

05 July 2021

# International and Specialized Services - Migration Support Center

Your Individual Information Package



**Bundesagentur für Arbeit**

International and  
Specialized Services



# People from non-EU countries: Basic information

## General

Citizens of countries which do not belong to the European Union (EU), the European Economic Area (EEA) or Switzerland, need a residence document in order to enter and stay in Germany. Access to the German labour market is determined by the provisions of the Residence Act (AufenthG) and the Employment Regulation (BeschV) pertaining to it.

Different residence documents are issued depending on the duration and purpose of the stay. There are seven different residence documents based on the Residence Act: the visa, the residence permit, the EU Blue Card, the EU permanent residence permit, the ICT-Card, the Mobile-ICT-Card and the settlement permit.

Generally people wanting to enter Germany for the first time in order to take up work, must apply for a visa from the relevant German embassy or consulate in their country of origin, before entering Germany. It is important to select the right visa type for the intended purpose.

Citizens of Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand or the USA may also enter Germany without a visa and apply for a residence permit in Germany directly before taking up employment.

Before the visa expires, a residence document for the purpose of employment must be applied for from the relevant immigration authority. If a national visa (type-D visa) was issued by the embassy the employment can be taken up immediately. Nevertheless a registration at the competent authorities - citizens' centre as well as foreigners registration office - should be done within the first three months.

Further information is available on the official website of the German government "[Make it in Germany](#)" and the [Federal Foreign Office](#). The official website of the [Federal Foreign Office](#) clears up with rumours about the migration to Germany.

## Visas

Citizens of countries which are not part of the EU/EEA or Switzerland require a visa to enter Germany. The visa [§ 6 [Residence Act – AufenthG](#)] is always temporary and for a specific purpose. Examples:

- visa for tourist purposes
- visa for study purposes

- visa for the purpose of attending a language course
- visa for the purpose of seeking employment
- visa for the purpose of applying for training or studies
- visa for the purpose of taking up employment

The visa is issued by the German embassy or consulate in the country of origin before the person enters Germany. The relevant contact details can be found on the world map on the online portal "[Make it in Germany](#)". If a person intends to take up employment, he/she must apply for a residence permit for the purpose of employment from the immigration authority after entering Germany and before the visa expires.

Citizens of Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand, UK of Great Britain and Northern Ireland, as well as the USA may enter Germany without a visa and apply for a residence permit in Germany directly regardless of the purpose of their stay.

As long as the purpose of the stay is not related to employment citizens of the following countries are also allowed to apply for a residence title in Germany (§41 Section 2, Residence Act) Andorra, Brazil, El Salvador, Honduras, Monaco and San Marino.

Further information is available on the online portal "Make it in Germany" and the [explanatory video](#) on applying for a visa by "[Make it in Germany](#)" and the [Federal Foreign Office](#) and [its visa navigator](#).

If a visa application is rejected, the applicant can appeal in writing "remonstrate" to the mission abroad. If the mission still concludes that the applicant does not meet the conditions for obtaining a visa, the mission will again set out in detail the reasons why the application is rejected in a Remonstrance Notice. The applicant may appeal this decision within one month by filing an action with the Administrative Court in Berlin.

Remonstrance is applicable only for the same purpose of stay. If you need a visa for a different purpose, you should apply for a different type of visa.

## **Job seeker visa/Visa for the purpose of seeking employment**

Qualified professionals can apply for a residence permit that enables them to enter Germany for the purpose of seeking employment in accordance with Section 20 (1) (2) Aufenthaltsgesetz (German Residence Act).

Requirements:

- diploma of vocational or academic training,
- proof of a German, a recognised or equivalent degree or diploma,
- for an employment in a regulated profession, i.e. in healthcare, a licence to practice is mandatory,
- people who have completed a vocational training must provide suitable German language skills depending on the job they are seeking. A minimum level of B1 according to the [Common European Framework of Reference for Languages \(CEFR\)](#) is required,

- proof that costs of living can be covered. Proof of being able to cover living costs can be provided in the form of a blocked bank account or a declaration of commitment ("Verpflichtungserklärung") and
- a valid health insurance.

Skilled professionals who completed a vocational training abroad, require a certificate of full equivalency from the [responsible authority](#).

Skilled professionals who completed a university study abroad require a [Statement of Comparability from the Central Office for Foreign Education](#) or a printed version of the [ANABIN database](#) regarding the recognised university and diploma.

During the job search in Germany, adequate employment on a trial basis (section 7 SGB IV) for up to ten hours per week is allowed. This probationary employment is possible in the field of the applicants qualification.

The visa or the residence permit for job seekers can be issued for a period of up to six months. It cannot be extended. After the residence permit for the purpose of job seeking has expired, applicants can re-apply for the same visa once they've spent the same duration abroad that they've spent in Germany while seeking employment.

If the applicant receives a work contract for a suitable employment, he/she should apply for the residence title for the purpose of employment with the [local immigration office](#).

## Visa for the purpose of seeking a vocational training position

People who are looking a vocational training in Germany but haven't found an employer yet, can apply for a visa for the purpose of seeking a training position in accordance with Section 17 (1) Aufenthaltsgesetz (Residence Act).

Requirements:

- applicants have to be younger than 25 years of age,
- proof of a post-secondary school diploma that enables to attend a higher education institution resp. university, or proof of a diploma from a German school abroad,
- German language skills of at least a B2 level according to the [Common European Framework or Reference for Languages \(CEFR\)](#),
- ability to cover the living costs for the entire duration of stay and
- a valid health insurance.

Proof of ability to cover the living costs should be at least 947€ net in 2021.

With the visa or residence permit for the purpose of seeking a vocational training position, candidates can enter Germany for up to six months in order to apply for a vocational training. During this time, they are not allowed to work. As soon as the applicants receive a contract for a vocational training, they should apply for a residence title with the local [immigration office](#).

## Visa for the purpose of applying for a course of study

People who have decided to attend a higher education institution in Germany but haven't been admitted yet may be entitled to enter Germany with a visa for the purpose of applying for a course of study in accordance with Section 17 (2) AufenthG (German Residence Act), if certain requirements are fulfilled.

Requirements:

- proof of a post-secondary school diploma that immediately enables to study at a German university or a college-level institution
- required language requirements for the course of study in question can be fulfilled. Further information about required documents can be given by the local German Embassy or Consulate
- costs of living are covered for the entire duration of stay, because employment during this time is not allowed. Proof of being able to cover living costs can be provided by opening a blocked account or by submitting a declaration of commitment.

The visa or residence permit for the purpose of applying to a course of study enables to stay in Germany for up to 9 months. During this time, visa-holders can apply to a higher education institution or apply to take part in university preparatory classes. Examples of university preparatory classes would be attending languages classes or a college-level institution. A residence permit for the purpose of applying to university (Glossareintrag) cannot be extended for the same purposes.

While holding a visa for the purpose of applying to a course of study employment in Germany is not allowed.

## Visa resp. residence title for the purpose of employment

When applying for a visa or residence permit for the purpose of employment, the [German diplomatic mission](#) and / or the [immigration office](#) check whether consent of the Federal Employment Agency (BA) is required or not. If the consent is required, the authorities ask for it in an internal procedure. Before applying for a visa, employers can apply to the BA for an [advanced approval](#).

It is advisable to check in good time for the documents that are required in order to apply for the visa resp. residence title with the German diplomatic mission or local immigration office. In particular, the fully completed and signed form "[Erklärung zum Beschäftigungsverhältnis](#)" (Declaration of employment) is required. Skilled professionals who hold a foreign professional degree must provide the [equivalence of the professional qualification](#). If they receive a partly equivalency from the responsible authority and they apply for a visa for the recognition of foreign qualifications, the filled form [Zusatzblatt A](#) is required as well.

The form [Zusatzblatt B](#) is required, if the skilled professional is posted from an employer abroad for working in Germany.

Skilled professionals who apply for a residence title according to section 18a or 18b (1) Residence Act and who are 45 years old or older and are entering Germany for the first time, need an employment contract that guarantees a gross annual salary of at least 46.860 Euros, resp. 3905 Euros per month (in 2021) or have to prove an adequate retirement provision.

Full information regarding visa issues is provided at [www.make-it-in-germany.com](http://www.make-it-in-germany.com).

## EU Blue Card

The EU Blue Card [§ 18b Abs. 2 Residence Act] is a special residence permit with labour market access for highly qualified people from Non-EU countries. It is based on an EU regulation. Citizens of third countries (countries outside the EU, EEA and Switzerland) can apply for an EU Blue Card for Germany if they:

- have either a German university degree or a recognised foreign university degree or a foreign university degree which is equivalent to a German university degree, and
- have an employment contract with a gross annual salary of at least €56,800, or €44,304 in so-called "shortage occupations" (natural scientists, mathematicians, engineers, doctors in human medicine and IT specialists). These salary applies to the year 2021.

A higher salary has to be paid, if a collective wage agreement or local practice grants more than this resp. amount per year.

The occupations classified as shortage occupations are laid down in Section 2 (2) of the Employment Regulation. These are the occupations belonging to groups 21, 221 and 25 of the [International Standard Classification of Occupations \(ISCO\)](#).

A Blue Card EU can only be issued if the type of employment is adequate to the university degree (study-related job).

If the applicant is already resident in Germany with a different residence document, he/she can apply for an EU Blue Card with the [immigration authority](#) responsible for his/her place of residence.

If citizens of third countries do not already live in Germany or another EU Member State, they should first apply for a visa for the purpose of employment from the [German mission abroad](#) in their country of residence. Once they arrive in Germany and before their visa expires, they must apply for the EU Blue Card from the relevant immigration authority. In order to do this, a recognised or equivalent foreign university degree is required. The decision of the [immigration authority](#) will also be based on the qualifications and educational institutions recorded and assessed in the [ANABIN database](#).

For checking the comparability of a foreign degree please use the [ANABIN database](#) or get in contact with the [Central Office for Foreign Education \(ZAB\)](#). The German Embassies and immigration authorities accept a printed copy of ANABIN as a proof of recognition of the foreign qualification. Please search first for the university at "Institutionen". The university should be rated with an H+. As a second step please search for the equivalency of the degree at "Hochschulabschlüsse". If an information can't be found in this database, you should apply for a statement of comparability with the ZAB.

Exceptions apply to citizens of Australia, Israel, Japan, Canada, the Republic of Korea, New Zealand and the USA. They can enter Germany without a visa and apply with the immigration authority for the EU Blue Card within three months.

The consent of the Federal Employment Agency is required only for candidates, who hold a German or foreign university degree and wish to work in a "shortage occupation" and the employment contract grants a gross annual



salary of minimum €44,304 but less than €56,800. The Federal Employment Agency checks if the working conditions are comparable to those of domestic employees. There is no check of privileged candidates available in Germany ("priority check").

The Blue Card EU is limited to a maximum of four years when first issued. If the duration of the employment contract is less than four years, the EU Blue Card is issued for the duration of the employment contract plus three months, or is extended.

Holders of the EU Blue Card can live outside Germany for up to twelve months without losing the Blue Card. Under certain circumstances, time spent living in other EU Member States can be taken into account when applying for the EU permit for permanent residence.

Under certain further pre-requirements holders of an EU Blue Card can apply for an unrestricted settlement permit after 33 months. This can be reduced to 21 months if German language skills at level B1 of the [Common European Framework of Reference for Languages](#) can be demonstrated. Holders of a German university degree can apply for the settlement permit after 2 years.

