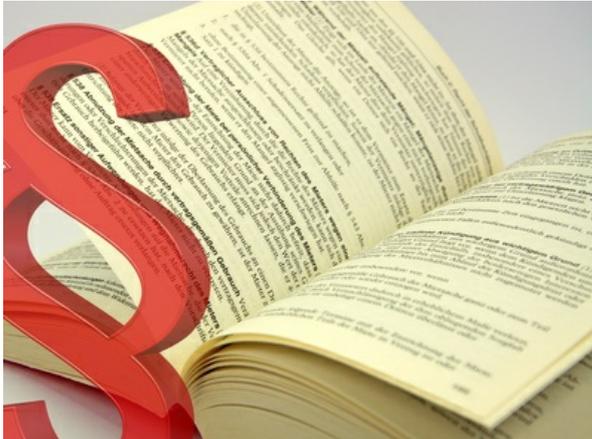


Information on the Skilled Immigration Act



The Skilled Immigration Act, is a new law which expands the possibilities for qualified professionals to come to work in Germany. Now, it's easier for skilled workers with vocational, non-academic training from non-EU countries to migrate to Germany in order to work. The current conditions for qualified professionals with university degrees will remain in place, with some relaxations of the rules.

What changes does the new law introduce?

The new law expands the framework under which qualified professionals from non-EU countries can come to work in Germany. The key changes are as follows:

Qualified professionals:

- **Definition of the qualified professional:** The following persons are considered qualified professionals under the Skilled Immigration Act:
 1. Persons who have either completed qualified vocational training in Germany (for which a training period of at least two years is generally required) or persons who have acquired a vocational qualification abroad which has been recognised as equivalent to German qualified vocational training. Shorter foreign vocational training courses may be considered equivalent to qualified vocational training in Germany if the training does not differ substantially or if these differences have been compensated for.
 2. Persons with a higher education degree which is comparable to a higher education degree in Germany.
- **Accessing the German labour market:** It's easier to enter the labour market. The qualified professional must possess an employment contract or a specific job offer, and a qualification recognised in Germany. No priority check is undertaken by the Federal Employment Agency (BA). This means that there are no check as to whether an applicant from Germany or the EU is available for the specific job. The Federal Employment Agency will still verify the employment conditions.
- **Possible employment:** A qualified professional may exercise an occupation for which he or she is qualified. This means that employment in related occupations is also possible. Further to this, qualified professionals with academic degrees can also work in jobs that do not require a tertiary education degree; they can also work in other occupations which are related to their qualification and which normally require a vocational, non-academic qualification. This excludes auxiliary and semi-

skilled occupations: the occupation must always require a qualification. The EU Blue Card is only ever issued for jobs that commensurate with the professional qualification, which must normally be an academic degree.

- **Qualified professionals with vocational qualifications:** The employment of qualified professionals from outside the EU with vocational, i.e. non-academic training, is no longer restricted to occupations experiencing a skills shortage. If someone has a vocational training qualification recognised in Germany, their residence permit allowing them to work in a specific occupation will also allow them to work in Germany in all occupations covered by their qualification.
- **Coming to Germany to look for a job :** Professionals with a vocational training qualification are also able to come to Germany to look for a job. They will be granted a residence permit for up to six months. The precondition for this is that the foreign qualification is recognised by the relevant body in Germany, and that the person can support themselves for the duration of their stay and has the necessary German language skills for the desired occupation. Generally, German language skills at at least B1 level of the Common European Framework of Reference for Languages are required. During the time spent in Germany looking for a job, employment of up to 10 hours a week on a trial basis is possible. This enables an employer and the foreign qualified professional to find out if they are suited to each other. Professionals with a recognised academic qualification, who as before are permitted to come to Germany for six months to seek employment, are also allowed to work on a trial basis.
- **Period of residence for training and skill development :** Opportunities to come to Germany in order to undertake training are being improved. The basic precondition for this is that a recognition procedure is undertaken by the relevant body in Germany whilst the applicant is abroad, and the procedure finds that the person's foreign qualification does not fully meet the requirements of a German qualification (in a recognition certificate, or "Anerkennungsbescheid"). Another precondition for the issuing of a visa to receive training is that the person has the necessary German language skills. These will usually equate to level A2 in the Common European Framework of Reference for Languages. The 18-month residence permit can be extended, for example for this purpose, by six months up to a maximum period of two years. After the maximum period of the residence permit has expired, a residence permit for the purpose of training, study or work can be issued.
- **Permanent settlement permit for qualified professionals from around the world :** Foreign qualified professionals are able to receive a permanent settlement permit after four years (previously: five years).

