



**NEW SKILLED IMMIGRATION
ACT OF GERMANY:
PROMOTING SAFE MIGRATION
AND DECENT WORK**

Why is Germany Attracting Workers?

Germany will need an additional seven million skilled workers by 2035¹. The shortage of skilled workers is particularly high in nursing and healthcare occupations, jobs in the skilled trades such as plant mechanics for sanitary, heating and air-conditioning technology, in energy technology, in construction and finishing occupations, in mechatronics, electronics, automation technology and road haulage, as well as those in the field of childcare and social work, technical occupations in the areas of IT and construction planning as well as in the food and beverages industry².

To address critical labour shortages and ensure the sustainability of its economy, Germany has introduced new immigration laws aimed at easing the entry and residency requirements for skilled migrant workers from outside the EU.

This brochure aims to provide guidance for those seeking to understand the new Skilled Immigration Act of Germany as well as the process of entry into Germany's labour market. It does not claim to be fully comprehensive but simply provides a summary of the current regulations for non-EU nationals. Readers are encouraged to visit official websites like <https://www.make-it-in-germany.com/> and www.arbeitsagentur.de – both of which are available in English for further details.

¹Opportunity Card: The solution to Germany's labor shortage? DW 06/04/2024

²On the day of skilled trades: continued skilled labour shortages in trade professions | Bundesagentur für Arbeit (arbeitsagentur.de) and Qualified specialists urgently required: Shortages in 183 occupations | Bundesagentur für Arbeit (arbeitsagentur.de)



Entry and Stay in Germany

- 1 A work visa is typically required to enter Germany for employment.
- 2 In most cases, the process of being granted a visa involves the recognition of qualifications.
- 3 A residence permit is required to stay in Germany.



New Immigration Act – Some of the Highlights

The new Skilled Workers Immigration Act in Germany, which came into effect in a phased manner starting from November 2023, has brought about sweeping changes. Some of the main highlights of the Act are:

1. **Right to Residence Permit:** Skilled workers have an entitlement to a residence permit if all requirements are met. It is no longer at the discretion of the authorities.
2. **Opportunity Card:** A new type of residence permit titled the “Opportunity Card” has been introduced. This is based on a points system and allows workers to come to Germany and then look for a job if they achieve a certain number of points. Under this visa, a person is allowed to try work/enter into probation for up to twenty hours per week.
3. **De-linking qualifications with employment:** Individuals can work on the basis of their skills and are no longer restricted to work in jobs directly related to their professional qualification.
4. **Recognition of Qualifications:** It is not necessary to undertake the qualification recognition process before arrival in Germany. Individuals can enter the country, start working and simultaneously get qualifications recognised with the support of the employer.
5. **Lower Language requirements:** German language requirements have been reduced to A2 level for recognition partnerships, B1 for apprenticeships and are not required for some professionals like drivers and those in the IT industry.
6. **Lower Salary Thresholds:** The minimum salary requirements for the EU Blue Card have been lowered from € 58,400 to € 45,300 and further to € 41,041.80 for new entrants in shortage occupations³.
7. **Family reunification:** Skilled workers can bring their spouses, children as well as their parents. If the spouse is also a permanent resident of Germany – their parents-in-law can also stay in Germany. Proof of sufficient living space is no longer required.

What jobs are available in Germany?



Germany has many current vacancies in various sectors (see below). For up-to-date information check the job listing on the official site - Job listings ([make-it-in-germany.com](https://www.make-it-in-germany.com)).

● **Nursing professionals**

● **Physicians**

● **Engineers**

● **IT specialists**

● **Craftspeople**

● **Transport professionals**

● **Farming & agriculture professionals**

● **Architects & construction professionals**

³The new Skilled Immigration Act ([make-it-in-germany.com](https://www.make-it-in-germany.com))

Work Visa Types ?

There are several types of work visas in Germany. The visa category an individual qualifies for will depend on their qualifications.

