How can I recruit a qualified professional from abroad?

What employers need to know
Contents

Foreword .......................................................................................................................... 2

1 Employment of foreign qualified professionals in Germany – general preconditions ........................................ 4
  1.1. Approval by the Federal Employment Agency .................................................................................. 4
  1.2. Duties of the employer when employing a foreign qualified professional ........................................ 6

2 Visa and residence rules on taking up employment in Germany ........................................................................ 7
  2.1. Entry visa: general preconditions .................................................................................................. 7
  2.2. Visas and residence rules for skilled workers from third countries .................................................... 8
    2.2.1. Skilled workers who have completed a course (vocational or academic) .................................. 8
    2.2.2. The EU Blue Card for qualified professionals with an academic degree ................................ 8
    2.2.3. Special case: employment of IT specialists with practical occupational experience from third countries 9
    2.2.4. Entry of skilled workers to seek employment in Germany ....................................................... 9
    2.2.5. International students at and graduates from German higher education institutions as potential skilled workers 10
  2.3. Visas and residence rules for trainees from third countries .............................................................. 10
    2.3.1. Coming to Germany to seek a training place ........................................................................ 10
    2.3.2. Receiving vocational training in Germany ............................................................................ 11
  2.4. Intra-corporate transfers of employees ............................................................................................ 11
    2.4.1. The ICT Card for intra-corporate transfers of employees .................................................... 12
    2.4.2. Short-term mobility for transferred staff .............................................................................. 12
    2.4.3. The Mobile ICT Card ........................................................................................................... 13
  2.5. Measures to promote the recognition of professional qualifications acquired abroad ................................ 13

3 Expedited procedure for qualified professionals ...................................................................................... 15
  3.1. General provisions ........................................................................................................................ 15
  3.2. Contacts and costs .......................................................................................................................... 15

4 Important terminology ......................................................................................................................... 16

5 Important service and contact points .................................................................................................. 18
Foreword

Dear employer,
dear reader,

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 finding 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 qualified professionals even from outside the EU.

Apart from a few exceptions, the various immigration rules mean that foreign skilled workers can basically be divided into three categories: those from EU/EEA states, those from third countries allowed to enter without a visa, and those from all other third countries. Due to freedom of movement, it is easier to reach applicants on the European market. Beyond this, it makes sense to encourage immigration from countries which are not themselves affected by demographic change in order to alleviate the likely skills shortage. Countries which offer great potential in view of their demographics, and which have sufficient numbers of skilled workers, can mainly be found in Asia, North Africa and South America. These regions have young, well-trained skilled workers, many of whom are affected or threatened by unemployment or underemployment where they live.

Germany is competing with other well-known destinations, such as Canada and New Zealand, to attract the best brains. 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 live and work.

The Skilled Immigration Act, which entered into force on 1 March 2020, has put new rules in place which make it easier for foreign qualified professionals to come to Germany. The Skilled Immigration Act amends both residence rules and rules set out in the Ordinance on the Employment of Foreigners to facilitate the successful recruitment of skilled workers from abroad. Graduates and skilled workers with vocational qualifications from outside the EU now enjoy access to all occupations in which workers are being sought as long as they have a comparable qualification which can be used in Germany. For companies, the Act opens up expedited procedures and new advice services.

This information service provides you with the legal knowledge you need when you recruit foreign qualified professionals from third countries. Taken together with the additional material on www.make-it-in-germany.com/en (e.g. check lists, diagrams), this will equip you to welcome your future personnel from abroad to your company.

Preliminary remark: use of the terms “qualified professional” and “skilled worker” in these guidelines
The terms “qualified professional” and “skilled workers” 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 rules of relevance to German employers which relate to the immigration of such workers. In this context, the terms cover the following groups of people:
• Persons who have successfully completed an academic or vocational course
• Trainees and advanced students
• Persons with qualifications going through procedures to recognise their qualifications
• Experts and specialists with practical job-related expertise
# Finding your way: Specific information about entry and residence for the various target groups