EU Blue Card holders are entitled to an EU long-term residence permit after five years. Both times spent in Germany, as well as periods in which EU Blue Card holders have lived in another EU Member State, will count towards this qualification period.

All periods of residence of 18 months or longer with the EU Blue Card count towards the qualification period. In addition, applicants must have been resident with an EU Blue Card for two years in the Member State in which they apply for the EU long-term residence permit.

An overview of this topic is provided by the [explanatory video](#) on applying for a visa on the online portal "Make it in Germany".

Academics who have received a job offer which does not fill the requirements for a Blue Card EU can still apply for a residence permit for the purpose of employment (Section 18 b, 1 Residence Act). The conditions of employment must be comparable to those of domestic workers in an equivalent position. Holders of a foreign university degree can then apply for the unrestricted settlement permit after 4 years. Holders of a German university degree can apply for the settlement permit already after 2 years.

## **Expedited procedure for qualified professionals**

Employers can shorten the entry procedure for qualified professionals at the [relevant foreigners registration office](#) in Germany. To do so, 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 employer and the foreigners registration office which includes the power of attorney and obligations for the employer, the qualified professional and the relevant authorities (foreigners registration office, Federal Employment Agency, recognition authority, German mission abroad) and a description of the procedures including the parties concerned and the deadlines.
2. The foreigners registration office advises the employer, supports it as it carries out the procedure to have the foreign qualification recognised, obtains the approval of the Federal Employment Agency and examines the preconditions for approvals under legislation regarding foreign nationals. The recognition authority 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 it on to the qualified professional. The qualified professional should then make an appointment at the German mission abroad to apply for the visa. The German mission abroad should grant a visa appointment within three weeks. At this appointment, 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, the German mission abroad should decide for the visa within three weeks.

5. The [expedited procedure for qualified professionals](#) 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 expedited procedure for qualified professionals is €411. On top of this, there is a fee of €75 for the visa and fees for recognition of the qualification.

The employer can find further detailed information on the website of [www.make-it-in-germany.com](http://www.make-it-in-germany.com).

The employer should fill different forms, that are available on the website of the [Federal Ministry of the Interior](#).

The [IHK-FOSA](#) (Chamber of Industry and Commerce-Foreign Skills Approval) is responsible for the recognition of occupations in the industry and commerce sector. It offers further information and the suitable application form on their website and advises employers regarding the expedited procedure. Employers can contact the local [Chamber of Handicrafts](#) for suitable information regarding the recognition in this sector. Further information regarding the recognition procedure is available on the official website [www.recognition-in-germany.de](http://www.recognition-in-germany.de).

## Longer stays

There are several different residence permits which entitle the holder to a longer stay for the purpose of employment. To obtain one of these residence permits, certain general requirements must be met:

- the applicant needs a valid passport,
- the applicant subsistence is secure for the duration of his/her stay and
- there are no grounds for deportation.

The purpose of the intended stay and the applicant's education or professional qualifications will determine which residence permit he/she can obtain. The residence permit is valid for the territory of Germany.

## Residence permit

The residence permit - [§ 7 AufenthG]- is issued for a limited time and for a specific purpose, e.g. for the purpose of studying, employment, family reunion or on humanitarian grounds.

The residence permit is applied for after arriving in Germany, from the [immigration authority](#) responsible for the applicant's place of residence.



## Settlement permit

The [settlement permit](#) is not limited in terms of time or place. It entitles the holder to work on a dependent or self-employed basis. Anybody who is legally residing in Germany for at least 5 years and who fulfills further requirements, can apply for the settlement permit (Section 9 Residence Act).

The settlement permit for skilled professionals (§ 18c Residence Act) can be obtained of persons who belong to one of the following categories:

- persons who have completed a vocational training (Sect. 18 Residence Act)
- persons who have completed academic training (Sect. 18 (1) Residence Act), or EU Blue Card holders
- international researchers in accordance with Directive (EU) 2016/801 (Sect. 18d Residence Act)

Persons must fulfil the following requirements to receive this residence document:

- have held a residence permit for at least 4 years in accordance with Sections 18a, 18b or 18d AufenthG (Residence Act),
- have the ability to make a living without claim of public funds,
- have been paying mandatory or voluntary contributions into the statutory pension insurance scheme for at least 48 months,
- they are employed at a job for which they are qualified or adequately qualified,
- have adequate knowledge of the German language (B1 level in accordance with the [Common European Framework of References for Languages \(CEFR\)](#)) as well as a basic knowledge of Germany's legal and social system and way of life, and
- have an adequate place to live.

Certain groups of people, e.g. Blue Card holders or graduates of German universities can apply for a settlement permit after a shorter period of time.

The settlement permit is applied for from the [immigration authority](#) responsible for the applicant's place of residence.

## EU permanent residence permit

The "EU long-term residence permit" - [\[§ 9a AufenthG\]](#) - is issued to citizens of countries outside the EU, EEA and Switzerland after they have been legally residing in Germany for five years. It enables the holder to work in Germany without restrictions and to move to and settle in another EU country. The "EU long-term residence permit" is applied for from the [immigration authority](#) responsible for the applicant's place of residence.

People from third countries who have been granted an "EU long-term residence permit" in one of the following states, [Schengen states](#), have the right to stay as a tourist or for the purpose of job seeking in Germany for three months without a visa: Belgium, Estonia, Finland, France, Greece, Iceland, Italy, Latvia, Liechtenstein, Lithuania,

Luxembourg, Malta, the Netherlands, Norway, Austria, Poland, Portugal, Sweden, Switzerland, Slovakia, Slovenia, Spain, the Czech Republic and Hungary.

Bulgaria, Croatia, Cyprus and Romania don't apply totally to the Schengen Agreement. Ireland and Denmark don't apply to the EU regulation for long term residency. In case of doubt, the [German mission abroad](#) in the relevant country of origin should be contacted before travelling to Germany.

This does not mean, however, that the person is immediately entitled to long-term residence or to take up employment in Germany. If the person is planning on taking up long-term residence in Germany after the three-month period, he/she needs a residence permit in accordance with [§ 38a](#) Residence Act. Generally applicants must provide evidence that they have the ability to make a living and that they have a valid health insurance. In order to obtain this residence permit, an application must be made to the local immigration authority within three months of arriving in Germany. The immigration authority can issue a residence permit for the purpose of taking up employment, for the purpose of self-employment, for the purpose of study or for the purpose of vocational training. A residence permit for the purpose of employment can be applied for regardless of the professional qualification. The consent of the Federal Employment Agency will be checked regarding the working conditions. Only for skilled professionals who hold a German or recognised foreign professional qualification, there is no check of privileged applicants in Germany ("priority check"). After a year of residing legally in Germany in accordance with § 38a AufenthG, the person will be granted unrestricted labour market access in Germany, that allows any kind of dependent or independent employment.

A consent of the Federal Employment Agency is not required for a vocational or further training in a company based on section 16a Residence Act.

An advanced approval with the Federal Employment Agency is not available in this case.

## **Additional opportunity for citizens of Western Balkan countries**

An additional access route was created on 01/01/2016 for citizens of the so-called Western Balkan countries (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia) seeking to enter Germany in order to work. These citizens now have the opportunity to apply for a visa for the purpose of taking up employment regardless of their qualifications [[§ 26 Para. 2 BeschV](#)]. This rule was valid until 31.12.2020 and has been extended until 31.12.2023. Detailed information is provided on the [website of the International and Specialized Services \(ZAV\)](#). Since the 1st of November 2017 a pre approval with the Federal Employment Agency is not available anymore in this section. A suitable visa for the purpose of employment should be applied for with the [German representation in the country of residence](#).

Albanians as well as citizens from the Kosovo and Serbia can also contact the German informationpoint for migration, education and career (DIMAK). The following DIMAK-offices offer on site information about the following topics: work, study and education in Germany:

DIMAK	Albania
Telefon: +355 69 7060 005 (Mobilnummer), Email: <a href="mailto:dimak-albania@giz.de">dimak-albania@giz.de</a>	

DIMAK	Kosovo
Telefon: +383 38 22 33 44, Email: <a href="mailto:dimak-kosovo@giz.de">dimak-kosovo@giz.de</a>	

DIMAK	Serbia
Telefon: +38111 24 01 681, Email: <a href="mailto:dimak-serbia@giz.de">dimak-serbia@giz.de</a>	

## Applicants in the age of 45 or older

Applicants applying for a visa resp. residence title and who are 45 years old or older and are entering Germany for the purpose of employment for the first time, need an employment contract that guarantees a gross annual salary of at least 46.860 Euros, resp. 3905 Euros per month (in 2021) or have to prove an adequate retirement provision.

Section 18(2),5 of the [Residence Act](#) (AufenthG) and the Section 1(2) [Employment Regulation](#) (BeschV) regulate this requirement for residence permits that are issued for the first time for:

- skilled workers with vocational training, according to Section 18a of the Residence Act,
- skilled workers with academic degree, according to Section 18b(1) AufenthG,
- professional drivers, according to Section 24a Employment Regulation,
- Western Balkans regulation, according to Section 26 (2) Employment Regulation.

Skilled workers holding a residence permit for the recognition procedure of foreign qualifications in accordance with Section 16d of the Residence Act and are 45 years old, or who reach this age limit during the qualification programme, must meet the requirements after the completion of the qualification programme and before the application for a residence permit in accordance with Section 18 of the Residence Act.

## Visa extensions or non-visa residency in Germany

Anyone who enters Germany for the purpose of a long-term stay or to begin working must have their [visa](#) converted to a residency permit after their arrival in Germany in general. Typically, you should allow 2-6 weeks for your German residency permit to be processed, and you should obtain an appointment in advance if possible. To do so, please contact the [immigration authority](#) responsible for residency in Germany a sufficient amount of time in advance. You should also find out what documents you will need to submit. Fees will be charged to grant the residency permit.

The website of the [Federal Foreign Office](#) provides comprehensive information on obtaining a visa and on immigrating to Germany. The [FAQ list](#) provides answers to frequently asked questions.

Immigrating with a category D national visa:

This visa, issued by the German diplomatic mission, entitles you to immigrate to and take up residence in Germany. Anyone who immigrates with a category D national visa intending to reside in the country for a long period for the purpose of working may begin the work indicated on the visa immediately after arrival and may work in the scope indicated on the visa. If the residency permit or an extension cannot be issued in time, the immigration authority can issue a provisional residency permit in the form of a "Fiktionsbescheinigung" (probationary certificate). This probationary certificate grants the holder the same rights as were covered by the previous visa or residency permit.

Immigrating with a residence permit from another [Schengen state](#), or with a category C visa for short stays:

Whether you need to apply for a visa to enter Germany or not depends on your citizenship, on the state that issued your visa or residence permit, and the purpose for which you are entering the country.

Since a large number of specialized regulations apply, you should contact the [German diplomatic mission](#) in your country early on to determine whether a visa is required for the purpose for which you are entering the country.

Category D visas can also be issued as so-called "Schengen visas." Anyone with a Schengen state residence permit may visit Germany or other Schengen states for up to 90 days within a 180 day period as a tourist or business traveler. Some states may be excepted from the visa. A restricted visa bearing the supplement: "Schengen states (- E, F)" means, for example, that the visa is valid for all Schengen states with the exception of Spain and France. You are only allowed to begin working if you have a visa issued by the German diplomatic mission that explicitly states this.

