

FAQ for employers

1. Who helps further if...

a) ...the person is already in Germany?

For persons with a foreign nationality who are staying in Germany, the foreigners' authority in whose area the person is staying is always responsible. Therefore, the Foreigners Authority Münster is responsible for all those who have their main or primary residence in Münster.

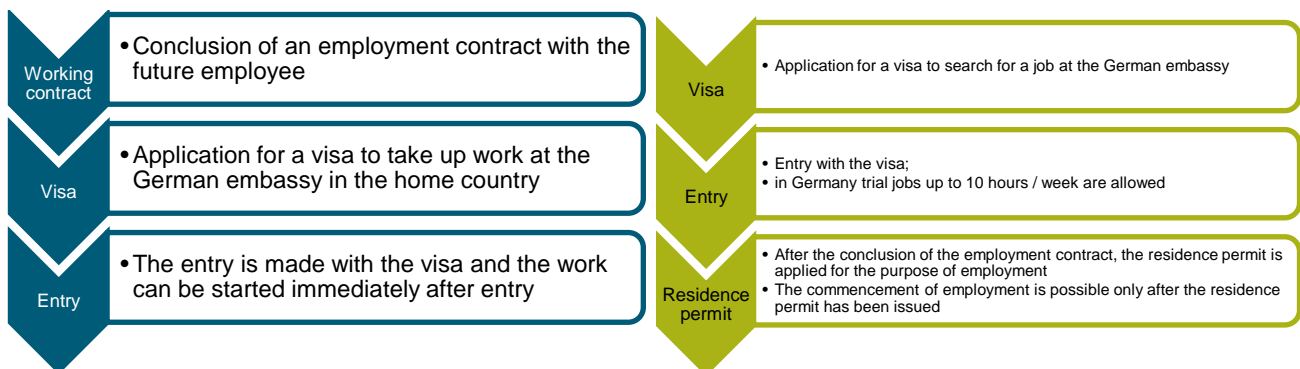


b) ...the person wants to enter from his home country ?

- ➔ for persons from an EU country, the foreigners authority is also responsible. However, they do not need a residence title for entry and residence and are allowed to live and work here without a German residence title.
- ➔ Nationals from Australia, Israel, Japan, Canada, South Korea, New Zealand, Great Britain, Northern Ireland and the USA may enter the country without a visa and then also report to the foreigners authority in their place of residence and apply for a residence title there.
- ➔ All other foreigners can obtain information from the German embassy in their country of origin and apply there for the visa required for entry.