<table>
<thead>
<tr>
<th>Type of skilled worker sought</th>
<th>Relevant rules</th>
<th>Section in these guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Skilled workers who have completed a course (vocational or academic) – all occupations</td>
<td>Employment: Sections 18, 18a, 18b Residence Act; Section 39 Residence Act</td>
<td>Chapter 2.2.1. &amp; Chapter 2.2.2.</td>
</tr>
<tr>
<td></td>
<td>Seeking employment following studies or initial vocational training in Germany: Section 20(3) Residence Act</td>
<td>Chapter 2.2.5.</td>
</tr>
<tr>
<td></td>
<td>Measures to recognise professional qualifications acquired abroad: Section 16d Residence Act</td>
<td>Chapter 2.5.</td>
</tr>
<tr>
<td></td>
<td>Entry to seek jobs: Section 20(1) and (2) Residence Act</td>
<td>Chapter 2.5.</td>
</tr>
<tr>
<td>IT specialists (special arrangement)</td>
<td>Employment in the case of highly developed practical occupational knowledge: Section 19c(2) Residence Act in conjunction with Section 6 Ordinance on the Employment of Foreigners</td>
<td>Chapter 2.2.3.</td>
</tr>
<tr>
<td>Trainees</td>
<td>Employment for trainees: Section 16a(1) Residence Act</td>
<td>Chapter 2.3.2.</td>
</tr>
<tr>
<td></td>
<td>Migration to find a training place: Section 17 Residence Act</td>
<td>Chapter 2.3.1.</td>
</tr>
<tr>
<td>Foreign students in Germany</td>
<td>Employment without a degree as a skilled worker (changed purpose of residence): Section 16b(4) Residence Act</td>
<td>Chapter 2.2.5.</td>
</tr>
<tr>
<td></td>
<td>Switch from study to vocational training: Section 16b(4) Residence Act</td>
<td>Chapter 2.2.5.</td>
</tr>
<tr>
<td>International transfer of staff within company</td>
<td>ICT Card and short-term mobility: Sections 19, 19a, 19b Residence Act</td>
<td>Chapter 2.4.</td>
</tr>
</tbody>
</table>
You have advertised a vacancy and would like to fill it with an applicant from outside Germany? 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 needed. The answer to this question is determined by what the nationality of your applicant is, not by where they are currently living.

In line with the Freedom of Movement Act/EU, nationals of the EU and the EEA enjoy unrestricted access to the German labour market. The same rules basically apply to Swiss nationals. So they do not need a visa or a residence permit to take up employment in Germany.

Relaxed rules apply to nationals of Australia, Canada, Israel, Japan, the Republic of Korea, New Zealand and the United States of America. In principle, they can enter without a visa and can obtain the necessary residence permit for the taking up of employment from the relevant foreigners registration office in Germany once they have arrived in the country. They can start working as soon as they receive the residence permit.

Nationals of all other countries (here called “third countries”) in principle need a visa to enter Germany and must convert this into a residence permit once they are in Germany so that they can live and work in Germany.

In addition to the visa rules, further preconditions exist for the employment of foreign qualified professionals. In particular, these are the approval of the Federal Employment Agency (BA), and your duties as an employer, which are outlined in the following chapters.

1.1. Approval by the Federal Employment Agency

If a foreign skilled worker or, for example, a trainee wishes to work in Germany, they need a residence authorisation for the purpose of commencing employment or taking a training course. Usually, the approval of the Federal Employment Agency (BA) will be required for this residence authorisation to be issued, pursuant to Section 39 Residence Act. Exceptions can exist where there are intergovernmental agreements or in other cases specifically cited in an act or in the Ordinance on the Employment of foreigners. The EU Blue Card is issued without the need for approval from the BA if the person earns above a certain threshold. The approval of the BA is usually obtained by the German mission abroad or the foreigners registration office via an online, internal administrative procedure. You don’t need to do anything. It is important that the German mission abroad or the foreigners registration office has complete documentation, and in particular the completed and signed form entitled “Erklärung zum Beschäftigungsverhältnis” (declaration on contract of employment).

Approval from the BA is normally necessary both when hiring a skilled worker coming to Germany to start work, and also when hiring a foreign skilled worker who already resides legally in Germany.
The following conditions must be met for approval to be given:

- The person has a contract of employment for a job in Germany: usually the contract of employment or a specific job offer are accepted as proof.

  **Tip:** The “Erklärung zum Beschäftigungsverhältnis” form, which is used by all authorities, generally suffices as evidence of the specific offer of a job in Germany. You can obtain this form as a PDF file at www.make-it-in-germany.com/en/looking-for-foreign-professionals/.

- Comparability of conditions of employment: In order to grant approval, the BA needs to scrutinise the main conditions of employment, particularly the remuneration and the working hours. The scrutiny takes place on the basis of the “Erklärung zum Beschäftigungsverhältnis” form completed and signed by the employer.

- Training: The professional qualification of the foreign skilled worker must enable the person to work in the job. For example, skilled workers with an academic qualification can be considered for vacancies which normally require a non-academic, vocational training qualification. However, in the case of the EU Blue Card, the employment must be appropriate to the qualification. Semi-skilled occupations are not admissible.

