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Make it in Germany

Working in Germany: the official website
for qualified professionals

Possibilities of skilled worker immigration

What employers need to know

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Make it in Germany

Working in Germany: the official website
for qualified professionals

www.make-it-in-germany.com/en

Imprint

Publisher

Federal Ministry for Economic Affairs and Energy
Public Relations
10100 Berlin
www.bundeswirtschaftsministerium.de

Status

February 2026

This publication is available for download at 'Make it in Germany'

Design

PRpetuum GmbH, 81541 Munich

Image credit

iStock
LaylaBird / title

Shutterstock
One Time / p. 8
OneLineStock / p. 9, 21
Simple Line / p. 13, 17
Lakuku Vector / p. 15, 23
ST Line Art / p. 18
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abstract.rita / p. 30

This publication is issued by the Federal Ministry for Economic Affairs and Energy as part of its public relations work. The publication is available free of charge. It is not for sale and may not be used for electoral campaigning.

Contents

Foreword.....	2
1 Employment of foreign skilled workers in Germany: general preconditions.....	5
1.1 Approval of the Federal Employment Agency.....	6
1.2 Duties of the employer when employing a foreign skilled worker.....	7
2 Visa and residence rules for taking up employment in Germany.....	9
2.1 Entry visa: general preconditions.....	10
2.2 Visas and residence rules for skilled workers from third countries.....	11
2.2.1 Skilled workers with completed education or training (vocational training or academic degree).....	11
2.2.2 The EU Blue Card.....	12
2.2.3 Skilled workers from third countries with practical professional experience..	14
2.2.4 Special case: employment of nursing assistants from third countries.....	15
2.2.5 Special case: employment of professional drivers from third countries.....	16
2.2.6 Entry to Germany for job seeking.....	18
2.2.7 International students at and graduates from German academic institutions as potential skilled workers.....	20
2.3 Visa and residence rules for apprentices from third countries.....	22
2.3.1 Entering Germany to seek a vocational training place	22
2.3.2 Completing vocational training in Germany.....	22
2.4 Intra-corporate transfers of employees	24
2.4.1 The ICT Card for intra-corporate transfers of employees.....	24
2.4.2 Short-term mobility for transferred staff	25
2.4.3 The mobile ICT card.....	25
2.5 Measures to promote the recognition of professional qualifications acquired abroad.....	26
2.5.1 Participation in qualification measures in Germany.....	26
2.5.2 Employment within the framework of a recognition partnership.....	27
3 Fast-track procedure for skilled workers.....	30
3.1 General provisions	30
3.2 Contacts and costs.....	31
4 Important terminology.....	32
5 Important service and contact points.....	36

Foreword

Do you need, or will you soon be looking for suitable, motivated skilled workers who can feed their expertise and capabilities into your company's operations? And are you feeling that the regional availability of suitable applicants is diminishing, and are you therefore planning to look abroad to find the skills you need? If so, this brief overview will provide you with helpful information about the current possibilities to successfully recruit foreign skilled workers.

Thanks to the freedom of movement for workers, you can employ skilled workers from EU or EEA states without any issues. Great potential also lies in non-EU countries which, from a demographic perspective, have sufficient qualified skilled workers. These countries are especially situated in Asia, North Africa and South America. However, when it comes to recruiting the best talents from these regions, Germany is competing with other well-known destinations, such as Canada and New Zealand. This competition is driven by factors like geographical proximity, a common language, or a shared history. Germany therefore needs to work particularly hard at competing with these countries to be seen as an attractive place to work and live.

With the further development of **skilled immigration in 2023**, the German government created a new framework which provides skilled workers from **third countries** with a facilitated process for starting their journey to Germany. The package of regulations for the further development of skilled worker immigration expands the current regulations of the **Residence Act** (AufenthG) and the **Ordinance on the Employment of Foreigners** (BeschV). Here are some amendments:

- Persons with academic degrees and skilled workers with non-academic vocational qualifications from **third countries** can now work in all non-regulated qualified professions, provided that they have a qualification recognized as equivalent in Germany. Except for **regulated professions**, a professional connection between the qualification and the desired profession is not required anymore.
- The salary thresholds for the **EU Blue Card** in regular and shortage occupations have been lowered significantly. This gives many newly immigrated people prospects of a secure and long-term stay in Germany with the Blue Card.
- Even without a qualification recognized in Germany, foreign skilled workers can be employed in non-regulated professions under further conditions, if they have sufficient work experience and if the salary thresholds are respected.
- The recognition procedure can be conducted in the framework of a **recognition partnership** with the employer after entering Germany. Foreign applicants from **third countries** can already be employed in the company during the recognition procedure.

This information service provides you with the legal knowledge, and especially with the legal regulations currently in force, that you require for the recruitment of foreign skilled workers from **third countries**. Together with the additional material on www.make-it-in-germany.com/en (e.g. check lists, graphic overviews), this will prepare you to welcome your future personnel from third countries to your company.

Preliminary remark: use of the terms “qualified professional” and “skilled worker” in this guideline

The terms “qualified professional” and “skilled worker” are used interchangeably in this publication and are not equivalent to the statutory definition contained in Section 18 of the Residence Act. The following sections present the relevant rules for German employers relating to the immigration of such workers. In this context, the terms cover the following groups of people:

- Persons who have successfully completed an academic course of study or vocational training

- Apprentices and advanced students (“prospective skilled workers”)
- Qualified persons going through the recognition procedure
- Qualified persons with work experience

Additionally, the terms “foreign skilled worker” and „foreign worker“ apply to persons from **third countries**, due to the Skilled Immigration Act only being applicable to this group of persons.

Contact:

This brochure was created on the authority of the Federal Ministry for Economic Affairs and Energy by the project team of “Make it in Germany”.

Questions and suggestions can be sent to make-it@iwkoeln.de.

Further information can be found on the following website: www.make-it-in-germany.com/en.

Guide: Specific information about entry and residence for various target groups

Desired skilled worker	Relevant regulations	Reference in the guideline
Skilled workers with completed training/education (vocational training or studies) – all occupations	Qualified employment: Section 18a, Section 18b, Section 39 AufenthG*	Chapter 2.2.1
	EU Blue Card: Section 18g AufenthG	Chapter 2.2.2
	Job seeking after studying or vocational training in Germany: Section 20 AufenthG	Chapter 2.2.7 Chapter 2.3.2
	Measures for the recognition of foreign qualifications including recognition partnerships: Section 16d AufenthG	Chapter 2.5
	Entry for job seeking (opportunity card): Section 20a AufenthG	Chapter 2.2.6
Skilled workers with professional experience – non-regulated professions only	Employment with practical professional skills: Section 19c (1) AufenthG in conjunction with Section 6 BeschV**	Chapter 2.2.3
Special cases: professional drivers and nursing assistants	Employment of professional drivers from third countries: Section 19c (1) AufenthG in conjunction with Section 24a BeschV	Chapter 2.2.5
	Employment of nursing assistants from third countries: Section 19c (1) AufenthG in conjunction with Section 22a BeschV	Chapter 2.2.4
Foreign trainees	Employment of vocational trainees from third countries: Section 16a (1) AufenthG	Chapter 2.3.2
	Entry for seeking a vocational training place: Section 17 (1) AufenthG	Chapter 2.3.1
Foreign students in Germany	Employment during studies in Germany: Section 16b (3) AufenthG	Chapter 2.2.7
	Employment without academic degree as skilled worker (change of purpose): Section 16b (4) AufenthG	Chapter 2.2.7
	Switch from studies to vocational training: Section 16b (4) AufenthG	Chapter 2.2.7
International intra-corporate transfer	ICT card: short- and long-term mobility: Sections 19, 19a, 19b AufenthG	Chapter 2.4

*AufenthG: Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory (Residence Act)

**BeschV: Ordinance on the Employment of Foreigners

1 Employment of foreign skilled workers in Germany: general preconditions

Have you advertised a vacancy and would like to fill it with an applicant from abroad? If you are recruiting skilled workers from abroad, you need to start by finding out whether recognition of the foreign qualification, an entry visa, and a permit for the subsequent stay in Germany are required. The answer to this question is determined by the nationality of your applicant, not their current place of residence.

According to the **Freedom of Movement Act/EU**, nationals of the EU and the EEA enjoy unrestricted access to the German labour market. Similar rules apply to Swiss nationals. Consequently, they do not need a visa or a **residence permit** to take up employment in Germany.

Facilitated rules apply to nationals of Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America. In general, they can enter without a visa and can obtain the necessary **residence title** for taking up employment from the relevant foreigners authority after entering Germany. Once the **residence title** has been issued, they can start working.



Tip: Even though some nationals of countries outside the EU can enter without a visa and can apply for a residence permit for the purpose of employment once they are in Germany, it may be worth applying for the relevant visa while still abroad. This way, the skilled worker can start working as soon as they arrive in Germany.

For the purpose of employment, nationals of other **third countries** generally require an entry visa and must have it converted to a **residence permit** allowing them to stay and be employed in Germany.

Aside from the general visa provisions and the regulations in the **Residence Act**, the **Ordinance on the Employment of Foreigners** (BeschV) provides various options for the approval of the Federal Employment Agency (BA) for employing foreign workers in certain professions, such as professional drivers, or nursing assistants. In a majority of cases, approval of the Federal Employment Agency (BA) must be obtained. For you as an employer, this is linked to obligations, which are explained in the following chapters.

1.1 Approval of the Federal Employment Agency

The employment of a foreign skilled worker or apprentice presupposes that they are in possession of a **residence title**, for example for the purpose of taking up employment or completing vocational training. Pursuant to Section 39 of the Residence Act, the approval of the Federal Employment Agency (BA) is generally required for this **residence title**. There may be exceptions in the case of inter-governmental agreements or other cases that are set out separately in a law or in the **Ordinance on the Employment of Foreigners**.