A Schengen visa can only be converted to a German residency permit in certain cases. The visa can only be converted if you have a legal claim to the conversion under the Residence Act and if this claim or new reasons requiring you to stay longer have come into being after you arrived in Germany.

Persons to whom the following applies, in particular, may be entitled to receive a residence permit after entering Germany:

- Persons who have permanent EU residency in another Schengen state (not including Great Britain, Ireland, Denmark, Bulgaria, Romania, Croatia and Cyprus),
- Persons who fulfill the requirements for an EU blue card,
- Persons who move to be reunited with German family members and
- Persons who move to be with a spouse or same-sex life partner.

Persons with a temporary residence permit for asylum seekers or an acceptance from another Schengen state shall not be entitled to the conversion.

Special regulations apply for performing services in the EU and for EU blue card holders, mobile ICT card holders, or holders of a residence permit issued in another Schengen state, as well as for short-term internships.

Entering without a visa:

In general, you must obtain any residence permits you require as a visa before entering the country. Exceptions are outlined in Residence Act and the Residency Ordinance.

Whether you need a visa to enter Germany or not depends on your national citizenship and your purpose for coming to the country. Because of this, you should contact the [German diplomatic mission](#) in your country to determine whether you need a visa or not.

[Citizens of some countries](#) can also enter the country for short tourist visits of 90 days without a visa. Typically, they will not be allowed to work.

Anyone who has entered the country without a visa will generally only be able to obtain a residency permit if they have a legal claim to one under the Residence Act, and if this claim came into being after their arrival in Germany.

Citizens from

- Australia
- Israel

- Japan
- Canada
- New Zealand
- The Republic of Korea (South Korea)
- The United States of America

may generally apply for a residency permit after entering the country without a visa.

With respect to the ICT card under EU directive 2014/66/EU, citizens from states which do not require a visa may only apply for an ICT card for Germany from abroad.

Special regulations apply for EU blue card holders, mobile ICT card holders, or holders of an EU residence permit issued in another member state, as well as for short-term internships.

[Citizens of some states](#) who enter the country for another reason, for instance to study in Germany, likewise do not require a visa and can obtain their residence permit in Germany.

Anyone who plans to reside in Germany for a long period of time or begin working in Germany should apply for a visa for their residency purpose, even if the visa obligation does not apply to them. This will ensure they are permitted to enter the country and that their residence will be approved while the visa is valid. Otherwise, anyone who arrives without a visa will have to wait for the immigration authority to grant a residency permit.

Anyone whose citizenship entitles them to enter the country without a visa for a short period of time may only travel or remain within Schengen states for a maximum of 90 days within a 180-day period for the purpose of visiting the countries.

## Changing between residence titles

The change of a residence title for a different purpose requires various prerequisites. Generally, the change is possible, if the Residence Act does not exclude a change and if the conditions for granting a residence title for a different purpose are fulfilled.

There is a restriction, for example, during studying [§ 16 (2) AufenthG], during a vocational or a further training [§ 17 (1) AufenthG]. Also holders of a Schengen visa [§ 39, 3. AufenthV] are generally not allowed to change the visa inside of Germany.

Asylum seekers as well as persons whose asylum application has been rejected or who have withdrawn their application, the possibilities for obtaining a residence permit for a different purpose are restricted.

In every individual case the local [immigration authority](#) should be contacted. If necessary, the Federal Employment Agency will be involved in an internal procedure.

## Validity of residence permits

A residence permit issued for Germany can lose its validity for various reasons. It can expire automatically if the person departs and no longer resides in Germany. Thus the residence permit expires upon departure if the person commences a school or university educational programme. As a rule, residence and permanent residence permits expire automatically if the person has departed and does not return within 6 months, or returns (§ 51 AufenthG) within a longer term set by the Foreigner Registration Authority. Other terms apply for example to the ICT Card, Blue Card EU, mobile students and researches within the EU, as well as to the Permanent Residence permit-EU.

In individual cases, prior contact with the [immigration office](#) is recommended in order to clarify the applicable terms. If a longer stay in a foreign country is planned along with a return, under some circumstances an extension of the term can be applied for at the Foreigner Registration Authority.

## Persons from countries other than the European Union, the European Economic Area and Switzerland: type of activity

### Experts of the Information and Communication Technology

IT-experts who want to take up qualified employment in professions in the field of information and communication technology and don't have a suitable professional diploma, can apply for a residence permit for the purpose of employment. A proof of relevant professional experience of at least 3 years in the last 7 years and an employment contract for an adequate job, that guarantees a salary of at least 60 percent of the annual contribution ceiling in the general pension insurance is required. This means in 2021 the minimum is 51.120,-€ gross annual salary, resp. 4260,-€ gross per month. If a collective agreement or the standard local salary is higher, the employer has to guaranty the suitable salary.

The consent of the Federal Employment Agency is required for this residence permit. The consent could be granted if the professional experience is adequate to an IT-expert, graduated from an university. The intended position in Germany must typically require a professional education.

Applicants generally require proof of sufficient German skills of at least B1 level according to the [Common European Framework for Languages](#). In specific individual cases, proof of German language skills are not mandatory.

Employers can shorten the visa process if they apply for the "[Beschleunigtes Fachkräfteverfahren](#)" with the local foreigners' office.



# EU citizens

## General

All citizens of the Member States of the European Union (EU) and of Iceland, Liechtenstein and Norway, the Member States of the European Economic Area (EEA), as well as Swiss citizens, enjoy freedom of movement within the EU and thus unrestricted access to the German labour market. Entry to and residence in Germany are regulated by the [Freedom of Movement Act](#) EU (Freizüg/EU), which entered into force in 2005.

Citizens of EU or EEA Member States or Switzerland who take up long-term residence in Germany are required to register at the local residents' registration office and give notice of their residence. Long-term residence is possible for employed and self-employed people as well as people in special circumstances. Citizens who are not gainfully employed may take up long-term residence in Germany if they have health insurance and their own, adequate financial means of providing for themselves.

Swiss nationals and their family dependents must personally notify the foreigners office of their residency within 3 months of arrival. The foreigners office will check the existence of a right to the free movement of persons. If all requirements are fulfilled a residence permit will be issued

Main Rights of EU citizens can be found on the website of the [European Commission](#) and on the [Make-it-in-Germany-Portal](#).

## Freedom of movement

EU citizens are entitled to:

- look for work in another EU Member State,
- work there without needing a work permit,
- live there for the purpose of working,
- stay there even after the termination of their employment,
- be treated exactly the same as nationals of the host country with regard to access to employment, working conditions and all other social and tax advantages,
- be accompanied by their family members.

EU citizens in Germany are therefore entitled to the same job search assistance from employment offices as German citizens. They can stay in Germany for as long as it takes them to look for a job and as long as they can finance their stay, hold a valid health insurance and are expected to get a job.

## Permanent residence

EU citizens who have been residing in Germany for a continuous period of five years on the basis of their entitlement to freedom of movement will acquire a right of permanent residence in accordance with § 4a [Freedom of Movement Act/EU](#). This right of permanent residence grants EU citizens the right to free movement regardless of whether they are gainfully employed or have adequate resources to support themselves. Once they have acquired a right of permanent residence, their continuing right to free movement will not be affected even if they lose their job, cease to work in a self-employed capacity, and/or become dependent on social benefits such as SGB II (Social Insurance Code II) or social welfare. The five-year minimum period for acquiring the right of permanent residence can be reduced, subject to certain conditions, for EU citizens who are retiring, cross-border commuters, and self-employed or employed people who stop working because they are completely incapacitated.

## Family members

Family members of EU citizens have the right to reside and to work in the country where their partner works. In this context, family members include:

- spouse
- civil partner
- dependent descendants who are under 21 (e.g. children, grandchildren)
- direct descendants or direct ascendants for whom the family member who is being joined by his/her relatives (the "principal" person entitled) is legally obliged to provide accommodation

The conditions include:

- the family acts jointly and lives together
- the family has sufficient living space
- the family has the financial means to support itself
- the family has health insurance

Family members' right to work is derived from the right of the EU citizen already living in Germany. These provisions apply irrespective of the nationality of the family members.

The question of whether it is possible for family members to enter Germany without a visa for the purpose of family reunification should be addressed to the [German embassy in the country of origin](#). Family members who are citizens of a country outside the EU, EEA or Switzerland should contact the local immigration authority upon arrival. If they meet all the necessary conditions, [the local immigration authority](#) will issue them with a residence card entitling them to unrestricted access to the labour market.

## Working in the public sector

In principle, EU citizens are entitled to work in the public sector in Germany. However, EU Member States have the right to reserve certain positions for their own citizens. These include positions which involve direct or indirect participation in the exercise of governmental authority and in the performance of duties for safeguarding the general interest of the State.

If EU citizens apply for a job in the public sector in Germany, they may need to have their qualifications officially recognised. Further information on access to employment in the public sector can be found on the portal of the [European Commission](#).

## Language acquisition: Preparation in the home country

### General information

German courses help to learn the language quicker and better. These are offered in various formats: intensive courses can last one or more week, others a whole semester, so half a year. Depending on the type of course, the participants spend several hours a day or per week in class and with homework. For employees, evening courses are recommended. Even if no German knowledge must be proven in order to take up employment, it is good for applications and the CV if a person has passed language examinations. By means of this, companies can clearly see that candidates are committed and can bring language ability to the table. In addition, your day-to-day life will also be easier to manage if you're able to speak German. On the website [Make it in Germany](#) you'll find a few tips on where and how to learn German.

### Support programmes

Within the framework of financial support programmes, such as “[Your First Eures Job](#)” and “Triple-Win”, a specialised programme for nursing staff, adequate language support can currently be provided.

### Required knowledge of the German language

Depending on the employment plans of people who come to Germany, they need to provide proof of their German language competence prior to taking up work. Anybody who wishes to work as a nurse or medical doctor in Germany also requires proof of his or her language competence alongside with the recognition of qualifications acquired abroad by recognised institutions such as the [Goethe Institute \(worldwide\)](#) or telc-certified bodies (in over 20 countries with 3,000 examination centres). Further information and addresses of examination centres are available on the Goethe Institute website and on the [telc website](#).

Generally and regardless of the type of professional activity in Germany, companies expect their new employees to be able to make themselves understood in German. Therefore it is recommended to have acquired at least the medium language level (B1 or B2) prior to making an application.

## Individual and group classes

Group classes are usually more cost effective and have the benefit that participants can interact with their classmates and maybe build initial contacts. Individual tuition, which is usually more expensive, is tailored entirely to individual requirements. The class can usually be freely scheduled and it is possible to learn German before work or during the evenings, for example.

Anybody who already lives in Germany and wishes to improve their language competence should compare services which are provided locally and discuss with their employer whether he or she will contribute to the costs or pay for the course in full.

Most language courses end with an examination. It should be clarified in advance whether any additional fees will arise for this.

## Having your knowledge of the German language checked

The international German radio service "Deutsche Welle" offers a free-of-charge [online classification test](#), which is based on the [Common European Reference Framework for Language](#). The service helps to find out the current language level and to improve prior knowledge with targeted exercises. The Goethe Institute offers an [online test in German](#) and English, which helps people determine their own level of knowledge of German.

