

Persons living in NRW with a **temporary resident permit ("Aufenthaltsgestattung")**, **proof of arrival ("Ankunftsnachweis")**, or a **BüMA** always have to apply for a **work permit** from the immigration authorities (Ausländerbehörde) in order to apply for a specific job offer. Whether or not a permit is granted depends on three factors:

- the duration of the person's stay in Germany
- his or her country of origin
- his or her place of residence within NRW

#### ATTENTION: WORK PROHIBITION!

According to legal regulations, asylum-seekers from so called **"safe countries of origin"** are completely prohibited from employment if they filed their application for asylum after **8.31.2015**. A determining factor in work prohibitions is the date of initial registration, or the date the BüMA was issued. **This employment prohibition does not apply to persons who were issued a BüMA before 08.31.2015!**

**NOTE:** According to laws for asylum-seekers, the work prohibition applies to persons currently involved in asylum proceedings who applied for asylum after 08.31.2015, and to those with a temporary stay of deportation ("Duldung") who applied for asylum after 08.31.2015 and had their application rejected. **Persons who have received a temporary stay of deportation ("Duldung") for other reasons (without asylum proceedings) are not affected by this law.**

**Tip: A copy of the BüMA can serve as proof of the date of initial registration on a long-term basis.**

*\*Those countries that currently qualify as "safe countries of origin" are listed in addendum II to § 29a of Asylum Law. At this point in time, these include Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Senegal, and Serbia.*

**If the person is not subject to a work prohibition, access to work is regulated as follows:**

#### from the 1st to the 3rd month of residence in Germany

in the first three months, there is a waiting period for access to the job market. Work is not permitted during this time.

#### up to the 6th month of residence

The waiting period can last up to 6 months, since it applies until the asylum seeker is assigned to a municipality.

#### after the waiting period up to the 15th month of residence

Access to employment is generally granted. The immigration authorities receive permission from the **Federal Employment Agency** to examine the application for a work permit. **This always involves making sure**

- that the person seeking asylum is employed under the same working conditions as the corresponding German employees.

If the asylum-seeker lives in a **district of the employment agencies Bochum, Dortmund, Duisburg, Essen, Gelsenkirchen, Oberhausen, or Recklinghausen**, then this examination also involves

- ascertaining whether German or EU citizens or employees of higher-ranking residence permits are available for the job (priority examination).

**EXCEPTIONS:** The Federal Employment Agency waives the priority examination for some occupations. In 2016, this included professions in the fields of metal construction, electromechanics, building construction, plumbing, care of the elderly, and programming. There are also exceptions in which the Employment Agency is generally not involved. \*\*

#### from the 16th to the 48th month of residence

**Throughout NRW, from the 16th to the 48th month**, the only assessments are whether the person in question is employed under the same conditions as the corresponding German employees.

#### from the 49th month of residence

**Starting with the 49th month in Germany**, it is no longer necessary to obtain permission from the Federal Employment Agency. If there is no work prohibition, in principle the asylum-seeker can take any job, **but must register this job with the immigration authorities with the relevant documentation.**

#### NOTES:

- The final decision as to whether an individual receives a work permit for a training is always at the discretion of the immigration authorities (Ausländerbehörde).
- At the end of the waiting period, the entry "employment permitted with authorization from the immigration authorities" ("Beschäftigung mit Erlaubnis der Ausländerbehörde gestattet") is not automatically recorded on one's identification papers. The asylum-seeker must actively consult the immigration authorities in order for this to happen.

Englisch

(Zugang zu Beschäftigung für  
Personen im laufenden Asylver-  
fahren in NRW)



## Contact

### Self-Employment

For persons with temporary residence permits, certificates of registration as an asylum-seeker (BüMA), or proof of arrival, self-employment is **not permitted**.

### Temporary Employment

Work as a temporary employee is generally **possible after three months**.

However, for those with residence in **the districts of employment agencies Bochum, Dortmund, Duisburg, Essen, Gelsenkirchen, Oberhausen, Recklinghausen**, temporary employment is only permitted **after 15 months**. In some exceptional cases, temporary employment is also possible in these districts after three months. \*\*

### „Refugee integration measures“ (FIM)

Through the "integration law"\*\*\*, which became effective on August 6, 2016, asylum-seekers who receive benefits according to the Asylum-Seekers Benefits Act, may be subject to FIM (refugee integration measures). **This does not involve regular employment**. Instead, these measures are similar to one-euro jobs, but with lower compensation at only 0.80 euro per hour.

**\*\*ADDITIONAL INFORMATION** about access to the job market for persons currently involved in asylum proceedings can be found at: [www.fnrw.de/alpha-owl/hintergrundinfos](http://www.fnrw.de/alpha-owl/hintergrundinfos)

\*\*\* Since most of the changes brought about through the integration law are actually counter-productive to successful integration and are at times extremely problematic in legal terms, Flüchtlingsrat NRW refuses to accept this name and instead refers to it as the "integration prevention law."

### Lisa Walter

alpha OWL II  
Flüchtlingsrat NRW e.V.  
Wittener Straße 201  
D- 44803 Bochum

Tel.: +49 (0) 234 - 587315 - 80

Fax: +49 (0) 234 - 587315 - 75

Telefonsprechzeiten: Mo-Do 10-16 Uhr

E-Mail: [alphaOWL@fnrw.de](mailto:alphaOWL@fnrw.de)

[www.fnrw.de/alpha-owl/](http://www.fnrw.de/alpha-owl/)

Das Projekt alpha OWL II wird im Rahmen der ESF Integrationsrichtlinie Bund im Handlungsschwerpunkt „Integration von Asylbewerber/-innen und Flüchtlingen (IvAF)“ durch das Bundesministerium für Arbeit und Soziales und den Europäischen Sozialfonds gefördert.



Zusammen.  
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Gestalten.

# FlüchtlingsRAT NRW e.V.

## Access to Employment for persons currently involved in asylum proceedings

(with “Aufenthaltsgestattung”,  
“Ankunftsnachweis” or “BüMA”)

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