The EU Blue Card is issued without the approval of the BA if the person's earnings exceed a certain salary threshold. The approval of the BA is usually obtained by the German mission abroad or the foreigners authority via an online, internal administrative procedure. As a rule, any type of action on your part is not needed. However, it is important that the German mission abroad or the foreigners authority has complete documentation, and in particular the completed and signed Declaration of Employment ("Erklärung zum Beschäftigungsverhältnis").

Approval by the BA is generally necessary when hiring a skilled worker newly immigrating to Germany to take up employment and also when hiring a foreign skilled worker who already resides legally in Germany.



Tip: In the case of skilled workers already living in Germany who have worked or stayed in the country for a longer period of time, approval by the BA is usually not required (Section 9 of the Ordinance on the Employment of Foreigners).

The following conditions must be met for approval to be given:

- As a rule, a domestic employment relationship must exist: the approval can only be given if the foreign skilled worker is to be employed in Germany¹. If the skilled worker is employed and subject to social security contributions, it can be assumed that a domestic employment relationship exists. The employment contract with a domestic employer or a concrete job offer are usually accepted as evidence.



Tip: The Declaration of Employment form used by all authorities is usually sufficient evidence for a concrete job offer for a domestic employment relationship. The form can be downloaded from the website of the Federal Employment Agency: https://www.arbeitsagentur.de/datei/erklaerung-zum-beschaefigungsverhaeltnis_ba047549.pdf. Alternatively, you can apply for the preapproval of the BA online: <https://www.arbeitsagentur.de/unternehmen/arbeitskraefte/fachkraefte-ausland/vorabzustimmung-fuer-auslaendische-beschaefigte>

1 There are some exceptions to the requirement of a domestic employment relationship, e.g. in the case of privileged countries in accordance with Section 26 (1) BeschV and in the case of postings within the framework of ICT.

- **Comparability of employment conditions:** in order to grant approval, the BA needs to check the conditions of employment, particularly the remuneration and the working hours. The scrutiny takes place on the basis of the Declaration of Employment form filled in and signed by the employer.
- **Qualification:** in the case of the **EU Blue Card**, the employment must be appropriate to the qualification. It is also important that it is a qualified employment position. For example, skilled workers with a recognized academic degree can be considered for open vacancies that usually require a non-academic vocational qualification; a professional connection is not required. Employment on an apprenticeship level is not allowed.

Pursuant to Section 36 (2) of the **Ordinance on the Employment of Foreigners**, the BA must respond to the German mission abroad or the foreigners authority within two weeks regarding the approval of employment. If the BA does not inform the German mission abroad or the foreigners authority that any documents or details are missing, the approval shall be deemed to have been automatically given following expiry of the deadline. If, in preparation of the visa application, a fast-track procedure for skilled workers is used ([see Chapter 3](#)), the deadline for the response is reduced to one week.

In its approval, the BA can stipulate restrictions which cover, for example, the period of approval (maximum of four years), the occupation, the employer, the region in which the work is done,

or the distribution of the working hours. These restrictions are included in the foreign skilled worker's **residence title** issued by the German mission abroad or the foreigners authority.

If you employ a skilled worker from abroad or plan to do so in the future and if approval of the employment is required, you are obliged to inform the BA about the remuneration, the working hours and other conditions of employment.

If the fast-track procedure for skilled workers ([Chapter 3](#)) is not an option for you, but you would still like to have the preconditions for approval of the employment checked before the visa application is submitted, you can make use of the pre-approval procedure pursuant to Section 36 (3) of the Ordinance on the Employment of Foreigners. In this case, you should use the Declaration of Employment (“Erklärung zum Beschäftigungsverhältnis”) form for your application.

1.2 Duties of the employer when employing a foreign skilled worker


As an employer in Germany, legal provisions apply to you when you recruit a foreign skilled worker. Pursuant to Section 4a (5) of the Residence Act, your basic obligations include the following:

- Checking whether the foreign skilled worker possesses a valid **residence title** allowing them to work in Germany.



Tip: If the skilled worker has a temporary **residence title**, make sure they know that it must be extended in good time if they wish to continue working in your company.

- Keeping a digital or a paper copy of the foreign skilled worker's valid **residence title**.
- Informing the relevant foreigners authority if the employment is terminated earlier than scheduled. The foreigners authority must be informed within four weeks of terminating the employment relationship. .

 **Tip:** Make sure to let the skilled worker know that they are also obligated to inform the foreigners authority of the termination of the employment relationship within two weeks of becoming aware of it.

In addition, you must inform your foreign skilled worker in writing no later than on the first working day about the possibility of obtaining free information or counselling on labor and social law issues from the nearest advisory center (§ 45c of the Residence Act). Further information on your employer obligations is available on “Make it in Germany”: <https://www.make-it-in-germany.com/en/looking-for-foreign-professionals/entering/visa-requirements>.

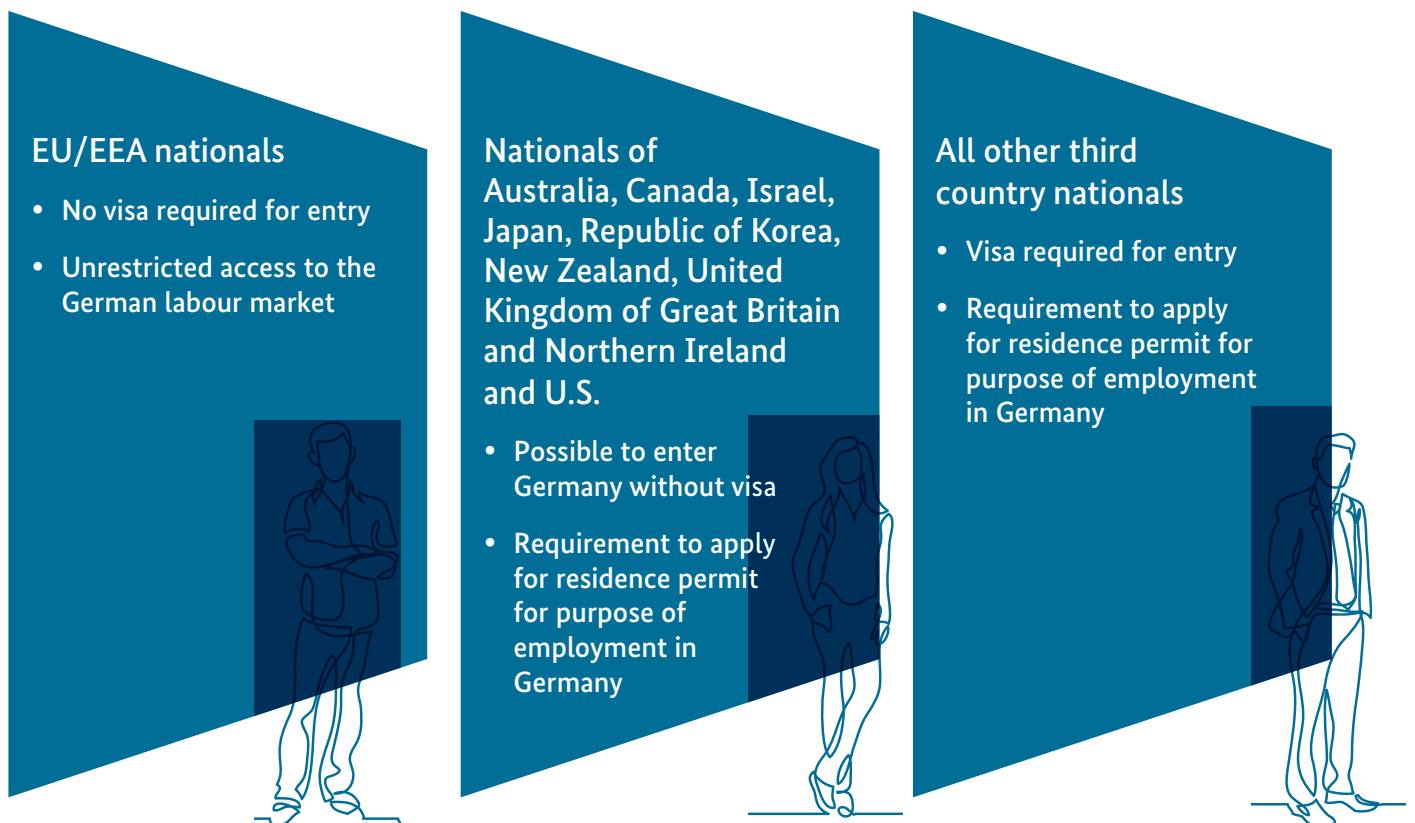
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Info box: Due to the high number of applications being processed in the foreigners authorities, the processing time for the extension of their **residence title** may be longer than initially indicated. If the foreign employee applies for the extension in due time before expiry, they will receive a fictional certificate. The previously acquired **residence title** and the permission to work remain valid until a decision on the extension is made.



2 Visa and residence rules for taking up employment in Germany

Figure 1: Access to the labour market – who needs a work visa?



