



Ausbildungsring
Ausländischer
Unternehmer e.V.

Important requirements for your self-employment in Germany

The checklist will give you an overview of the requirements for self-employment in Germany.

You already have:	<p>A residence title for specific purposes:</p> <ul style="list-style-type: none"> <input type="checkbox"/> for studying (§ 16 para. 1 AufenthG) <input type="checkbox"/> for residence after your studies (§ 16 para. 4 AufenthG) <p>Please note: After completion of your studies, you have 18 months to plan and realise your self-employment</p> <ul style="list-style-type: none"> <input type="checkbox"/> for research (§ 20 AufenthG))
You need:	<p>A residence title for specific purposes:</p> <ul style="list-style-type: none"> <input type="checkbox"/> § 21 para. 2a AufenthG, if your intended self-employed activity is closely related to your studies. <input type="checkbox"/> § 21 para. 1 AufenthG, for commercial self-employment. <input type="checkbox"/> § 21 para. 5 AufenthG, for freelance self-employment. <input type="checkbox"/> § 21 para. 6 AufenthG, for students who want to become self-employed part-time.
The foreigners' authority requirements, which you must fulfil if you want to be granted a residence title for a self-employed commercial activity :	<ul style="list-style-type: none"> <input type="checkbox"/> You have a valid passport from your native country. <input type="checkbox"/> No reason for deportation, such as a criminal conviction, exists. <input type="checkbox"/> You can secure your livelihood, and that of family members entitled to your support, with the planned activity. <input type="checkbox"/> Documentation of health insurance. Please note: The time allowed for submission of documentation varies. <input type="checkbox"/> The intended self-employed activity for graduates must demonstrate a recognisable connection with the skills and knowledge acquired through the university education (see reverse) (for § 21 para. 2a AufenthG). <input type="checkbox"/> You have created a business plan (see reverse) and your Curriculum Vitae (professional experience and qualifications).
If your goal is a (self-employed) freelance activity , you need the following additional documentation:	<ul style="list-style-type: none"> <input type="checkbox"/> References, if applicable <input type="checkbox"/> If applicable, a permit for practising the profession (e.g. for architects, doctors and other regulated professions)
Please note: The foreigners' authority may request further information/evidence.	
PLEASE WAIT TO HEAR BACK FROM THE FOREIGNERS' AUTHORITY.	
<p>If you have a positive response from the foreigners' authority, then you must register your business.</p> <ul style="list-style-type: none"> <input type="checkbox"/> For a commercial activity, you must register your business at the Gewerbeamt (trade office). Please ask there for information as to which documents are needed and how much the registration costs. Please note: The registration fee costs between 10 and 40 euros. You then need to register at the Finanzamt (tax office). <input type="checkbox"/> You need a tax number from the Finanzamt (tax office) when you work as a (self-employed) freelancer. You must register at the Finanzamt to get this. 	

We recommend the following links for more information:

www.wir-gruenden-in-deutschland.de

www.netzwerk-iq.de/fachstelle-migrantenoeconomie

www.netzwerk-iq.de

Your local contact partner:

More information can be found at:
www.wir-gruenden-in-deutschland.de



National Contact Partner:

IQ Fachstelle Migrantenökonomie

Institut für Sozialpädagogische Forschung Mainz e. V.

Beyhan Özdemir, Dr. Ralf Sängner

info@migrantenoeconomie-iq.de

Tel.: +49 (0)6131 9061855

www.netzwerk-iq.de/fachstelle-migrantenoeconomie

www.ism-mainz.de

Projekt „XeneX – Wir gründen in Deutschland!“ im Landesnetzwerk Bayern MigraNet

Ausbildungsring Ausländischer Unternehmer e. V. –

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„We are starting up a business in Germany!“

Guidelines for students, as well as academics,
from non-EU states who are interested in a start-up

Network „Integration through Qualification (IQ)“

The Network “Integration through Qualification (IQ)” works to improve employment opportunities for people with a migration background. The Network “Integration through Qualification (IQ)” is a program funded by the Federal Ministry for Labour and Social Affairs (BMAS) and the European Social Fund (ESF). Strategic partners in implementing the program are the Federal Ministry for Education and Research (BMBF) and the Federal Employment Agency (BA). At the regional level, the program is implemented by 16 regional networks (one for each federal state). They are supported by five Competence Centres that work on migrant-specific concerns at the federal level.

The Network “Integration through Qualification (IQ)” is a programme funded by the Federal Ministry of Labour and Social Affairs (BMAS).



In cooperation with:



www.wir-gruenden-in-deutschland.de
www.netzwerk-iq.de/fachstelle-migrantenoeconomie
www.netzwerk-iq.de



I want to start up a business in Germany! What do I need to know?