**Info-Box:** The new Act abolishes the priority check by the BA and the restrictions to occupations where there is a skills shortage. This means that you can give equal consideration to both German and foreign applicants for all occupations.

The BA must respond to the German mission abroad or the foreigners registration office within two weeks regarding approval of employment pursuant to Section 36(2) Ordinance on the Employment of Foreigners. If the BA does not inform the German mission abroad or the foreigners registration office 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, an expedited procedure for qualified professionals 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 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 residence authorisation for the foreign national issued by the German mission abroad or the foreigners registration office.

If you employ a foreign qualified professional or plan to do so in 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 expedited procedure for qualified professionals (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 is applied for, you can make use of the advance approval procedure pursuant to Section 36(3) Ordinance on the Employment of Foreigners. In this case, you should use the form “Erklärung zum Beschäftigungsverhältnis” for your application.
1.2. Duties of the employer when employing a foreign qualified professional

Special rules apply to you as an employer in Germany when you recruit a foreign qualified professional. Pursuant to Section 4a(5) Residence Act, your basic obligations include:

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

Tip: If your skilled worker has a temporary residence authorisation, make sure they know that this 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 permit.

- Informing the relevant foreigners registration office if the employment is terminated earlier than scheduled. The foreigners registration office must be informed within four weeks of the time when the decision is taken to end the employment.
2 Visa and residence rules on taking up employment in Germany

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

EU/EEA nationals
- No visa required for entry
- Unrestricted access to the German labour market

Nationals of Australia, Canada, Israel, Japan, Republic of Korea, New Zealand and U.S.
- Possible to enter Germany without visa
- Requirement to apply for residence permit for purpose of employment in Germany

All other third country nationals
- Visa required for entry
- Requirement to apply for residence permit for purpose of employment in Germany

Germany maintains special agreements with some countries permitting the visa-free entry and migration of skilled workers. For all other countries, different visa rules apply depending on why the person is coming to Germany.

2.1. Entry visa: general preconditions

If your future staff member needs a visa to enter Germany (cf. Figure 1), it is advisable to find out about the procedure for the issuing of a visa. In accordance with Section 5 Residence Act, the foreign qualified professional must meet the following general preconditions when applying for a visa, irrespective of why they intend to come to Germany:

- Their identity is confirmed: to do this, they must present a valid passport.
- They are able to maintain themselves: checks are carried out to ensure, for example, that their future income will suffice to cover the cost of living in Germany.

There is no reason to expel the person from Germany: the relevant agencies must conduct internal checks to ensure that the person who will be residing in Germany will not endanger or impair Germany’s interests.

As processing can take quite some time, the application for the visa should be made 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 issuing of the visa. Read more about this in the information about the expedited procedure for qualified professionals (Chapter 3).

The entry visa is usually issued for a period of up to six months; in the expedited procedure for qualified profes-
sionals, the period can be up to twelve months. Once the person has entered Germany, they must apply within this period for the appropriate residence permit from the relevant foreigners registration office.

**Info-Box:** Every entry visa is issued for a specific purpose. The correct intended purpose must be cited in the application for the visa. Entry for tourist purposes (a Schengen visa) does not in principle permit someone to take up employment in Germany and excludes the possibility of the issuing of a residence permit for the purpose of employment.

2.2. Visas and residence rules for skilled workers from third countries

In addition to the general preconditions governing the issuing of a visa, additional requirements must be met by the foreign qualified professional if a residence authorisation is to be issued.

2.2.1. Skilled workers who have completed a course (vocational or academic)

According to Section 18a or Section 18b(1) Residence Act, a skilled worker can be granted a residence permit for the purpose of working in a skilled occupation which their acquired qualification enables them to exercise. The preconditions for the visa or the residence permit are:

- The person has a specific job offer.
- Approval has been granted by the BA for the employment in line with Section 39(2) Residence Act (cf. Chapter 1.1.).
- If the person has a qualification awarded abroad, the equivalence of the vocational training or the foreign degree must be determined. This generally takes place via a recognition notice issued by the relevant recognition body in Germany, recognising the equivalence of their foreign qualification.
- If permission to work in the occupation is required (i.e. for a regulated occupation), this must be presented or have been promised when the application is made.
- In the case of people aged over 45, documentation of appropriate pension provision must be supplied, or the gross salary to be paid must be at least 55% of the annual contribution assessment ceiling in the statutory pension insurance system.

The residence permit for skilled workers pursuant to Section 18a or 18b 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 this period. If the preconditions for a residence permit continue to apply, the residence permit can be extended, or a permanent settlement permit can be issued.

