

Amendment of the Skilled Immigration Act All the information at a glance

Summary

- Germany is planning to improve its immigration law to give qualified specialists from other countries better prospects for working, studying, and training in Germany.
- The shortage of qualified specialists is impacting the country's economy and prosperity. A more relaxed immigration law for qualified specialists from abroad aims to counteract this shortage.
- Germany wants to position itself as a destination for qualified specialists and attract both EU and non-EU citizens.
- The law will come into force in three stages: November 2023, March 2024, and June 2024.

Please note: The information provided here is current as of January 2024. As of now, no application notes have been published for the upcoming laws. As a result, some details regarding their practical implementation may not yet be available.

What options will there be for entering Germany in the future?

Entry for the purpose of qualified employment as a <u>recognised qualified specialist</u> (Section 18a, 18b of the Residence Act (AufenthG))	
Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ officially recognised qualification or officially recognised university degree in the country of origin ✓ Completed recognition procedure confirming <u>full equivalence, or holding a certificate evaluation/comparability of a university degree</u> (certificate of recognition = visa requirement) ✓ Employment contract
Employment opportunities	<ul style="list-style-type: none"> ✓ To pursue <u>any qualified employment</u>, in <u>non-regulated</u> professions
Good to know	<ul style="list-style-type: none"> ✓ No language skills required ✓ Switch to permanent settlement permit possible after 3 years in the future ✓ Valid for a period of <u>4 years</u>. If the duration of the employment contract is less than 4 years, the residence title will be issued for the duration of the employment contract plus 3 months ✓ Easing of family reunification requirements for qualified specialists ✓ If a person meets all the requirements, they are <u>entitled</u> to the residence title ✓ Entry into force on 18/11/2023

The state initiative "Fachkraft im Fokus" (Landesinitiative Fachkraft im Fokus) is funded by the European Union and the state of Saxony-Anhalt. The contracting authority is the Ministry of Labour, Social Affairs, Health and Equality of Saxony-Anhalt.

Entry for the purpose of gaining a qualification + employment as part of recognition procedures <i>(Section 16d para. 1 + 2 of the Residence Act (AufenthG))</i>	
Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ qualification officially recognised in the country of origin ✓ Recognition procedure confirming <u>partial equivalence</u> or notification with "conditions" (notification of recognition = visa requirement) ✓ German skills (at least <u>A2</u>)
Employment opportunities	<ul style="list-style-type: none"> ✓ Secondary employment of up to 20 hours per week (para. 1) ✓ Unlimited employment in a professional context, in some cases confirmation from the BA (employment agency) is required (para. 2)
Good to know	<ul style="list-style-type: none"> ✓ You have 2 years to complete the compensation or adaptation measure, extension by a further 12 months possible ✓ Entry into force on 01/03/2024
Entry for the purpose of <u>recognition procedure</u> + qualified employment (recognition partnership) <i>(Section 16d para. 3 of the Residence Act (AufenthG) in conjunction with Section 2a of the Employment Regulation (BeschV))</i>	
Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ Qualification (at least 2 years of training), vocational training or university degree officially recognised in the country of origin ✓ German skills (at least <u>A2</u>) ✓ <u>Recognition partnership</u> (in the employment contract) ✓ <u>Employment contract</u> / specific job offer at the <u>qualified specialist level</u>, until equivalence has been recognised
Employment opportunities	<ul style="list-style-type: none"> ✓ Employment as a qualified specialist possible without restriction ✓ Additionally, secondary employment of up to <u>20 hours per week permitted</u>
Duties of the employer	<ul style="list-style-type: none"> ✓ With the recognition partnership, to be concluded prior to entering Germany, the qualified specialist and employer undertake to submit an <u>application for recognition</u> and to actively pursue or facilitate the professional recognition process upon arrival in Germany.
Good to know	<ul style="list-style-type: none"> ✓ Initial stay of <u>1 year</u> (can be extended up to a maximum of 3 years) ✓ Employer must be able to provide <u>training or post-qualification</u> ✓ If result = partial recognition/notification with "conditions": Employer allows qualified specialist to pursue compensation or adaptation measures (e.g. through leave of absence or company internships) ✓ Entry into force on 01/03/2024

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**Entering Germany for the purpose of qualification analysis
(Section 16d para. 6 of the Residence Act (AufenthG))**

Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ Vocational training officially recognised in the country of origin, for which, through no fault of the individual, not all required documents for an equivalence test can be submitted. ✓ The competent body decides that a <u>qualification test</u> must be carried out to determine the equivalence of the foreign qualification ✓ German skills (level A2 minimum)
Employment opportunities	<ul style="list-style-type: none"> ✓ Secondary employment of up to 20 hours per week or ✓ Unlimited employment in a professional context, in some cases confirmation from the BA (employment agency) is required
Good to know	<ul style="list-style-type: none"> ✓ Residence permit for 6 months ✓ Entry into force on 01/03/2024