„During my studies I teamed up with two fellow students in order to implement our business idea after graduation: Apps for a marketing system for gastronomic businesses. Now we use every free minute to make sure that the business start-up is success-ful. Compared to paid employment we are taking a high risk, but we’re convinced that we can do it.“

Dimitri Schaible, Ukraine, Information Manager

You are studying in Germany or you have recently completed your studies and want to become self-employed in Germany? You come from a non-EU country? Even under these conditions, you can become self-employed. Perhaps you already have a first idea for a start-up which you would like to realise now or in the near future. A start-up involves major challenges and many questions. Which contact people and which authorities can and must you contact before establishing your business? What funding or support options are available? How do you write a business plan? In this leaflet, you will find a compact overview of the most important information and a checklist for your path to self-employment.

This information is solely for:

- Students from **non-EU states** who are studying in Germany and have a residence permit in acc. with (**§ 16 para. 1, AufenthG (Residence Act)**).
- Graduates from **non-EU states** who have completed their studies in Germany and who hold a residence permit in acc. with (**§ 16 para. 4, AufenthG**).
- Scientists from **non-EU states** who are working in a research facility in Germany and who hold a residence permit in acc. with (**§ 20 AufenthG**).

What does it mean to be self-employed in Germany?

As a self-employed person, you are professionally active as a freelancer or as an individual or joint owner of a company. You are free to determine your working hours, work duration, type of work and your work location. You are your own boss and nobody can tell you what to do.

Which requirements under the laws governing residence by foreigners apply to you as a student when starting a self-employed occupation?

As a student from a non-EU country, you have many opportunities to support your studies with an additional income. One option is a self-employed activity, for example, as a software developer, language instructor, interpreter, translator, or as an event manager. This opportunity exists under the foreign residency act due to a change in the incidental provisions to your residence permit under **§ 21 para. 6 AufenthG** (German Residence Act). However, the foreigners’ authority must give special approval for your self-employed activity. Your work must not jeopardise the success of your studies and it must meet the requirements for self-employment. The law does not specify time limits. Please ensure that your professional activity does not endanger your studies and does not amount to more than 20 hours per week, since otherwise you could lose your student status with your health insurer. In addition to the permit from the foreigners’ authority, as a self-employed person you need to register your business (at the Gewerbeamt = Trade Office) as well as at the Finanzamt (tax office). As a (self-employed) **freelancer, you need to register at the Finanzamt (tax office)**.

Which conditions apply to you, as a university graduate from a non-EU country, for the commencement of a self-employed activity?

When you have successfully completed your studies at a state-supported or state-recognised university or comparable educational institution in Germany, or if you possess a **residence permit under § 20 of the AufenthG** (German Residence Act) as a researcher or academic, then you may be issued a residence permit to practice a self-employed activity in accordance with **§ 21 para. 2a of the AufenthG** (German Residence Act). In this case, you are required to meet two conditions:

- Your intended self-employment should have a recognisable connection to the knowledge you acquired at university, i.e. what is meant here are activities which require a completed academic qualification. The knowledge gained from your studies at university should be used directly or in part.
- You must be able to ensure that you are able to earn enough to support the members of your family.

If your intention to become self-employed does not have a recognisable connection to your studies, you can apply for the residence permit in accordance with § 21 para. 5 of the AufenthG (Residence Act) to work as a freelancer, or for the residence permit in accordance with § 21 para. 1 of the AufenthG to be able to conduct professional activities. In order to apply for either of these, you need to create a business plan, demonstrate entrepreneurial skills and show how your self-employment could benefit the German economy.

If you do not wish to start your self-employment immediately after completion of your studies, you can apply to the foreigners’ authority for a residence permit, in accordance with **§ 16 para. 4 AufenthG** (Residence Act), to allow you 18 months for the planning and realisation of your self-employment. During this period, you may accept any employment, or already become self-employed, in order to secure your livelihood. The same applies for researchers and scientists although they cannot pursue gainful employment as such and have a shorter residence duration of six months (**§ 18c para. 3, AufenthG**).

„I studied biology in Germany and wanted to become self-employed. It only happened because I never gave up and spoke with the foreigners authority and other agencies again and again – in the end the advocacy and support of my Professor was decisive in obtaining the residence status I needed. Since 2010 I’ve been running the company »CoGAP« – successfully. We have twelve employees and 700 partners throughout Germany.“

Hossein Askari, Iran, Certified Biologist

„I think it’s a real shame that all the textile mills in East Westphalia-Lippe have disappeared. That made me even more determined to found a fashion label right there. I became self-employed with »Eva Green« after completing my studies and in 2012 received an award from the „Gründercampus“, the Entrepreneurial Campus of Lower Saxony. That shows that not only the designs work, but the economics behind them too.“

This information leaflet is intended to give initial legal information and therefore does not claim to be exhaustive. All the information has been compiled with great care. However, liability for the correctness cannot be assumed. If in doubt, please check with an advice centre or your foreigners’ authority!

Being your own boss enables you to freely shape your working environment. You decide for yourself when, where and how you work. To make this professional freedom a reality, you must follow a bureaucratic path. There are many challenges to be mastered, but do not let that keep you from reaching your goal.