2.2.2. The EU Blue Card for qualified professionals with an academic degree

The EU Blue Card pursuant to Section 18(2) Residence Act applies exclusively to qualified professionals with a degree from a German higher education institution or one recognised as being equivalent. The following requirements must be met to obtain an EU Blue Card:

- The person has a specific job offer which is appropriate to the qualification.
- If permission to work in the occupation is required (i.e. for a regulated occupation), this must be presented or have been promised when the application is made.
- Annual salary to be paid must be at least two-thirds of the annual contribution assessment ceiling in the statutory pension insurance system.
- If the employment is to be in certain categories of occupations, the necessary salary threshold is lower, at at least 52% of the annual contribution assessment ceiling in the statutory pension insurance system. This applies for example to doctors, engineers, scientists and mathematicians, and to IT. In such cases, unlike in the normal case, approval from the BA is required (cf. Chapter 1.1.).
The **EU Blue Card** is also 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** makes it easier to obtain a permanent residence permit in Germany. After 33 months, holders of an EU Blue Card are normally granted a permanent settlement permit. If the person can demonstrate language skills at B1 level of the **Common European Framework of Reference for Languages** (CEFR), the permanent settlement permit can be issued after 21 months.

### 2.2.3. Special case: employment of IT specialists with practical occupational experience from third countries

You are running a business and need IT specialists? There is a special rule governing the recruitment of foreign IT specialists. According to this, applicants from third countries can be granted approval for employment in the IT sector by the BA without the need for formal recognition of their qualifications by a recognition body in Germany (Section 19c(2) in conjunction with Section 6 Ordinance on the Employment of Foreigners). The following requirements must be met:

- The applicant has at least three years of professional experience in the IT sector within the last seven years, corresponding to the qualification level of an qualified professional with an academic degree.

- The gross annual salary must be at least 60% of the annual **contribution assessment ceiling in the statutory pension insurance system**.

- The applicant must have German language skills at at least B1 level of the CEFR. In specific cases, it is possible to dispense with the German language skills if, for example, these are not absolutely necessary for working in the job.

### 2.2.4. Entry of skilled workers to seek employment in Germany

Many qualified professionals from abroad find it difficult to look for employment from third countries. The lack of proximity to German firms is a big disadvantage for them. In order to facilitate the matching between job seekers from abroad and you as an employer, it is possible for people to come to Germany to look for a job.

Pursuant to Section 20(1) and (2) Residence Act, skilled workers can be granted a visa for the purpose of finding a job if they meet the following requirements:

- The qualification obtained abroad is recognised in Germany or is comparable with a German qualification.

- They are able to maintain themselves in Germany.

- For qualified professionals with vocational qualifications: they possess the German language skills needed for the occupation. Generally, language skills at at least B1 level of the CEFR are required.

The visa or the **residence permit** is issued for a maximum of six months and cannot be extended for this purpose. If the person succeeds in finding a job, the **residence permit** to take up employment can be applied for from the relevant foreigners registration office without the person needing to leave Germany. The employment can be commenced once this **residence permit** has been issued.

If your potential skilled recruit possesses a visa or a **residence permit** for the purpose of seeking employment, they are permitted to take up employment for up to ten hours a week on a trial basis. This enables you to get to know the
applicant better, e.g. during a trial day at work, and to assess the applicant’s profile.

2.2.5. International students at and graduates from German higher education institutions as potential skilled workers

International students at German higher education institutions offer a particularly important source of potential skills. Their added benefit is that most of them will have already familiarised 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 can remain in the country in order to seek skilled employment. They are granted a residence permit for up to 18 months to find work in Germany (Section 20(3) No. 1 Residence Act).

International students can be employed as student assistants during their studies. If they have a residence permit in accordance with Section 16b Residence Act, they can be employed for 120 full or 240 half days a year without the approval of the BA. Students from the EU, the EEA and Switzerland are allowed to work up to 20 hours a week during term time, just like German students. They can work full time during the university vacations.

Further to this, international students from third countries can be granted a residence permit for a different purpose during or before completing studies in Germany:

- Taking up employment as a skilled worker (Section 18a; 18b Residence Act) or on the basis of well-developed practical expertise in an occupation (Section 19c(2) Residence Act): students may be sufficiently capable of taking up skilled employment without completing 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 Residence Act): This enables foreign students to switch, for example, to dual vocational training. If they have the offer of a training place, the appropriate residence permit can be issued on application.

2.3. Visas and residence rules for trainees from third countries

Another possibility to recruit skilled workers is to attract foreigners interested in receiving training to come and be trained in line with German standards in your company.

