



"We Are Starting Up in Germany!"

Guidelines for academics and students
from non-EU countries interested in starting a business

Förderprogramm "Integration durch Qualifizierung IQ"



I want to start up 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 successful. 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're studying in Germany or have recently finished your studies and want to become self-employed in Germany. This is also possible for you if you are a non-EU citizen.

Perhaps you already have an initial idea for a start-up, which you want to carry out in the near future. This confronts you with big challenges and raises many questions. Which contact persons and which authorities do you have to get in touch with before your start-up? Which opportunities for support and funding are available to you? How do you create a business plan? To answer these and other questions, you will find a compact overview of the most important information regarding your path to self-employment in Germany in this brochure.

This information applies exclusively to:

- Students from **non-EU nations** who are studying in Germany and possess a residence permit **under § 16 (1) of the German Residence Act (AufenthG)**.
- University graduates from **non-EU countries** who have completed their studies in Germany and possess a residence permit **under § 16 (4) of the German Residence Act (AufenthG)**.

How is self-employment defined in Germany?

As a self-employed person you are professionally active as a freelancer or as an individual or joint owner of a company. Also as a self-employed person you are free to determine your work times, work duration, type of work, workplace and you are not subject to directives, e.g. you are your own boss.

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 additional financial income. One option is a self-employed activity, for example, as a software developer, language instructor, service provider or as a self-employed promoter. This opportunity exists under foreign residency act due to a change in the incidental provisions to your residence permit under **§ 21 (6) of the German Residence Act (AufenthG)**. However, the foreigners authority must give special approval to your self-employed activity. Your work may not be so extensive that it jeopardises the success of your studies and it must meet the requirements for self-employment. The law does not specify time limits. Please make sure that your professional activity 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 a business registration (from the Trade Office or "Gewerbeamt") or, as a **freelancer**, a tax number (from the Tax Office or "Finanzamt").

Which conditions apply for 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 § 18 or § 20 of the German Residence Act (AufenthG) as a researcher or academic**, then you may be issued a residence permit to practice a self-employed activity according to **§ 21 (2a) of the German Residence Act (AufenthG)**. In this case you must meet two conditions:

- Your intended self-employed activity must have a recognisable connection with the skills and knowledge acquired through education at the institution of higher learning, used indirectly or in part. In other words, activities which require an academic degree.
- The livelihood for you and your maintenance-entitled family members must be assured. Inquire at your local foreigners authority, as the minimal livelihood costs vary regionally!

If you do not wish to start a self-employed activity immediately after completion of your studies, you may apply at the foreigners authority for an 18-month residence permit under **§ 16 (4) of the German Residence Act (AufenthG)**, to plan and implement your self-employment. During this period you may accept any employment in order to secure your livelihood.

The same applies for researchers and academics, however, with a shorter residence duration of six months **§ 18c (3) of the German Residence Act (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."

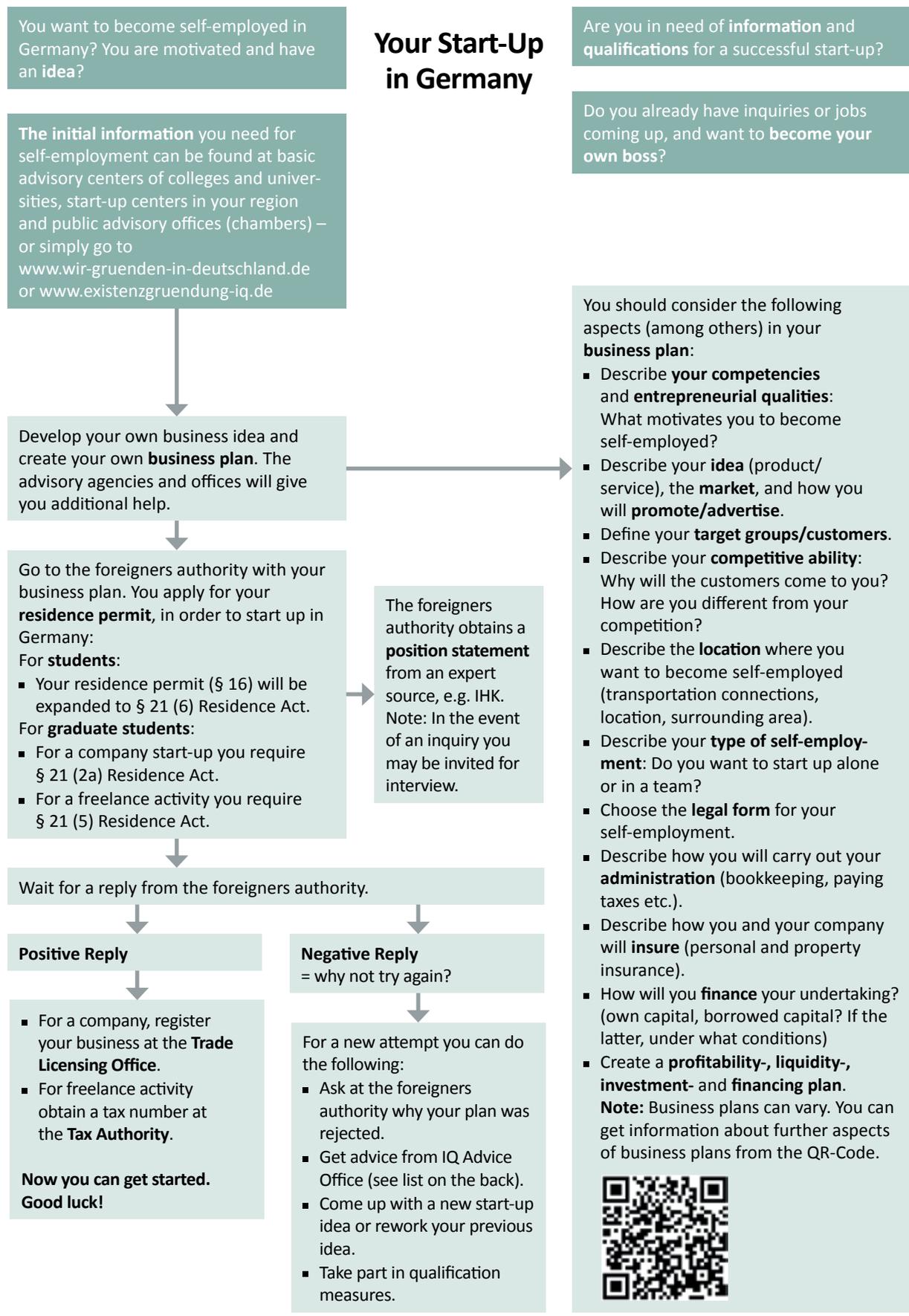
Hossein Askari, Iran, Certified Biologist

