

## Acceptance and supervision of international doctoral students

The GGG has put together information here that explains the support available to foreign doctoral students and how typical pitfalls can be avoided.<sup>1</sup> This information is based on legal requirements (as of January 2023) and practical knowledge, which may differ for individual cases. The mentioned sections are from the German Residence Act. The current version of this in English is found here: [Gesetze im Internet](#).

In addition to language and cultural challenges, a doctoral student's residence status, adequate health insurance, and proof of funding are issues that need to be clarified in time. Göttingen International assists doctoral students from abroad with enrollment questions, hosting agreements if necessary, and study progress inquiries.<sup>2</sup>

Acceptance as a doctoral student takes place in three steps, as for German nationals: 1. confirmation of supervision, 2. admission to the faculty, and 3. enrollment. Doctoral students from abroad are not enrolled by the Office of Student Affairs, however, but by the [International Student Office](#) (Göttingen International). Doctoral students can apply for admission and enrollment online from their home country. Enrollment is a prerequisite for a residency status according to Section 16b (see below).

### Residency status

Students / doctoral candidates from non-EU countries require a visa to enter Germany (valid for 3 months) and then a residence permit for a longer stay (valid for approx. 2 years).

A **visa** must be applied for in person in one's country of origin. This involves an interview. The waiting time for interview appointments is usually quite short but can take several months in certain countries (DAAD scholarship holders are given priority).

The **residence permit** must be applied for in person at the local immigration office in Germany. A passport, visa, certificate of enrollment, proof of health insurance, proof of funding (in the amount of the maximum rate of German financial aid (BAFöG) per month for the first year or at least minimum wage), registration certificate, passport photos, etc. are required for this. It is not necessary to bring a second person, but this is advisable because language barriers may occur and the type of residence permit granted has consequences for the doctoral student (see below).

According to the Residence Act, the **type of residence permit** that is granted depends on the purpose of the stay. For doctoral students, this can be:

- further education, in accordance with Section 16b (see below) or
- research, in accordance with Section 18d (see below) or
- rarely, for skilled workers to look for a job for a limited period of time, in accordance with Section 20 or

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<sup>1</sup> GGG thanks Dianne Feldermann for the translation of this information sheet.

<sup>2</sup> The GGG currently does not offer individual counseling or information services, as the *Helpdesk for International PhD students* in the GGG has not been staffed since October 2021.

- rarely, the “EU Blue Card” in accordance with Section 18b(2): For the social sciences, a regular earnings minimum of € 58,400 applies. This is only attainable with a 100% position in E13 and is thus usually only possible for postdocs.<sup>3</sup> This type of permit has some advantages. In particular, it allows the holder to receive a settlement permit (unlimited residence permit) after only 33 months (otherwise usually 60), and after only 21 months with German B1.

The purpose is determined by the German diplomatic mission when the visa application is submitted and can only be changed to a limited extent afterwards in Germany.<sup>4</sup>

Extension of the residence permit depends on whether the registered purpose (i.e. enrollment for doctoral studies or an employment contract) is still valid.

There is no legal entitlement to a residence permit; approval depends on the fulfillment of the general “conditions for issuance”: coverage of living expenses / funding, sufficient housing space, health insurance, plus the specific granting requirements for Section 16b (enrollment) or Section 18d (hosting agreement / employment contract).

### **Section 16b Residence for further education**

Doctoral students are classified as enrolled students (residence for further education) if the immigration office considers their studies to have priority in terms of time. If doctoral students are employed at the university, they usually have “qualification positions” and are therefore considered researchers according to Section 18d regardless of how many hours their job involves. A position as a research assistant, for example, is only compatible with Section 16b if the employment contract was concluded on a part-time basis and not for the purpose of qualification.

A residence permit according to Section 16b allows unlimited employment at the university subject to social security contributions (as long as it is not a qualification position).

Employment subject to social security contributions *outside* the university is limited to 120 full / 240 half-days per year. Self-employment requires the approval of the immigration office.

The status “further education” allows a doctoral student to draw unemployment benefits (ALG I) that result from socially insured employment. There is no entitlement to child benefit.

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<sup>3</sup> In medicine, engineering, as well as MINT subjects, a reduced earnings limit of € 45,552 applies, which is already exceeded with a 65% position in development level 2 (recognition of one year of previous experience).

<sup>4</sup> The options for changing the purpose have become more flexible since 2020. Doctoral students can transfer to Section 16b if the employment contract justifying Section 18d expires and their living expenses are covered. They can also transfer to Section 18b (academically qualified professionals) on the basis of their master’s degree if they take up employment that covers their living expenses and is commensurate with their qualifications, without having to leave the country and reapply for a professional visa. This option is especially relevant for doctoral dropouts.

To obtain an initial residence permit according to Section 16b, a doctoral student must be enrolled, have sufficient health insurance coverage, and have his or her living costs covered. If a doctoral student applies for an extension to the residence permit, the immigration office checks whether the doctorate has a chance of success. For this purpose, the immigration office makes a “study progress inquiry”, which Göttingen International answers in the form of official administrative assistance. The doctoral supervisor must also confirm that the student is still pursuing the doctorate and expected to graduate as well as state when graduation will occur at the latest. This answer can be given as a short statement within the first 5 years, which the immigration offices assumes to be necessary for a doctorate, or within the standard period of study plus 3 semesters. After this time, GI and the doctoral supervisor must provide a detailed statement. This must be relevant, differentiated, and consistent for a doctoral student’s residence permit to be extended for completion of the doctorate.

After a doctoral student has successfully completed the doctorate, his or her residence permit can be extended for up to 3 x 6 months according to Section 16b in order to look for a job. In addition, it is possible to change to a different type of residence permit (Section 16a vocational training, Section 18a and Section 18b employment as a skilled worker or Section 19c.2 employment due to distinct practical professional knowledge).