2.3.1. Coming to Germany to seek a training place

The new Skilled Immigration Act allows people from third countries who are interested in receiving training to travel to Germany to seek a training place (Section 17(1) Residence Act). The visa for the search for a training place can be issued if the following preconditions are met:

- The person interested in receiving the training is not aged over 25.
- The person has a school leaving certificate obtained at a German school abroad which entitles the person to study in Germany or in the country in which the certificate was obtained.
- The person has German language skills at at least B2 level of the CEFR.
- The person has sufficient funds to live in Germany.
2. VISA AND RESIDENCE RULES ON TAKING UP EMPLOYMENT IN GERMANY

11

Info-Box: In the case of persons aged under 18, those entitled to look after the person must agree to the stay in Germany (Section 80(4) Residence Act).

If all the requirements are met, the visa and/or the residence permit can be issued for a period of up to six months. The person is not allowed to work in Germany whilst looking for a training place. If the search for a training place should prove unsuccessful in that time, the person will normally have to leave Germany. Renewed entry for the same purpose, i.e. to find a training place, is not possible until the person has spent at least as long abroad as they previously spent in Germany.

2.3.2. Receiving vocational training in Germany

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

- A confirmed offer of a training place at a company in Germany is documented.
- The trainee has German language skills at at least B1 level of the CEFR. It is possible to dispense with the documentation of the language skills if you, as the company providing training, confirm that the person’s language skills suffice (Section 16a(1) and (3) Residence Act).

Info-Box: In some training courses, German language skills at B1 level of the CEFR will not be enough. Here, language courses will be required in tandem with the training course to overcome and offset the language difficulties. Information about further support for people on training courses can be obtained from the hotline of the Federal Ministry of Labour and Social Affairs: +49 30 221 911 003.

Tip: The residence permit for the purpose of vocational training pursuant to Section 16a(1) Residence Act enables foreign apprentices to attend a vocational language course. Draw your new trainees’ attention to this and support them as they develop their language skills.

During vocational training, the trainees are allowed to work in a job which is not related to their vocational training. They are not allowed to work more than ten hours per week.

Following successful completion of vocational training in Germany, foreign trainees are allowed to work in Germany. The residence permit can be changed so that they can find an appropriate job in Germany. This residence permit for the purpose of seeking employment pursuant to Section 20(3) No. 3 Residence Act allows them to stay for up to twelve months.

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 taking advantage of the expedited procedure for qualified professionals (cf. Chapter 3).

2.4. Intra-corporate transfers of employees

Is the headquarters of your company or your business group located outside the EU? If so, are there employees that you would like to send to a German branch? The ICT Card allows you to do just that. Sections 19, 19a and 19b Residence Act set out special rules for intra-corporate transfers (or ICTs). These allow managers, specialists and graduate 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

Foreign managers and specialists can be issued an ICT Card to be transferred to a German branch. A number of 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 duration of an intra-corporate transfer needs to be 90 days or more.
- 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 they possess the professional qualifications required for the new position.

If all these 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 be granted 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 fulfil 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 seek to transfer your staff not only to Germany, but also 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 (cf. Chapter 2.4.2.) and the Mobile ICT Card (cf. 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 want to work in Germany for a short amount of time are allowed to stay in Germany without a German residence authorisation for a maximum of 90 days within a period of 180 days. The only requirement is to notify the planned employment in Germany to the Federal Office for Migration and Refugees (Section 19a Residence Act). The notice 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
- Verification that the German branch office to which the employee is transferred belongs to the same company or company group outside the EU for which the qualified professional 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 ICT Card was applied for.
- A copy of a valid passport or passport replacement document held by the employee to be transferred
- If necessary, a certificate proving that the person is permitted to exercise the occupation in question.

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

Info-Box: If an ICT Card is applied for 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 qualified professional 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 have already been issued 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 (as set out in Section 19b Residence Act) at the competent foreigners registration office or at the BAMF. The following requirements must be met:

- Candidates who are 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.
- Candidates must possess a valid employment contract and, if necessary, a letter of secondment. These documents must clearly state that the qualified professional 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 registration office 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 as set out in Section 19a Residence Act (cf. 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 authorising short-term mobility expires.

Info-Box: It is not permissible to submit a notice on short-term mobility (chapter 2.4.2) to the BAMF and to apply for a Mobile ICT Card at the foreigners registration office at the same time. In these cases, the application will be rejected (cf. Section 19b(4) Residence Act).

2.5. Measures to promote the recognition of professional qualifications acquired abroad

A stay for the purpose of recognising a person’s professional qualifications acquired abroad allows you to recruit qualified professionals abroad even if their foreign qualifications have not yet been fully recognised. You can then send these professionals to undergo further training in Germany so they can permanently work in your company.

