Foreign Nationals

In most cases, you will need a residence permit that allows self-employment before you can enter into an independent contractor agreement or fee agreement.

- Provided your residence permit allows gainful employment (“Erwerbstätigkeit gestattet”), any gainful work is allowed and you do not need any further permission.
- If you have a residence permit for another reason, you must request a change to the conditions.
- If you do not have a residence permit, you must apply for one (fees apply).

Before you perform any work or provide any services contact
- the Hamburg Welcome Center: [http://welcome.hamburg.de](http://welcome.hamburg.de).
  You can arrange an appointment via email: info@welcome.hamburg.de
  (Current waiting period for an appointment: up to 3 months.)
  Alternatively, contact
- your local district office—check here for your nearest office: [www.hamburg.de/behoearden-finder/hamburg/11254942](http://www.hamburg.de/behoearden-finder/hamburg/11254942)

Generally, you will need to present the following documents to be issued with a residence permit:
- passport or national identification card
- biometric photograph
- current certificate of residence
- proof of sufficient health insurance coverage
  Note: If you do not have statutory health insurance, you must provide proof that you have private health insurance.
- completed and signed registration form
- administration fees
- additional documents as necessary

See here for more information and forms (also in other languages): [http://welcome.hamburg.de/formulare](http://welcome.hamburg.de/formulare)

If you have any questions, contact the member of the Strategic Purchasing department responsible for independent contractor agreements and fee agreements (732): [www.uni-hamburg.de/uhh/organisation/praesidialverwaltung/finanz-und-rechnungswesen/einkauf/strategischer-einkauf/werkvertrage.html](http://www.uni-hamburg.de/uhh/organisation/praesidialverwaltung/finanz-und-rechnungswesen/einkauf/strategischer-einkauf/werkvertrage.html)

See the following pages for more information on the different employment groups / countries of origin.
1. Citizens of the European Union (EU) and European Economic Area (EEA), including the EU Member States, Iceland, Liechtenstein, and Norway, do not need a residence permit. Swiss nationals are issued a residence permit valid for 6 months in accordance with Section 31 of the Agreement between the European Community including all Member States and the Swiss Confederation on the free movement of persons.

2. Visiting scholars and paid experts (e.g., speakers) giving lectures of particular academic/scientific value, who are a member of one of the countries listed in Annex II of the EC Visas Code (see appendix), may pursue this employment without a residence permit for 90 days within a 12-month period.

3. Students from non-EU countries at German higher education institutions
   If you are from a non-EU country and studying at a German higher education institution, you will have been issued a residence permit pursuant to Section 16 subsection 1 of the German Residence Act (AufenthG). In order to perform work / provide services within an independent contractor agreement or fee agreement, you must apply to pursue self-employment pursuant to Section 21 subsection 6 AufenthG. However, you may only complete work to the extent that this does not jeopardize the attainment of your study goals.
   - The decision is at the discretion of the Registration Office for Foreigners.
   - To avoid losing your student status with the health insurance provider, you may not work more than 20 hours per week.

4. Residence for reasons of international law or on humanitarian/political grounds
   These persons either have an unrestricted residence permit allowing them to pursue self-employment (i.e., are not subject to Section 21 AufenthG) or must apply to the Registration Office for Foreigners for permission to pursue self-employment pursuant to Section 21 subsection 6 AufenthG.

   Residence permits granted for the following reasons allow the unrestricted pursuit of self-employment:
   - Section 22 sentence 2 AufenthG: Residence for reasons of international law or humanitarian grounds
   - Section 23 subsection 2 AufenthG: Residence due to special political interests of the Federal Republic of Germany
   - Section 25 subsection 1 AufenthG: Entitlement to asylum
   - Section 25 subsection 2 AufenthG: Refugee status within the meaning of the Geneva Refugee Convention or European law Section 25 subsection 1 AufenthG also applies for these persons

   In all other cases, it is at the discretion of the Registration Office for Foreigners whether self-employment can be pursued.

5. Persons granted a residence permit for family reasons
   These persons either have an unrestricted residence permit allowing them to pursue self-employment (i.e., are not subject to Section 21 AufenthG) or do not need to apply to the Registration Office for Foreigners for permission to pursue self-employment.

   Residence permits granted for the following reasons allow unrestricted pursuit of self-employment:
   - Section 28 AufenthG: Subsequent immigration of family members to join a German national, residence permit for family members of German nationals
Section 30 AufenthG: Subsequent immigration of a foreigner’s spouse, residence permit for spouses who are foreign nationals. Note: The residence permit is linked to the residence status of the spouse. Example: EU Blue Card or Section 20 AufenthG.

Section 31 AufenthG: Independent right of residence for spouses if marital cohabitation ends. Note: Three years of marital cohabitation are normally required.

Section 36 subsection 1 AufenthG: Subsequent immigration of other family members, parents of a minor foreigner pursuant to Section 25 subsection 1 or 2 AufenthG

Section 36 subsection 2 AufenthG: Subsequent immigration of (other) family members of a foreign national to avoid exceptional hardship

6. Persons with a right of return

Persons with a right of residence pursuant to Section 37 subsection 1 AufenthG have an unrestricted right to pursue self-employment and do not have to apply to the Registration Office for Foreigners.

7. Persons considered former Germans

Persons with a right of residence pursuant to Section 38 subsection 1 AufenthG or Section 38 subsection 2 AufenthG have an unrestricted right to pursue self-employment and do not have to apply to the Registration Office for Foreigners.

8. Long-term residents of another EU member state

Persons with a right to residence pursuant to Section 38a AufenthG may only pursue self-employment with the permission of the Registration Office for Foreigners. The conditions for a residence permit pursuant to Section 21 subsection 5 AufenthG apply for the pursuit of self-employment.

Important: Permission to pursue self-employment is granted at the discretion of the Registration Office for Foreigners, which will review your application and obtain an opinion from chambers or other expert bodies.

Martina Schönfelder, 15 July 2020
Annex II—EC Visa Code:

- Albania
- Andorra
- Antigua and Barbuda
- Argentina
- Australia
- Bahamas
- Barbados
- Bosnia-Herzegovina
- Brazil
- Brunei Darussalam
- Chile
- Costa Rica
- El Salvador
- Guatemala
- Honduras
- Israel
- Japan
- Canada
- Malaysia
- Mauritius
- Macedonia
- Mexico
- Monaco
- Montenegro
- New Zealand
- Nicaragua
- Panama
- Paraguay
- San Marino
- Serbia (except holders of a Serbian passport issued by the Serbian Coordination Directorate (Knordinacija uprava))
- Seychelles
- Singapore
- South Korea
- Uruguay
- Vatican City
- Venezuela
- United States of America