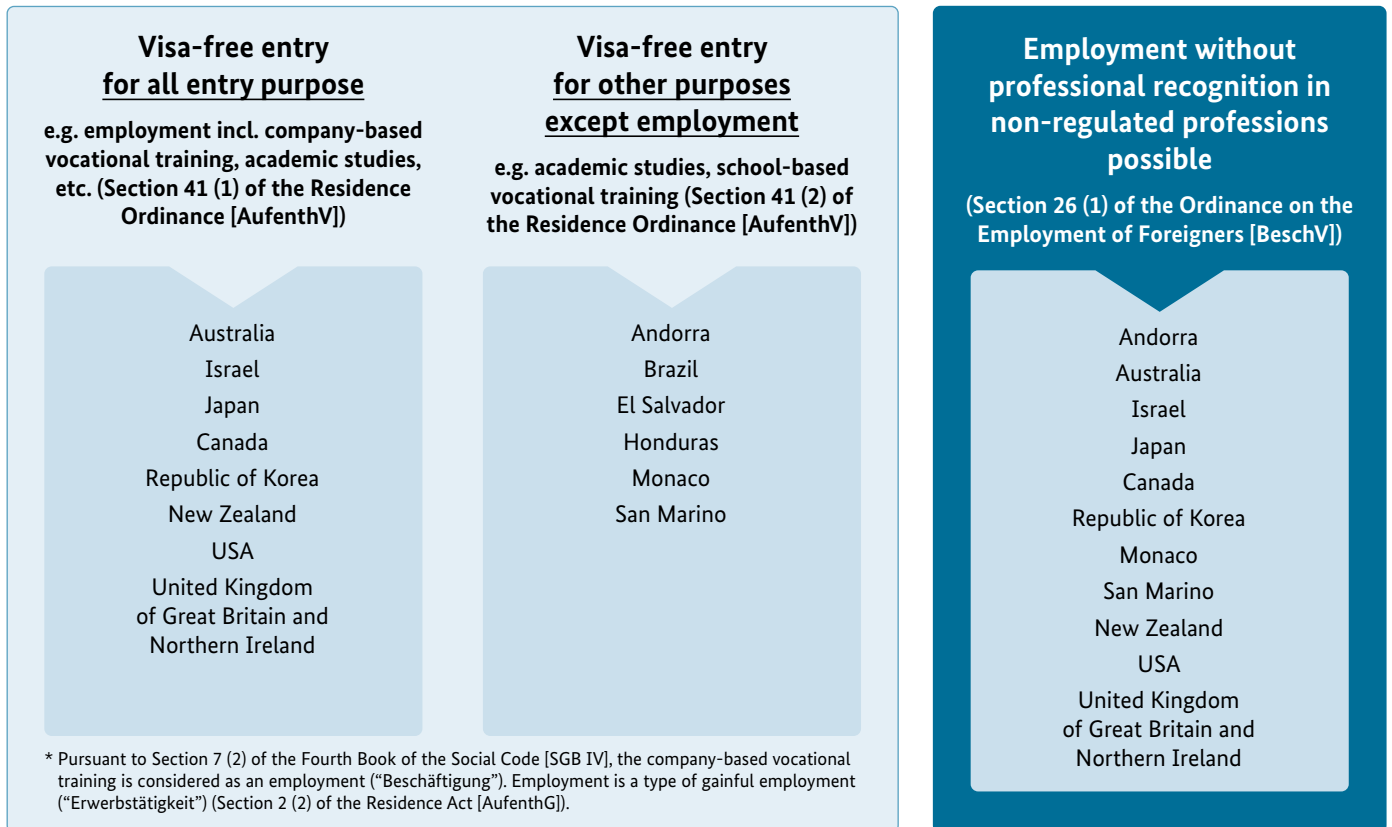
Germany maintains special agreements with some countries permitting visa-free entry and immigration of skilled workers. For nationals of other countries, different visa rules apply depending on the person's reason for coming to Germany.

Moreover, nationals of these privileged third countries in Germany can take up employment in non-regulated professions without providing evidence of a qualification, as long as the BA grants its approval. The same rules apply to nationals of Andorra, Monaco and San Marino if they already live in Germany with a valid **residence title** (see [Figure 2](#)).

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Info box: Nationals of the privileged **third countries** of Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America are allowed to enter Germany without an entry visa. If they wish to take up employment shortly after entering Germany, it is advisable to apply for a corresponding visa before entering the country.

Figure 2: Entry and employment of privileged nationals



Further information on visa requirements and exemptions can be found here: <https://www.auswaertiges-amt.de/en/visa-service/-/231148>

Source: Make it in Germany; Federal Ministry for Economic Affairs and Climate Action – As of July 2024

2.1 Entry visa: general preconditions

If your future staff member needs a visa to enter Germany (see Figure 1 and Figure 2), it is advisable to find out about the procedure for the issuance of a national visa. According to Section 5 of the Residence Act, the foreign skilled worker must meet the following general preconditions when applying for a visa, irrespective of their purpose for coming to Germany:

- Their identity is confirmed: to do this, they must present a valid passport.

- They are able to financially support themselves: checks are carried out to confirm, for example, that their future income will suffice to cover the cost of living in Germany.



Tip: State the salary in the job advertisement and in the contract. This information is required for the BA to be able to approve the employment, and it will make it easier for the skilled worker to demonstrate that they can cover their cost of living.

- There is no reason to expel the person from Germany: the relevant authorities must carry out internal checks to ensure that the person who will be residing in Germany will not endanger or impair Germany's interests.

Since processing can take some time, the visa application should be submitted as early as possible before the person is due to start working. However, you can pay a fee to expedite the administrative procedures for the issuance of the visa. Read more information about the **fast-track procedure for skilled workers** ([Chapter 3](#)).

The entry visa for employment purposes is generally issued for up to one year. After entry, the application for the corresponding **residence title** must be submitted to the competent foreigners authority during this time frame.

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Info box: The entry visa is always connected to a purpose. When filling in the visa application, the correct purpose must be stated. Entry for touristic purposes (Schengen visa) does generally not include the entitlement to take up employment in Germany. Applying for a **residence permit** for employment after entry without going through a regular visa procedure is usually not possible with a Schengen visa.

2.2 Visas and residence rules for skilled workers from third countries

In addition to the general preconditions for the issuance of a visa, there are further specific requirements which a foreign skilled worker must fulfil, and which are decisive for the issuance of the respective **residence title**.

2.2.1 Skilled workers with completed education or training (vocational training or academic degree)

According to Section 18a or Section 18b of the Residence Act, a skilled worker may be granted a **residence title** for qualified employment. The requirements for the visa or **residence permit** are the following:

- An employment contract or a concrete job offer for qualified employment exists. Auxiliary tasks or employment on vocational training level are not allowed.
- Approval has been granted by the BA for the employment in line with Section 39 (2) of the Residence Act ([see Chapter 1.1](#)).
- If the person has acquired their qualification abroad, the equivalence of the vocational training or the foreign academic degree must be determined. This is generally possible via a **recognition notice** issued by the relevant recognition body in Germany or, for academic degrees, via a Statement of Comparability of the Central Office for Foreign Education (ZAB) or a printout of the anabin database.

- If a license to practice in the occupation is required (i.e. for a **regulated profession**), it must be presented or have been promised at the time the application is submitted.
- In the case of people over the age of 45, documentation of appropriate pension provision must be supplied, or the gross salary to be paid must be at least 55 percent of the annual **contribution assessment ceiling in the statutory pension insurance system**.

The **residence permit** for skilled workers pursuant to Section 18a or 18b of the Residence Act is issued for a period of **four years**. If the employment contract is limited to a shorter period, the **residence permit** will be issued for the period stated in the employment contract plus three months. If the preconditions for a **residence permit** continue to apply, the **residence permit** can be extended, or a settlement permit can be issued.

2.2.2 The EU Blue Card

The **EU Blue Card** pursuant to Section 18g of the Residence Act applies to skilled workers with a foreign academic degree recognized as equivalent or a German academic degree. In addition, certain skilled workers working in the IT sector and persons with non-academic vocational qualifications according to level 6 of the European Qualifications Framework (EQF) or level 6 of the International Standard Classification of Education (ISCED 2011) can receive an **EU Blue Card**. For example, this applies to further education qualifications as master craftsman, as well as non-academic vocational qualifications in childhood education.

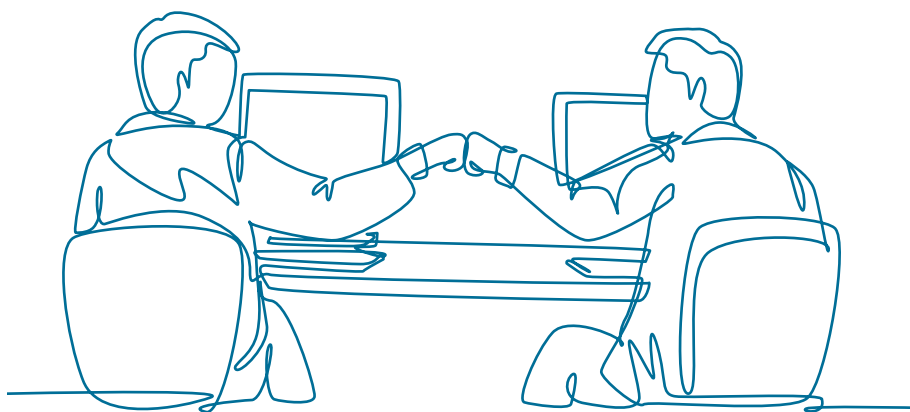
The following requirements must be met to obtain an **EU Blue Card**:

- An employment contract or a concrete job offer for employment appropriate for the level of qualification exists. The employment duration must at least be six months.
- If a license to practice in the occupation is required (i.e. for **regulated professions**), it must be presented or have been promised at the time the application is submitted.
- Annual gross salary of at least 50 percent of the annual **contribution assessment ceiling in the statutory pension insurance system**.
- For employment in certain shortage occupations, the required salary threshold is lower, standing at at least 45,3 percent of the annual **contribution assessment ceiling in the statutory pension insurance system**. For example, this applies to teachers, skilled workers with an academic degree in engineering, in natural sciences, in healthcare and in IT². In these cases, approval of the BA is required, contrary to the standard case ([see Chapter 1.1](#)).



Info box: The lower salary threshold (45,3 percent) also applies to skilled workers with an academic degree who graduated less than three years ago.

