



## Vocational training and "Ausbildungsduldung" (May 2019)

1. Vocational training
2. "Ausbildungsduldung" (exceptional leave to remain for training)
3. Important information for everyone in the 2nd and 3rd year of apprenticeship without "Ausbildungsduldung"

### 1. "Berufsausbildung" (Vocational training)

A vocational training in Germany provides great advantages:

It's a qualification for your entire life, no matter where you will live in future.

All professions in Germany are on high standards. Technology and expertise are highly developed. Products and services are high quality.

And: "Berufsausbildung" protects from deportation.

### What capabilities do you need to master a vocational training?

Most important: Good knowledge of German language! The more you learn and remember vocabulary, the better for you. You have to be able to understand, read and write complicated sentences. Otherwise you won't be successful at "Berufsschule". Berufsausbildung in Germany is always a combination of practical work at a company and attending vocational school (Berufsschule).

Good knowledge of Mathematics is also very important in many technical and craft professions.

Also very important: The profession you choose should interest you and be fun. Otherwise you will not be successful in your profession.

### 2. "Ausbildungsduldung"

Especially for Gambians, protection from deportation is very important.

Attention: The vocational training itself does not protect from deportation!

You have to apply for "Ausbildungsduldung" and the authorities have to grant it.

But - very important: You only can get "Ausbildungsduldung" if the application for asylum is finally denied. If you made an objection to the BAMF's negative decision at a court, you have to wait until the court has decided your case.

You cannot be deported as long as you are an asylum-seeker (your identity card says "Aufenthaltsgestattung"). However, if the court rejects your application for asylum, you are officially a "foreigner obliged to leave the country" (ausreisepflichtiger Ausländer). Only now, if you have a training contract (Ausbildungsvertrag) you can get "Ausbildungsduldung" that protects you from deportation.

### **But you can be prepared:**

- Even if your asylum procedure has not yet been finally concluded, you can make an application for "Ausbildungsduldung". As precondition you need a contract for training (Ausbildungsvertrag).
- You can find a sample letter for the application for Ausbildungsduldung here: <https://www.fluechtlingsrat-lsa.de/antragshilfen-musterklagen/2017-01-18-antrag-auf-ausbildungsduldung/>
- Write this letter with your name and data and bring it to the Ausländerbehörde, together with a copy of your training contract.
- All authorities involved - including the Regierungspräsidium Karlsruhe - now have the information that you are in Ausbildung and that you want to apply for Ausbildungsduldung. In this case NO deportation will be prepared.
- But: As soon as your asylum application is finally rejected, the authorities will ask you to submit documents very quickly and to cooperate in identifying yourself.

### **If you don't do that, you won't get any "Ausbildungsduldung" and no protection from deportation.**

- So get your documents, for example your birth certificate, NOW. Keep them in a safe place and only hand them over to the authorities if you are expressly requested to do so.

### **Einstiegsqualifizierung (EQ) and assistant training:**

Also those who do an EQ or an assistant training get a tolerance which protects them from deportation.

Requirement: The asylum procedure has been closed. And you have an "Ausbildungsvertrag" that allows you to start "Ausbildung" after the EQ or assistant training.

### **3. There might be problems in the 2nd or 3rd year of apprenticeship**

Some of you are already in your second or third year of Ausbildung, but the asylum process has still not been completed.

Attention - you should know: There is a gap in the law. The law says that you have the right to get a residence permit (Aufenthaltsgenehmigung) for 2 years if you work in the profession you have learned.

Now there may be people who still have a "Aufenthaltsgestattung" because their asylum process has not yet been decided. They already do their "Gesellenprüfung" but never had "Ausbildungsduldung". In these cases it's not guaranteed that these people will get a two-year residence permit.

## What can be done?

■ You can apply for a residence permit according to § 18 of the Aufenthaltsgesetz (AufenthG). There are "Ausländerbehörden" who have already confirmed that they will issue this residence permit in these cases. But the immigration authorities are not obliged to grant the permit.

■ You can withdraw your application for asylum or your complaint against the BAMF decision at the "Verwaltungsgericht" and apply for "Ausbildungsduldung" before completing your Ausbildung. In this case, however, you have to cooperate as well with the personal identification, i.e. usually hand in your birth certificate and follow the summons to the Gambian delegation. And this must be done at least half a year before the end of the training so that the authorities have enough time to issue the "Ausbildungsduldung".

There is good experience with this option. But important:

**Before** withdrawing the complaint, you have to **apply for Ausbildungsduldung** - as described above under "Ausbildungsduldung".

■ If you are nearing the final examination (Gesellenprüfung) and cannot apply for Ausbildungsduldung any more, but want a guaranteed right for "Aufenthaltsgenehmigung", you can consider this option:

You repeat the third year of "Ausbildung". So you will be one more year in "Ausbildung". This would give you the time to withdraw your complaint at the Verwaltungsgericht to apply - as described above - for "Ausbildungsduldung". However, it's only possible if you have never failed so far and have not had to repeat a year. And you have to discuss this with your employer and the "Berufsschule".

**For everyone: Use the counselling services offered by Caritas, Diakonie, AWO, DRK or the Handwerkskammer or IHK. They can be found in many places!**

**The Gambia Helper Network** is an e-mail network. About 550 people have registered with their email address. They are mainly people from Baden-Württemberg, but also from Bavaria, Bremen and other places. They are full-time helpers from Caritas, AWO and many other institutions. There are many volunteers who support Gambian fugitives.

**Information can be found at:** <https://helferkreis-breisach.de/gambia-helfernetz/>