Pursuant to Section 16d(1) and (3) Residence Act, third-country nationals can enter Germany to undergo training that will help them have their foreign professional qualifications recognised. To obtain a visa, the following requirements need to be met:

- The body responsible for recognising professional qualifications needs to issue a recognition notice (or notice of equivalence) attesting that the qualifications acquired abroad are not fully equivalent to the German reference qualification.
- The person must have German language skills at at least A2 level 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 professional qualifications recognised or provide access to the occupation. Qualification measures with a major focus on in-company training require approval from the BA. As part of the approval procedure (cf. Chapter 1.1.), the BA will also assess whether the qualification measure is adequate.
- As far as unregulated occupations are concerned, a person may also achieve equivalence with the German reference qualification whilst working as a qualified professional in the occupation for which they seek recognition. The following requirements need to be met:
  - The person needs to have received a specific job offer.
  - The person mainly lacks skills or qualifications relating to the daily business practice.
• A further training plan showing that the main qualification deficits will be compensated needs to be drawn up (this plan should if possible set out the timeline and subjects to be covered and also name the persons responsible for providing the training at the company/company group or educational facility).

• Employers need to confirm in the employment contract that the person will be able to have their qualifications recognised during their stay in Germany (Section 16d (3) No.4 Residence Act).

Once the person has entered Germany, they will receive a residence permit of up to 18 months for the purpose of having their professional qualifications recognised or for the purpose of undergoing further training. The residence permit can be extended by six months if applicants, for example due to long waiting periods, have to extend their stay to take a final exam. Qualified professionals who are taking part in a qualification measure to enhance their qualifications, have the right to take up work outside of the qualification measure for up to ten hours per week. If candidates work in the field of the occupation they want to have recognised or if candidates have been given a specific offer promising to employ them later on, this work may be carried out without any restrictions on working hours.

Info-Box: Pursuant to Section 16d(4) Residence Act, recognition procedures can be fully handled in Germany if a special agreement has been struck with the BA. Applicants from abroad who are hired as part of such a special agreement do not need to present a recognition notice. Several special agreements have been concluded with selected third countries, with a focus being placed on healthcare and nursing professionals. For more information on the special agreements struck between the BA and other countries, please contact your local employers’ service.

The IQ network provides assistance for recruiting qualified professionals for the purpose of further training as set out in Section 16d of the Residence Act (www.netzwerk-iq.de/network-iq-start-page/).
You have decided to recruit a qualified professional from abroad and want to speed up the visa procedure? In some countries, the German missions have to handle rising numbers of visa applications. This can make it difficult to obtain an appointment right away and slows down the visa procedure. In such cases, the expedited procedure described in Section 81a of the Residence Act can help.

### 3.1. General provisions

If the qualified professional you want to recruit provides you with a power of attorney, you can go to the competent foreigners registration office in Germany to launch the expedited procedure. The following steps are important:

- You enter into an agreement with the foreigners registration office, which states that you have been authorised by the qualified professional from abroad to act on their behalf and which lists your duties as an employer, the duties of the qualified professional and the duties of the authorities involved (foreigners registration office, BA, recognition bodies, German mission abroad). In addition, you are provided with information on the procedure, including the names of the persons involved, the documents that need to be submitted and the relevant deadlines.

- Once the recognition bodies have received all the necessary application documents, they have two months to decide whether to recognise the qualification or not; if the BA does not respond within one week, approval shall be deemed to have been automatically given (cf. Chapter 1.1).

- If all requirements (including approval by the BA if necessary, recognition of the foreign qualifications and, if necessary, permission to exercise the profession) are met, the foreigners registration office will provide you with an advance approval, which you can then send on to the qualified professional abroad. 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 qualified professional must present the original copy of the advance approval along with the other documents needed for the visa application.

- Once the complete visa application has been submitted by the qualified professional, a decision is usually taken within another three weeks.

- The expedited procedure for qualified professionals also covers the qualified professional’s spouse and minor unmarried children, provided that the necessary power of attorney has been given, they meet the statutory requirements for the subsequent immigration of family members and the family plans to immigrate within six months after the qualified professional has entered Germany.

### 3.2. Contacts and costs

You need to apply for the expedited procedure for qualified professionals at the foreigners registration office responsible for you or the foreigners registration office responsible for the branch office where you want the qualified professional to work. The foreigners registration office advises and helps you carry out the procedure to have the qualified professional’s foreign qualification recognised, obtains the approval of the BA and examines whether the applicant meets the requirements for being issued a visa.

The procure comes with a fee of €411 which you have to pay upon conclusion of the agreement with the foreigners registration office. The qualified professional has to pay an additional fee of €75 when applying for the visa at the relevant German mission abroad. Further fees may apply for completing the recognition procedure.

