

Suspension of deportation

Exceptional Leave to Remain

Exceptional Leave to Remain grants a temporary suspension of the enforceable obligation to leave the country and prevents deportation from being imposed for a maximum of six months. The German Residence Act (Aufenthaltsgesetz) leaves strictly no scope for an unregulated residency, but rather anticipates that a foreign person for whom an enforceable obligation to leave the country applies shall either be deported or shall at least obtain exceptional leave to remain. An Exceptional Leave to Remain does not however constitute a residence permit. An Exceptional Leave to Remain only rules that, despite the existence of an enforceable obligation to leave the country, the person concerned may remain in the federal territory temporarily without being deported and without being liable to prosecution, namely until the grounds for the issuance of the Exceptional Leave to Remain no longer apply.

The main purpose of an Exceptional Leave to Remain is therefore to protect the foreign person from illegality, despite the obligation to leave the country imposed upon him or her. However, the enforceable obligation to leave the country remains unaffected despite an Exceptional Leave to Remain being issued. An Exceptional Leave to Remain does not include a work permit, however with the agreement of the Federal Labour Office, secondary access to the labour market can be gained. The Exceptional Leave to Remain expires upon the foreign person leaving the country. It will be revoked if the grounds for opposing a deportation cease to apply.

Fees

A fee of 25.00 Euros is payable for the issuance of a certificate of suspension of deportation as a sticker only, and a fee of 30.00 Euros is payable if a supporting printed form is included.