Advantage: Although the stay must be extended regularly, it is ensured beyond the standard period of study if the student is enrolled and his or her chances of success are certified.

This also means that access to the labor market and, if applicable, to unemployment benefits (ALG I) is ensured, as long as the immigration office is persuaded that the stay mainly serves the purpose of further education.

### **Or Section 18d research**

This type of residence permit is issued by a German diplomatic mission if doctoral studies are accompanied by an employment contract serving the qualification. This is often the case when doctoral students are employed at an university. When a diplomatic mission processes the visa application, it decides whether further education or employment has priority.

A “hosting agreement” is required for a visa and residence permit. This agreement is prepared by the International Student Office and centrally approved at Göttingen International. The International Student Office also enrolls foreign doctoral students.

The employment agreement also serves as proof of funding (at least minimum wage). Employment is only permitted at the university. Self-employment related to teaching and research (such as freelance teaching positions) is possible with the approval of the immigration office.

After a doctorate has been successfully completed, it is easy to change to another type of residence permit (Section 18a and Section 18b employment as a skilled worker or Section 19c.2 employment due to distinct practical professional knowledge, Section 20 skilled workers seeking employment, etc.).

Advantage: In the case of a multi-year contract, a longer residence permit is immediately possible.

Disadvantages: This residence permit is linked to an employment contract. The residence permit expires six months after the end of the employment contract, unless the student finds new employment or receives a settlement permit (unlimited residence permit).

After a doctoral student's employment contract ends, he or she therefore has only six months to find new employment (if necessary, while completing the dissertation!).

Employment subject to social insurance entitles a person to social security benefits (ALG I), family reunification, and family benefits. In practice, however, an application for ALG I can be rejected despite social contributions having been paid in: Since a residence permit only continues for 6 months after an employment contract has ended, the Employment Agency assumes that the person will not be available to the labor market (a work permit requires a residence permit!) and therefore refuses to pay unemployment benefits beyond 6 months. Without proof of funding, however, the immigration office will not issue a residence permit, and the doctoral student will fall out of the system and be obliged to leave the country. (This can be handled differently, but as a rule, unemployment benefits require a residence and work permit.)

### **Funding and social security**

Doctoral students from abroad must enroll, present health insurance to the immigration office (either German or verifiable foreign health insurance), and provide proof of funding (at the BAFöG maximum rate of € 934 per month in 2023 or at least minimum wage, plus funding for children and spouse, if applicable).

With regard to **health insurance**, it should be noted that offers – especially for foreign health insurance – vary greatly and may not cover all illnesses and accidents. Basic [information on health insurance](#) can be found online.

**Unemployment benefits** are only paid if corresponding contributions have already been made, the qualifying period has been fulfilled, and the applicant is available to the labor market. This requires that a person a) has a residence permit including a work permit and b) can demonstrate that he or she is primarily looking for work and, if applicable, is only doing a doctorate “on the side”, e.g., to complete final work on the dissertation or to prepare for a disputation.

Doctoral students from abroad pay the same social security contributions as everyone else – however, unemployment benefits are only paid out if a doctoral student has a residence and work permit that is valid during this time (see above). For this reason, ALG I should never be planned as a kind of final funding after an employment contract has ended.

## Avoiding pitfalls

For a successful doctorate process and to avoid additional problems when the residence permit ends, such as being forced to leave the country, especially in the final phase, the following is helpful:

- Clarify the **type of residence permit**: The decision as to whether further education or employment is the main purpose of the stay is made by the German diplomatic mission and then the local immigration office. For this purpose, they evaluate the information you have provided regarding whether the purpose of the stay is for studying (possibly with part-time employment at the same time) or for employment (e.g. in a qualification position). It is standard practice to issue a visa / residence permit according to Section 18d (purpose of research) when an employment contract is issued.
- The issued residence permit (Section 16b or Section 18d) entails **rights and obligations**, especially in the areas of family reunification / receipt of family benefits, options for changing the purpose, and subsequent perspectives after completion of the doctoral studies. Since the purpose can only be changed to a limited extent in Germany, it is necessary to know these rights and obligations (see above). The Göttingen International Department provides advice on this (see below).
- Observe **application deadlines** in good time before the granted period ends; this is even more important if the 5-year doctoral period has been exceeded and a detailed statement is required from the university and the doctoral supervisor for a “course of study inquiry”.
- For doctoral students from non-EU countries, the residence permit also depends on **proof of funding!** A temporary residence permit always requires living expenses to be covered. In order to calculate the amount of funding required for a doctoral student, the BAFöG maximum rate or, in the case of employment, the minimum wage per month is assumed. Costs for children and, if applicable, the spouse are added. A family with three children currently has to show an income of about € 1,800 per month or corresponding savings for a year. Otherwise, the doctoral student or members of the family may be asked to leave the country, which is not good for completing a doctorate.
- The doctorate should be planned – especially for foreign doctoral students – in such a way that it can be achieved within the set **period of time**, including funding. Otherwise, delays and in particular gaps in funding will endanger the stay and thus concentrated work on the doctorate.

### Responsibilities of Göttingen International<sup>5</sup>:

- Enrollment / student administration for all doctoral students from non-EU countries
- Course of study inquiries from the immigration office for doctoral students during their studies (Section 16b)
- Hosting agreement for doctoral students with (qualification) positions (Section 18d)

Göttingen International provides an overview and updates here online: <https://www.uni-goettingen.de/en/635930.html>.

Requests for information and advice for doctoral students and hosting institutions can be directed to [international.study@uni-goettingen.de](mailto:international.study@uni-goettingen.de).

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