² A detailed overview of the shortage occupations for which the Blue Card with the lower salary threshold applies is available on the “Make it in Germany” portal: <https://www.make-it-in-germany.com/pdf-mangelberufe-en>



Special case: The EU Blue Card for ICT professionals without formal qualifications

ICT professionals can acquire an **EU Blue Card** without providing evidence of a formal qualification. In this case, the following requirements must be met:

- An employment contract of a concrete job offer with an employment period of at least six months in Germany as a skilled worker in ICT professions exists.
- The gross annual salary of the prospective job is at least 45,3 percent of the annual **contribution assessment ceiling in the statutory pension insurance system**.
- The ICT professional can provide evidence of at least three years of professional experience in ICT on an academic level within the last seven years. The proven professional experience must correspond to the desired employment in Germany.
- The BA approved the employment ([see Chapter 1.1](#))



Info box: The minimum salaries are announced for each calendar year by 31 December of the preceding year in the Federal Gazette and published on www.make-it-in-germany.com/en/.

The **EU Blue Card** is normally issued for a maximum of four years. If the preconditions continue to apply, the **EU Blue Card** can be extended. If the duration of the employment contract is less than four years, the Card will be issued for the duration of the employment contract plus three months.



Info box: The **EU Blue Card** is an easier way to acquire permanent residence in Germany. After 27 months, **EU Blue Card** holders can obtain a settlement permit if they have German language skills at level A1. If they have evidence of language skills at level B1 of the **Common European Framework of Reference for Languages (CEFR)**, the settlement permit can be issued after 21 months.

Further information on the EU Blue Card can be found in the brochure 'Questions and answers on the EU Blue Card': <https://www.make-it-in-germany.com/pdf-questions-answers-eu-blue-card>.

2.2.3 Skilled workers from third countries with practical professional experience

Thanks to the new law, skilled workers with professional experience can be employed with the approval of the BA and without requiring the formal recognition of foreign qualification (Section 19c (2) of the Residence Act in conjunction with Section 6 of the Ordinance on the Employment of Foreigners). The following requirements must be met:

- The applicant has a foreign academic or non-academic vocational qualification that is recognized by the state in the country it was acquired. In the case of a non-academic vocational qualification, vocational training must have taken at least two years to complete. As an alternative to a state-recognized qualification, a qualification from a German Chamber of Commerce Abroad (AHK) may also be suitable if this has been certified for the vocational training course by the Federal Institute for Vocational Education and Training (BIBB) at the request of the AHK. AHK qualifications can be considered if the vocational training is very closely orientated to German vocational training regulations in accordance with the Vocational Training Act (BBiG). The Federal Institute for Vocational Education and Training (BIBB) certifies that an AHK qualification meets the requirements.
- The applicant can provide evidence of at least two years of professional experience during the last five years that are relating to the desired occupation in Germany.
- The applicant has a concrete job offer for qualified employment in a non-regulated profession in Germany.
- The prospective salary is at least 45 percent of the annual **contribution assessment ceiling in the statutory pension insurance system**. The

only exception applies if the employer is bound to collective agreements and the foreign skilled worker is employed according to a collective agreement. An employer can be bound to collective agreements if the conditions of Section 3 (1) of the Collective Agreements Act (TVG) apply or if he is under the regulation of a general collective agreement according to Section 5 of the Collective Agreements Act.

- In the case of people over the age of 45, documentation of appropriate pension provision must be supplied, or the gross salary to be paid must be at least 55 percent of the **annual contribution assessment ceiling in the statutory pension insurance system**.

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Info box: A certificate of the Central Office for Foreign Education (ZAB) provides information on whether the foreign qualification meets the above-mentioned requirements. Skilled workers with a non-academic vocational qualification can apply for a digital Statement on a Foreign Vocational Qualification (DAB) at the ZAB. Alternatively, a (partial) **recognition notice** may be presented, if it states that the vocational training period was at least two years. Skilled workers with academic qualifications can also use the positive result of the anabin database or alternatively apply for a Statement of Comparability online.

- Information on the digital Statement on a Foreign Vocational Qualification: <https://zab.kmk.org/en/dab>
- Information on the digital Statement of Comparability: <https://zab.kmk.org/en/statement-comparability>
- Information on the anabin database: <https://anabin.kmk.org/anabin.html>

The **residence permit** for skilled workers with practical professional experience is issued for the duration of employment stated in the contract plus three months, but not for longer than four years. It can be extended for the same purpose if the employment relationship persists.

2.2.4 Special case: employment of nursing assistants from third countries

Nursing assistants are employees in nursing occupations that completed vocational training in nursing for less than three years or nurses whose foreign non-academic vocational qualification has been recognized as such. If nursing assistants are from **third countries**, the BA must approve their employment according to Section 22a of the Ordinance on the Employment of Foreigners. Approval is granted if the following requirements are met:

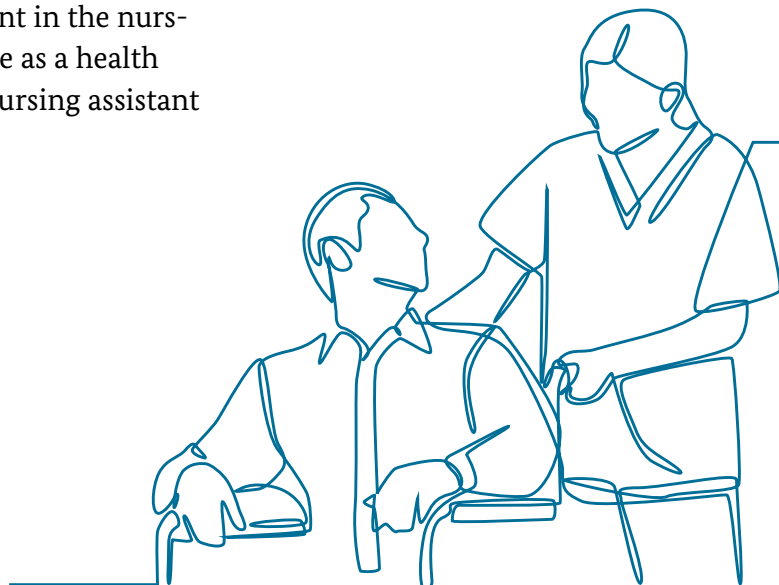
- Non-academic vocational qualification: The nursing assistant must have completed vocational training in Germany as a nursing assistant (“Pflegehilfskraft”/“Pflegeassistenz”) or be in possession of a foreign qualification that is recognized as “nursing assistant”.
- Employment contract or concrete job offer: A concrete job offer for employment in the nursing sector must exist, for example as a health and nursing assistant, geriatric nursing assistant or pediatric nursing assistant.

- In the case of people over the age of 45, documentation of appropriate pension provision must be supplied, or the gross salary to be paid must be at least 55 percent of the **annual contribution assessment ceiling in the statutory pension insurance system**.

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Info box: In the Declaration of Employment, the employer must state whether a professional license to practice is required and available for the specific job as a nursing assistant under state or federal law.

If approval of the employment is granted, a **residence permit** according to Section 19c (1) of the Residence Act is issued to the skilled worker for the duration of employment stated in the contract plus three months, but not for longer than four years. It can be extended for the same purpose if the employment relationship persists.



2.2.5 Special case: employment of professional drivers from third countries

You can also employ third-country nationals as professional drivers for heavy goods vehicles (HGVs) or motorbuses in Germany without a formal qualification, if the Federal Employment Agency (BA) approved the employment. The approval pursuant to Section 24a (1) of the Ordinance on the Employment of Foreigners requires that the professional driver has an EU or EEA driving license of class C1, C1E, C, CE, D1, D1E, D or DE and that they have the (accelerated) EU or EEA initial qualification to drive certain vehicles for the carriage of goods or passengers.

If you have applicants who have a driving license for HGVs or motorbuses **of a third country**, but neither an EU or EEA driving license nor the (accelerated) EU or EEA initial qualification, you can employ them in an alternative job position (e.g., as a passenger or auxiliary in the warehouse), as long as you allow them the option to acquire the required German driving license and the (accelerated) German initial qualification.

Being able to enter Germany to participate in the qualification measures requires that the BA approved the alternative occupation. The BA will give its approval if the following requirements pursuant to Section 24a (2) of the Ordinance on the Employment of Foreigners are met:

- You offer your future employee an employment contract that includes the employee's obligation to participate in measures to acquire the German (accelerated) initial qualification and the German driving license of the required license class, aside from working in the company. During this time, employment as a professional driver is not possible.
- The working conditions for the alternative occupation during the qualification measures are set out in a way that the German driving license and the German (accelerated) initial qualification, as well as the required language skills – if need be – can be acquired within 15 months; this includes the time for issuing the necessary documents.
- You guarantee your future employee a concrete job position as professional driver in road haulage or passenger transport with motorbuses in your company, subsequent to acquiring the driving license and the (accelerated) initial qualification.
- There is evidence of an already existing driving license from a **third country** as professional driver in the country of origin.