Trainees and students:

- **Coming to Germany to seek a training place:** It is already possible for potential students to come to Germany to seek a place in higher education. According to the new rules, those interested in receiving vocational training are also able to come to Germany to find a training place. The precondition for this is German language skills at B2 level, a school leaving certificate from a German school abroad or a school leaving certificate which entitles a person to receive higher education, a maximum age of 25 years and the ability to support oneself financially.
- **German language course in preparation for vocational training:** If a person has a residence permit for a vocational training course, they may attend a German language course (either general or occupation-related).
- **Improved possibilities for foreign students in Germany to change their residence status:** Foreign students already have the possibility to switch to other types of residence permits even before they complete their studies. For example, rather than continuing their studies, they can begin vocational training and receive a residence permit to attend a vocational training course. The Skilled Immigration Act expands these possibilities to change status: under certain preconditions, and following consideration by the Federal Employment Agency, it is possible to accept a job offer as a qualified professional whilst a person is still studying or receiving vocational training. This entails a switch to a residence permit to work in a qualified occupation.
- **Permanent settlement permit for those who have completed a vocational training course in Germany:** The new act enables foreigners who have successfully completed a vocational training course in Germany to receive a permanent settlement permit after two years, the same period as applies to graduates.

For companies:

- **Fast-track procedure for skilled workers:** Employers can launch an fast-track procedure for skilled workers at the relevant foreigners registration office in Germany; this will significantly shorten the duration of the administrative procedure for the issuing of the visa. To do this, employers need a power of attorney from the qualified professional. The following information and steps are important:
 1. An agreement has to be concluded between the company and the foreigners registration office which includes powers of attorney and obligations for the employer, the qualified professional and the relevant authorities (foreigners registration office, Federal Employment Agency, recognition bodies, German mission abroad) and a description of the procedures including the parties and the deadlines.
 2. The foreigners registration office advises the employer, supports it as it carries out the procedure to have the qualified professional's foreign qualification recognised, obtains the approval of the Federal Employment Agency and examines the preconditions for approvals under legislation regarding foreign nationals. The recognition bodies and the Federal Employment Agency must take their decisions within certain deadlines.
 3. If all the preconditions are met, the foreigners registration office issues an advance approval, which is sent to the employer to pass on to the qualified professional. The qualified professional then makes an appointment at the German mission abroad to apply for the visa; the appointment will take place within three weeks. At this meeting, the original copy of the advance approval must be presented along with other documents needed for the visa application.
 4. Once the complete visa application has been submitted by the qualified professional, a decision is usually taken within another three weeks.
 5. The fast-track procedure for skilled workers also covers the qualified professional's spouse and minor unmarried children, if the applications for their visas are submitted at the same time and if they meet the statutory requirements for the subsequent immigration of family members.
 6. The fee charged by the foreigners registration office for the fast-track procedure for skilled workers is €411. On top of this, there is a fee of €75 for the visa and fees for recognition of the qualification.

Find out everything you need to know about the procedure in the section "Entering & working in Germany": [The fast-track procedure for skilled workers](#) .

I am a qualified professional. What do I have to do to work in Germany?

- **Recognition of professional qualifications acquired abroad:** The first important thing you need to do is have your qualification recognised in Germany. Basic information on the recognition process and on migration to Germany can be obtained from the Working and Living in Germany [hotline](#)  . For further information about this, please click [here](#).
- **Language skills:** You will need to speak some German if you wish to come to Germany to find a training place or to seek a job as a skilled worker with a vocational qualification, and you will also need some German language skills if you are to attend a training course in Germany. For further information on language courses, please click [here](#).
- **Contact person for visa / residence :** If you live outside Germany, the German missions abroad are responsible for issuing the necessary visa. The addresses of German institutions near you can be found on the [world map](#). If you already live in Germany you need to contact the local foreigners registration office about residence and visas. You can find the relevant authority responsible for you [here](#).

You can find further information about the current rules in the [visa](#) section.

