

Please note: The information in this document and on the website <https://h-da.de/en/residence-permit> is not legally binding.

Fiktionsbescheinigung / certificate of fiction

If your visa or residence permit expires before a new residence title is issued, a provisional extension of your current right of residence (certificate of fiction / „Fiktionsbescheinigung“) must be issued.

The „Fiktionsbescheinigung“ is an official document. You can use this document to prove that you have a temporary right of residence in Germany if you have submitted an application for the issuance or extension of a residence title to the foreigners authority responsible for you in good time. If the foreigners authority has received such an application, this document will generally be issued to you for the period of time required by the foreigners authority for further examination of the application for a residence title. Depending on the type of fictitious certificate, it confers different rights.

If employment was permitted with the previous residence title, employment is generally also possible with the certificate of fiction.

In most cases, it can also be used for leaving and entering the country. Please check this before planning a trip.

Further information e.g. at: <https://www.darmstadt.de/rathaus/online-dienste/auslaenderbehoerde-darmstadt/allgemeine-haeufig-gestellte-fragen-faqs>



Fiktionswirkung / fictitious effect

If you have applied in writing for the issuance or extension of a residence permit in good time (i.e. before your visa/residence title expires), you are still legally resident in Germany.

This is based on §81 AufenthG: (4) If a foreigner applies for an extension of his/her residence title before it expires or the issuance of another residence title, the previous residence title shall be deemed to continue to exist from the time of its expiry until the decision of the immigration authority.

This fictitious effect is triggered solely by the application and is not dependent on a written confirmation from the foreigners authority. The timely receipt of an appointment request (e.g. in the form of an email) or the written application is sufficient. From this point in time, the so-called fictitious effect takes effect. The residence permit that has then expired, continues to apply with all its legal effects and authorisations until the decision of the immigration authority.

You can therefore also be employed on this basis or extend employment contracts e.g. for part-time jobs – provided the employment was permitted with the previous residence title.

Please note that you may only enter and leave the country with a valid official document (visa, residence permit or fictitious certificate).