

Family Reunion Visa Options for Parents in Germany

I. Legal situation until 29 February 2024

Currently, options to obtain a family reunion visa for family members other than spouses, minor children and parents of minor children are very limited. A residence permit for parents or parents-in-law is only granted “to avoid **exceptional hardship**.”

The authorities regard it as exceptional hardship if the parent cannot lead an independent life on his or her own and the family life community can only be led in Germany. In the case of a need for care, the person in need of said care must specifically be dependent on family assistance.

Otherwise, the German authorities expect the parent to be taken care of in the home country and grant a permit only if professional nursing assistance is not available in the country of origin. Hence, a visa on this basis is only granted very rarely and in exceptional cases.

II. LEGAL SITUATION AS OF 01 MARCH 2024

Beginning on 01 March 2024, a new option for family reunions for the parents of the principal and the parents of their spouse will become available. The following requirements must be fulfilled to qualify for this option:

1. Persons entitled to family reunion

The right to family reunification only concerns:

- ▶ the **parents of the principal**; or
- ▶ the **parents of the spouse of the principal**, provided that the spouse resides in Germany

Other family members (such as siblings, aunts, uncles, etc.) are not eligible for the status.

2. Residence permit of the principal

The principal must be in possession of one of the following **permit types**:

- ▶ EU Blue Card – section 18g AufenthG
- ▶ ICT Card – section 19 AufenthG
- ▶ Mobile ICT Card – section 19b AufenthG
- ▶ Local Hire Vocational Training – section 18a AufenthG
- ▶ Skilled Workers Permit – section 18b AufenthG

- ▶ Permanent Residence Permit for highly qualified workers – section 18c Abs. 3 AufenthG
- ▶ Researchers – section 18d AufenthG
- ▶ Short-term mobility researcher – section 18f AufenthG
- ▶ Executive and specialist permit – section 19c (1) AufenthG, section 3 BeschV
- ▶ Academic staff, visiting academic personnel, engineers and technicians working on the research team of visiting academic personnel, teachers – section 19c (1) AufenthG, section 5 BeschV
- ▶ IT specialists – section 19c (2) AufenthG, section 6 BeschV
- ▶ Civil servants – section 19c (4) AufenthG
- ▶ Self-employment – section 21 AufenthG

3. Initial issuance of the permit on or after 01 March 2024

The new option is only available if the principal was granted one of the aforementioned permits for **the first time** on or after 01 March 2024. This excludes persons who already hold one of these permits and are having it extended. At the time of publishing this policy paper, it is unclear whether a change from one permit to another would suffice to enable parents to obtain a dependent permit. It is also unclear what effect a previous stay in Germany will have. Further clarification from the authorities on these issues is expected.

4. Dependent's subsistence must be secured

The **livelihood of the parents or parents-in-law must be secured** without recourse to social benefits. This usually requires that the principal submit a corresponding declaration of commitment. Further, the principal must enlist the parent in German health insurance that meets the requirements of German statutory health insurance. This can be very difficult and expensive.

III. WHAT DOES IT MEAN FOR YOU?

If you are considering a move to Germany in the near future with your parents or parents-in-law, keep in mind that the start date of the visa will depend on your employment contract start date.

If you already live in Germany, we advise you to await further guidance from the German government, which is expected by February 2024.

NEED TO KNOW MORE?

For further information related to changes in the German immigration system, please contact Manager, Dr. Adela Schmidt, at adela.schmidt@fragomen.com.

This policy paper was published on 15 September 2023, and due to the circumstances, there are frequent changes. To keep up to date with all the latest updates on global immigration, please subscribe to our [alerts](#) and follow us on [LinkedIn](#), [Twitter](#), [Facebook](#) and [Instagram](#).