

Information Sheet on Required Health Insurance Cover for Granting / Extension of Residence Permits

Article 4 par. 1 sentence 2 of the German Residence Act (*Aufenthaltsgesetz – AufenthG*) provides for the following residence documents: visa, residence permit, settlement permit, EU permanent residence permit, EU Blue Card, ICT Card and Mobile ICT Card. Pursuant to Article 5 par. 1 No. 1 *AufenthG*, for a person to be granted a residence document they are generally required to have secured their livelihood.

Pursuant to Article 2 par. 3 *AufenthG*, one of the elements of securing a livelihood is the existence of adequate health insurance cover.

Persons who are compulsorily insured in the meaning of Article 5 of the German Social Security Code, Book V (*Sozialgesetzbuch V – SGB V*), voluntarily insured in the meaning of Article 9 *SGB V* or co-insured as a family member in the meaning of Article 10 *SGB V* can thus demonstrate that they have adequate health insurance cover. They need only provide proof of their relevant membership in the statutory health insurance.

Otherwise, for all insured persons who are not insured in a German statutory insurance scheme it must always also be verified whether the policy provides adequate health insurance cover. The health insurance cover provided by such a health insurance policy is considered adequate if it corresponds in terms of type and scope to that of the statutory health insurance, i.e. in particular it must not provide for any more substantial exclusions of benefits, in principle require a higher deductible from the insured person in the event of sickness than €300 per annum or include any limitation of the costs to be refunded in the event of sickness or any termination or expiry clause due to a particular age being reached, work being discontinued, a change in the purpose of residence or the loss of legal residence status. A higher deductible under Article 152 par. 1 of the German Insurance Supervision Act (*Versicherungsaufsichtsgesetz – VAG*) may be permitted following an assessment of the individual case. Such insurance cover may also be provided by an insurer with its registered office abroad.

Insurance cover must always be deemed to be adequate if the Federal Financial Supervisory Authority (*BaFin*) has confirmed to the insurance company that on the basis of the respective insurance agreement it fulfils the statutory requirements with regard to health insurance under Article 257 par. 2a *SGB V* and the health insurer certifies this. A confirmation will not be issued by *BaFin* if the insurance cover is subject to a time limitation and is also not automatically extended and if no surpluses for creating old-age reserves are created, i.e. the health insurer has not calculated the product in the form of a life insurance policy.

As part of the cooperation obligation under Article 82 par. 1 *AufenthG*, the applicants must submit written proof from the health insurance company that it fulfils the statutory requirements under Article 257 par. 2a *SGB V* on the basis of the existing insurance agreement.

In addition, in the event of extensions of residence permits all persons who do not have statutory insurance must submit a confirmation from the health insurer that the insurance cover has existed continuously and has not been terminated in the meantime. This proof is required to prevent the health insurance being terminated for reasons related to cost savings and only being resumed upon the extension of the residence permit, so that no health insurance cover exists in the meantime.

If the continuous existence of the health insurance cover cannot be proved, this justifies the assumption that the person in question's livelihood is not adequately secured in this respect and a condition for refusal is fulfilled. The granting or extension of the residence document may then be refused.