"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."

Ilona Block, Aserbaidschan, Certified Fashion Designer

This information brochure is intended to give initial legal tips and does not purport to be complete. The information contained therein was compiled with great care. However, we can assume no liability for its accuracy. If in doubt please consult an advisory office or the 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 don't let that keep you from reaching your goal.



Important Aspects for Your Self-Employment in Germany

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

<p>You already have:</p>	<p>A residence permit:</p> <ul style="list-style-type: none"> <input type="checkbox"/> to study (§ 16 (1) Residence Act). <input type="checkbox"/> to seek a job after graduation (§ 16 (4) Residence Act) Note: After completion of studies you have 18 months for planning and implementing your self-employment.
<p>You need:</p>	<p>A residence permit:</p> <ul style="list-style-type: none"> <input type="checkbox"/> to carry out your self-employed activity (§ 21 (2a) Residence Act) <input type="checkbox"/> for foreigners who want to be self-employed as freelancers (§ 21 (5) Residence Act) <input type="checkbox"/> for students, the residence permit will be extended (from § 21 (6) Residence Act)
<p>Requirements of the foreigners authority, which you must fulfil to receive a residence permit for a self-employed commercial activity.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> You have a valid passport from your home country. <input type="checkbox"/> No reason for deportation, such as a criminal conviction, exists. <input type="checkbox"/> You can finance your livelihood and that of your support-entitled family dependents with the planned activity (graduates). <input type="checkbox"/> Documentation of health insurance. Note: The time allowed for submission of documentation varies. <input type="checkbox"/> The intended self-employed activity for graduates must demonstrate a connection to the knowledge/skills acquired through the university education (see reverse). Note: This is the standard practice, but there are exceptions. <input type="checkbox"/> You have created a business plan (see reverse) and your curriculum vitae (professional experience and qualifications).
<p>If your goal is a freelance activity you need the following additional documentation:</p>	<ul style="list-style-type: none"> <input type="checkbox"/> if applicable, references <input type="checkbox"/> if applicable, a permit for practicing the profession (e.g. for architects, doctors and other regulated professions)
<p>Note: The foreigners authority can require further individual evidence.</p>	
<p>WAIT FOR THE REPLY FROM THE FOREIGNERS AUTHORITY</p>	
<p>When you have received a positive response from the foreigners authority,</p> <ul style="list-style-type: none"> <input type="checkbox"/> for a self-employed commercial activity you must register your business (Trade Licensing Office). Note: The registration fee is between 10 and 40 Euros. <input type="checkbox"/> for a freelance activity you need a tax number (Tax Office). For this you must register with the Tax Office. Note: By four weeks (at the latest) after beginning your activity you must register with the Tax Office. 	

For further information we recommend the following links:

www.netzwerk-iq.de

www.existenzgruendung-iq.de

www.wir-gruenden-in-deutschland.de

www.existenzgruender.de

www.bmwi-unternehmensportal.de



Your contact persons at the federal level and locally:

IQ Fachstelle Existenzgründung

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Projekt "Wir gründen in Deutschland! Unterstützung für Akademiker/innen und Gründer/innen aus dem Ausland" im Landesnetzwerk Niedersachsen

RKW Niedersachsen GmbH, Hannover
Mahzad Hoodgarzadeh, hoodgarzadeh@rkw-niedersachsen.de
Tel.: +49 (0)511 3380332
www.migrationsportal.de, www.rkw-niedersachsen.de

Projekt "Train-the-Trainer/Wir gründen in Deutschland" im Landesnetzwerk Bremen

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Katarzyna Rogacka-Michels, rogacka-michels@rkw-nord.de
Tel: +49 (0)40 557752921
www.prozesskette-bremen.de, www.rkw-nord.de

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

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