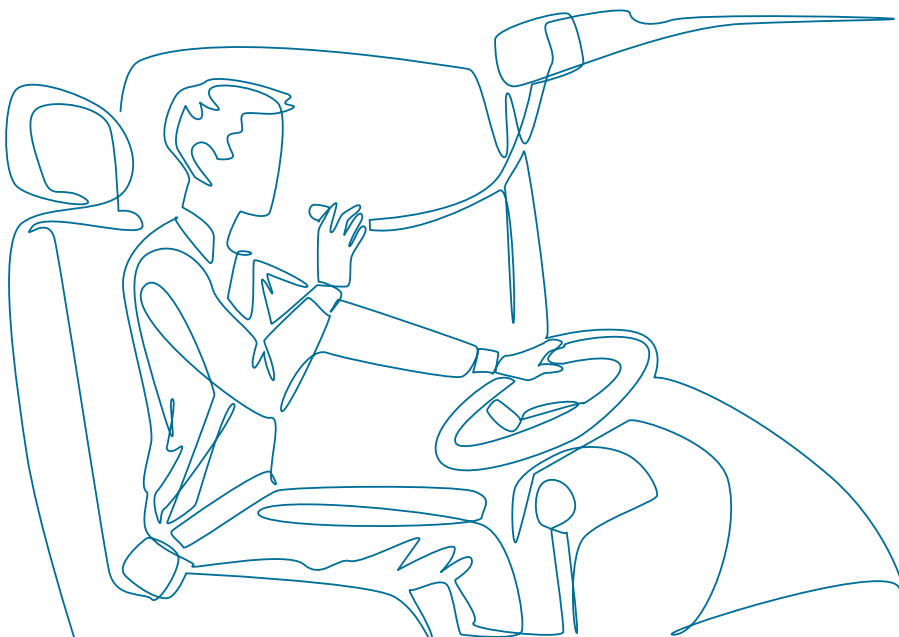
Tip: For the employment of professional drivers, you can apply for the fast-track procedure for skilled workers (see Chapter 3) at the competent foreigners authority. If all requirements are met, a **residence permit** (Section 19 (1) of the Residence Act in conjunction with Section 24a (2) of the Ordinance on the Employment of Foreigners) can be issued.

If your future employee has already acquired the (accelerated) initial qualification during previous employment in another EU/EEA country or Switzerland and the qualification is still valid, they can enter the country even if they do not have an EU/EEA driving license, as an exception. The driving license from the **third country** must then be converted in Germany within six months. As a rule, they must pass a theoretical and practical driving test. You can find out which documents need to be submitted in the visa procedure of such a case from the German diplomatic mission responsible for your matters.

If your future employee is 45 years old or older, they must supply documentation of appropriate pension provision, or the gross salary to be paid must be at least 55 percent of the annual **contribution assessment ceiling in the statutory pension insurance system**.



Info box: During the approval procedure, evidence of language skills and professional driver qualifications do not have to be submitted to the BA. Employers and employees are responsible for the required documents of evidence being there, and they confirm that to the BA. You can learn what you, as an employer, need to know about the approval procedure on the website of the labour market admission team of the BA: <https://www.arbeitsagentur.de/int/en/working-in-germany>.



2.2.6 Entry to Germany for job seeking

Looking for a job from abroad is a challenge for many skilled workers from **third countries**. The lack of proximity to German companies is a big disadvantage to them. To facilitate the matching process between job seekers from abroad and you as an employer, entering Germany with the **opportunity card** (Sections 20a and 20b of the Residence Act) for job seeking is an option.

According to Section 20a (3) of the Residence Act, third-country nationals can receive an **opportunity card** visa in two different ways:

Option 1: opportunity card for skilled workers

Skilled workers within the meaning of Section 18 (3) of the Residence Act can immediately receive an opportunity card, without verification of their language skills. This means that they must provide evidence of them having acquired a German qualification or a qualification that is fully recognized in Germany. Depending on the qualification the applicants have, they can prove the full recognition with an anabin printout, a Statement of Comparability or a **recognition notice**.

Option 2: opportunity card via the point system

If the applicants are not skilled workers within the meaning of Section 18 (3) of the Residence Act, they can receive an **opportunity card** via the point system. The following basic requirements must be met:

- The applicant has a foreign academic or non-academic vocational qualification recognized in the country in which it was obtained. In the case of non-academic vocational qualifications, they must have a minimum training period of two years. As an alternative to the state-recognized qualification, a qualification from a German Chamber of Commerce Abroad (AHK) may also be suitable if this has been certified for the training course by the Federal Institute for Vocational Education and Training (BIBB) at the request of the AHK. In the first two cases, opportunity card applicants must obtain confirmation from the ZAB that they have a state-recognized non-academic vocational or academic qualification. In the case of AHK qualifications, the respective AHK must be contacted.



- The applicant has German language skills at a minimum level of A1 of the (CEFR) or English language skills at level B2. Proof of language skills must be provided by means of appropriate language certificates.

The prerequisite for both options is that applicants must prove that they are able to financially support themselves. Proof can be provided, for example, in the form of remuneration through part-time or trial employment, own funds, a blocked account or a declaration of commitment.



Tip: If you as an employer would first like to get to know the skilled workers looking for work better, you can conclude a contract for part-time and/or trial employment with potential skilled workers who have an **opportunity card**. Part-time employment may be up to 20 hours per week. The trial employment may last a maximum of two weeks.

The **opportunity card** is issued as a search **opportunity card** for a maximum of 12 months. If the search for a job is successful, a suitable **residence permit** to take up employment can be applied for at the competent foreigners authority in Germany. If the requirements for the issuance of one of the above-mentioned **residence permits** for employment purposes are not met, the search **opportunity card** can be extended for up to two years as a follow-up **opportunity card**. This requires qualified employment and the approval of the BA ([see Chapter 1.1](#))

As a rule, if the search for gainful employment is unsuccessful, the holder of the search **opportunity card** must leave the country.



Info box: Holders of a search opportunity card (“Such-Chancenkarte”) who are rather interested in vocational training instead of qualified employment can also switch to a **residence permit** to complete vocational training if they have a concrete job offer. After the **residence permit** has been issued by the foreigners authority, the vocational training can start.

2.2.7 International students at and graduates from German academic institutions as potential skilled workers

International students at German academic institutions offer a particularly important source of potential skills. Their added benefit is that most of them will have already familiarized themselves with German culture and the language in the course of obtaining their degree. Also, when you recruit such foreign students and foreign graduates, you can save time as they are already in Germany and are able to take up skilled employment during or directly after their course.

Once they have graduated in Germany, **third-country** graduates are legally entitled to a **residence permit** to seek qualified employment (Section 20 (1) No. 1 of the Residence Act). To seek employment in Germany, they receive a **residence permit** for up to 18 months (Section 20 (2) (1) of the Residence Act). They must be able to cover their costs of living. During this time, any type of employment is allowed. After successfully finding a job, they must apply for a corresponding **residence permit**

to take up qualified employment at the competent foreigners authority (see Chapter 2.2). The job can only be taken up after the foreigners authority has issued the **residence permit**.

During their studies with a **residence permit** in accordance with Section 16b of the Residence Act, students from **third countries** may be employed for 140 full or 280 half days per year without the BA's approval. Alternatively, they can work as a student assistant for up to 20 hours per week. Students can also be employed as student assistants and are not subject to any time restrictions in this respect.

Moreover, according to Section 16b (4) of the Residence Act, international students from **third countries** can be granted a **residence permit** for a different purpose before graduating in Germany:

- Taking up employment as a skilled worker (Section 18a; 18b of the Residence Act) or on the basis of well-developed practical expertise in a profession (Section 19c (2) of the Residence Act): students may be sufficiently capable of taking up qualified employment without complet-

ing their degree in Germany due to previously acquired expertise and skills. In such cases, the purpose of residence can be altered if they have a specific job offer. On application, the skilled worker is given a **residence permit** to work in a qualified occupation.

- Taking up vocational training (Section 16a of the Residence Act): this enables foreign students to switch, for example, to dual vocational training. If they have the offer of a vocational training place, the appropriate **residence permit** can be issued on application.



2.3 Visa and residence rules for apprentices from third countries

Another possibility to recruit qualified skilled workers is to recruit foreigners interested in vocational training to come and train them in line with German standards in your company.

2.3.1 Entering Germany to seek a vocational training place

The regulations of the Skilled Immigration Act allow **third-country** nationals interested in vocational training to enter Germany to seek a vocational training place (Section 17 (1) of the Residence Act). The visa to seek a vocational training place can be issued if the following requirements are met:

- The person interested in vocational training is under the age of 35.
- The person has a school-leaving certificate from a German school abroad permitting them to start their studies in Germany or in the country in which it was obtained.
- The person has proof of German language skills at level B1 of the CEFR.
- The person can cover their costs of living during their stay in Germany.



Info box: In the case of minors, their legal guardians must consent to the stay in Germany (Section 80 (4) of the Residence Act)

If all requirements are met, the visa or the **residence permit** can be issued for up to nine months. Secondary employment during the stay to look for a vocational training place is allowed and limited to a maximum of 20 hours per week. During the search period, trial employment totaling up to two weeks, i.e. ten working days, is also permitted with the **residence title**. If the search for a vocational training place is not successful during this period, the person interested in vocational training must usually leave the country. Re-entry for the same purpose, looking for a vocational training place, is only possible if the person seeking vocational training has been abroad for at least as long as they were previously in Germany.

2.3.2 Completing vocational training in Germany

If the offer of a vocational training place has been confirmed, third-country nationals with a visa for the purpose of vocational training can enter Germany and commence vocational training immediately. The entry visa is issued if the following preconditions are met:

- There is evidence of a confirmed offer of a training place at a company in Germany.
- The trainee has German language skills at a minimum level of B1 of the CEFR. It is possible to dispense with the documentation of the German language skills if you, as the company providing vocational training, confirm that the person's language skills are sufficient (Section 16a (1) and (3) of the Residence Act).

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Info box: In some vocational training programmes, language skills at level B1 of the CEFR are not sufficient. In this case, language courses to accompany vocational training is required in order to overcome and compensate for language difficulties. As the language requirements of vocational training pose a particular challenge for many young people with a migration background, the Federal Office for Migration and Refugees (BAMF) is currently piloting vocational language courses specifically for apprentices (Azubi-BSK), which offer customized and continuous language support throughout the entire duration of training: <https://www.bamf.de/DE/Themen/Integration/ZugewanderteTeilnehmende/AzubiBSK/azubi-bsk-node.html>



Tip: The **residence permit** for the purpose of vocational training pursuant to Section 16a (1) of the Residence Act enables foreign apprentices to attend a vocational language course. Make sure to make your new apprentices aware of that and support them as they develop their language skills.

During in-company vocational training, the apprentices are allowed to pursue employment independent of their vocational training. The secondary employment may not exceed 20 hours per week.