## The German certificate of the Goethe Institute

One of the most important language certificates is the B1 certificate in German of the Goethe Institute. According to the guidelines of the [Common European Reference Framework for Languages](#), it checks the capability for independent use of language in daily conversations and situations at work. As the test is recognised as an entry examination and as proof of German knowledge at work, it provides many benefits when looking for work.

The test is broken down into five sections:

- Reading: in three exercises, it is checked to what extent the participant is in the position of being able to read and understand texts of varying difficulty;
- Foundations of language: here, the knowledge of grammar and vocabulary is checked;
- Listening: here it is checked how well the participant understands normally spoken texts;
- Writing: the participant receives specific guidelines in accordance with which he or she must write a personal letter;

- Speaking: in an individual or pair exam, a discussion is carried out about various topics.

The written exam component takes about two and a half hours. The oral examination lasts for about 20 minutes. Oral examinations can be taken on the day of the written examination or at a different time.

## Language course providers

The [Goethe Institute](#) is the cultural institute of the Federal Republic of Germany and is responsible for promoting knowledge of the German language and culture. For this purpose, it offers German courses at 160 locations in Germany and abroad. Alongside the Goethe Institute, there are other providers of language courses:

- The [website of "Make it in Germany"](#) provides a quick overview of the international Goethe Institute locations (rubric "local points of contact").
- The job-related German courses of the [Federal Office for Migration and Refugees \(BAMF\)](#) are intended for immigrants whose German is not yet sufficient for working in Germany. These are supported by the BAMF with funds from the European Social Fund (ESF). Participants do not just learn German for everyday working life, rather they can also undertake further professional development and find out more about a specific profession by means of an internship with a company.
- The charitable [Carl-Duisberg centres](#) offer job-related German courses at locations in Germany, China, Indonesia, Malaysia and Russia.

## Learning German Online

Regardless of the language level, it is possible to get an initial introduction to the German language or build on previous knowledge by means of the various services which are provided online.

- The [KURSnet database](#) of the Federal Employment Agency summarises recommended course providers.
- With the vocabulary training of the Goethe Institute, the level of vocabulary can be extended, also when a person is out and about.
- The ["Ankommen" app](#) is a direction provider for a speedy and comprehensive orientation during the first weeks in Germany. It also contains a free-of-charge multimedia language course, which provides everyday support during the first steps of learning German.
- On ["Deutsch für dich"](#) (German for you), an online community of the Goethe Institute, it is possible to take part in interactive games and chats with experts. Here, it is also easy to make contact with other users.
- On the ["Ich will Deutsch lernen"](#) (I want to learn German) portal, the language can be learned at levels A1 to B2. The digital learning materials contain many exercises and scenarios from several topics in the area of language and work.
- The ["Mein Weg nach Deutschland"](#) (My way to Germany) multimedia blog provides the option of practising German with photos, films, games and exercises, to chat with other people who are learning Germany and to get to know other users in the "meeting" section.

- The ["Deutsch am Arbeitsplatz"](#) (German in the workplace) platform, which is also provided by the Goethe Institute, offers lots of free-of-charge online exercises, in order to increase knowledge of the language and workplace customs in Germany.
- The technical online dictionary [ARABTERM](#) delivers important extracts from various areas of work, such as electronic engineering, renewable energy and car technology in four languages: German, English, French and Arabic.
- With the [online audio trainer of „Deutsche Welle“](#), vocabulary can be learned and pronunciation improved.
- The telenovela ["Jojo sucht das Glück"](#) (Jojo is searching for luck) by "Deutsche Welle" offers interactive exercises which improve grammar and colloquial vocabulary.
- Anybody who already speaks English but not German, can find lots of information, tips and learning materials on the [BBC online services](#).
- Special language courses for skilled professionals in the health care sector are available on the website [Interkulturelle medizinische Kommunikation in Europa](#).
- On the webpage of the [IQ-Fachstelle Berufsbezogenes Deutsch](#) extensive training material for employees in the health sector can be found
- Additional services can be found in the app stores.

## German for spouses

Knowledge of German is also important for spouses who wish to remain in Germany permanently and who do not come from the EU, Norway, Switzerland, Liechtenstein or Iceland. As a rule, they must provide proof concerning knowledge of the German language at the time of applying for the visa.

As a rule, it is required that they have a knowledge of the German language which is equivalent to level A1 of the European Reference Framework for Languages. At the Goethe Institute, this corresponds to the start 1 course for example. Spouses can also learn independently and take the examination at an approved institute. More detailed information is provided on the [website on spouse immigration of the Federal Office for Migration and Refugees](#).

## German for children and young people

In language courses for children and young people, these do not just learn German, but also make social contacts. Schools also support children with learning German. The local schools provide information concerning the support they offer.

Before children start school, usually between the ages of four and five and a half, a language test is taken to determine if their German is good enough or whether they need support from the school with learning German. In a few federal states, children who do not yet speak enough German must take part in the services offered. Further information can be obtained from the [Federal Office for Migration and Refugees](#).



A good alternative in order to prepare children and young people for a stay in Germany are German schools abroad. The [Central Office of Foreign Schooling \(ZfA\)](#) supports a network of more than 140 German foreign schools on behalf of the Office for External Affairs, both financially, in terms of personnel and educationally. Here, pupils can obtain a bilingual education and obtain both German and domestic qualifications.

## German for students

Anybody who wishes to study at university in Germany needs to provide evidence of German language capability for most courses. For this purpose, the "German language exam for the admission to university of foreign applicants" (DHS) or the "Test for German as a foreign language" (TestDaf) must be taken.

For international courses of study in Germany, knowledge of English is often required. Further information can be obtained from the universities directly.

Within the framework of the preparation for a stay in Germany, students can already choose a course which they will subsequently attend in Germany. The [German Academic Exchange Service \(Deutscher Akademischer Austauschdienst - DAAD\)](#) provides an overview of courses which can then be selected according to academic subject.

As an alternative, [Deutsch-Uni Online \(DUO\)](#), a service provided by the Society for Academic Study Preparation and test Development e.V (g.a.s.t) in co-operation with the Ludwig-Maximilian University of Munich, is also suitable. This provides helpful information about the country, as well as numerous opportunities to build on existing German language competence.

# Application Process

## General information

Depending on where a person wishes to apply, the application requirements may sometimes vary widely. For a successful application in Germany, it is often not enough simply to translate the foreign CV into German. There are a number of aspects that should be taken into account, particularly in terms of procedural requirements.

## Scope and structure of the application

Often, the requested documents in relation to an application can already be found in the job advertisement. The written application usually consists of

- a cover letter,
- the CV,
- copies of the key qualifications,

- a portrait photo if applicable, as this is usually expected even though it is not a legally binding requirement.

For an online application, the application documents are usually requested as PDF files. The file size should be no more than two megabytes (MB) if possible.

## Cover letter

A cover letter usually follows a standardised format and it should be no longer than one piece of paper DIN A4 (German standard paper size). The following points should always be included:

- Your personal details
- The company's address. The form of address you use is also important. If the name of the contact person is not listed in the job advertisement, you should check the company website or ring up in order to obtain it. If you really can't find it, you should use 'Dear Sir/ Madam.'
- The title of the job you are applying for should be the subject line of your email.
- The letter should clearly and concisely state why you're applying and why you think you are the best person for the role. Your application should always be as original as possible and tailored to the specific requirements of the role.
- Bring your letter to a close by expressing your willingness to meet you prospective employers in person—and don't forget to sign off with 'Sincerely,' followed by a handwritten signature.

## The CV

The CV – which stands for curriculum vitae – provides an overview of the candidate's personal and professional history. A clear and internationally standardised CV can be created using the ["europass"](#) online platform. The following general requirements should be taken into account.

- The CV should be no more than two pages long.
- It always begins with the current activity and then lists all other activities in reverse chronological order.
- The document begins with the applicant's contact details. The CV is then divided into "Education and training" and "Professional experience".
- In the job entries, it is not enough simply to state the years (e.g. 2008–2011). The respective month should also be indicated, e.g. 01/2008–06/2011.
- Periods of unemployment or periods dedicated to other activities (military service, illness, extended travel) should be listed in full. Gaps in the CV do not come across well.
- The inclusion of private interests can have a positive effect on the candidate's self-presentation – for example if they undertake any social work.

Sample CV and cover letter could be found in the internet, for example on [www.karrierebibel.de](http://www.karrierebibel.de).

## Qualifications and supporting evidence

Applicants provide evidence of their skills and experience by presenting their certificates. The following points should be taken into account:

- It is usually sufficient to present school- or university-leaving certificates, as well as references or certificates of employment from companies and institutions at which the applicant worked in the past.
- Language skills should be listed along with an estimate of the respective level. The usual categories are: "Muttersprache" (native speaker), "verhandlungssicher" (business proficiency), "fließend" (fluent) and "Grundkenntnisse" (basic knowledge).
- Evidence of initial and further training should also be enclosed.

## Explaining international documents

As different countries have a multitude of training systems and qualifications that often differ from German training programmes, it may be sensible to include an explanation or translation of the vocational training certificate. The "europass" service can be used to

- present qualifications, skills and abilities in a manner that is easy to understand across Europe,
- explain qualifications by giving a brief description of the training content and of the typical sectors and fields of work,
- assign acquired knowledge, skills and abilities to a grading scale,
- present candidates' career history, foreign language skills and time spent abroad in an internationally comparable manner with the help of useful templates.

## Travelling to the interview

Sometimes costs for travelling to the interview in Germany are paid by the company. At times accommodation costs are also covered by the company if the journey is too far to make both the outward and return trips on the same day.

In order to avoid misunderstandings, it is important to clarify these points in advance. Applicants should ideally enquire as to the type of travel the employer is prepared to pay for and what budget is available for accommodation. Larger employers in particular have sometimes negotiated their own terms with hotels, and applicants can also check in on these terms.

Alternatively, it may be suggested that the interview be conducted by telephone or online video conference.

## The interview

The response to a written application may be an invitation to a face-to-face interview. In some cases, this invitation is preceded by a conversation on the telephone or on the video-calling service "Skype". This allows the employer to make an initial assessment, and it is essential that the applicants prepare for it intensively if they wish to be invited to the next round. When it comes to the interviews, certain rules should be kept in mind:

- It is advisable to arrive on time and to dress appropriately.
- At the start of the interview, applicants are usually asked to introduce themselves.
- The purpose of the interview is to examine certain aspects of the CV in greater depth, to highlight past successes and, in general, to make a good impression with your personality.
- Candidates should show interest when the company is presented to them.
- Candidates should not be afraid to ask questions about the salary, place of work or working hours.

## The assessment centre

This is a special type of selection process for higher-level positions – such as management jobs. Candidates work with other candidates to tackle specific tasks – for example, group discussions, role-playing exercises or presentations. In this way, the company hopes to learn how individual candidates go about solving problems, deal with stressful situations and put their soft skills to use.

## The decision

After a period of time, the company will tell the candidates whether they have been awarded the position. Some companies will do this after a few days; others not for a number of weeks. If the company wishes to hire a candidate, it will send them an employment contract after notifying them that they have been accepted.

## Online Workshop

The online portal [www.make-it-in-germany.com](http://www.make-it-in-germany.com) is the first contact point for applicants from abroad who are interested in taking up work in Germany.