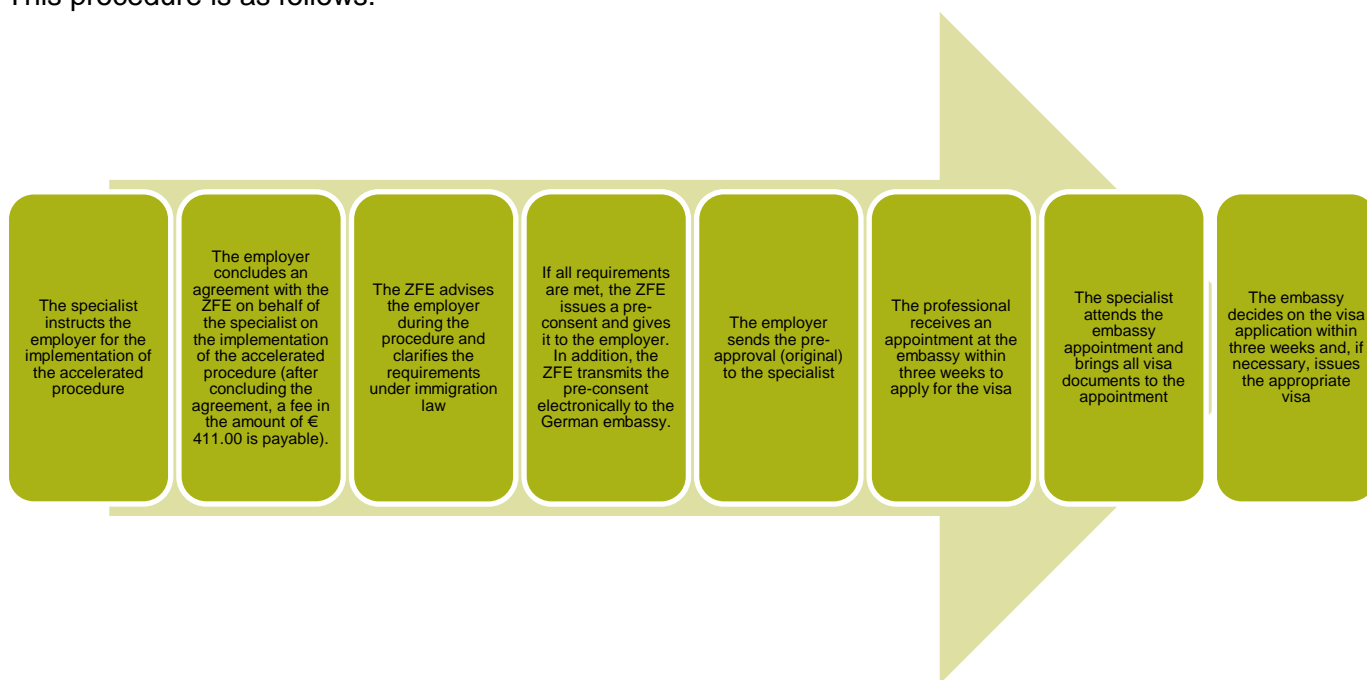


2. What options are there for bringing a potential employee from abroad to Germany (FEG, legal restrictions, etc.)?



3. Can an employer who wants to employ a skilled worker from a third country accelerate the procedure?

The Accelerated Procedure for Skilled Workers was created by the Skilled Worker Immigration Act. This procedure is as follows:



The procedure usually takes a maximum of 4 months in total.

The accelerated procedure is possible for the following purposes of residence:

- In-company vocational training, in-company further training (§ 16a AufenthG).
- Measures for the recognition of foreign professional qualifications (§ 16d AufenthG)
- Skilled worker with vocational training (§ 18a AufenthG)
- Skilled worker with academic training (§ 18b AufenthG)
- Settlement permit for a highly qualified specialist with academic training (§ 18c Abs. 3 AufenthG)

The contact for the accelerated skilled worker procedure is the Central Office for Skilled Worker Immigration (ZFE) of the Cologne District Government:

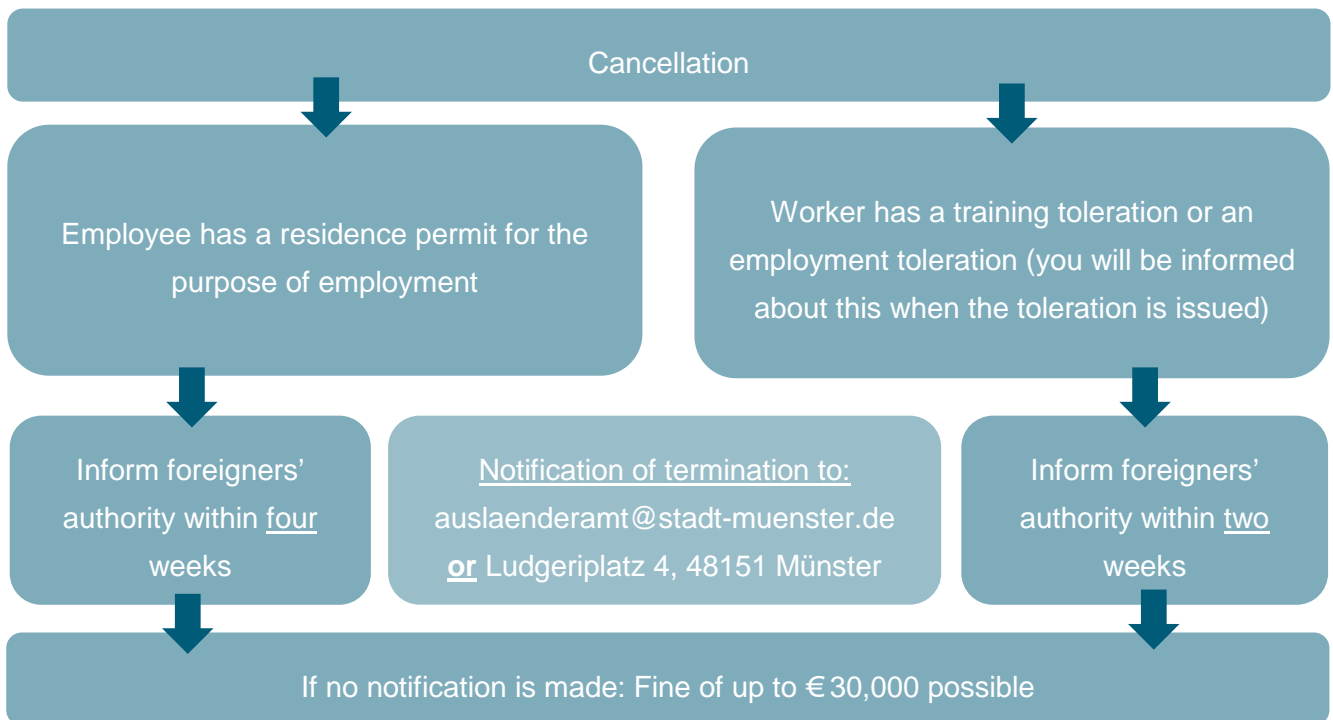
Bezirksregierung Köln
Dezernat 21 – Zentralstelle für
Fachkräfteeinwanderung
50606 Köln
E-Mail: zfe@bezreg-koeln.nrw.de

