Important Aspects for Your Self-Employment in Germany

Checklist – Overview of the First Requirements

For further information we recommend the following links:
- www.existenzgruendung-iq.de
- www.wir-gruenden-in-deutschland.de
- www.existenzgruender.de
- www.bmwi-unternehmensportal.de

For a self-employed commercial activity you must register your business (Trade Licensing Office). Note: The registration fee is between 10 and 40 Euros.

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.

Your contact persons at the federal level and locally:

- KJ Fachstelle Existenzgründung
  Institut für Sozialpädagogische Forschung Mainz e.V.
  Mahzad Hoodgarzadeh, hoodgarzadeh@rkw-niedersachsen.de
  Tel.: +49 (0)511 3380332

- Projekt "Wir gründen in Deutschland!" im Landesnetzwerk Bayern MigraNet
  Ausbildungsring Ausländischer Unternehmer e.V. (AAU), Nürnberg
  Vusala Ebru Zeynalova, ebru.zeynalova@aauev.de
  Rainer Aliochin, ali@aauev.de
  Tel.: +49 (0)911 23986680
  www.migranet.org, www.aauev.de

For students, the residence permit will be extended.

You need:
A residence permit:
- to carry out your self-employment activity (§ 21 (5) Residence Act)
- for foreigners who want to be self-employed as freelancers (§ 15 (1) Residence Act)
- for students, the residence permit will be extended (§ 16 (1) Residence Act)

Requirements of the foreigners authority, which you must fulfill to receive a residence permit for a self-employed commercial activity:
- You must have a valid passport from your home country.
- No reason for deportation, such as a criminal conviction, exists.
- You can finance your livelihood and that of your support-entitled family dependents with the planned activity.
- Documentation of health insurance.

If your goal is a freelance activity you need the following additional documentation:
- Depending on your activity: references, a permit for practicing the profession (e.g. for architects, doctors and other regulated professions).
- If applicable, a certificate from the training institution (e.g. for apprenticeships, studies and other regulated professions).

If you have created a business plan (see reverse) and your curriculum vitae (professional experience and qualifications).

"We Are Starting Up in Germany!" Guidelines for academics and students from non-EU countries interested in starting a business

The Funding Programme IQ "Integration through Training" is sponsored by the Federal Ministry of Labour and Social Affairs, the Federal Ministry of Education and Research and the Federal Employment Agency.

DAS FÖRDERPROGRAMM "INTEGRATION DURCH Qualifizierung IQ"

Das Förderprogramm "Integration durch Qualifizierung" zielt auf die nachhaltige Verbesserung der Arbeitsmarktintegration von Erwachsenen mit Migrationshintergrund ab. Daran arbeiten bundesweit Landesnetzwerke, die von Fachstellen zu migrationsspezifischen Schwerpunktthemen unterstützt werden. Das Programm wird gefördert durch das Bundesministerium für Arbeit und Soziales, das Bundesministerium für Bildung und Forschung und die Bundesagentur für Arbeit.

For a self-employed commercial activity you must register your business (Trade Licensing Office).

Note: The time allowed for submission of documentation varies.

For further information we recommend the following links:
www.netzwerk-iq.de
www.existenzgruendung-iq.de
www.wir-gruenden-in-deutschland.de

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

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

You already have:
A residence permit:
- to study (§ 16 (1) Residence Act)
- to work up to three years after graduation (§ 16 (3) Residence Act)

Note: After completion of studies you have 18 months for planning and implementing your self-employment.

You need:
A residence permit:
- to carry out your self-employment activity (§ 21 (5) Residence Act)
- for foreigners who want to be self-employed as freelancers (§ 15 (1) Residence Act)
- for students, the residence permit will be extended (§ 16 (1) Residence Act)

Important Aspects for Your Self-Employment in Germany

For a self-employed commercial activity you must register your business (Trade Licensing Office).

Note: The registration fee is between 10 and 40 Euros.

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.

A self-employment passport is necessary, as is a written commitment to ensure continued residence.

You can finance your livelihood and that of your support-entitled family dependents with the planned activity.

Requirements of the foreigners authority, which you must fulfill to receive a residence permit for a self-employed commercial activity:
- You have a valid passport from your home country.
- No reason for deportation, such as a criminal conviction, exists.
- You can finance your livelihood and that of your support-entitled family dependents with the planned activity.
- Documentation of health insurance.

If your goal is a freelance activity you need the following additional documentation:
- Depending on your activity: references, a permit for practicing the profession (e.g. for architects, doctors and other regulated professions).
- If applicable, a certificate from the training institution (e.g. for apprenticeships, studies and other regulated professions).

If you have created a business plan (see reverse) and your curriculum vitae (professional experience and qualifications).

WAIT FOR THE REPLY FROM THE FOREIGNERS AUTHORITY

When you have received a positive response from the foreigners authority, for a self-employed commercial activity you must register your business (Trade Licensing Office). Note: The registration fee is between 10 and 40 Euros.

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.
How is self-employed defined in Germany?
As a self-employed person you can professionally act as a freelancer or as an individual or joint owner of a company. As also a self-employed person you are free to determine the time when, work which, work location, style of work, workplace and you are not subject to directives, e.g. you are your own boss.

Which requirements under the law 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 of these opportunities is the exercise of a self-employed activity, for example, as a freelance developer, language instructor, service provider or as a self-employed broker. This opportunity exists under foreign residency law due to a change in the incidental provisions to your residence permit under § 21 (1) 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 jeopardizes 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 student you need a business registration (from the Trade-Office or “Gewerbeamt”) as, for example, a freeware, a tax number (from the Tax-Office or “Einnahmensteuer”) and business registration.

Which conditions apply for you as a university graduate from a non-EU country for the commencement of a self-employed activity in Germany?
When you have successfully completed your studies at a state-supported or state-recognized university or comparable educational institution in Germany, or if you possess a residence permit under § 18 or § 20 of the German Act (AufenthG) as a researcher or academic, then you may be issued a residence permit to practice a self-employed activity according to § 21 (2) of the German Residence Act (AufenthG). In this case you must meet the following conditions:
- Your intended self-employed activity must have a reasonable 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 acquire an academic nature.
- The livelihood for you and your maintenance-enabled family members must be assured, in cooperation with your local foreigners authority, as the minimum livelihood costs vary regionally.

If you do not wish to start a self-employed activity immediately after completion of your studies, you may apply for a maximum six-month residence permit under § 18 (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 case applies for researchers and academics, however, with a shorter residence duration of six months § 18 (5) of the German Residence Act (AufenthG).

I want to start up in Germany! What do I need to know?
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 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? In order 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 countries 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).