In addition to finding information on working and living in Germany and personal advice, you can also take advantage of our [Online Workshops](#) focused on labour market situation, the working and living conditions and alternately sessions about "A successful application in Germany", "Recognition of foreign qualifications", "Visa and entry rules" and "Learning German". Every month on the second Wednesday from 10:00 AM to 12:00 AM (CET/MEZ) interested participants can take part in the presentations worldwide via livestream.

# Finding a job

## General information

The International and Specialized Services (ZAV) provides an initial overview of positions that currently need to be filled and checks whether an applicant's profile could match the requirements in the particular case. Those already resident in Germany receive detailed information from the local Employment Agency, which will hold an advice session with the candidate to analyse personal strengths and skills and to plan and arrange professional integration measures.

## Services of the Job portal JOBBÖRSE

The [Job portal JOBBÖRSE of the Federal Employment Agency \(BA\)](#) is the first point of contact for foreign trainees, students and both unskilled and trained workers. The online services are available in six languages:

- German
- English
- French
- Italian
- Russian
- Turkish

This service allows foreign skilled workers to search, anytime and anywhere, for current vacancies in Germany's largest pool of jobs.

[The flyer "Einfach und schnell eine Stelle finden" \(Find a job quickly und easily\)](#) gives a straightforward description of the functions of the JOBBÖRSE and is available on the internet to download. Currently the flyer is available online in [German](#). Instructions in foreign languages could be found under the link "Help".

The [Jobbörsen-App](#) provides easy access via a smartphone to all of the key functions of the JOBBÖRSE. The app can be downloaded for free directly from the iTunes App Store or the Google Play Store.

## Trade and job fairs

Direct contact can be made with companies at trade and job fairs, as well as at conferences. All of the countries in the EURES (EUropean Employment Services) network organise so-called ["European Job Days"](#) in spring and autumn each year.

- Dates of current and upcoming job fairs are collected in the [Federal Employment Agency's events database](#).
- German companies are often present with a view to making contact with potential skilled workers.
- The ZAV is also regularly represented, offering current job advertisements from the German labour market.

## Other ways of accessing the job market

Not all vacancies are registered with the Federal Employment Agency. In addition to the Job portal of the Federal Employment Agency, other options or points of contact include:

- Online job exchanges, network portals or job offers on the websites of the companies themselves – often under sections such as “Recruitment” or “Careers”.
- Job related online portals are listed in the [profession database of the Federal Employment Agency](#). After identified the job title, the list can be found under the link "Perspektiven".
- Job advertisements in journals, weekly newspapers and the weekend editions of daily newspapers, as well as on their websites.
- Private employment agencies look for a suitable vacancy on behalf of jobseekers, although they sometimes charge a considerable fee for this service.
- Private and personal contacts with companies or their staff can help candidates to find a job. Those who attempt to establish networks as early as possible will often quickly learn of positions that are currently vacant or that will be vacant in the near future.
- In Germany, there are many organisations that bring together people with a migrant background. Most migrant organisations are active at the local level as an association and work on a voluntary basis. In addition to this, there are a number of national umbrella organisations.

## Job search for students and graduates

Foreign students studying in Germany should contact the Career Service at the university. They can give hints about job seeking offer further assistance.

Students from abroad, who are looking for a holiday job in Germany, can apply with the placement service of the German Federal Employment Agency. The application should normally be submitted till the 31st of January in order to enable a placement during the semester breaks. Detailed information about the application process can be found on the [website of the Federal Employment Agency](#).

Students who are searching for an internship or graduates who are interesting in an entry-level position in Germany often require a high level of self-initiative. Research on company websites or unsolicited applications can also be successful. Internships are also provided by student exchange organizations such as AIESEC or IAESTE.



Many companies offer not only classic entry positions, but also trainee programs for graduates. A list of relevant job portals for internships, entry positions and trainees is attached.

## Proactive jobseeking

Jobseekers can also act on their own initiative:

- One option is to make a speculative application. In this way, jobseekers can apply for their ideal position in a targeted manner.
- In addition, jobseekers can also publish a 'situation wanted' advertisement of their own either online or in newspapers.
- Likewise, a personal profile, including the candidate's qualifications and professional experience, can be posted for free on the [job portal of the Federal Employment Agency](#) and on business networks.
- Online portals, such as Xing or LinkedIn, can be used to make contacts that could be an important tool in the job search. In addition, there is often a dedicated section with job vacancies.

## Beware of fake offers for employment

If you are looking for employment in Germany, we strongly advise you to make sure that you are dealing with legitimate contacts.

You are most likely dealing with a scam if

- you receive unrequested job offers
- you receive job offers or contracts promising a high salary, without having gone through a personal interview and in-depth verification of your credentials and qualifications
- an agent is involved and the documents you receive are written in informal style and do not contain full and correct contact information
- if you are requested to advance transfer a fee in order to further process your application
- if you are informed that your visa/residence permit has been "pre-approved"

In case you are being provided contact details of an employer or an alleged visa officer please check carefully whether all the details (e-mail-address, phone numbers etc) match the ones given on the companies or German Embassy's official website.

# Employment law

## General information

In Germany, the relationship between employees and employers is regulated by employment law. Employment law comprises several statutes, ordinances and other binding provisions. These guarantee the employee special protection and individual employment laws determine the basic terms and conditions of employment, such as the permitted working hours, holiday entitlement, regulations in case of illness, protection against termination and the terms and conditions of work set out in the employment contract. Collective employment law regulates the relationship of the employees as a collective to one or more employees, in particular through collective agreements. The points of contact in case of queries concerning German employment law are the [Federal Ministry of Labour and Social Affairs](#) and the advice centres of the [German Federation of Trade Unions \(DGB\)](#) (project Fair Mobility), as well as representatives of the legal professions. The hotline of the Federal Ministry of Labour and Social Affairs is available from Monday till Thursday from 8a.m. to 8p.m. under the phone 030/221 911 004.

The terms and conditions of employment are regulated in the employment contract. The setting of these is in accordance both with the operational situation and with the statutory and collective regulations.

## Employment contract

At the beginning of the employment relationship, a written employment contract is concluded between the employer and the employee. This forms the basis of the future employment. The employment contract should contain the following as a minimum:

- Name and address of employer and employee,
- Start and duration of the employment,
- Type of activities and description of duties,
- Work location,
- Amount of remuneration (usually gross salary),
- Working hours,
- Annual leave,
- Notice periods for termination of the employment relationship,
- Reference to applicable collective agreement or other agreements which apply to the employment relationship.

Foreign employees are entitled to the same treatment as their German colleagues. During the application and appointment process, it is not permitted to discriminate on the grounds of nationality. When taking up employment, the employer must guarantee that all employees work under the same terms and conditions. For employees from other EU Member States, this is regulated by [Directive 2000/78/EC \(Equal Treatment Directive\)](#). In case of

employees from third-party states, [§ 39 of the Residency Act](#) regulates the compliance with comparable terms and conditions of employment.

In the employment contract, a probationary period can be agreed. The purpose of the probationary period is that of a test phase, both for the employer and the employee. On the one hand, the employer can see whether the employee is suitable for the company and on the other hand, the employee can test whether he or she feels happy with the position. The probationary period usually lasts for up to six months; in case of trainees, the statutory framework prescribes one to four months.

During this time, the employment relationship can be regularly terminated by giving notice of two weeks, unless otherwise agreed under the collective agreement.

## Collective agreement

Within a branch, employees can organise themselves through trade unions, in order to collectively represent their interests in relation to the employer(s). The companies and businesses can do the same in order to defend their interests in relation to the employees. The trade unions on the employee side and the employer associations on the employer side can conclude collective agreements for the regulation of the rights and obligations, as well as of the norms under employment law. These then apply to all employees of a sector who are organised through a trade union. Individual collective agreements can be declared as being generally binding by the Federal Ministry of Labour and Social Affairs. This means that the collective agreement also applies to the employers and employees who are not collectively bound. Explanations concerning how collective agreements work are issued by the [Federal Ministry of Labour and Social Affairs](#) amongst others.

## Payment

Work which is carried out must be remunerated. In addition, employees receive a payslip in which the amount of the payment and the tax and insurance contributions are listed.

Overall, various factors influence the amount of the salary, such as the type of task, the qualifications of the employee, the general economic situation, the location, the size of the company and the sector. As a rule, it is also possible for the remuneration to be comprised of fixed and variable components. Whether and to what amount the employer pays the variable remuneration can be made dependent on the personal performance or the success of the company.

Depending on occupation and sector membership, collective agreements usually regulate the remuneration and salaries. For the respective branch, trade unions and employers negotiate the amount of the remuneration which applies to the employer who is bound by the collective agreement. Collective agreements which are declared to be generally binding apply to all employers. In addition, since 2015 applies the statutory basic minimum wage. In 2021 the minimum wage is of € 9.50 per hour. The minimum wage will increase on the 1st of July 2021 to € 9,60. For workers in the health care industry the minimum wage since July 2020 is € 11,60 per hour in West Germany and € 11,20 in East Germany, that will increase from May 2020. In 2021 there is a minimum wage for apprentices of 550 Euros per month that will raise annually. The minimum wage increases in the second year by 15%, in the third year by 35% and in the fourth year by 40%.

As a rule, the remuneration paid to the employees may not fall below this level; however it does not apply without restriction to all employees. The salary or wage can be determined by other minimum wages, be agreed with the

employer or be regulated by means of company agreements. Further information is provided on the web page of the Federal Ministry of Labour and Social Affairs [www.der-mindestlohn-wirkt.de](http://www.der-mindestlohn-wirkt.de). The hotline is available Monday till Friday from 8:00a.m. to 8:00p.m by phone on: 030/60 28 00 28. Due to the wide range of different occupational sectors, the [sector-specific minimum wages for 2018](#) must also be considered.

On the web page of the Federal Ministry of Labour and Social Affairs you can also find a [FAQ list for students and the minimum wage](#) (in German only).

As a rule, the employees are obliged to provide performance in advance. This means that the employees first provide the work services and then receive the remuneration from the employer following the expiry of an agreed time period (for example one month).

In case of queries or problems, the advice centres of the [German Trade Union Association \(DGB\)](#) can provide assistance.

## Working time

A full-time position in Germany is usually for 40 hours per week. Thereby the maximum working time per week in accordance with the [Working Time Act](#) is limited to an average of 48 hours. In principle, up to 60 hours per week is permitted, provided that the average working time within a six-month period is not exceeded. Usually, employees work from Monday to Friday. Work on all working days (Monday to Saturday), work at night and shift work is permitted. In certain sectors, such as the health care sector, gastronomy and in travel operations, work on Sundays and national holidays is also permitted.

Alongside full time work, there are additional employment models, such as part time, where the weekly working time is significantly reduced.

## Annual leave

In case of an adult who works six days per week, the statutory holiday entitlement in accordance with the [Federal Holiday Act](#) is at least 24 days per calendar year and in case of an adult who works five days per week, at least 20 working days per calendar year. The full holiday entitlement does not apply until the person has been employed by the company for at least six months. When determining the time of the holiday, the requests of the employee must be taken into account. Exceptionally, this does not apply if urgent operational conditions prevent this.

## Illness

In case of illness, the employer is obliged, in accordance with the [Continued Payment of Remuneration Act](#), to continue to pay the full salary for six weeks. Should the illness last for longer than six weeks, the statutory health insurance pays 70 percent of the salary. In case of private health insurance, there are differing regulations.