After successfully completing their vocational training in Germany, foreign apprentices can work in Germany. In order to find a suitable job in Germany, the **residence permit** can be changed for this purpose. This **residence permit** for job seeking in accordance with Section 20 (1) No. 3 of the Residence Act allows them to stay for up to 18 months. Their costs of living must be covered. During this time, any gainful employment can be pursued. If the trainees have successfully completed an assistant or auxiliary training programme in a health-care or nursing profession, they will be granted a **residence permit** for up to 12 months to look for a job in accordance with Section 20 (5) of the Residence Act. This **residence permit** can be extended once for additional six months.

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Info box: You need your new trainees to come to Germany as quickly as possible? You can expedite the visa process in return for a fee by benefiting from the **fast-track procedure for skilled workers** (see Chapter 3).



2.4 Intra-corporate transfers of employees

Are the headquarters of your company or your business group located outside the EU and would you like to transfer skilled workers to a branch in Germany? The **ICT card** allows you to do just that. The **Residence Act** has special regulations (Sections 19, 19a and 19b of the Residence Act) for intra-corporate transfers (ICTs). These regulations allow **managers, specialists and trainees** from abroad to spend some time working in a branch office in Germany. Depending on how long you wish your staff to work in your German branch, there are different options you can choose from.

2.4.1 The ICT Card for intra-corporate transfers of employees

An **ICT card** can be issued to foreign **managers** and **specialists** to be transferred to a German branch. For this purpose, certain requirements need to be met:

- The people who are to be transferred to a branch office in Germany need to be employed as a **manager** or **specialist**.
- They need to have worked for the company group for a period of six consecutive months prior to the planned transfer and must continue to be employed at the company group for the entire time of the transfer.

- The intra-corporate transfer is planned for more than 90 days
- The staff members must possess a valid employment contract and, if necessary, a letter of secondment. These documents must clearly state that they will return to a company branch outside the EU after the transfer period ends.
- Applicants must prove that they possess the qualifications required for the new position.

If all the requirements are met, an **ICT card** can be issued for the time of the transfer or for a maximum of three years.

Foreign **graduate trainees** can also receive an **ICT card**, provided they work in the German branch office for a period of more than 90 days, are employed as a **graduate trainee**, possess an academic degree and meet the requirements mentioned above. If all these requirements are met, an **ICT card** can be issued for the time of the transfer or for a maximum of one year.

If you also seek to transfer your staff to other EU Member States, you will need to apply for an **ICT card** for the country in which your staff will stay the longest. There are two options for transferring staff to other Member States: short-term mobility for transferred staff ([see Chapter 2.4.2](#)) and the mobile ICT card ([see Chapter 2.4.3](#)).

2.4.2 Short-term mobility for transferred staff

Third-country nationals who are transferred to an EU Member State other than Germany but wish to work in Germany for a short amount of time are allowed to stay in Germany without a German **residence title** for a maximum of 90 days within a period of 180 days. The only requirement is to notify the Federal Office for Migration and Refugees (BAMF; Section 19a of the Residence Act). The notice for the planned employment needs to be submitted together with the following documents:

- A valid **ICT card** within the meaning of Directive (EU) 2014/66 from another EU Member State.
- Evidence that the German branch office to which the employee is transferred belongs to the same company or business group outside the EU for which the skilled worker or **graduate trainee** worked before.
- A valid employment contract and, if necessary, a letter of secondment. These documents have already been submitted to the competent authorities of the other EU Member State when the application for the ICT Card was submitted.
- A copy of a valid passport or passport replacement document held by the employee to be transferred.
- If need be, a certificate proving that the person has a license to practice.

Within 20 days after the BAMF receives the notice and if there are no reasons to reject the request on the basis of Section 19a (3) of the Residence Act, it will issue a certificate authorizing the applicant to enter the country and reside there for the purpose of the intra-corporate transfer. .

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Info box: If an **ICT card** application is submitted in another EU Member State, the BAMF must be informed of the occupation to be exercised in Germany, if taking up employment is planned. If, at the moment of applying for the card, it is not yet clear whether the skilled worker will be transferred to Germany, the notice can be sent to the BAMF at a later point in time.

2.4.3 The mobile ICT card

Third-country nationals who already hold an **ICT card** within the meaning of Directive (EU) 2014/66 in an EU Member State other than Germany and are planning to reside in Germany for a period exceeding 90 days can apply for a mobile ICT card (Section 19b of the Residence Act) at the competent foreigners authority or at the BAMF. For this purpose, the following requirements must be met:

- The candidate who is transferred to a German branch office must be employed as a **manager**, **specialist** or **graduate trainee**.
- The (subsequent) transfer period in Germany must exceed 90 days.

- The candidate must possess a valid employment contract and, if necessary, a letter of secondment. These documents must clearly state that the skilled worker will return to a company branch outside the EU after the transfer period ends.

The application for a mobile ICT card is to be submitted from the relevant EU Member State at least 20 days before the beginning of the candidate's stay in Germany. If the **ICT card** issued by the other EU Member State is still valid, candidates are permitted to stay in Germany for a maximum of 90 days until the foreigners authority has made its decision. It is also possible to apply for a mobile ICT card in Germany in cases where a person already resides there for the purpose of short-term mobility according to Section 19a Residence Act (see [Chapter 2.4.2](#)). In these cases, the application for the mobile ICT card needs to be submitted no later than 20 days before the certificate authorizing short-term mobility expires.

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Info box: It is not permissible to submit a notice on short-term mobility (see [Chapter 2.4.2](#)) to the BAMF and to apply for a mobile ICT card at the foreigners authority at the same time. In these cases, the application will be rejected (Section 19b (4) of the Residence Act).

2.5 Measures to promote the recognition of professional qualifications acquired abroad

You can use a stay for the purpose of recognition to recruit prospective skilled workers abroad whose foreign qualifications have not yet been (fully) recognized in order to provide them with further qualifications in Germany and integrate them into the company on a permanent basis.

2.5.1 Participation in qualification measures in Germany

Pursuant to Section 16d (1) of the Residence Act, third-country nationals can enter Germany to participate in qualification measures with the goal of having their foreign qualifications recognized. Qualification measures include theoretical and practical refresher trainings and adaptation programmes (internships within the company, theoretical courses, hybrid forms), preparation courses for examinations and language courses. The issuance of a visa for the participation in qualification measures according to Section 16d (1) of the Residence Act requires the following:

- The body responsible for the recognition of foreign qualifications issued a **recognition notice** attesting substantial differences between the foreign qualification and the German training.
- The person has German language skills at a minimum level of A2 of the CEFR.
- The person needs to present a confirmation of their registration for the qualification measure, and the qualification measure needs to enable them to have their qualifications recognized or

provide access to the occupation. Qualification measures with a major focus on in-company training (practical training takes up more than 50 percent) require approval from the BA. As part of the approval procedure (see Chapter 1.1), the BA will also assess whether the qualification measure is adequate on the basis of a further training plan

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Info box: Prospective skilled workers can obtain advice on the recognition procedure and the opportunities for post-qualification from the **Service Center for Professional Recognition (ZSBA)**: <https://www.anerkennung-in-deutschland.de/html/de/zentrale-servicestelle-berufsanerkennung.php>. Employers can contact the **Network IQ**, for example to receive support in drawing up a further training plan. Contacts of the counselling centres can be found in the counsellor database on “Make it in Germany” (only available in German): <https://www.make-it-in-germany.com/de/unternehmen/unterstuetzung/beratungsstellen-finden>

After entering the country, the **residence permit** for the purpose of recognizing the foreign qualification or for carrying out the qualification measures is usually issued for up to 24 months. There is a possibility to extend the permit for 12 months up to a maximum residence period of three years if, for example, examinations are delayed due to long waiting times. The repetition of a failed examination is also covered by this. During the post-qualification period, skilled workers may work up to 20 hours per week independently of the qualification

programme without the approval of the BA. The **residence permit** in accordance with Section 16d (1) of the Residence Act also entitles the holder to pursue employment that is not restricted in terms of time and whose requirements are related to the profession to be recognized. The BA must give its consent in accordance with Section 39 of the Residence Act or the employment is permitted without BA approval on the basis of the **Ordinance on the Employment of Foreigners**.

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Info box: Recognition procedures can also be carried out entirely in Germany within the framework of placement agreements with the BA (Section 16d (4) of the Residence Act). Foreign applicants who have been recruited through a placement agreement do not have to present a **recognition notice** before entering Germany. Placement agreements currently exist with selected **third countries** for healthcare and nursing professionals. Contact your Employers’ Service to find out about the BA’s existing placement agreements with other countries.

The Network IQ offers further assistance with the recruitment of skilled workers for post-qualification in accordance with Section 16d of the Residence Act (www.netzwerk-iq.de).

2.5.2 Employment within the framework of a recognition partnership

According to Section 16d (3) of the Residence Act, third-country nationals can enter Germany in order to carry out the recognition procedure here

and work in your company at the same time with the aim of having their foreign qualification recognized. The issuance of a visa for the **recognition partnership** requires the following:

- The potential skilled worker has an academic or non-academic vocational qualification that is recognized by the state in the country where it was obtained. The non-academic vocational qualification must also have been preceded by at least two years of training.
- You offer the potential skilled worker a concrete job in your company for an activity that is related to the foreign qualification and that matches the target profession of the recognition procedure and for which an academic degree or qualified vocational training is required. It must also be an offer of qualified employment. An exception is made for employment in **regulated professions** if a license to practice would be required for qualified employment. In this case, employment as auxiliary is allowed until the skilled worker receives a license to practice.
- As an employer, you have experience with vocational training or further training. Evidence for that can be, for example, an existing vocational training authorization of the company, registration as a vocational training company in the apprenticeship register and successfully completed post-qualifications in the company. A master craftsman's business also fulfils the requirements.
- The potential skilled worker has evidence of German language skills at a minimum level of A2 of the CEFR
- You and the potential skilled worker conclude a written agreement which states that the recognition procedure will be initiated parallel to employment in your company at the latest after entry into Germany. As an employer, you are committing yourself to support the skilled worker in case of necessary qualification measures. This agreement can be part of the employment contract. These obligations are to be presented to the BA as part of the approval procedure.
- The BA has approved the employment ([see Chapter 1.1](#))



Tip: Are you neither a vocational training company nor do you have demonstrable experience in the further training of employees? You may still be suitable for a **recognition partnership** if you ensure that the post-qualification of potential skilled workers can take place at authorized training providers or training workshops..

