

CHARGE FORMAL OBLIGATION

I, the undersigned

Surname→
First name
Date and place of birth
Nationality
Identity card (1) / Residence title (2)
Address

take full responsibility towards the aliens authority / diplomatic representation for accommodating

Surname
First name
Date and place of birth
Nationality
Passport No.
Address
Relationship to applicant
accompanied by his or her spouse (3)
accompanied by children (3)
Expected starting date of visa validity:

For official
use only

and for bearing the living costs according to § 68 of the Residence Act and the costs for the departure of the above-mentioned foreigner according to §§ 66 and 67 of the Residence Act.

Address of the lodging where accommodation will be provided, if different from the undersigned's normal address

- (1) type number
(2) applicable to foreigners only, type of title
(3) surname first name date of birth sex

- I receive unemployment benefits (also called "Hartz IV") according to the Second Social Code (Zweites Sozialgesetzbuch, SGB II) or basic social security ("Grundsicherung") according to the Twelfth Social Code (Zwölftes Sozialgesetzbuch, SGB XII) or the Asylum Seekers' Benefits Act (Asylbewerberleistungsgesetz, AsylbLG).
- I do not receive any benefits according to SGB II or SGB XII or AsylbLG.

I am aware of the following:

My obligation includes the reimbursement of all expenses covered by public funds spent for the living costs of the beneficiary, including costs in case of illness and need of care (e.g. costs for food, clothing, housing (private or in a hotel etc.), doctor's appointments, medication, hospital expenses, nursing care etc.)

This also applies if the incurred costs are the result of a legal entitlement (e.g. benefits according to SGB or AsylbLG). Short-term visas or residence permits can only be issued if the person in question has taken out health insurance. I have to pay any treatments which are not covered by the health insurance or which exceed the coverage of the health insurance.

If the beneficiary has to leave the country after her/his visa/residence permit has expired and she/he does not leave the country on a voluntary basis, I am also obliged to cover the deportation costs. These costs also include, for instance, transportation and travel expenses (e.g. for tickets, accommodation, accompanying staff, interpreting services, translation, meals and custody).

The public institution which provided the funds for the beneficiary has the right to demand the reimbursement from me. The Foreigner's Registration Office is legally bound to provide the public institution with the necessary information (section 68 subsection 4 of Residence Act (Aufenthaltsgesetz, AufenthG)).

I am aware that

- the obligation is neither bound to the validity period of the visa nor to the validity period of the residence permit. It is valid for the whole residence period and expires at the end of the intended total residence period only.
- the reimbursement for public funds may be collected by means of enforcement without prior judicial proceedings.
- my data are collected and stored according to section 86 AufenthG and § 4 LDSG Ba.-Wü. at the Foreigner's Registration Office for two years *and* according to section 69 subsection 2 and 3, respectively, of the Regulation on Residence (Aufenthaltsverordnung, AufenthV) in the *visa files of the diplomatic missions* for up to five years, and
- providing false or incomplete information in the Formal Obligation is punishable by law with imprisonment of up to three years or a fine (section 95 subsection 2(2) AufenthG)).

Signature

Excerpt of the relevant legal provisions

Section 68 AufenthG (obligation to reimburse living costs)

(4) Immediately after the foreigner's office has been informed that public funds have been used to cover costs which are to be reimbursed according to section 1, it shall inform the public institution entitled to the reimbursement of my obligation to reimburse the incurred costs according to section 1 sentence 1 and furthermore provide the institution with the necessary data in order to enforce the reimbursement claims. The public institution may only use the data for the purpose of claiming reimbursement of the public funds spent for the foreigner as well as for the refusal to grant further benefits.

Section 86 AufenthG (collecting personal data)

The authorities which are engaged in the enforcement of this act are allowed to collect personal data in order to enforce this act and other provisions relating to aliens if the data is necessary in order to carry out the tasks in accordance with this act and the provisions relating to aliens in other acts. Data as defined in section 3 subsection 9 of the Federal Data Protection Act (Bundesdatenschutzgesetz, BDSG) and as defined in relevant regulations of individual Länder can be collected if necessary in order to carry out the tasks in the individual cases.

§ 4 LDSG Ba.-Wü.(permissibility of processing personal data)

- (1) *The use of personal data is only permitted if this is foreseen in*
- 1) *this act or in additional regulations*
 - 2) *or if the person in question has agreed to it.*

Section 69 AufenthV (visa files of the diplomatic missions)

...

(2) The following data are stored automatically in the visa file if the diplomatic mission requires the storage in order to be able to carry out the tasks according to the relevant legal provisions:

2. e) the submission of a formal obligation according to section 66 subsection 2 or section 68 subsection 1 AufenthG, the authority storing this document and the date of issuance,

...

- g) *first names, surname, address, date of birth, nationality, sex, telephone number and e-mail address of the organization*
 - aa) *of a person issuing an invitation, bb) of a person who submits a formal obligation or who otherwise guarantees the coverage of the living costs, and cc) of other reference persons*

...

(3) The data stored in accordance with the section 2 shall be deleted at the latest:

1. in case the visa has been issued: two years after the expiry date,
2. in case the visa request is withdrawn: two years after the date of withdrawal and
3. in case of refusal, withdrawal, annulment, cancellation or revocation of the visa: five years after the decision.

Section 95 AufenthG (penal provisions)

(2) The following offenses are punishable by law with imprisonment of up to three years or a fine:

...

2. Providing or using false or incomplete data in order to gain a residence permit or temporary admission for themselves or another person or knowingly using a certificate, which has been obtained by providing or using false or incomplete data, for the purpose of deceit in legal matters.