It is, however, important to inform the employer of an upcoming illness immediately. Employees are not obliged to inform the employer about the type of illness.

## Protection against dismissal

In companies with more than ten employees (as a rule), the Protection Against Dismissal Act applies in Germany, which provides protection against terminations which are not socially justified. The protection against dismissal does not usually start to apply until the employment relationship has lasted at least 6 months.

Certain groups of persons enjoy special protection against dismissal. This applies for example to works council members, pregnant women and mothers who are in an employment relationship up to the expiry of four months following the birth, employees on parental leave and persons with serious disabilities.

The longer the employees work for a company, the longer the period of notice also if the employer decides to terminate the employment relationship. Periods of notice for termination can be stated in the employment contract, can be in accordance with an applicable collective agreement or can be in line with the German Civil Code (BGB).

## Posting of employees

In case of the posting of employees who work abroad to Germany, the Employee Posting Act must be complied with. The law follows the work location principle, which means that the employer must grant its employees the terms and conditions of employment which apply at the respective work location in Germany for the duration of the posting. In certain sectors, posted employees must be paid at least the sector-specific minimum wage in place of the statutory minimum wage. They may also be entitled to annual leave, holiday remuneration and holiday payments. Further information is issued by the [customs administration](#).

## Office for the Equal Treatment of EU Workers

[The Office for the Equal Treatment of EU Workers](#) was founded in 2016 as a task force working on behalf of the Federal Ministry for Migration, Refugees and Integration. The Office for the Equal Treatment of EU Workers supports the assertion of EU workers' rights in Germany within the context of freedom of movement for workers in the European Union.

## Authorities

### General information

On arrival in Germany, there are certain procedures which need to be carried out with the authorities quickly. These include:

- Registering the place of residence with the residents' office,
- Registering electricity, gas and water connections,

- Registering the contribution for the use of radio and television,
- Opening a current account at a bank,
- Registering for social security (health, unemployment, pension and accident insurance),
- Applying to the tax office for a tax number, unless this has been sent automatically,
- Checking whether personal liability insurance is needed and applying for this,
- Registering for private accident insurance if necessary,
- Registering a car or other vehicle if applicable,
- If searching for work, registering with the local employment agency.

When dealing with the authorities, it is important to make an appointment in good time and to make enquiries as to what documents are required.

## People without permanent residence

The registration as a resident in Germany is mandatory for further steps, for example for dealing with authorities and institutions. People without a permanent residence can receive a postal address through social institutions like Diakonie or Caritas. Usually the registration office accepts this temporary postal address, if the mail is picked up regularly. The jobcentre could offer information about such local social institutions. They can also be found by searching in the internet.

## Legal aid

In the event of legal disagreements with a contract partner, an extrajudicial settlement is not always possible. If you file a complaint or want to file a motion with a court, as a rule you have to pay court costs. If representation by a lawyer is required by law or if representation by a lawyer is necessary for other reasons, these costs are added to your costs. Corresponding costs arise for you if you have to defend yourself in legal proceedings.

The [Fehler! Linkreferenz ungültig.](#) is intended to assist you in pursuing or defending your rights.

It is recommended that you contact the competent Local Court at your place of residence for further assistance.



# Social security law

## General information about social security

German social security is a statutory insurance system which plays a leading role in the social safeguarding of the country. As a community of solidarity, it offers protection against the major risks in life and their consequences, such as illness, unemployment, ageing, accidents at work and care needs. By means of this, social security guarantees the stable quality of life of each individual person. The rights and obligations in accordance with the social security laws are the same for all employees, regardless of whether they are locals or come from abroad. Information on German social security can be obtained on the [official website for qualified professionals](#) from the [Federal Office for Migration and Refugees](#), the [Federal Ministry of Labour and Social Affairs](#) or from the [EURES portal](#).

## Social security obligation for employees from abroad

Within Europe (EU, EEA and Switzerland), the general regulation applies that employees are only subject to the legal regulations of one country at any one time and only pay social security contributions in one country. Foreign workers who are employed in Germany are, as a rule, subject to German social security laws in accordance with the provisions of EU law.

There are exceptions to the social security obligation for:

- Posted workers (persons employed abroad who are temporarily posted to Germany)
- Persons employed in more than one EU/EEA country or Switzerland if a significant part (at least 25%) of the employment is carried out in the home country
- Employees who are subject to the legal regulations of a different state due to an exemption agreement.

In addition, low earning employees (workers with income of no more than € 450 per month) are not obliged to be insured under the statutory health, care and unemployment insurance. However the employer pays a fixed amount to the pension insurance. They can have themselves exempted from the pension insurance obligation. However, before doing this, it is recommended to consult the pension provider.

The vast majority of persons in Germany must be insured under the statutory social security scheme. This includes:

- All employees, farmers, handicraft workers, publicists and artists;
- Certain people with disabilities and
- Persons receiving unemployment benefit I or II, transitional payments or certain other salary replacement payments;
- Persons who were previously insured under the statutory health insurance scheme and do not possess private health coverage (for example returnees from abroad).

Within the framework of the co-ordination of the social security systems in the EU, the EEA and Switzerland, in case of the claiming of social security benefits, previous times of insurance, employment or residence in other countries are taken into account as a rule. For the creditability, certain requirements and proof are usually necessary. The [websites of the European Commission](#) portal contains information in this respect. Germany has concluded bilateral social security agreements with a number of countries outside of the EU, EEA and Switzerland. Detailed information in this respect is issued by the [German pension scheme](#) (Deutsche Rentenversicherung), and the [German Liason Office for Health Insurance Abroad](#) (DKVA) for example.

## Social security number

Employees generally receive the social security number automatically from the [pension insurance company](#) as soon as they start working in Germany for the first time. The employer either registers the employees with a health insurance company or the "[Minijob-Zentrale](#)".

Employees can also apply for the social security number directly with the health insurance company of their choice or the [pension insurance company](#), if

- the employer asks for the social security number beforehand,
- the social security number has been lost or is no longer available, or
- the name of the insured has changed.

## Minijob

A „Minijob“ in Germany is a form of a marginal employment. It is either a low-paid or a short-term job. It could be a job in a company or in a household. The employer has to register this minijob with the "[Minijob-Zentrale](#)".

Two different types of minijobs exist:

- 450,-Euro-Job: the job grants a monthly income for up to 450,- Euro.
- Short-term job: a job for up to three months or 70 working days per calendar year.

The statutory basic minimum wage of 9.19 Euro per hour (in 2019) and the German employment law also applies to these employees.

Social security:

While working in a minijob you are secured against accidents at work by the employer. But you don't carry an unemployment insurance.

450,-Euro-Job: Employees working in a 450,-Euro-Job are not a member of the statutory health insurance. Therefore they have to make sure that they hold a valid health insurance on their own. The employer pays a standard deduction to the statutory health insurance only if the employee is already a member of the health insurance system. For example because of another employment or within a family health insurance.

The employee and the employer pay pension insurance contributions into the German statutory pension system. The employer pays both parts directly to the "Minijob-Zentrale". The employee can apply for exemption from the pension insurance. It's advisable to contact the German pension insurance organisation to ask for advice about the consequences.

Short-term job: There is no contribution paid for the health and pension insurance. Therefore the employee has to ensure that he or she hold a valid health insurance and should ask the pension insurance organisation if it is advisable to pay voluntary contributions.

Full information in German is available on the webpage of the [Minijob-Zentrale](#). On this webpage you can also find further information about the [special rules for workers from another EU country](#).

## Membership of social security in Germany:

Employees who are subject to the social security obligation are members of five statutory insurance schemes:

- Statutory health insurance: adoption of the costs of visits to a doctor, many medicines and therapy measures;
- Statutory care insurance: basic coverage for any long-term care that may be required;
- Statutory pension insurance: payment of a pension in retirement which is determined in accordance with the income and number of years in employment in Germany;
- Statutory accident insurance: adoption of the costs of medical treatment and re-adjustment into working life following an accident at work or occupational illness;
- Statutory unemployment insurance: income for the unemployed for a certain period if they were, as a rule, insured for at least one year in the last two years or in case of occupational illness.

The general contribution rate remains the same for all health insurance companies; however, some health insurance companies charge an additional contribution. The employer registers the employee with the health insurance company of his or her choice. By means of the registration with the chosen health insurance company, the contributions are passed on from there to the respective providers of the other social security schemes.

Each employee receives a social security card with a social security number, which is always required. An overview of the social security schemes is provided by the advice sheet ["Living in Germany"](#).

## Social security contributions

Social security is a mandatory insurance scheme. The costs of membership are shared between the employee and the employer. The contributions are deducted automatically from the salary or wages. The contribution towards social security is generally in line with income. However, for health and pension insurance, it is the case that the amount does not increase after a certain level of income (so-called contribution assessment ceiling). Via the "gross-net calculator" of the [Wage Review portal](#), it is possible to find out the net salary after the deduction of taxes and social security contributions by entering the gross salary.

Special regulations affect internships and holiday jobs. Student internships which are undertaken during the course of study as part of the training are considered part of this and are exempt from insurance. In case of preparatory and post-study internships, students are, as a rule, not yet or no longer enrolled. In such a case, insurance is mandatory in all areas of social security as a rule. Whether contributions must be ultimately paid depends on whether remuneration is provided and if so, to what amount. In case of student and holiday jobs, the same conditions apply as is the case with employment relationships as a rule, as in such a case, the focus is on the provision of work services. Any minimum wages or remuneration regulations determined by collective agreements must be complied with. However, in terms of social security laws, the actual remuneration paid is decisive, as is also the case with voluntary internships.

## Health insurance

Everybody who lives in Germany requires health insurance. By contrast with other insurance services, there is a wide range of insurance types provided by different health insurance companies. The basic difference between statutory and private health insurance forms the basis of the services offered. It is possible to find premium comparisons online, for example on the [health insurance tariffs portal](#).

Employees from Germany and abroad can insure themselves both in the statutory insurance scheme and privately. However, only persons with a certain level of annual income have access to private health insurance. For the self-employed, freelancers and officials, the membership in a private health insurance scheme does not depend on income.

In case of self-employment or during the job-hunting process, thus during times where a person is not enrolled in the mandatory state health insurance scheme, it is possible to either register with a private health insurance company or to apply for enrollment with a statutory health insurance company. Family members without their own income can also be covered under the state health insurance scheme free-of-charge.

In order to claim benefits under the statutory health insurance, insured persons require a certificate of entitlement. For this purpose, there is the electronic health card. Patient details are saved on the card, in order to guarantee the quality of medical care and to ensure a speedy intervention in an emergency. When claiming benefits under private medical insurance, an invoice will be issued.

If you enter Germany from a country of the EU, the EEA or Switzerland, you should have the form E 104 or S1 issued by the health insurance institution. This form certifies the periods of insurance in the respective health insurance system of the country. The statutory health insurance in Germany also accept the form A1.

## Pension insurance

The German pension scheme (Deutsche Rentenversicherung) is responsible for the statutory pension element of the insurance. As a rule, the German legal regulations concerning the social security obligation for all employees in Germany apply. By means of this, all foreign employees who are subject to mandatory insurance are also automatically members of the German pension scheme. Exceptions from this are, for example, people who are posted from overseas and short-term employees (employment for a maximum of 70 working days or no more than three months in a calendar year).