4. What happens if the skilled worker from a third country is terminated during or after the probationary period (e.g. because the company and the skilled worker do not match)?

The skilled worker enters Germany for the purpose of employment and also receives the residence permit for this purpose. For the skilled worker, termination means that the basis for the residence permit no longer applies and that he or she may have to leave the country.

Nevertheless, you are not obligated to continue employing a skilled worker should you not harmonize with the skilled worker as a company.

5. What must an employer consider when terminating or dissolving an employment relationship?



6. What are the obligations when employing a worker from a third country?

A foreigner from a third country may only work in Germany if he/she has a residence permit that enables him/her to do so. As an employer, you have the obligation to check whether the applicant has a corresponding employment permit. If this is not the case, you may not employ the applicant.

In addition, you are obligated to keep a copy (in paper or electronic form) of the residence permit, the Aufenthaltsgestattung or the Duldung and, if applicable, the separate work permit for the duration of the employment.

7. May a professional from a third country travel to other European countries, e.g. as part of a company excursion?

If the specialist is in possession of a valid residence permit and a valid passport, he or she may also stay in other Schengen states for tourist purposes for up to 90 days. It should be noted that the residence permit must be valid for the entire stay abroad. The passport and residence permit must also be carried for entry and exit.



However, it is unfortunately not possible for professionals with a toleration or a residence permit to leave the country.

8. May a trainee from a third country do an internship abroad?

In principle, yes, if he/she has a residence permit and a passport. However, the aliens law regulations of the destination country must be taken into account. It should be clarified whether entry without a visa is permitted and under which conditions the internship can be carried out there (Does a residence permit have to be applied for beforehand? What documents are required for this?)

If the trainee is in possession of a Duldung or a Gestattung, participation in an internship abroad is unfortunately not possible, as the trainee is not allowed to leave Germany.

9. How long can an employer employ a skilled worker from a third country after successful completion of his/her training? What does this depend on?

In principle, employment is possible for an unlimited period after successful completion of the training.

In the case of a residence permit, this can be issued for up to four years if the skilled worker has an unlimited employment contract (provided that all other requirements, such as passport validity, are also met).

The settlement permit can be reviewed after two years if the education was completed in Germany. In the case of a foreign educational qualification, the settlement permit can be issued after four years.

If the skilled worker was in possession of a toleration or a residence permit during the training, the granting of a residence permit as a qualified tolerated person can be examined after completion of the training. If the residence permit can be issued, this is possible for two years. The extension is then also possible for two years at a time. In this case, the unlimited residence permit can be examined after five years of possession of a residence permit.

10. Are there separate regulations for persons from Western Balkan countries?

There is the so-called Western Balkans regulation. This is currently valid until 31.12.2023. According to this, nationals of the Western Balkan countries (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia) can in principle obtain a visa or residence permit for any employment.

As soon as an employment contract is available, the applicant can make a request for an appointment in the waiting list at the German embassy in his/her home country and will then be assigned an application date. At the appointment all required documents are handed in (checklist can be found on the website of the respective embassy). The embassy then checks the documents in cooperation with the Federal Employment Agency and informs the applicant of the decision.

