

Residence permit within the context of labour migration

Information especially for refugees from Ukraine without a Ukrainian passport (as of 12.4.2022)

Most nationalities need a national visa before entering Germany. Thus, as an exception, citizens from outside of Europe with regular prior residence in Ukraine do not need a visa to enter Germany. They can stay in Germany without a visa until 31.08.2022. If they wish to remain in Germany, they must apply for a residence permit for the period thereafter by 31st of August 2022. The Foreigners' Registration Office (Ausländerbehörde) at your current place of residence is responsible.

It is possible to apply for different types of residence permits in the area of labour migration and educational migration. (see info sheet *UA_Möglichkeiten_Drittstaatsangehörige.pdf*.)

Over all requirements for residence permits in the context of labour migration are:

- ✓ The recognition of foreign vocational and academic qualifications (IBAS counselling centre, contact details below).
- ✓ A certain language level for regulated professions such as doctor, nurse or teacher or suitable German language skills for non-regulated professions (employer decides).
- ✓ Securing livelihood without receiving public benefits.

The following requirements apply to residence permits in the area of labour migration:

A) For a residency for **employment as a skilled worker**¹ (§§ 18a + 18b Residence Act):

- A recognised foreign vocational or higher education qualification is available².
- A binding job offer has been made.
- The approval of the Federal Employment Agency has been obtained.

B) For a residency for **job search** (§ 20 Residence Act) for 6 months:

- A recognised vocational or university qualification is available.
- German language skills, as a rule B1, are available.
- Subsistence is assured for the duration of the stay (947.10 €/month).
- Working is not permitted (only up to 10 hours per week of unpaid trial work).

C) For a residency in the context of the **recognition** of foreign professional qualifications (§16d Residence Act):

- The deficit/intermediate notice of "partial equivalence" of the qualification has been issued.
- German language skills of at least A2 level are available.
- The qualification measure (max. 24 months incl. extension) has been found.
- The livelihood is secured (947.10 €/month).
- The approval of the Federal Employment Agency has been obtained.

¹ According to the Skilled Workers Immigration Act, a person is only a skilled worker if his/her vocational training/university studies are recognised in Germany. Work experience, which is often much more important for employers, is not sufficient in most cases.

² Exceptions are possible, e.g. for IT specialists, professional drivers, specialty chefs and other occupations.

The approval of the Federal Employment Agency can be granted under the following conditions:

- ✓ It is a qualified employment according to the existing qualification. Helping jobs and temporary work are not possible.
- ✓ The employment is at collectively agreed or locally customary conditions (salary, working hours, social benefits).
- ✓ For skilled workers over the age of 45, a higher minimum income is required when the residence title is first issued (46,530 EUR gross/year; 2022), alternatively proof of adequate pension provision.

D) A residency for **other employment purposes** irrespective of qualification (§19c Residence Act) can be granted for certain occupational groups if these are regulated in the Employment Ordinance or other agreements:

- This concerns, among others, professional drivers, speciality chefs, IT specialists and others.
- Voluntary services are also possible.

E) A residency for the purpose of exercising a **freelance activity** (§21 paragraph 5 Residence Act) can be applied for if the activity is in accordance with §18 of the Income Tax Act.

Advice and contact points

The Foreigners' Registration Office (Ausländerbehörde) at your current place of residence is responsible for questions regarding possible residence titles.

Counselling by a migration counselling centre or an asylum counselling centre is possible.

Questions about the recognition of vocational qualifications:

The IBAS counselling centre in Dresden, Leipzig or Chemnitz offers counselling on the recognition of foreign vocational and academic qualifications and provides information on procedures, documents and the responsible offices.

The counselling is free of charge and confidential. Please send an e-mail to anerkennung@exis.de.



Die Informationen wurden durch das Fachinformationszentrum Zuwanderung Leipzig erstellt. Kontakt: fizu-leipzig@exis.de, Tel. 0341/ 580 88 20 20. Für weitere Infos zum Thema Arbeitsmarkt steht das IQ Netzwerk Sachsen zur Verfügung.



Der EXIS Europa e.V. als Gesamtkoordination des IQ Netzwerkes Sachsen versichert, die Informationen nach bestem Wissen und Gewissen zur Verfügung zu stellen und die Beratungen in hoher Qualität durchzuführen. EXIS übernimmt keine Haftung für Fehler in Beratungen und Informationen sowie daraus resultierender direkter Schäden, soweit diese nicht vorsätzlich oder in grober Fahrlässigkeit hervorgerufen wurden. Alle gegebenen Informationen sind als Empfehlungen zu verstehen, sie haben keinen haftungsbegründenden Charakter.