**Tip:** If the qualified professional needs to have professional qualifications recognised, you should inform yourself about the fees that apply. The foreigners registration office or the German missions abroad will not collect these fees right away. Usually, the fees are borne by the foreign qualified professional. You should therefore tell the qualified professional how the fees for having qualifications recognised need to be paid.

**Info-Box:** The expedited procedure for qualified professionals is only open to qualified professionals seeking to enter Germany for the purpose of employment, training or recognition of their professional qualifications.

**Info-Box:** The fee of €411 applies irrespective of whether the procedure ends with a positive or negative result. It is a processing fee, so paying it does not entitle the qualified professional to a visa.
Important terminology

- 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, but also on other continents. For more information on the CEFR, please visit the website of the Goethe Institute (https://www.goethe.de/Z/50/commeuro/303.htm).

- Contribution assessment ceiling in the statutory pension insurance system
  A person’s contribution to the statutory pension insurance system is calculated based on their pay or earned income. Any pay or income that exceeds a particular ceiling is not taken into account in this calculation. This is referred to as the contribution assessment ceiling. The contribution assessment ceiling is higher in the western German states than in the eastern German states. The ceiling values are determined annually in advance for the new year. In 2020, the contribution assessment ceiling for the statutory pension insurance system was €82,800 for the western German states and €77,400 for the eastern German states (both based on annual gross income).

In cases where the minimum salary is determined based on the contribution assessment ceiling – as is the case with the EU Blue Card (cf. Chapter 2.2.2.) and the residence permit for IT specialists lacking formal qualification (cf. Chapter 2.2.3.), the value for the western German states is used as a basis across Germany.

- EU Blue Card
  The EU Blue Card is a temporary residence authorisation allowing high-skilled third-country nationals to work in an EU Member State. In order to be granted an EU Blue Card, applicants need to possess an academic degree and an employment contract setting out a gross salary of or above a specified minimum amount.

- 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, and enter any EU Member State they like and reside there.

- 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.

- ICT Card (ICT Directive)
  The 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 (or 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 come to work at a German branch for a limited period of time.

- 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 sub-division and the authority to make HR decisions. A person who acts solely as a supervisor is not considered a manager.

- Ordinance on the Employment of Foreigners
  The Ordinance on the Employment of Foreigner regulates the immigration of foreign workers to Germany and sets out the requirements these workers and foreign nationals already living in Germany have to meet in order to be granted access to the labour market. It also stipulates whether third-country nationals seeking to work in Germany require approval from the BA and which requirements need to be met for the approval to be granted. The Ordinance on the Employment of Foreigners, together with the Residence Act, provides the
legal basis for taking decisions on whether a person will be granted a residence authorisation allowing him/her to work in Germany.

**Recognition notice (notice of equivalence)**
Qualified professionals who have obtained their professional qualifications abroad usually need to seek recognition of their qualifications before starting to work in Germany. The recognition procedure assesses whether the candidate’s foreign qualifications meet the requirements for being granted access to the German job market. Once this assessment is completed, the applicant will receive a recognition notice. This document attests whether the applicant’s foreign professional qualifications are fully equivalent to the German reference qualification.

**Regulated occupations**
In Germany, there are several regulated occupations. German nationals and non-German nationals are only allowed to work in these occupations if they have acquired a specific qualification. This applies, for example, for healthcare and nursing professionals, physicians, teachers and lawyers. It also applies for a number of professions requiring a master craftsman’s certificate, in cases where a person is seeking self-employment. Persons who have acquired their qualifications abroad and who want to work in a regulated occupation in Germany need to seek recognition of their professional qualifications or obtain permission to exercise this profession.

**Residence Act**
The German Residence Act provides the legal basis for the immigration of foreign nationals to Germany. It takes into account Germany’s capacity to take in and integrate migrants and its economic and labour 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 meet its humanitarian obligations. The Residence Act, together with the Ordinance on the Employment of Foreigners, provides the legal basis for taking decisions on whether a person will be granted a residence authorisation allowing him/her to work in Germany.

**Residence authorisation**
A residence authorisation is a document allowing foreign nationals to enter Germany and reside there. Residence authorisations can come in the form of a visa, residence permit, EU Blue Card, ICT Card, Mobile ICT Card, permanent settlement permit or EU permit for permanent residency.

**Residence permit**
The Residence Act sets out a number of different residence authorisations governing third country nationals’ entry to Germany and their stay there. These include the residence permit, which is issued for a limited period of time and for a specific purpose such as employment, vocational training, the subsequent immigration of family members, for humanitarian or political reasons or on grounds of international law.

