

German Federal Government publishes new policy for immigration of skilled workers

This overview summarises the German Federal Government's October 2018 memo on cornerstones for the immigration of skilled workers from third countries. We hope that our summary provides useful information for your immigration strategy planning.

Introduction

In August 2018 the German Federal Ministry of the Interior presented a paper with cornerstones for a coherent immigration scheme for skilled workers from third countries to Germany. The memo was adopted by the Federal Government on 2 October 2018. The key points of the memo will shape the immigration policies and bills on skilled workers from third countries in the upcoming months. The Government's immigration reform plans focus on strengthening Germany's workforce in light of demographic changes and digitalisation. Germany will also increase its efforts to better train and educate its existing workforce and develop strategies to better retain talents from EU countries, however, the Government sees the necessity to win skilled workers from third countries for the German labour market to guarantee that the German economy will continue to prosper.

Key findings

The plan is divided into five sections: 1. Legal framework of immigration, 2. Securing the quality of vocational training, 3. Targeted recruitment of skilled workers, 4. Strengthening German language skills, and 5. Efficient and transparent organisation of the administrative procedure.



1. Legal framework: Managing immigration of skilled worker's needs-based

A new Skilled Workers Immigration Act (Fachkräfteeinwanderungsgesetz) shall replace existing laws in Germany. It is foreseen to enter into force in first half of 2019. The newly structured law shall improve transparency and describe in a clear and comprehensive way which skilled third country nationals will be allowed to work in Germany.

A new Work Visa Category for third country nationals with a qualified vocational training shall be created. The current system where only professions listed on the white list of the Federal Employment Agency (FEA) are eligible will be extended to any profession given a comparable vocational degree and German language skills. No labour market test will be applied, however, the FEA will be able to uphold or re-introduce the labour market test in areas with high unemployment rates.

The German Government also plans to introduce a Job Seeker Visa for third country nationals with vocational degree. This visa will grant the right to reside in Germany and look for a job for up to 6 months. A comparable degree, language skills and sufficient funds will have to be proven in order to obtain such a visa. The visa will not grant labour market access in Germany.

Considering the strong shortage of talents in the IT-sector, a Professional Experience based Work Visa shall be introduced, alternatively, the EU Blue Card may be opened for professionals with at least five years of experience instead of a degree. This category is supposed to provide an immigration option for specialists who have never obtained a degree in their field but who can prove their skills by experience. This category shall be open also to other selected shortage occupations.

Immigrants and asylum seekers whose initial applications had been denied and who are now in deferred action status will be given a more secure and long-term status if they are currently employed, receive no government benefits and are well integrated.

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The FEA shall continue to assess the equivalency of the qualification of third country nationals and their working conditions in Germany before granting their approval for a work authorization. However, the Federal Government plans to waive the labour market test in general. For the approval of a work authorization for third country nationals, the FEA would then no longer examine individually if there are no privileged employees (German citizens, nationals of EU countries and third country nationals already in possession of an unlimited work permit) available for a particular position.



2. Securing the quality of vocational training: Fast and easy degree recognition procedures

Through centralisation, the recognition system for vocational degrees shall be made easier and more efficient. The installation of so called clearing points is envisaged which shall guide and support skilled worker from abroad through the degree recognition process.



3. Targeted recruiting of skilled workers

The German Government intends to develop, in close cooperation with business and healthcare institutions, targeted and need-oriented promotion strategies for selected countries to win skilled workers for the German labour market. Moreover, companies shall be supported to train their workers abroad for the German labour market according to the standards of the German dual vocational training system.



4. Strengthening German language skills in Germany and abroad

In parallel to promotion campaigns in certain target countries of origin, Germany will invest in strengthening German language skills by stronger cooperation with businesses and extended funding of the Goethe Institutes worldwide.



5. Efficient and transparent organisation of the immigration process

The German Government envisages a more efficient and transparent process between the German Consulates, Embassies, the German Immigration Offices, the Federal Employment Agency, the authorities in charge of recognizing professional titles and the Federal Office for Migration and Refugees. Options shall be reviewed to concentrate competencies into fewer authorities and e-governance solutions shall be used and further developed. The German Government envisages to offer a competitive online system providing information and offering advice. In the midterm, it shall also be possible to file applications online.

What can we expect?

- EU Blue Card or new work visa category for IT-Specialists without degree but with adequate and proven professional experience;
- New Job Search Visa for migrants with vocational training background;
- New Work Visa for migrants with vocational training background without labour market test requirement and not only limited to a list of shortage occupation;
- New secure option of long term stays for denied asylum seekers who are employed and have well integrated into Germany;
- New Skilled Workers Immigration Act (Fachkräfteeinwanderungsgesetz), which compiles and re-organizes all existing immigration categories;
- Extended government programs and cooperation for employers who offer vocational training according the German dual training system abroad;
- Extended e-Government solutions in the immigration process in the mid- to long-term.

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