

Amendment of the Skilled Immigration Act: The key amendments for companies

Background information:

The shortage of qualified specialists is impacting the country's economy and prosperity. A more relaxed immigration law for qualified specialists from abroad aims to counteract this shortage. Germany is improving its immigration law to give qualified specialists from other countries better prospects for working, studying, and training in Germany. The law will come into force in three stages: November 2023, March 2024, and June 2024. There are three main changes, which are divided into the following pillars:

- Qualified specialists pillar:
 - Recognised qualifications provide opportunity for immigration
 - Recognised qualified specialists have access to any qualified employment in non-regulated professions
 - Changes to the EU Blue Card
 - Easier access to the labour market for care workers from non-member countries
- Experience pillar:
 - Possibility of immigration for qualified specialists with at least two years of work experience and an officially recognised professional qualification or university degree
 - Recognition partnership between qualified specialists and employers
- Potential pillar:
 - Opportunity Card based on points system
 - More secondary employment opportunities

What are the key opportunities for companies?

EU Blue Card (from 18 November 2023):

The EU Blue Card is a residence title for university graduates and specialists of certain occupational groups from non-member countries. The requirements for the issue of an EU Blue Card will be facilitated as follows:

- **Lowering of the salary threshold:** A minimum salary of 45.3% of the annual contribution assessment threshold for pension insurance contributions for bottleneck occupations and entry-level employees, and 50% for all other occupations.
- **IT specialists:** Eligibility for the EU Blue Card without a university degree, but with at least three years of relevant work experience. The lower salary threshold for bottleneck occupations applies in this case.
- **Expansion of what counts as a bottleneck occupation:** In addition to what is currently considered a bottleneck occupation (occupations in the fields of mathematics, computer science, the natural sciences, engineering, and medicine), a number of other occupations are now included in the definition, such as in the fields of healthcare and education and in the information and communication technology sectors.
- Making **mobility within the EU** easier with the EU Blue Card.

Professional drivers (from 18 November 2023):

- Simplification of the BA approval by eliminating the verification of the professional practice requirements (required EU or EEA driving permit and the basic qualification or accelerated basic qualification)
- No more BA priority check
- No language test on entry into Germany

The state initiative "Fachkraft im Fokus" (Landesinitiative Fachkraft im Fokus) is funded by the European Union and the state of Saxony-Anhalt. The contracting authority is the Ministry of Labour, Social Affairs, Health and Equality of Saxony-Anhalt.

Recognition partnership (from 1 March 2024):

The recognition partnership allows people to **enter Germany before the start of the recognition procedure**. Before the qualified specialists enter the country they conclude an agreement with the company in which they undertake to apply for professional recognition and actively pursue the process upon arrival in Germany. The residence permit is usually issued for one year and can be extended for up to three years.

The basic requirements for the recognition partnership are an employment contract, at least two years of vocational training or a university degree officially recognised in the country of origin and level A2 German skills. The recognition partnership gives access to qualified employment before the recognition procedure is completed.

Lane change for asylum seekers (from 1 March 2024):

- Termination of the asylum procedure and switch to a residence permit for qualified specialists
- Requirements for the lane change:
 - Arrival in Germany prior to 29 March 2023
 - Job or job offer
 - Qualification for the job

Short-term employment and seasonal work (from 1 March 2024):

- Quota-based short-term employment or seasonal work in accordance with the Employment Regulation ("Beschäftigungsverordnung"), regardless of qualification
- Requirement: Work permit issued by the Federal Employment Agency (BA)
- Employment limited to a maximum of 8 months within a 12-month period
- Employer must be subject to collective bargaining agreements and cover the travel costs
- Under this regulation, workers can be employed for 10 out of 12 months per year

Opportunity Card based on points system (from 1 June 2024):

- Temporary residence title for seeking employment
- For recognised qualified specialists or a certain number of points for various criteria (such as language skills, age, connection to Germany, qualification)
- Trial and secondary employment possible

Western Balkans regulation (from 1 June 2024):

- For nationals of Albania, Bosnia and Herzegovina, Kosovo, Montenegro, North Macedonia, and Serbia
- Entry into Germany to pursue any employment, regardless of qualification and without recognition procedure (employment contract must be concluded)
- Quota extended to 50,000 per year (previously 25,000); appointments allocated randomly
- Regulation to be made permanent from 2024

Where can companies find more information?

Advice on the entry process and arrival:

www.welcomecenter-sachsen-anhalt.de/en

Tel.: +49 391 400699-15

Email.: beratung@welcomecenter-sachsen-anhalt.de

The WelcomeCenter Saxony-Anhalt is a service of the state initiative "Fachkraft im Fokus".

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