The **recognition partnership visa** is initially issued for a maximum of twelve months. The stay can be extended for up to a total duration of three years if it can be proven that the recognition procedure has been demonstrably pursued and not yet completed, or if any necessary qualification measures are carried out. The extension must be applied for at the foreigners authority. With this **residence title**, skilled workers are permitted to work up to 20 hours per week in addition to their employment in your company.

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Info box: The initial issuance of a visa for a **recognition partnership** in accordance with Section 16d (3) of the Residence Act does not require the existence of a **recognition notice**. However, persons who already have a notice on the partial recognition of their qualification or an assessment notice or interim notice from the competent recognition body can also enter a **recognition partnership**.

What happens after the recognition procedure in Germany is over?

The recognition procedure must have been initiated within the first 12 months, and ideally, the results must be available. Depending on the final decision that was made, there are the following options:

- The foreign qualification has been fully recognized: The foreign qualification was recognized as fully equivalent to the German reference occupation. For further residence and employment in Germany, the skilled worker can apply for a **residence permit** to take up qualified employment, e.g. the **EU Blue Card** ([see Chapter 2.2.2](#)) or the **residence permit for skilled workers** ([see Chapter 2.2.1](#)). This will allow the skilled worker to continue working for you. If continued employment with you is not possible and there is no other employer, the person can obtain a **residence title** for 18 months to look for a job in accordance with Section 20 of the Residence Act.

- The foreign qualification has been partially recognized. This means that the recognition body has determined that theoretical and/or practical knowledge is missing for full equivalence. In this case, the **residence permit for the recognition partnership** can be extended. The extension requires that the skilled worker takes part in the necessary qualification measures. The same applies if the recognition body has determined the need for an adaptation measure in a **regulated profession**. In accordance with the agreement on the **recognition partnership**, you as the employer must enable the skilled worker to participate in the adaptation measure, e.g. release them from work for the required period or impart the knowledge/skills in the company.
- The foreign qualification has not been recognized: In this case, the **recognition partnership** must be terminated. In non-regulated professions, it can be checked whether the requirements for employment based on professional experience for continued employment in the company are met ([see Chapter 2.2.3](#)).



3 Fast-track procedure for skilled workers



You have decided to recruit a skilled worker from abroad and want to speed up the visa procedure? Due to the rising numbers of visa applications in some countries, obtaining an appointment or a visa at the competent German mission abroad can be challenging. The so-called fast-track procedure for skilled workers in accordance with Section 81a of the Residence Act can help.

3.1 General provisions

With a power of attorney from the skilled worker, you can initiate the fast-track procedure for skilled workers at the competent foreigners authority in Germany. The following steps are important:

- You conclude an agreement with the foreigners authority, which states that you have been authorized by the foreign skilled worker to act on their behalf and which lists your duties as an employer, the duties of the skilled worker and the duties of the authorities involved (foreigners authority, BA, recognition bodies, German mission abroad). In addition, you are provided with information on the procedure, including the names of the parties involved, the documents that need to be submitted and the deadlines.
- Once the recognition bodies have received all application documents, they have two months to decide on the professional recognition. A period of one week applies for the BA's approval, otherwise approval is assumed ([see Chapter 1.1](#)). The visa procedure usually takes six weeks (Section 31a of the Ordinance Governing Residence)
- If all requirements (if need be, approval by the BA and recognition of the foreign qualifications, as well as confirmation for a license to prac-

tice, amongst other things) are met, the foreigners authority will provide you with a so-called pre-approval, which you can then forward to the skilled worker abroad. The skilled worker then makes an appointment at the German mission abroad to apply for the visa; the appointment will take place within three weeks. At this appointment, the skilled worker must present the original copy of the pre-approval along with the other documents needed for the visa application.

- Once the complete visa application has been submitted by the skilled worker, a decision is usually made within additional three weeks.

The fast-track procedure for skilled workers also covers the skilled worker's spouse and minor unmarried children, provided that they meet the legal requirements for family reunification and that the family plans to immigrate within six months after the skilled worker has entered Germany.

i **Info box:** The fast-track procedure for skilled workers is only open to skilled workers seeking to enter Germany for specific purposes of employment, vocational training or the recognition of foreign qualifications.

3.2 Contacts and costs

You need to apply for the fast-track procedure for skilled workers at the foreigners authority responsible for you or the foreigners authority responsible for the branch office where you want the skilled worker to work. The foreigners authority advises and helps you carry out the procedure to have the skilled worker's foreign qualification recognized,

obtains the approval of the BA and examines whether the applicant meets the requirements for the issuance of a visa.

The procedure comes with a fee of €411. It must be paid upon conclusion of the agreement with the foreigners authority. The skilled worker has to pay an additional fee of €75 when applying for the visa at the competent German mission abroad. Further fees may come up for completing the recognition procedure..



Tip: If the skilled worker needs to have their professional qualifications recognized, you should seek out information on the fees that apply. The foreigners authority or the German missions abroad will not collect these fees right away. Usually, the fees are borne by the foreign skilled worker. You should therefore inform the skilled worker how the fees for the recognition of qualifications are to be paid.

i **Info box:** The fee of €411 applies irrespective of the results of the procedure. It is a processing fee, meaning that its payment does not entitle the skilled worker to a pre-approval or the issuance of a visa.

Further information on the fast-track procedure for skilled workers can be found in the brochure 'Questions and answers on the fast-track procedure for skilled workers': <https://www.make-it-in-germany.com/en/pdfs/brochure-fast-track-procedure-skilled-workers>.

4 Important terminology

Recognition notice

Skilled workers who have not obtained their qualification in Germany usually need to seek recognition of their qualifications for certain **residence titles** or in **regulated** professions. The recognition procedure assesses whether the foreign qualification is equivalent to a German qualification or whether a license to practice can be issued in **regulated professions**. Once this assessment is completed, the applicant will receive a recognition notice. This document attests whether the applicant's foreign qualifications are fully equivalent to the German reference occupation.

Recognition partnership

The recognition partnership is a **residence title** for persons from **third countries** to go through the recognition procedure in Germany and complete it after a maximum of three years. With the recognition partnership, persons from **third countries** can enter Germany without having their foreign qualification recognized. If the person from abroad has found a job, they conclude a specific agreement for this purpose with their employer.

Residence permit

The **Residence Act** sets out a number of different **residence titles** governing third-country nationals' entry to Germany and their stay. The **residence permit** is a type of residence title. It is issued for a limited period of time and for a specific purpose such as employment, vocational training, family reunification or even for humanitarian or political reasons or on grounds of international law.

Residence Act (AufenthG)

The Residence Act provides the legal basis for allowing, restricting and organizing the immigration of foreign nationals to Germany, taking into account Germany's ability to receive and integrate foreign nationals as well as its economic and labour market policy interests. It sets out rules for entering and staying in Germany, and for employing and integrating foreign nationals. It also helps the Federal Republic of Germany meet its humanitarian obligations. Together with the **Ordinance on the Employment of Foreigners (BeschV)**, the Residence Act provides the legal basis for decisions on the issuance of a person's a **residence title** allowing them to work in Germany.

Residence title

A residence title is a document allowing foreign nationals to enter Germany and reside there. Residence titles can come in the form of a visa, **residence permit, EU Blue Card, ICT card**, mobile ICT card, settlement permit or permanent EU residence permit.

Contribution assessment ceiling in the statutory pension insurance system (BBG)

The contribution assessment ceiling is the maximum amount up to which pay and earned income are considered when calculating the insurance contribution. The values of the contribution assessment ceiling for pension insurance differ between the old and new federal states. New values are set annually in advance for the next calendar year. If minimum salary limits refer to the **contribution**

assessment ceiling in the general pension insurance system, as is the case with the **EU Blue Card** (see [Chapter 2.2.2](#)) and the **residence permit** for skilled workers with practical professional experience (see [Chapter 2.2.3](#)), the value for the old federal states is used as the basis throughout Germany.

Beschäftigungsverordnung (BeschV)

The Ordinance on the Employment of Foreigners (BeschV) controls the immigration of foreign workers and determines the conditions under which they and foreign nationals already living in Germany can be admitted to the labour market. It regulates whether BA approval is required for the employment of third-country nationals and under what conditions it can be granted. Together with the Residence Act (AufenthG), the BeschV forms the basis for the decision on the granting of a residence permit authorising the holder to take up employment.

EU Blue Card

The EU Blue Card is a temporary **residence title** for persons holding an academic degree from non-EU countries wishing to take up employment in an EU Member State. Requirements for the EU Blue Card are an academic degree or a comparable qualification and an employment contract with a certain minimum gross salary.

Opportunity card

The opportunity card is a **residence title** for job-seeking purposes (in certain cases also to look for measures in order to have foreign qualifications recognized) for persons with a foreign non-academic vocational qualification of at least two years, an academic degree or a qualification from a German Chamber of Commerce Abroad. It can be issued based on a point system, among other things. The selection criteria include qualifications, language skills, professional experience, age and links to Germany. The opportunity card offers opportunities for trial work or secondary employment and includes the option of switching to a **residence permit** for employment or educational purposes.

