

AEAJ Marseille 2021

# Immigration of Skilled Workers to Germany

Prof. Dr. Harald Dörig

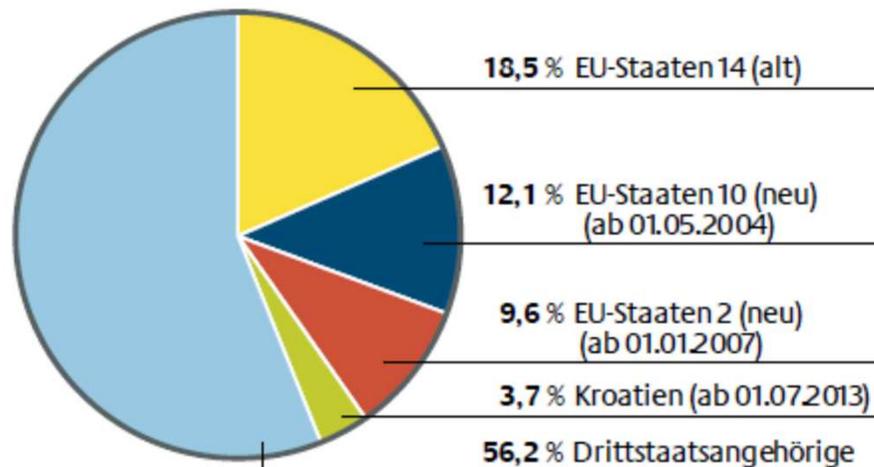
# Germans and Foreign Nationals

Population of Germany 2021: 83 million

Foreign Nationals in Germany: 11 million

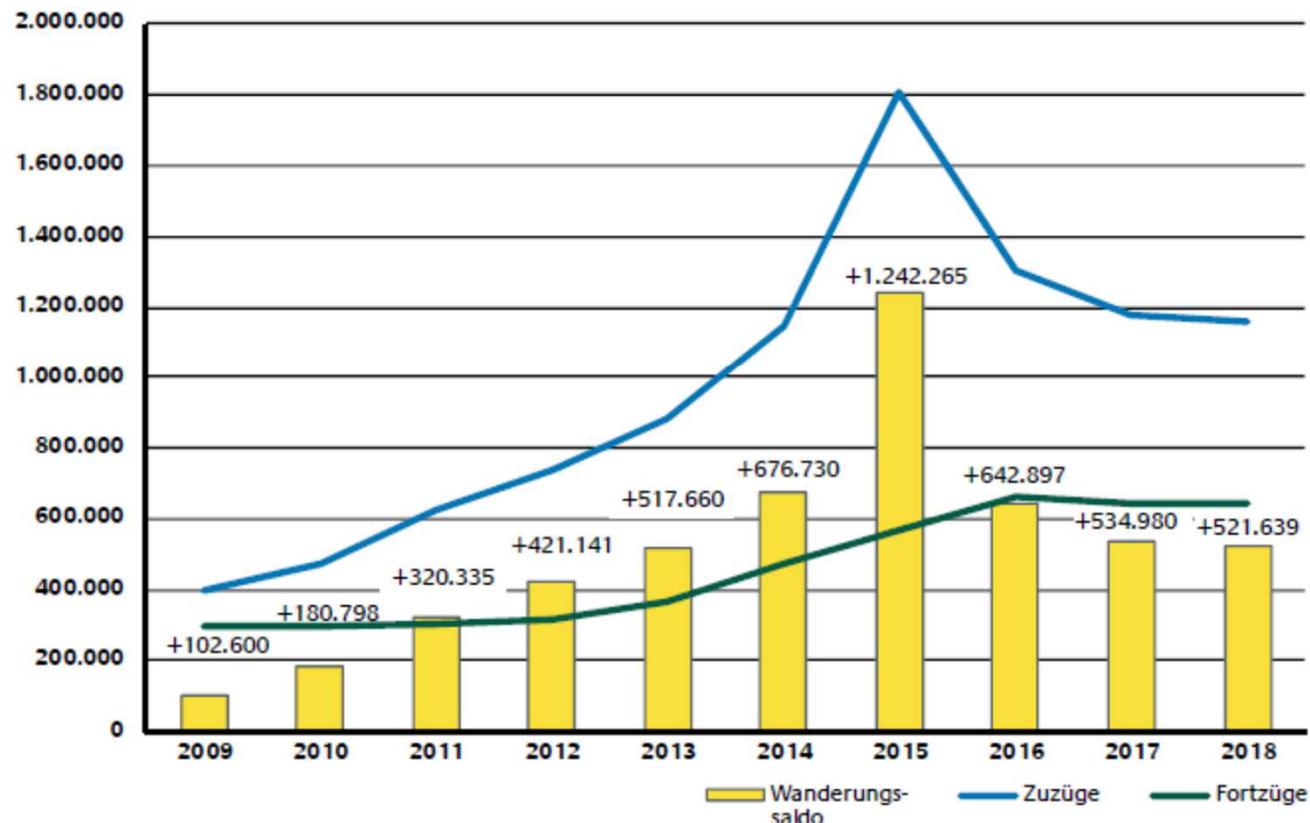
Population with a migration background: 21 million

