

# Information on BAföG



## Information on § 8 German law on higher education grants (BAföG)

Please note that this is not an official translation of the German law on higher education grants but is only intended for information purposes. For further information you can contact your BAföG-administrator.

**Please note that German is the official language. If you do not speak German sufficiently you can bring a translator.**

The eligibility for the higher education grant is among other things connected to the citizenship. The German higher education grants can be received – provided that the other requirements are complied – according to § 8 of the German law on higher education grants (BAföG).

### § 8 para. 1 BAföG

The German higher education grants can be received by

1. Germans as defined by the Basic Law (Grundgesetz, GG)
2. EU citizens or citizens of a contracting state of the Agreement on the European Economic Area (EEA Agreement) who
  - a. are entitled to permanent residence within the meaning of the EU Freedom of Movement Act or
  - b. are entitled to freedom of movement as a jobholder or a self-employed person according to § 2 para. 2 of the EU Freedom of Movement Act (e.g. a jobholder should have worked inland for an monthly average of 12 hours per week for at least 10 weeks before your first BAföG application)
  - c. possess a derived right of residence as a spouse / registered partner or child
  - d. were employed inland before commencing studies and whose studies are related to their previous employment
3. Foreign nationals who possess a settlement permit or a EC permit for permanent residency according to the Residence Act
4. Foreign nationals, who have their normal residence in Germany and are recognized outside Federal territory as refugees within the meaning of the Convention relating to the Status of Refugees of July 28, 1951 (BGBl. 1953 II p. 559) and are entitled to reside in the territory of Germany on more than only a temporary basis
5. Homeless foreign nationals within the meaning of the Law on Legal Status of Homeless Foreigners in Federal Territory

For determination of the requirements please provide your passport (or substitute passport), your permanent residence card or your residence card in our office hours. Your residence title (e.g. settlement permit according to § 9 AufenthG) has to emanate from your provided documents.

### § 8 para. 2 BAföG

You might have an eligibility to the higher education grant according to § 8 para. 2 BAföG, even though you do not belong to the categories mentioned above. Therefore you must have your place of residence in Germany and comply - in addition to the other BAföG-terms – with one of the following requirements:

**Please turn over!**

1. You hold a residence permit according to §§ 22, 23 para. 1, 2 or 4, §§ 23a, 25 para. 1 or 2, §§ 25a, 25b, 28, 37, 38 para. 1 no. 2 or § 104a of the Residence Act.
2. You hold a residence permit according to §§ 25 para. 3, para. 4 sentence 2 or para. 5, § 31 of the Residence Act and have stayed legally, with permitted or tolerated status in Germany without interruption for at least 15 months.
3. You hold a residence permit according to § 30 or §§ 32 to 34 of the Residence Act as a spouse / registered partner or child of a foreign national with a settlement permit.
4. You hold a residence permit according to § 30 or §§ 32 to 34 of the Residence Act as a spouse / registered partner or child of a foreign national with a residence permit and have stayed legally, with permitted or tolerated status in Germany without interruption for at least 15 months.

For examining whether you comply with the requirements, please provide your current resident title. In cases of number 3 or 4 also your spouse's / registered partners / parents residence title is needed. Furthermore, please provide in cases of number 2 or 4 a proof of your legal, permitted or tolerated stay in Germany for at least 15 months.

### **§ 8 para. 2a BAföG**

You can be eligible for the higher education grant, if you have your legal, permitted or tolerated residence in Germany for at least four years (will be reduced to 15 months from January 1<sup>st</sup> 2016) without interruption, when being tolerated. To examine this requirement please provide proof of your residence title as well as proof of your legal, permitted or tolerated and at least four-year stay in Germany.

### **§ 8 para. 3 BAföG**

Even though you do not comply to the requirements mentioned above, you might still be entitled to the higher education grant because of your (§ 8 para. 3 no. 1 BAföG) or your parents (§ 8 para. 3 no. 2 BAföG) condition.

#### **§ 8 para. 3 no. 1 BAföG**

You can be eligible for the higher education grant, if you have stayed and have been gainfully and legally employed for a total of five years prior to commencing studies eligible for financial assistance. As a proof please provide your residence permit or an informal statement of the Foreigners Registration Department.

A legal employment is marked by regularity, a continuing basis and the payment of taxes and social security contributions – in case you are not self-employed. Furthermore the income must be sufficient to make a living. A mini-job is not sufficient. An apprenticeship, side-line work or a holiday job do not count as gainful employment.

#### **§ 8 para. 3 no. 2 BAföG**

If at least one parent has lived and been employed legally in Germany for a total of three years in the last six years prior to commencing studies, you might also be entitled to the higher education grant. As mentioned above, a legal employment is marked by regularity, a continuing basis and the payment of taxes and social security contributions – in case you are not self-employed. Furthermore the income must be sufficient to make a living.

The requirement for a parent to have been gainfully employed during the past six years may be waived if employment has not been possible for reasons beyond the parent's control (e.g. invalidity) and he or she has been gainfully employed in Germany for at least six months.

**Should you have any further questions, please do not hesitate to contact us.**

Yours

**STUDIARENWERK HAMBURG**

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