**Entry for the purpose of qualified employment (EU Blue Card)
(Section 18g of the Residence Act (AufenthG))**

Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ German or recognised foreign university degree or foreign university degree that is comparable to a German university degree or tertiary educational qualification ✓ An employment contract with a minimum salary of 45.3% of the annual contribution assessment threshold for pension insurance contributions for bottleneck occupations and entry-level employees, and 50% for all other occupations.
Employment opportunities	<ul style="list-style-type: none"> ✓ Duration of employment must be at least 6 months ✓ The employment must be <u>commensurate with the qualification</u>
Good to know	<ul style="list-style-type: none"> ✓ Expansion of the <u>list of bottleneck occupations</u> ✓ In future, <u>IT specialists</u> will be eligible for an EU Blue Card without a university degree, provided they can demonstrate at least 3 years of comparable professional experience. The lower salary threshold for bottleneck occupations applies in this case (45.3%) ✓ No language skills required ✓ The Foreigners' Authority must be notified of a change jobs within the first 12 months ✓ Valid for a <u>period of 4 years</u>. If the duration of the employment contract is less than 4 years, the EU Blue Card will be issued for the duration of the employment contract plus 3 months ✓ Short and long-term mobility within the EU are regulated by Sections 18h and 18i ✓ Switch to permanent settlement permit after 27 months with language skill level B1, after 21 months with language skill level A1 ✓ Entry into force on 18/11/2023

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Entry with practical work experience (Section 19c para. 1 + 2 of the Residence Act (AufenthG) in conjunction with Section 6 of the Employment Regulation (BeschV))	
Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ At least 2 years of <u>professional experience</u> in the last 5 years ✓ <u>Salary threshold of 45%</u> of the contribution assessment threshold → Exception: <u>Collective bargaining agreements</u> of the employer ✓ At least 2 years of <u>training</u> officially recognised in the country of origin or university degree officially recognised abroad or vocational qualification from a German chamber of foreign trade (AHK)
Employment opportunities	<ul style="list-style-type: none"> ✓ Employment in all <u>non-regulated professions</u>
Good to know	<ul style="list-style-type: none"> ✓ Valid for a period of 4 years. If the duration of the employment contract is less than 4 years, the residence title will be issued for the duration of the employment contract plus 3 months ✓ Entry into force on 01/03/2024

Entering Germany for the purpose of seeking employment (Opportunity Card) (Section 20a, 20b of the Residence Act (AufenthG))	
Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ <u>Vocational qualification or university degree</u> officially recognised in the country of origin (at least 2 years of training) or AHK certificate ✓ German A1 or English B2 <u>and</u> ✓ <u>at least 6 points</u> as defined in the points table
Employment opportunities	<ul style="list-style-type: none"> ✓ <u>Trial work</u> (up to 2 weeks) or <u>secondary employment</u> (up to 20 hours per week) possible <p>In the case of permanent employment:</p> <ul style="list-style-type: none"> ✓ Switch to residence title according to Sections 18 to 21 of the Residence Act (AufenthG) necessary → If the requirements for these titles are not met, the "Follow-up Opportunity Card" can be applied for (validity: up to 2 more years) ✓ Requirements for the Follow-up Opportunity Card: Employment contract for qualified employment and approval from the Federal Employment Agency (BA)
Good to know	<ul style="list-style-type: none"> ✓ The Opportunity Card is valid for 1 year, provided the individual can secure their livelihood for that period ✓ Qualified specialists with full recognition receive an Opportunity Card without requiring further points ✓ Entry into force on 01/06/2024

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Other changes

Professional drivers - Section 19c para.1 of the Residence Act (AufenthG) in conjunction with Section 24a para. 1 of the Employment Regulation (BeschV)

- ✓ Simplification of the BA approval by eliminating the verification of the professional practice requirements (required EU or EEA driving permit and the basic qualification or accelerated basic qualification)
- ✓ No more BA priority check
- ✓ No language test on entry into Germany
- ✓ **Entry into force on 18/11/2023**

Lane change for asylum seekers - Section 10 of the Residence Act (AufenthG)

- ✓ Termination of the asylum procedure and switch to a residence permit for qualified specialists
- ✓ Requirements for the lane change:
 - Arrival in Germany prior to 29 March 2023
 - Job or job offer
 - Possession of a qualification for employment
- ✓ **Entry into force on 01/03/2024**

Short-term employment and seasonal work - Section 15d of the Employment Regulation (BeschV)

- ✓ Quota-based short-term employment or seasonal work in accordance with the Employment Regulation ("Beschäftigungsverordnung"), regardless of qualification. The Federal Employment Agency (BA) sets quotas for certain occupational groups or industries.
- ✓ Requirement: BA has issued work permit
- ✓ Employment limited to a maximum of 8 months within a 12-month period
- ✓ At least 30 hours of employment per week
- ✓ Employer must be subject to collective bargaining agreements and cover the travel costs
- ✓ Under this regulation, workers can be employed for 10 out of 12 months per year
- ✓ **Entry into force on 01/03/2024**

Western Balkans regulation - Section 26 para. 2 of the Employment Regulation (BeschV)