Gesamtzahl: 10.999.325 Personen



# Immigration to Germany 2009 - 2018

Abbildung II - 1:  
Zuzüge und Fortzüge ausländischer Staatsangehöriger von 2009 bis 2018



# Structure of Immigrants

Surplus of immigrants: 4.5 million in the last seven years

53 % from EU Member States

14 % from Rest-Europe including Russia and Turkey

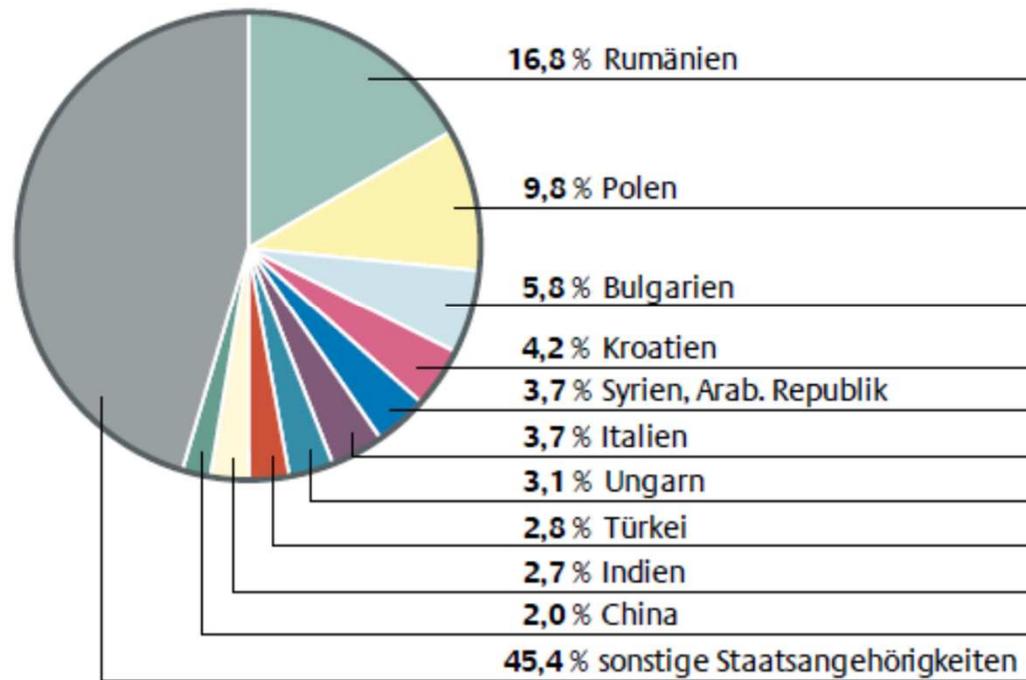
15 % from Asia

4 % from Africa

5 % from America and Australia

# Home Countries of Immigrants

Gesamtzahl: 1.161.866 Personen



# Reasons for Immigration of Third Country Nationals

18 % humanitarian reasons

18 % family reunification

12 % working reasons

9 % students

2 % pupils and trainees

41 % other reasons

# Labour Immigration

## Three Regimes of skilled Labour Migration:

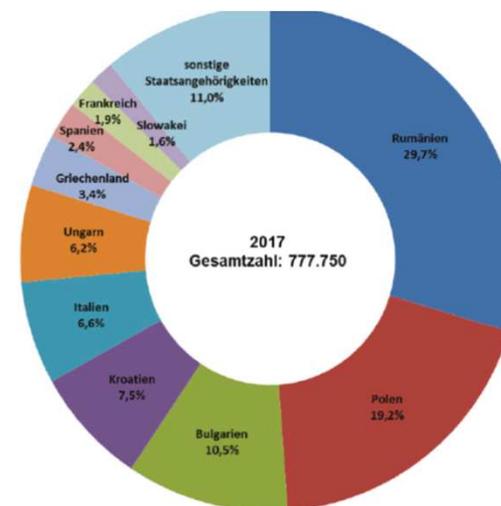
- (1) Freedom of Movement for EU Citizens
- (2) EU Blue Card Directive 2009
- (3) National Rules for skilled Workers 2020 („Fachkräfte-Einwanderungs-Gesetz“)