| Visa Type | Education | German Level | Work Experience | Contract | Other Conditions | Annual Salary Threshold |
|---|--|--|---|---|---|--|
| Skilled worker (Blue Card) Special category - IT and nursing | German Degree / Indian University Degree with German Recognition. (minimum 3 years of study). No degree but 3 years minimum education necessary for IT workers, educators and nurses | Employer decides No legal requirement | 2 years of relevant experience for degree holders; 3 years for non-degree holders | Minimum 6-month job offer | Employment has to be related to qualifications; regulated occupations need license to practice | € 41,041.80 (shortage occupations) € 45,300 (other occupations) |
| Qualified professionals (special categories include drivers and nurses) | Indian Government recognized university qualification or vocational qualification (minimum 2 years) Qualification from German Chamber of Commerce Abroad (AHK) that meets the requirements of the Vocational Training Act (BBlG) | No legal requirement | 2 years (need not be linked to qualifications) | Specific offer where the skillset needs a degree or qualified vocational training. | Bundesagentur fur Arbeit (German Federal Employment Agency) has to approve the employment | € 40,770 (€ 49,830 if the worker is over 45 years old and will work for Germany for the first time) |
| Professionally experienced workers | Indian Government recognized university qualification or vocational qualification (minimum 2 years) Qualification from German Chamber of Commerce Abroad (AHK) that meets the requirements of the Vocational Training Act (BBlG), | Not specified; employer specifies | At least 2 years of professional work experience in the intended profession, within the last five years | Employment only for non-regulated professions Employer is a training company or suitable for further training | Recognition of qualification through ZAB.Contract approved by Federal Agency for Employment | € 40,770 (49,830 if the worker is over 45 years old and will work for Germany) |
| Recognition Partnership | Indian Government recognized university qualification or vocational qualification (minimum 2 years) | A2 | NA | Written recognition partnership agreement between employer and employee that states that the employee will be able to actively pursue the recognition procedure after entry to Germany. | The employer must be suitable for a recognition partnership. This means that the company already has experience in providing vocational training | NA |
| Recognition of Indian qualifications | Indian Government recognized university qualification or vocational qualification (minimum 2 years) | A2 | NA | 20 hours / week of work is possible | Contract approved by Federal agency for Employment. | There is a need to show secure financial means: blocked account with 12,324 Euros annually at least € 1,027 per month (as of 2024) or Declaration of Commitment. |
| Opportunity Card (point system) for seeking employment after arrival | Qualification obtained in Germany Full equivalence of qualification obtained in India Partial recognition of University degree or at least two years Indian vocational qualification Professional qualification from a German Chamber of Commerce Abroad (AHK) of category A recognized by the BIBB | A1 (B2 English is also accepted) | NA | 20 hours / week of work is possible | Show Minimum 6 points Criteria: Qualification Recognition-4; Shortage Occupation-1; Experience in area of formal education-2-3; German-1-3; Age-1-2 Previous stay-1; Spouse-1 | |

Regulated and Non-regulated professions

Professions in Germany are divided into 2 categories – regulated and non-regulated. The kind of profession determines the entry and conditions to work in the labour market.

Regulated professions where a license to practice is needed in Germany, like doctors, lawyers, and teachers, require a state exam or proof of equivalent qualifications to ensure they are fully qualified. There are about 1,300 such professions. If a license is needed, an individual can work as an assistant while waiting for a license, which usually takes up to six months.

Most professions in Germany are non-regulated and include occupations that require a higher education degree or vocational qualifications earned through the dual system of training. Examples include professions such as computer scientist or baker.

Recognition of Qualifications

To work in Germany, qualifications need to be formally recognized by a German authority. This process takes 3-4 months and costs between € 200-600. A person can receive full or partial recognition. With the new Recognition Partnership Visa, it is not necessary to start the recognition process before entry.

If one receives a partial recognition, the person can still enter Germany for training or start working while completing the recognition process.

More information on recognition can be found on the following website - <https://www.anerkennung-in-deutschland.de>.

Residency Permit

After arrival in Germany, a worker can take up a job with the employment visa that has been granted. During the validity of the entry visa, the worker must apply for a residence permit from the local authority. The pathways are different for the different visa holders but residency is an entitlement if criteria are met and are not at the discretion of authorities.

Some of the Workers' Rights in Germany

- 1. Standard Contract:** An employee has a right to a written contract which must include details of employment, such as salary, working hours, holiday entitlement, and notice period. It may be in another language but workers will have sufficient time to get it translated before signing.
- 2. Works' Councils, Unions and Collective Agreements:** Migrant workers have the right to join councils and unions and participate in activities freely. Collective bargaining agreements specify, among other things: pay including overtime and bonus, terms of employment including work hours, holidays, condition of apprenticeships etc.
- 3. Termination:** A termination notice is only valid if it can be proven to have been handed over i.e. a written document and has been signed by both parties or if a witness was present when written notice was given. Notice of termination by email is not deemed valid.
- 4. Quitting a job and repayment of recruitment costs to company:** An employer may ask for repayment of costs related to hiring a worker, in case the worker decides to quit the job. However, the claim may only be made for professional development costs paid by the employer, and only if there is a repayment clause written in the contract. Every case is considered individually.
- 5. Social Security:** Germany has a statutory social security system that protects against serious risks, including healthcare, pensions, and unemployment benefits. Everyone employed in Germany has to make compulsory contributions. The average total social security contribution is around 20-22% of the salary deducted directly from the monthly pay.
- 6. Health Insurance:** All employees are required to have health insurance. Proof of Health insurance is mandatory to obtain a work visa and residence permit.