- ✓ For nationals of Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia
- ✓ Entry into Germany to pursue any non-regulated profession, regardless of qualification (employment contract must be concluded)
- ✓ BA's approval required (with priority check)
- ✓ Quota extended to 50,000 per year (previously 25,000)
- ✓ Regulation to be made permanent from 2024
- ✓ **Entry into force on 01/06/2024**

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Options to enter Germany to attend university or school or undergo training

Residence for the purpose of training (Section 16a)	
Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ <u>Training position</u> in Germany ✓ If applicable, <u>guaranteed financial support</u> (in the case of school-based vocational training usually no trainee allowance) ✓ Proof of <u>German language skills</u>: usually level B1 (GER) if training company did not test language skills
Employment opportunities	<ul style="list-style-type: none"> ✓ <u>Secondary employment</u> of up to 20 hours per week possible
Good to know	<ul style="list-style-type: none"> ✓ If the trainee loses their training place through no fault of their own, they have 6 months to find a new training position before their residence permit is revoked ✓ Entry into force on 01/03/2024

Residence for the purpose of attending university (Section 16b)	
Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ <u>University entrance qualification</u> in Germany (where applicable, permission to attend "Studienkolleg" preparatory college) ✓ Foreign or German <u>school-leaving certificate with university entrance qualification</u> (for doctorates and master's degrees: relevant recognised university degree) ✓ <u>Guaranteed financial support</u> (scholarship, blocked account with at least €11,208 (2023) or declaration of commitment) ✓ Where applicable, proof of language proficiency
Employment opportunities	<ul style="list-style-type: none"> ✓ Employment of <u>140 full or 280 half working days</u> possible ✓ Alternatively, <u>student trainee jobs</u> up to 20 hours a week possible
Good to know	<ul style="list-style-type: none"> ✓ Period of validity of the residence permit: usually 2 years, should not be less than 1 year ✓ The validity period is at least 2 years if the student participates in a Union or multilateral programme with mobility measures or is covered by an agreement between 2 or more higher education institutions ✓ If the degree programme lasts less than two years, the residence permit will be issued only for the <u>duration of the programme</u> ✓ The residence permit is extended if the purpose of stay has not yet been achieved ✓ Entry into force on 01/03/2024

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Entry for the purpose of attending language courses or school (Section 16f of the Residence Act (AufenthG))	
Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ Option to enter the country for a language course not intended as preparation for university ✓ Option to enter for the purpose of a student exchange, even if no exchange is currently taking place ✓ Option to enter for the purpose of attending school under certain conditions (usually from the 9th grade and under school requirements) is now a "target provision"
Employment opportunities	<ul style="list-style-type: none"> ✓ Stay for the purpose of a language course: Pursuing employment for up to 20 hours a week ✓ Stay for a student exchange or to attend school: no gainful employment
Good to know	✓ Entry into force on 01/03/2024

Residence permit for the purpose of vocational training for foreigners obliged to leave the country (Section 16g of the Residence Act (AufenthG))	
Requirements for the "lane change"	<ul style="list-style-type: none"> ✓ An asylum seeker or tolerated person receives a residence permit if they have begun <u>qualified vocational training</u> in a state-recognised or comparably regulated skilled trade or assistant/helper training. The training must be in an occupation which the BA has identified as a bottleneck occupation.
Good to know	<ul style="list-style-type: none"> ✓ The person's <u>identity</u> must have been clarified ✓ Entry into force on 01/03/2024

Residence permit for the purpose of looking for a training position or place at university (Section 17 of the Residence Act (AufenthG))	
Requirements for the issue of visas	<ul style="list-style-type: none"> ✓ Age limit for potential applicants is raised to <u>35</u> ✓ <u>Securing one's livelihood</u> ✓ A school-leaving qualification from a German school abroad or a school-leaving qualification that qualifies the holder to <u>access higher education</u> in Germany ✓ Level B1 <u>German skills</u>
Employment opportunities	<ul style="list-style-type: none"> ✓ <u>Secondary employment</u> of 20 hours per week possible ✓ <u>Trial work</u> of up to 2 weeks possible
Good to know	<ul style="list-style-type: none"> ✓ Maximum stay increased to 9 months (from 6) ✓ Entry into force on 01/03/2024

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Appendix

List of bottleneck occupations for the EU Blue Card according to ISCO-08:

- Managerial staff:
 - in the manufacture of goods, in mining and construction and in logistics
 - services in the area of information and communication technology
 - specialised services (child and elderly care, healthcare and education, financial and insurance services)
- Scientists, mathematicians and engineers
- Academic and similar specialists in information and communication technology
- Medical doctors, vets, nurses and obstetrics specialists with degrees or similar qualifications, other academic and similar health professions

Points table for Opportunity Card:

Criteria	4 points	3 points	2 points	1 point
Qualification	Partial recognition or notification with conditions			Qualification in a bottleneck occupation
Language skills		German B2	German B1	German A2 or English C1
Professional experience (related to the qualification)		At least 5 years in the last 7 years	At least 2 years in the last 5 years	
Age			≤ 35 years	≤ 40 years
Lawful and uninterrupted previous stay in Germany				at least 6 months in the last 5 years
Joint application for Opportunity Card				together with spouse or civil partner who meets the Opportunity Card requirements

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