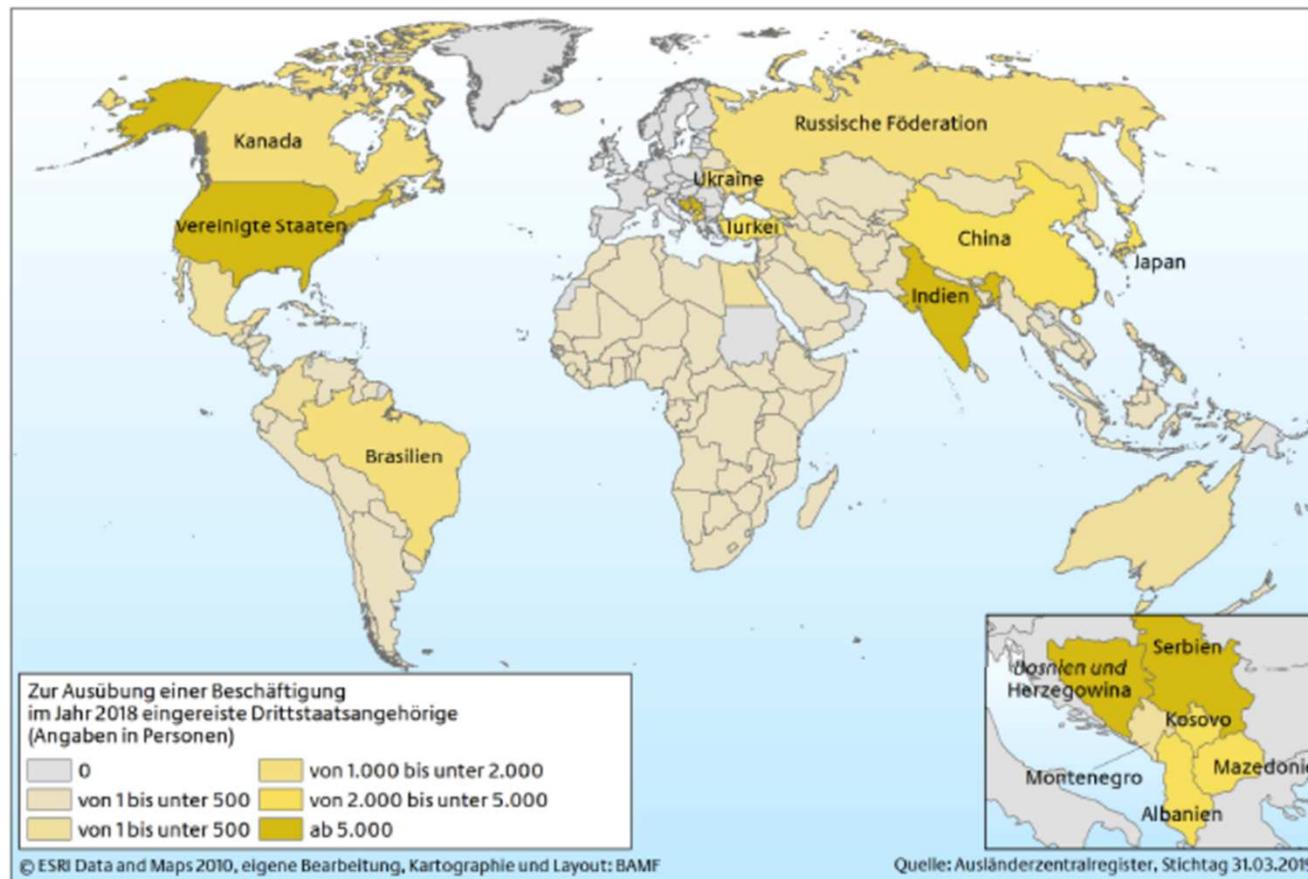
# EU Citizens

EU citizens can work in any EU Member State without residence permit.

Reservoir of 365 Mio persons (after UK Brexit). In Germany there live and work around 700,000 to 800,000 EU citizens. The largest group are people from Romania and Poland, they form half of the persons concerned.



# Third Country Nationals 2018



## EU Blue Card

It addresses third-country nationals for the purposes of highly qualified employment, i.e. mainly academics. They are allowed (and invited) to immigrate, if they have (1) an academic degree after university studies of at least three years and (2) a job offer with a minimum salary of 4,733 Euro per month. (3) The academic degree must qualify for the relevant occupation as specified in the work contract.

## EU Blue Card

In case of employment in professions which are in particular need of third-country national workers, the minimum salary is reduced to 3,692 Euro per month.

To those belong: Scientists, mathematicians, architects, urban and transportation planners, designers, engineers, human physicians (except dentists) and academic IT professionals.

## EU Blue Card

The holder of a EU Blue Card gets a residence permit of 4 years. After that he can get permanent residence. He can get permanent residence after 21 months if he has good knowledge in German (B1 – sufficient command of the German language). After 18 months of residence in one EU Member State the immigrant can change his residence to any other EU Member State if he still fulfills the conditions of the EU Blue Card Directive.

## German National Rules for skilled Workers (FEG 2020)

Immigration is possible for all skilled workers, not only for academics. And if they are younger than 45 there is no fixed minimum income they have to earn per month. The new rules apply from March 2020.

### Two paths:

- (1) Skilled worker with **academic** qualification + job offer
- (2) Skilled worker with **professional** qualification (professional education of minimum two years) + job offer

## German National Rules for skilled Workers (Academics)

Section 18b FEG: Skilled workers holding a university degree may be granted a temporary residence permit to perform skilled work for which their training qualifies them.

Requirement: the equivalence of the qualification has to be established

If person is older than 45: Salary must be reach a minimum income of 3,905 Euro

## German National Rules for skilled Workers (Academics)

Problem: For what kind of work does a specific academic training qualify the person?

German case (still pending): A woman from Mexico holds a university degree in dentistry which is equivalent to the German degree and wants to work in a leading position in a company that runs a cooking school, imports and exports goods and operates a delicatessen shop with a snack bar. She says she uses her academic knowledge acquired in Mexico in business administration, economics and accounting, in administration and bookkeeping.