**Skilled Immigration Act**
The Skilled Immigration Act provides the basis for allowing qualified professionals from third countries to immigrate to Germany. The Act sets out clear and transparent rules for who can come to Germany to work and undergo vocational training. It supplements and expands the scope of the existing Residence Act and the Ordinance on the Employment of Foreigners and will became effective on 1 March 2020.

**Specialist**
A specialist within the meaning of the Residence Act is a person holding a senior position who possesses specialised knowledge essential to the German branch office’s of 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 professional is a specialist is made based on a person’s documented formal qualifications (academic degree, vocational degree, further training) and professional experience. In addition, it is important that the qualification corresponds to the needs of the German branch office.

**Third country**
Germany has concluded agreements on the free movement of workers with the EU, the EEA and Switzerland. All other countries are referred to as third countries under residence law.
5 Important service and contact points

**Anabin**
The Anabin database ([www.anabin.kmk.org](http://www.anabin.kmk.org)) provides information on the assessment of professional qualifications acquired abroad and helps authorities, employers, employees and individuals evaluate which German qualification a foreign qualification may correspond to.

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

**BQ Portal**
The information portal for foreign professional qualifications (BQ Portal [www.bq-portal.de/en](http://www.bq-portal.de/en)) lists all the relevant information on foreign professional qualifications and educational systems on one website.

**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 skilled crafts) in a particular chamber district are automatically members of that district’s chamber of industry and commerce.

**Chambers of skilled crafts**
The chambers of skilled 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 skilled crafts. The chambers of skilled crafts represent the interests of the skilled crafts sector.

**EURES (European Employment Services)**

**Federal Office for Migration and Refugees**
The Federal Office for Migration and Refugees (in Germany also known under the abbreviation BAMF [www.bamf.de/EN/](http://www.bamf.de/EN/)) is a higher federal authority and agency of the Federal Ministry of the Interior, Building 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.

**Foreigners registration office**

**(German) missions 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’ ([www.make-it-in-germany.com/en/visa/local-contacts/world-map/](http://www.make-it-in-germany.com/en/visa/local-contacts/world-map/)).
**IHK FOSA**

The IHK Foreign Skills Approval (abbreviated as IHK FOSA, [www.ihk-fosa.de/en/](http://www.ihk-fosa.de/en/)) is a national centre of excellence operated by the German chambers of industry and commerce for assessing the equivalence of foreign qualifications with the German reference qualifications. It accepts applications for recognition of qualifications and checks if a foreign qualification can be considered equivalent with a similar German one.

**IQ network**

The ‘Integration through Qualification’ funding programme (abbreviated as IQ, [www.netzwerk-iq.de/network-iq-start-page/](http://www.netzwerk-iq.de/network-iq-start-page/)) provides information, personal advice and qualification courses surrounding the recognition of foreign professional qualifications.

**Living and Working in Germany hotline**

Under the Living and Working in Germany hotline, the Federal Office for Migration and Refugees (BAMF) and the Federal Employment Agency’s International and Specialized Services (ZAV) provide advice for foreign qualified professionals, persons interested in training or studying either in Germany or abroad and employers in Germany. Information is provided in both German and English and covers issues such as job hunting, employment and occupations, the recognition of professional qualifications acquired abroad, entering and residing in Germany, and learning German. The hotline is available Mondays to Fridays from 8 hrs to 16 hrs CET under +49 30 1815-1111.

**Make it in Germany’**

[www.make-it-in-germany.com/en/](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 qualified professionals from abroad. There are also real-life stories in which various companies describe their experience.

**Professional recognition in Germany**

The multilingual website [www.anerkennung-in-deutschland.de/html/en/](http://www.anerkennung-in-deutschland.de/html/en/) provides information on how professional qualifications that have been acquired abroad can be recognised in Germany. The ‘Recognition Finder’ helps professionals find the competent authority for the recognition procedure with just a few clicks.

**‘Unternehmen Berufsanerkennung’**

The ‘Unternehmen Berufsanerkennung’ project (Helping companies recognise professional qualifications; [www.unternehmen-berufsanerkennung.de](http://www.unternehmen-berufsanerkennung.de)) shows why it is worthwhile for companies to foster the recognition of foreign professional 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 11 chambers of industry and commerce and five chambers of skilled crafts.

**Welcome Center**

The Welcome Centers which have offices across Germany help qualified professionals 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’ ([www.make-it-in-germany.com/en/living-in-germany/integration/welcome-services/](http://www.make-it-in-germany.com/en/living-in-germany/integration/welcome-services/)).