

Improved conditions for immigration

In order to become more successful in competing with other countries for foreign talent, the Federal Government has improved the basic conditions for immigration. Compared to the rest of the world, Germany's immigration rules for skilled workers and professionals are very open these days, and this has also been confirmed by the OECD, among others.

Blue Card for university graduates

In 2012, an attractive residence permit was created for university graduates from third countries and their relatives, namely the EU Blue Card. Professionals with university degrees can receive the card if they can prove that they earn more than 50,800 euros (2017) a year in Germany. Proof is generally provided via the employment contract with an employer in Germany. A lower salary limit of EUR 39,624 applies to highly qualified persons in occupations where there is a shortage of skilled labour. The Federal Employment Agency determines the skill shortage occupations and publishes the so-called "skill shortage analysis" every six months.ⁱ

Residence for university graduates looking for employment

A further reform implemented by the Federal Government has created the basis for university graduates from third countries to travel to Germany to look for employment. Professionals who have a German university degree, or an equivalent foreign degree, can obtain a six-month residence permit to search for employment (Section 18c para. 1 of the Residence Act [AufenthG]), as long as their livelihood is secured.

The legal framework has also been improved for foreign graduates at German higher education institutions: If their livelihood is secured, they can extend their residence permit by 18 months after completing their studies in order to find a suitable job for their qualifications (Section 16 para. 4 of the Residence Act [AufenthG]).

Residence permit for non-graduates – whitelist

Non-graduates from third countries have also been given access to the labour market in Germany. Skilled workers who have recognised vocational training in skill shortage occupations in Germany can obtain a residence permit and work

permit for Germany according to the new employment regulations of the Federal Ministry of Labour and Social Affairs (2013). On the basis of a bi-annual skills shortage analysis, the Federal Agency for Employment compiles an overview of the training professions in Germany that count as skills shortage occupations and publishes them as a “whitelist”.ⁱⁱ

Recognition Act: Equivalence test for foreign vocational qualifications

Recognition of foreign vocational qualifications is a key element of securing skilled labour. To this end, in 2012 the Federal Government reformed the rules for the recognition of foreign vocational qualifications with the Act for Improving the Assessment and Recognition of Vocational Qualifications acquired abroad (the Recognition Act), and created a generally valid legal right to a recognition procedure, which enables the equivalence of a foreign qualification to be verified against the German profession. The application for a recognition procedure can be submitted both domestically and abroad.

Residence for recognition of foreign vocational qualifications

Applicants who, as a result of the recognition procedure, receive only “partial” recognition have the opportunity to obtain full recognition by means of a so-called “adjustment qualification”, which allows them to make up for any significant differences that may have been identified. For this purpose, the legislature has created another residence permit: On the basis of Section 17a of the Residence Act (AufenthG), entry for the purpose of carrying out a study programme and the subsequent examination is granted for the duration of 18 months.

Immigration of highly qualified persons lower than expected

Summary: Germany has made a paradigm shift - from compartmentalisation to active management of the immigration of qualified people. In comparison to the EU, Germany is the leading issuer of Blue Cards at 53,704. By the end of 2016, more than 85% of all cards issued throughout the EU were issued by Germany. Nevertheless, the number of professionals who have immigrated with Blue Cards since 2012 remains far short of political and economic expectations. The Federal Government has so far failed to provide sufficient information about the improvements in the legal framework beyond the borders of Germany.

Further fact sheets: www.employland.de/press/facts

ⁱ *Bundesagentur für Arbeit* 2016: Blickpunkt Arbeitsmarkt – Fachkräfteengpassanalyse
<https://statistik.arbeitsagentur.de/Navigation/Footer/Top-Produkte/Fachkraefteengpassanalyse-Nav.html>

ⁱⁱ *Bundesagentur für Arbeit* 2017: Positivliste. Zuwanderung in Ausbildungsberufe
<https://www.arbeitsagentur.de/positivliste>

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