Should the limited employment be subject to mandatory insurance, there will be times of mandatory German contributions. Whether a pension can be paid from these depends amongst others on how many months of

insurance periods have been accrued in Germany in total. Alongside other requirements, for example the attainment of a certain age, in order to have a claim to a German pension, a minimum period of insurance, the so-called waiting time, must be fulfilled. For example, a claim to an old-age pension will only exist if the general waiting time of five years is fulfilled. A pension claim for persons who have been insured for the long term exists after 35 years. Should the waiting time not be fulfilled, no pension can be paid. In such a case, there is generally an entitlement to reimbursement of the contributions.

Should the insured person also have accrued periods of insurance in another member state or contracting state, alongside the periods in Germany, the periods of insurance abroad can also be taken into account, in order to fulfil the eligibility requirements. So that a pension can be paid, the insured person must however have been insured in Germany for a minimum period of time (12 months). Should the insurance only have existed in Germany for a shorter time, these short periods in Germany will be compensated for by the insurance provider of the other member state. The entitlement to a pension in Germany will then cease.

## **Transferring pension claims to the home country**

Should an employee have spent some time in Germany and wish to return to his or her home country, depending on the home country, it is possible to take the pension claim home.

Within the EU and the European Economic Area (EEA), claims acquired under social security in Germany are not lost. After reaching the pension age of any EU or EEA member state in which they have worked, employees can be paid a pension in accordance with the respective requirements. The same applies to Switzerland. In addition, the following countries have concluded a social security treaty with Germany: Australia, Bosnia-Herzegovina, Chile, Israel, Japan, Canada, South Korea, Morocco, Macedonia, Montenegro, Serbia, Turkey, Tunisia and the USA. Pension applications can be submitted to the home pension provider, stating the periods of insurance in Germany.

Even if the home country is another (third-party) state, following fulfilment of the waiting time and the other requirements, the employees are generally entitled to a pension claim. The application should be submitted to the German Embassy or a German consulate, as the information will be certified there directly and forwarded on to Germany. In respect of a German pension, the German regulations concerning the retirement age will however continue to apply, not those of the home country.

Insured persons who leave without an entitlement to a German pension from the period of insurance can apply for reimbursement of the contributions once they have arrived home. For this, at least 24 calendar months must have passed, no insurance obligation may continue to exist and the persons may no longer be entitled to voluntary insurance. In addition, at the time of this application, the entire insurance relationship will cease and the employee will not be entitled to a pension subsequently.

## **Unemployment and pension**

Times of unemployment affect the pension claim and its amount. Should the insured person receive unemployment benefit from the Employment Agency, he or she is, as a rule, subject to mandatory insurance in the statutory pension scheme. Contributions to the statutory pension scheme are then automatically paid by the Employment Agency. However, this only applies if the insured person was obliged to be a member of the pension scheme in the year prior to drawing benefits, even if only for a short time (so-called pre-insurance). Should the pre-insurance period not be fulfilled, obligatory insurance can be applied for at the Employment Agency or the German pension scheme. The Employment Agency pays the contributions in full. Persons who are in receipt of unemployment benefit II or

basic income are not required to be insured under the statutory pension scheme. The job centre, however, forwards the times on to the pension provider, who then checks whether so-called credit times exist. Any queries in this respect can be addressed to the [German pension scheme](#) (Deutsche Rentenversicherung).

## Care insurance

Foreign employees who are subject to mandatory insurance are automatically members of the care insurance scheme. All persons who are subject to mandatory insurance in the state healthcare scheme, are voluntarily insured or whose families are insured are included in this. A person who has private health insurance is subject to the insurance obligation under the private care insurance scheme.

Care insurance which covers the care risk as in Germany does not exist in most EU member states. The rights in the individual countries are described by the EU Commission on its [social security systems website](#). For the export of the benefits, the following principle applies: Care insurance follows health insurance. As a rule, it is possible to export benefits from the German care insurance but that comes with certain conditions. Information in this respect is provided by the [German Liaison Office for Health Insurance Abroad \(DKVA\)](#).

## Accident insurance

Employees and trainees are covered by the statutory accident insurance. Accidents which occur in the workplace or at school, as well as to and from these places are covered. Occupational diseases are also covered. In case of an accident at work or an occupational disease, the statutory accident insurance covers the consequences and takes care of medical, professional and social rehabilitation, as well as any financial compensation.

The providers of the accident insurance are the commercial professional co-operatives, the agricultural professional co-operatives and the public insurance providers (for example accident funds, rural accident funds, community accident insurance associations). An overview of the German accident insurance can be found on the websites of the [Federal Ministry of Labour and Social Affairs](#).

## Unemployment insurance

Foreign employees who are subject to mandatory insurance are automatically members of the unemployment insurance. Care persons, the self-employed and persons who work abroad can apply for coverage under the unemployment insurance scheme. In case of termination of the employment in Germany, insured persons can receive benefits from the unemployment insurance. In such a case, the point of contact is the [Federal Employment Agency](#).

## Home Office/Remote Work

Die Sozialversicherungspflicht bei Tätigkeit im Home Office bzw. Remote Work, also im Wohnland des Arbeitnehmers, entsteht im internationalen Kontext unabhängig vom Betriebssitz des Arbeitgebers dort, wo der Arbeitnehmer seine Tätigkeit ausübt, also in seinem Wohnland.

Sozialversicherungsrechtliche Fragestellungen im internationalen Kontext werden sowohl von der Gesetzlichen Krankenversicherung als auch der [Deutschen Verbindungstelle Krankenversicherung Ausland \(DVKA\)](#) zur Feststellung des „Zuständigen Staates“ für die Beitragspflicht zur Sozialversicherung beantwortet; Grenzgänger wenden sich zusätzlich an die Grenzgängerberatungsstellen von [EURES-T](#).

Bei Tätigkeiten im Home Office kann es Ausnahmen zu dem regelmäßig zugrunde liegenden Territorialprinzip des Art. 11 Abs. 3 Buchst. a VO (EG) 883/04 („you pay where you work“ / Ort der physischen Ausübung einer Beschäftigung) geben.

Arbeitsrechtliche Fragen sind an einen Rechtsanwalt für Arbeitsrecht oder an das „Beratungsbüro für entsandte Beschäftigte in Berlin“ unter [www.faire-mobilitaet.de](http://www.faire-mobilitaet.de) zu richten. Anders als es der Name suggeriert, ist diese Beratungsstelle nicht nur für entsandte Beschäftigte in Berlin zuständig, sondern steht allen EU-Arbeitnehmer bundesweit offen. Die Beratungen sind kostenlos und finden mehrsprachig statt. Auch eine Mitgliedschaft zu einer Gewerkschaft ist keine Voraussetzung für eine Arbeitsrechtsberatung.

Das Thema „Steuern“ ist eine Sache für Experten und sollte daher rechtzeitig mit einem versierten Steuerberater und den beteiligten Finanzbehörden geklärt werden.

## Tax law

### General information

In Germany, income – salaries, pensions, benefits, revenues from assets, inheritances, gifts or from other sources – is taxed. The most important tax for workers is the income tax, which is paid with each salary received. As a rule, it is the case that a person with worldwide income is taxed in the country in which he or she is usually resident for tax purposes. Information about tax laws in Germany is summarised in the [“Your Europe”](#) portal of the European Commission.

However, a few aspects need to be borne in mind. As a rule, the country in which somebody works has the right to charge tax on the income which is received there. However, before it is determined where the employee (citizen) must pay tax, the ordinary place of residence for tax purposes must be established. This is done by the competent fiscal authorities of the respective country. For this matter, it must be ensured that the calendar year is always taken into account in tax matters. The ordinary place of residence for tax purposes is the place where employees live from a tax point of view. The process is carried out as follows in accordance with the so-called key questions rule:

- Determination of place of abode,
- Determination of the centre of a person's life,

- Determination of the permanent place of residence,
- Determination of citizenship,
- Determination of the competent authorities.

If it can be clarified after the first (second, third, etc.) question as to in which country workers live from a tax point of view, the subsequent questions become irrelevant. As a rule, it is the case that a person with worldwide income is taxed in the country in which he or she is ordinarily resident for tax purposes. More detailed information can be obtained from the local tax office or the [Federal Ministry of Finance](#).

## Tax identification number (IdNr)

Should the place of residence have been registered at the residents' office in Germany, the information will also be communicated to the competent tax office. This usually issues the tax identification number by post to the registered address. Should you have lost the IdNr it can be resend by the Federal Central Register for tax by means of a [form](#).

## Income tax

Income tax is payable on all income of a calendar year. An overview of the taxes which must be paid is contained in the ["Working in Germany"](#) advice sheet of Make it in Germany. The income of foreign workers is taxed under the following conditions:

- Anybody who is present in Germany for more than six months a year is usually resident in Germany for tax purposes. This means that they must pay tax here on all of their worldwide income.
- If employees neither maintain their place of residence in Germany nor are they usually resident here, they usually only pay taxes in Germany on the income which was generated here.

The income tax is automatically deducted from the gross salary each month and remitted to the tax office. Income tax is charged on income from employment. The term income tax can also include revenues from renting out or leasing property, for example. Further tax deductions from the gross salary are the solidarity supplement and church tax (if a person is a member of the church community which charges this).

For all citizens in Germany, there is a personal tax allowance. Up to this amount, the generated income is tax free. The purpose of the personal tax allowance is to ensure the minimum amount needed for existence.

Should the income on which tax is payable be above the named amounts, the income tax will be paid on this. The rule is as follows: the higher the income on which tax is payable, the higher the tax rate. The amount of income tax does not only depend on the income, but also the family situation is taken into account. All tax payers are assigned to so-called income tax classes.



## Income tax classes

All tax payers in Germany belong to a tax class, which determines the amount of tax payable. As described in the advice sheet "[Working in Germany](#)" of Make it in Germany, the following tax classes exist:

- Tax class 1: for single persons, for employees without a compensatory contribution for lone parents, spouses or civil partners who permanently live apart, divorcees;
- Tax class 2: for single parents entitled to the compensatory contribution;
- Tax class 3: for married employees or employees in a partnership if a spouse or civil partner does not work or earns significantly less (the other spouse or civil partner is then assigned to tax class 5);
- Tax class 4: for spouses or civil partners whose income is similar;
- Tax class 4 multiplied: employees who are married or in a partnership can apply for the entry of a multiplication each year. This takes into account the expected joint income tax to be paid in accordance with the splitting procedure;
- Tax class 5: for employees who are married or in a partnership whose spouse or civil partner belongs to tax class 4;
- Tax class 6: For all persons who have two or more jobs

## Income tax declaration

After the expiry of a calendar year, the government can check whether too much income or wage tax has been paid. For this purpose, an income tax declaration is submitted to the tax office. With the information concerning the actual income and financial commitments, the government can check whether the tax payer is entitled to a refund. The tax declaration forms are available at the tax office or can be downloaded from its homepage. It is also possible to submit the tax declaration via the [ELSTER portal](#). The income tax declaration can also be completed by tax accountants or an income tax assistance association.

## Double taxation

There is the risk of income being taxed twice if two countries have the right to tax the income – for example in the following cases:

- Employee lives in one EU country but works in a different member state (border commuter);
- Employee is posted abroad for a short time;
- Employee is seeking for work abroad and has received unemployment benefit;
- Employee lives in a country as a retiree and receives a pension from another country.