Third country

In residence law, third countries are defined as countries Germany has no reciprocal agreement on the free movement of other nationals. Consequently, this includes all countries outside the EU, the EEA and Switzerland.

Freedom of Movement Act/EU

Nationals of the EU Member States, the European Economic Area and Switzerland are covered by the Freedom of Movement Act/EU. This means that nationals from these countries can move around the EU without any restrictions, as well as enter any EU Member State and reside there.

Manager

A manager within the meaning of the **Residence Act** is a person holding a senior position whose responsibilities involves directing, managing, and monitoring. These responsibilities must include managing the daily business activities of the German branch office, division or subdivision and the authority to make HR decisions. A person who acts solely as a supervisor is not considered a manager.

ICT Card (ICT Directive)

The so-called ICT Directive (Directive (EU) 2014/66) sets out the requirements for the entry and residence of third-country nationals as part of an intra-corporate transfer (ICT). It is aimed at companies that are based outside the EU and want to temporarily transfer staff to a branch office in Germany. With the ICT Card, **managers, specialists** and **graduate trainees** can work at a German branch for a limited period of time.

Common European Framework of Reference for Languages (CEFR)

The CEFR is a reference instrument for the assessment of language skills developed by the Council of Europe. It provides the basis for making language skills comparable. The CEFR is used across Europe and other continents. For more information on the CEFR, please visit the website of the Goethe-Institut (<https://www.goethe.de/ins/de/en/uun/dln/ger.html>).

Regulated professions

In Germany, there are regulated professions. Germans and non-Germans are only allowed to work in these professions if they have a specific qualification and a license to practice. This applies, for example, to nurses, physicians or teachers and lawyers. It also applies to certain master craftsperson professions aiming at self-employment. Persons with a foreign qualification who wish to work in a regulated profession in Germany require recognition of their foreign qualification and a license to practice.

Specialist

A specialist within the meaning of the **Residence Act** is a person holding a senior position who possesses specialized knowledge essential to the German branch office's areas of activity, techniques or management, a high level of qualification and adequate professional experience. The specialist's qualifications must include carrying out work and tasks that require company-specific knowledge. The assessment of the level of qualification also takes into account professional experience. The decision as to whether a foreign skilled worker is a specialist is made based on a person's documented formal qualifications (academic degree, non-academic vocational qualification, further training) and professional experience. In addition, it is important that the qualification corresponds to the needs of the German branch office.

Graduate trainee

A graduate trainee within the meaning of the **Residence Act** is a person who possesses an academic degree, has enrolled in a graduate trainee programme and is being remunerated for work. A graduate trainee programme can therefore help promote a person's professional development and can also expand their industry-specific, technical or methodological skills. Employees need to bring certificates or other documentation to prove that they qualify for a graduate trainee position. In cases where graduate trainees are sent to a German branch office as part of an intra-company transfer (**ICT card**), a copy of the academic degree is accepted as proof. A check of the equivalence between the graduate trainee's academic degree and the relevant German reference degree is not required.

5 Important service and contact points

Anabin

The anabin database (<https://anabin.kmk.org/cms/public/startseite>) provides information on the assessment of qualifications acquired abroad and helps authorities, employers, employees and individuals evaluate which German qualification a foreign qualification may correspond to.

Foreigners authority

A foreigners authority is an authority responsible for assessing the legal status of an immigrant based on the **Residence Act**. Each German district and town constituting a district in its own right usually has a foreigners authority. The so-called central foreigners authorities are generally responsible for the fast-track procedure for skilled workers. You can find the foreigners authority responsible for your matters on 'Make it in Germany' (https://www.make-it-in-germany.com/fileadmin/1_Rebrush_2022/b_Arbeitgeber/PDF-Dateien/Zentrale_Auslaenderbehoerden_EN.pdf).

(German) mission abroad

The German missions are diplomatic or consular posts located outside Germany. They represent the interests of the Federal Republic of Germany abroad and promote Germany's political relations with the country they are located in. Most German missions, with the exception of the Honorary Consuls' offices abroad, operate a visa office. They decide whether third-country nationals who require a visa are given permission to enter Germany. You can find the contact details of the German missions abroad on 'Make it in Germany' (<https://www.make-it-in-germany.com/en/service/advisory-contact-services/worldwide>).

Anerkennung in Deutschland

The multilingual website www.erkennung-in-deutschland.de/html/en/ provides information on how non-academic vocational qualifications that have been acquired abroad can be recognized in Germany. The 'Recognition Finder' helps professionals find the competent authority for the recognition procedure with just a few clicks.

BQ-Portal

The information portal for foreign non-academic vocational qualifications (BQ-Portal; www.bq-portal.de/en) lists all the relevant information on foreign non-academic vocational qualifications and educational systems on one platform.

Federal Employment Agency (BA)

The Federal Employment Agency (BA; www.arbeitsagentur.de/en) serves as a point of contact for citizens and companies who are seeking more information on the labour and vocational training market. The BA is responsible, among other things, for helping people find employment or a vocational training place. The BA has an **Employers' Service** which provides you with advice and assistance on all issues surrounding the recruitment of skilled workers both in Germany and abroad. The Employers' Service can be contacted via a contact form (<https://web.arbeitsagentur.de/portal/kontakt/de/unternehmen/unternehmensanfrage?scope=form>) or by phone (+49 800 4 555520).

Federal Office for Migration and Refugees (BAMF)

The Federal Office for Migration and Refugees (BAMF; www.bamf.de/EN/) is a higher federal authority and agency of the Federal Ministry of the Interior and Community and is a central source of expertise for integration. Its responsibilities include carrying out asylum procedures and promoting the integration of immigrants in Germany.

Faire Integration

(<https://www.faire-integration.de/en/topic/2.welcome.html>) is a nationwide advisory service on labour and social law issues for migrants who come from outside the EU. Faire Integration is funded by the Federal Ministry of Labour and Social Affairs (BMAS)

EURES (European Employment Services)

EURES (https://eures.europa.eu/index_en) is a European cooperation network for public labour authorities. The network provides assistance for persons looking for work in Europe and companies seeking to employ skilled workers from abroad.

Chamber of Crafts (HWK)

The Chambers of Crafts are bodies under public law representing the interests of the skilled crafts sector. All persons owning a skilled crafts or crafts-like business in a particular chamber district are automatically members of that district's Chamber of Crafts. The Chambers of Crafts represent the interests of the skilled crafts sector.

“Working and Living in Germany” hotline

On the “Working and Living in Germany” hotline, the Federal Office for Migration and Refugees (BAMF) and the International Placement Services (ZAV) of the Federal Employment Agency (BA) advise foreign skilled workers and prospective apprentices and students in Germany and abroad as well as employers in Germany on the topics of job search, work and career, recognition of foreign non-academic vocational qualifications, entry and residence as well as learning German. Advisors are proficient in German and English. The hotline can be reached on the following telephone number: +49 30 1815-1111.

IHK FOSA

The IHK Foreign Skills Approval (IHK FOSA; <https://www.ihk-fosa.de/en/>) is the nationwide competence center of German Chambers of Industry and Commerce for determining the equivalence of foreign non-academic vocational qualifications. It accepts applications for recognition and compares the extent to which foreign non-academic vocational qualifications can be categorized as equivalent to corresponding German non-academic vocational qualifications.

Chambers of Industry and Commerce (IHK)

The Chambers of Industry and Commerce (IHK) represent the interests of the industrial sector and trade. They take the form of a body under public law. All businesses engaging in commercial activities except skilled crafts businesses (which are represented by the Chambers of Crafts) in a particular chamber district are automatically members of that district’s Chamber of Industry and Commerce.

Network IQ

The “The Network IQ – Integration through Qualification” programme (<https://netzwerk-iq.de/>) offers nationwide information, counselling and qualification offers in the context of the recognition of foreign qualifications for people who are already in Germany.

Make it in Germany

<http://www.make-it-in-germany.com/en> is the German government’s portal for qualified professionals from around the world. The portal, which can be browsed in a variety of different languages, offers information for those interested in moving to Germany. Employers can find information on how they can recruit and integrate skilled workers from abroad. There are also real-life stories in which various companies describe their experience.

Unternehmen Berufsanerkennung

The “Unternehmen Berufsanerkennung” project (<https://www.unternehmen-berufsanerkennung.de/>) shows why it is worthwhile for companies to foster the recognition of foreign qualifications. The project was launched in January 2016 at the initiative of the Association of German Chambers of Industry and Commerce and the German Confederation of Skilled Crafts. It is being implemented by DIHK Service GmbH and the Central Agency for Continuing Vocational Education and Training in the Skilled Crafts (ZWH) in association with eleven Chambers of Industry and Commerce and five Chambers of Crafts.

Central Office for Foreign Education

The Central Office for Foreign Education (ZAB for short; <https://zab.kmk.org/en/services>) is the central office for the assessment of foreign qualifications in Germany: academic qualifications, non-academic vocational qualifications, school-leaving qualifications with access to academic institutions. Skilled workers from abroad can apply to have their foreign qualification assessed in the form of a Statement of Comparability (academic qualification) or a Statement on a Foreign Vocational Qualification (non-academic vocational qualification).

Service Center for Professional Recognition (ZSBA)

The Service Center for Professional Recognition (ZSBA for short; <https://www.anererkennung-in-deutschland.de/html/en/service-center-for-professional-recognition.php>) offers advice and support for skilled workers abroad who wish to have their qualifications recognized in Germany. The ZSBA is a non-binding service and does not make any decisions on professional recognition itself.

Welcome Center

The Welcome Centers which have offices across Germany help skilled workers from abroad and their families settle in the region they arrive in. They also serve as points of contact for companies that want to recruit new qualified professionals for the region and help them integrate in Germany in the long term. The services provided by the German Welcome Centers and contact details can be found on “Make it in Germany” (<https://www.make-it-in-germany.com/en/service/advisory-contact-services/in-germany>).