## German National Rules for skilled Workers (Professionals)

Section 18a FEG: Skilled workers with vocational training qualification may be granted a temporary residence permit to perform skilled work for which their training qualifies them.

Problem 1: Who decides whether the professional qualification is equivalent or not?



## German National Rules for skilled Workers (Professionals)

Problem 2: A foreign professional qualification often is much different from that in Germany, f.ex. no three years training with final examination, just training on the job. So there is a need for adaptation or compensation measures or for obtaining further qualifications (Section 16d FEG).

## German FEG 2020 – Extras – Sec. 20

- (1) Student after obtaining their degree may stay in Germany to search for a job for up to 18 months.
- (2) Foreigners after obtaining a professional degree may stay in Germany to search for a job for up to 12 months.
- (3) Academics or professionals may get a 6-months-visa to search a job

## German FEG 2020 – Extras – Sec. 16 a, d

- (1) Residence permit to obtain a professional education (Sec. 16a)
- (2) Residence permit to obtain missing parts of a job qualification (Sec. 16d) – up to 18 months plus 6 months

## **Number of Visa granted to qualified workers from spring 2020 to spring 2021**

Visa for Blue Card: 15,700

Visa for other Academics: 5,000

Visa for qualified Professionals: 3,100

Visa for a professional Education (Azubis): 4,500

Visa for obtaining missing parts of qualification: 5,100

Visa in total: 38,000

## Qualified + unqualified Migration of Third-country Nationals

Visa for qualified migration: 38,000

Visa for unqualified migration: 28,000

Germany needs an annual immigration of around 114,000 immigrants from other EU countries and around 146,000 people from third countries outside of the EU

## Rules to legalize irregular migration

Failed asylum seekers with a tolerance of stay may perform a professional training (apprenticeship) of two years, if their identity has been cleared („Ausbildungsduldung“). Afterwards they can get a residence permit as worker. The same applies to persons who are already working legally for more than 18 months and earn their living („Beschäftigungsduldung“ – limited until end of 2023).

## Need for instruments to legalize irregular Migration

290,000 third country nationals are obliged to leave Germany, but 235,000 are tolerated to stay (sick, return not possible etc), only 45,000 are ready for leaving the country, 10,000 are deported.

So 235,000 persons live in Germany for an unforeseeable time. It makes sense to integrate them and allow them to work.

## Toleration of stay for vocational Training (Ausbildungsduldung)

### Requirements acc. to Section 60c Residence Act:

The applicant must have started a vocational training during his (unsuccessful) asylum procedure or has got a suspension of deportation and is prepared to start a qualified vocational training of minimum two years (as a rule). The toleration is not granted if concrete measures have been initiated to terminate residence and if the applicant's identity was not verified. If the foreigner has successfully completed the training period he can be granted a residence permit to work (Sect. 19d Residence Act).

## **Toleration of stay for vocational Training (Ausbildungsduldung)**

5,700 tolerations for vocational training were granted in 2020/21.

## Toleration of stay for the purpose of Employment (Beschäftigungsduldung)

### Requirements acc. to Sect. 60d Residence Act:

Foreigners who are already working legally for more than 18 months and earn their living shall get a toleration for the purpose of employment. They must also have an elementary oral command of the German language (A 2). The toleration is not granted if the applicant's identity was not verified. The toleration is granted for 30 months. After that period he shall be granted a residence permit for reasons of successful integration (Sect. 25b para 6 Residence Act).

## **Toleration of stay for the purpose of Employment (Beschäftigungsduldung)**

1,800 tolerations for the purpose of employment were granted in 2020/21.

## Residence Permit for good Integration

The German Residence Act also provides rules for the issuing of a residence permit for good integration for young persons (Sec. 25a) and for grown-ups (Sec. 25b). It requires a stay in Germany for 4 to 8 years, visit of school, ensuring his or her subsistence for the most part, elementary oral command of the German language (A2) and commitment to the free democratic basic order of the Federal Republic of Germany.

# Thank you

