

Mobility: Immigration alert

March 2024

Germany

Changes in immigration regulations impacting experience-based work permits

Executive summary

On 1 March 2024, amended German immigration regulations went into effect that impact experience-based work permits. Among the new rules is the expansion of the provision allowing employees with professional experience but without a qualification recognized in Germany to obtain German work authorization.

Key developments

The new rules introduce the following changes effective 1 March 2024:

- ▶ Individuals in all non-regulated professions (i.e., professionals who do not require a government license to practice) in all sectors are now eligible to obtain German work authorization based on professional experience. Previously, this regulation was applicable only to IT professionals. Despite the expansion of this regulation, and especially as applicants' degrees are no longer required to be recognized in Germany, employees in non-IT sectors are still required to hold a formal qualification obtained based on at least two years of training/education (i.e., university degree or vocational training) that is recognized in the country of their training/education. Training certificates issued by The German Chambers of Commerce Abroad would also suffice, provided they comply with the German Vocational Training Act ("Berufsbildungsgesetz").
- ▶ Applicants must have a minimum of two years of professional experience in the intended field of work within the five years prior to filing their application (up from two years within the seven years prior to filing their application). This work experience must "enable" ("befähigen") the applicant to

perform the planned job responsibilities but does not need to be related to the applicant's formal qualification. For example, an individual with a degree in political science who has at least two years of professional experience as a biotechnologist can work as a biotechnologist.

- ▶ The minimum salary threshold has been decreased to 45% of the annual contribution assessment ceiling in the general pension insurance scheme (down from 60%). In 2024, this would correspond to a threshold of EUR 40,770 (down from EUR 54,360 in 2023). If the potential employer is bound to a collective bargaining agreement, this general salary threshold is not applicable, and a lower salary based on the union rate is allowed.
- ▶ Applicants will no longer be required to prove that they have German language skills. This was a general requirement until recently and was waived only on a case-by-case basis.
- ▶ Applicants must be in a domestic employment relationship ("inländisches Beschäftigungsverhältnis") with a German company (i.e., they must make all social security payments in Germany, with limited exceptions).

As before, German job positions held by third-country nationals have to be "qualified" (i.e., the position must require skills and knowledge which are usually obtained through formal vocational education of at least two years or university studies).

Impact on employers

With the introduction of the new regulations, it is expected that employers will have access to a larger pool of applicants who did not qualify previously for work permits as skilled workers (e.g., as they may not have held qualifications that are recognized in Germany) but now qualify based on professional experience. The reduction in the salary threshold is also expected to benefit employers.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

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