Bilateral double taxation treaties can prevent income from being taxed twice. Such a treaty exists between Germany and all EU member states, the EEA countries and Switzerland. Germany has concluded corresponding treaties with many other countries. Information about which countries are included can be obtained via the [Federal Ministry of Finance](#).

# Unemployment

## General information

During the transitional period between two jobs or in case of long-term unemployment, there is financial support in Germany in the form of unemployment benefit. There is a distinction between unemployment benefit in accordance with the [German Social Code III](#) (SGB III) and the basic income (also called unemployment benefit II) under the German [Social Code II](#) (SGB II). In order to receive the benefits, several requirements must be fulfilled.

## Receiving unemployment benefit in case of unemployment

Persons seeking for work in Germany can receive unemployment benefit. The unemployment benefit (also called unemployment benefit I) is an insurance benefit of the social security system, which is applied for at the [Federal Employment Agency](#). The legal basis for the payment of unemployment benefit is the Social Code III (SGB III). In order to receive unemployment benefit, the job-seeker must, as a rule, fulfill the following requirements:

- Be unemployed and
- Have personally registered with the Employment Agency as unemployed and
- Have fulfilled the qualification period: at least 12 months of employment which is subject to an insurance obligation – or subject to insurance obligation for other reasons, such as parental leave in Germany, within 30 months (reference period) of becoming unemployed and
- Be available for the efforts of the Employment Agency.

Under certain conditions, a shorter qualifying period may apply for persons who permanently work in short-term employments. The local [employment agency](#) provides further details.

From January 1, 2020, the reference period has been extended from 2 years to 30 months. This reference period of 30 months only applies to persons who have been under compulsory insurance after the 31.12.2019. Persons who have not been under compulsory insurance after the 31.12.2019, apply to a 2 years reference period.

Following the expiry of the month in which the statutory pension age in accordance with the Social Code VI (SGB VI) has been reached, the entitlement to unemployment benefit will cease.

Should employees live in another member state of the European Union, the European Economic Area or Switzerland and should they undertake employment in Germany as a border commuter, they generally receive benefits from the country of residence in case of unemployment. Unemployed border commuters can however also have the application submitted in Germany.

More detailed information about unemployment benefit, the eligibility requirements, the duration and the amount is provided in information sheet [number 1 "Unemployed persons"](#).

## Duration of the entitlement to unemployment benefit

The period of time for which it is possible to receive unemployment benefit generally depends on a person's age and on how long a person was subject to mandatory insurance in the unemployment insurance scheme in the five years prior to the unemployment.

## Amount of the unemployment benefit

The following are important when considering the amount of the unemployment benefit:

- The average remuneration subject to contributions which was received in the most recent employment prior to the benefit claim;
- The presence of a child as defined in § 32 Paragraphs 1, 3 to 5 of the German Income Tax Act (Einkommensteuergesetz);
- The income tax class to be taken into account.

A [self-calculation](#) can be carried out on the website of the Federal Employment Agency.

## Unemployment reporting obligation

Once the vocational training or employment relationship comes to an end, the employee must register with the Federal Employment Agency at the latest three months prior to the termination as searching for work, so that no financial deterrents are incurred. Should a period of less than three months exist between becoming aware of the termination and the vocational training or employment relationship coming to an end, the notification must be made within the first three days of becoming aware. In order to comply with the deadline, a notification stating the personal data and the time of termination suffices, if the personal registration is subsequently carried out at an agreed time. The notification can take place in writing, [online](#) by telephone or personally at the local Employment Agency.

The regulations also apply to border commuters and posted workers. These persons can register by telephone or online as searching for work, so that the necessary deadline is complied with. The personal unemployment registration should take place immediately following the return to Germany.

Should the registration as searching for work not be made or should it be submitted late, a blocking time of one week may apply. No unemployment benefit can be received during the blocking time as the claim is suspended.

Further information about unemployment benefit can be found on the website of the Federal Employment Agency (for example [information sheet 1 "Unemployed persons"](#)).

## **Taking into account of periods of insurance and employment abroad**

Periods of insurance and employment which a person has built up in a country of the European Union, the European Economic Area or Switzerland can be taken into account for the fulfilment of the qualification period if required. However, as a rule, these times are not taken into account until the unemployed person has been most recently employed in Germany and subject to the insurance obligation prior to entering unemployment. Exceptions apply to so-called border commuters.

For citizens of third-party states who are lawfully resident in a member state of the European Union, the European Economic Area or Switzerland, special regulations apply. Refugees in accordance with the Geneva Refugees Convention and stateless persons according to the New York Treaty are included in these regulations under EU law. In addition, there are special regulations for citizens of the Former Yugoslavia (apart from Slovenia and Croatia). More detailed information about these regulations is issued by the [ZAV](#). Queries relating to the individual claim are answered by the local [Employment Agency](#).

Periods of insurance and employment abroad can only be taken into account for the qualification period for unemployment benefit under German law if these times are proven. The proof concerning foreign periods of insurance and employment is issued by the competent foreign body. In the EU context, the employee generally applies for the PD U1 certificate (Portable Document U1) at the competent foreign body or the [German Employment Agency](#) is asked to request these foreign periods of insurance and employment from the foreign body directly.

For a claim to German unemployment benefit, the periods of insurance abroad which are certified in the PD U1 document are taken into account where necessary (periods of insurance during which unemployment benefit was received are excluded). In addition, periods of dependent employment abroad which were not subject to insurance there are then taken into account for a claim in Germany if the employment would have been subject to the insurance obligation here. Further information is contained in [information sheet number 20 "Unemployment benefit and employment abroad"](#).

Further information is available on the [website of the European Commission](#).

Special rules apply to former employees of the European Communities. For further advice please contact the local employment agency.

## **Transfer of benefits in order to search for employment in Germany**

Should the person searching for employment receive unemployment benefit in another European country (EU, EEA, Switzerland), he or she may bring this benefits claim to Germany to search for employment under certain conditions. The regulation applies to citizens of the EU and EEA Member States, citizens of Switzerland, refugees and persons without citizenship with a place of residence in a Member State and, as a rule, to citizens of third-party countries who are lawfully resident in the EU, EEA or Switzerland. By means of this co-ordination of the benefits system within Europe, the freedom of movement of workers shall be ensured.

As a rule, the transfer of claims is possible for three months and can be extended for a maximum of three months in accordance with country-specific regulations. It must be applied for at the local labour administration in the country where the benefits claim arose and is only possible as a rule if the person searching for employment was available to the foreign labour administration for referral to work for a minimum of four weeks at the time of departure. The claim to the transfer of benefits is generally certified with the PD U2 (Portable Document U2). The form must be submitted to the local Employment Agency in Germany within seven days of the departure. During the stay in Germany, the person searching for employment continues to be insured under the healthcare system of the country from which he or she transferred the benefits claim. Should the person searching for employment fail to find work in Germany and wish to return to the country from which the claim was transferred, this must, as a rule, take place before the expiry of the approved time period. Otherwise it may be the case that the claim to benefits in the country of origin ceases.

Detailed information about this topic is provided by the Federal Employment Agency under [EU social security regulations](#) and [information sheet number 20 "Unemployment benefit and employment abroad"](#). Further information is available on the [website of the European Commission](#).

## German returnees from abroad

German citizens who are abroad and intend to return to Germany should contact the International and Specialized Services for information and advice concerning their benefits claims. This also offers German citizens support in the job searching process if they are still abroad.

## Receipt of Unemployment Benefit II and Basic Income

Unemployed persons who are capable of work, who are not entitled to unemployment benefit and are not in the position of being able to support themselves, can receive basic income in accordance with the Social Code II (SGB II). As a rule, the basic income includes the covering of living costs by the bearing of rent to a reasonable amount and the payment of a certain amount to cover maintenance. The amount of the benefit depends on the personal circumstances of the individual person and the family. The points of contact are the [local job centre](#) and the local providers of the basic income.

Citizens of the European Union, citizens of Switzerland, Iceland, Norway and Liechtenstein, as well as citizens of third-party states who are lawfully or ordinarily residing in Germany who are generally entitled or could be allowed to take up an employment or a vocational training are entitled to this benefit. However, there are restrictions:

- Persons of non-German origin who are not employed or self-employed in Germany or who have not been employed or self-employed, and those who have the right to free movement as EU-citizens and their family members, are not entitled to basic income during the first 3 months of their stay.
- As a rule, persons of non-German origin whose right of residence is solely connected to the purpose of searching for employment or who are not permitted to take up employment are not entitled to this benefit.
- Asylum seekers and tolerated persons who are obliged to leave with a claim in accordance with § 1 of the [Asylum Seekers Benefits Act](#) (AsylbLG) are excluded from the basic income benefit. They receive benefits according to the Asylum Seekers Benefits Act.

Citizens of the European Union who are not employed, self-employed or haven't worked in Germany before, are not eligible to receive Unemployment Benefit II or Basic Income within the first five years. Until leaving, they can apply for an interim allowance for up to one month.

After a permanent stay of five years, the so-called long-term residency, EU citizens are generally eligible to apply for Unemployment Benefit II or Basic Income. Further information on this topic is available on the website of the [Federal Ministry of Labour and Social Affairs](#).

In case of persons from non-EU/non-EFTA states, the following rules apply to the stay in Germany:

- In case of a fixed term residence permit for a temporary purpose of stay, there is no entitlement as a rule in the absence of a usual stay.
- In case of a fixed term residence permit with the prospect of permanent residence, benefits are generally excluded during the first three months.
- In case of a (permanent) residence permit, the claim is not generally excluded.

## **Receipt of unemployment benefit in case of further vocational training**

If persons searching for employment are taking part in further vocational training, costs which are incurred within the framework of this can be covered by the Federal Employment Agency or the provider of the basic income under certain conditions. In order to receive unemployment benefit or basic income, the respective requirements for these benefits must remain fulfilled. Persons for whom the further development is necessary in order to correct existing qualification deficits and therefore increase the chance of finding employment are eligible for support. In addition, persons can be supported in the retrospective acquisition of the secondary school leaving certificate or an equivalent school qualification.

Persons in employment can be supported in the further vocational training by means of full or partial assumption of the costs under certain conditions. Participants must, as a rule, be over the age of 45 and continue to be entitled to unemployment benefit. Under certain conditions, lowly qualified employees can be supported regardless of their age. Employees in companies with less than 250 workers are supported if the measures are carried out externally and knowledge is acquired which goes beyond short-term adjustment-related continued professional development.

Should the requirements for the support be present, the person receives a training voucher by means of which the assumption of the further vocational training costs are covered and, if applicable, the continued payment of the unemployment benefit is guaranteed. Information concerning the support of further vocational training is provided by the local Employment Agency. An information sheet concerning further vocational training can be downloaded from the Federal Employment Agency website.

As a rule, foreigners can receive financial support if they are lawfully or ordinarily resident in Germany.

**For further questions do not hesitate to contact the  
Migration Support Center of the International and  
Specialized Services (ZAV) of the Federal Employment  
Agency:**

**International and Specialized Services**

**Migration Support Center**

+49 (0)228 713-1313

[zav@arbeitsagentur.de](mailto:zav@arbeitsagentur.de)

[www.zav.de](http://www.zav.de)