpgi.hessen.de).