

## LEGAL UPDATE LABOUR AND EMPLOYMENT LAW

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# An overview of the new Skilled Workers Immigration Act

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The [Act on Further Developing the Immigration of Skilled Workers](#) was published in the Federal Law Gazette (Bundesgesetzblatt) on 18 August 2023. The Act should make it easier for foreign skilled workers to enter the German job market and thus counteract the lack of skilled workers faced by many companies.

### Shortage of skilled workers in Germany

There is a lack of well educated, skilled workers in many regions and sectors in Germany. In 2022, the number of vacancies was around 1.98 million, higher than ever before. Recently, German companies have been increasingly relying on skilled workers from abroad, alongside potential domestic employees. The Act on Further Developing the Immigration of Skilled Workers aims to break down barriers and allow skilled workers from abroad to quickly work in Germany with less red tape.

### The three immigration pillars of skilled workers

The immigration of skilled workers should rest on three pillars in the future: specialist, experience and potential. The specialist pillar remains the central element of immigration. The requirements for skilled workers obtaining residence

permits and EU Blue Cards have been simplified by the new Act. The experience pillar focuses on professional experience. Workers with at least two years of professional experience should be able to immigrate in the future if they meet other requirements. The third pillar considers the potential of the worker. A new residence permit to look for a job is being introduced to this end (Opportunity Card).

### Lower requirements for residence permits for skilled workers

The residence permits for skilled workers enable foreign workers with vocational training or an academic education to enter into employment in Germany.

The new Skilled Workers Immigration Act no longer places the allocation of residence permits in these cases at the discretion of the authorities. If all the requirements for granting a permit are met, the worker has the right to be allocated a residence permit (section 18a, 18b new version of the German Residence Act, AufenthaltG). The link between education obtained and qualified employment continues to be reversed. In the future, whoever has a qualification may exercise any qualified employment.

## Easier access to EU Blue Cards

The requirements for being granted an EU Blue Card (section 18g new version of AufenthG) have also been relaxed. The German legislature has thus implemented the provisions of [EU Directive 2021/1883](#). The aim of the EU Blue Card is to increase the number of highly qualified specialist workers from abroad with a certain minimum gross annual salary over the long-term. After 33 months, holders of the EU Blue Card are given the opportunity to obtain a permanent right of residence.

### Lower requirements

The new Skilled Workers Immigration Act has reduced the minimum salary threshold required to issue a residence permit. Workers in regular professions must only show 50% of their annual average contribution level to the general pension scheme as salary; for 'bottleneck professions' this amount is only 45.3%. The new minimum salary threshold is currently EUR 43,800 gross per year for regular professions and EUR 39,682.80 gross per year for bottleneck professions. In addition, the lower salary threshold now not only applies to bottleneck professions, but also to workers who have obtained their secondary school qualifications within the last three years before applying for an EU Blue Card. The occupational groups that fall under bottleneck professions were also extended. Previously, bottleneck professions included the following occupational groups: scientists, mathematicians, engineers, medical doctors and IT specialists. In future, occupational groups such as managers in various more narrowly defined sectors (such as healthcare), academic and comparable nursing and midwifery professionals, as well as veterinarians and teaching staff will also count as bottleneck professions.

## EU Blue Cards for IT specialists

One further area of significant reform is the IT sector. The requirement for granting an EU Blue Card is, as a general rule, secondary school qualifications recognised in Germany. In the future IT specialists will no longer need secondary school qualifications. To obtain an EU Blue Card, evidence of at least three years' professional experience at a level comparable with secondary school qualifications is sufficient. The lower salary thresholds for bottleneck professions (section 18g (2) new version of AufenthG) also apply to the IT sector.

## Residence permits for workers with professional experience

Workers who have at least two years' professional experience and a vocational qualification officially recognised in their country of origin may, in the future, work in all non-regulated professions in Germany (section 19c (2) AufenthG in conjunction with section 6 Ordinance on the Employment of Foreigners (Beschäftigungsverordnung, BeschV)). Formal recognition of their vocational qualification in Germany is no longer required. However, in order to prevent these qualified skilled workers from being placed in the low-wage sector, a certain salary threshold must be adhered to.

## Residence permits for recognition partnerships

Recognition of a foreign professional qualification still applies in regulated professions, such as the medical profession, continues to be required and this may also be advantageous for other professions for long-term professional integration. Residence permits for a recognition partnership (section 16d (3a) new version of AufenthG) allows the worker to arrive and reside

in Germany in order to have a vocational qualification recognised in Germany. Recognition is no longer required before travelling to Germany. This requires the skilled worker and the employer to commit to a recognition partnership. In return, the skilled worker secures employment in Germany from the first day.

### Opportunity Cards for job seekers

An Opportunity Card is being introduced for workers who do not have an actual job offer, but have the potential to contribute to the German job market (section 20a, 20b new version of AufenthaltG). This is a residence permit to search for employment or, after measures taken to recognise foreign professional qualifications, which is granted for a period of up to one year. An extension of up to two years is possible under certain conditions. The Opportunity Card can be obtained in two ways. Applicants who are classified as skilled workers in terms of section 18 (2) new version of AufenthaltG may obtain an Opportunity Card without meeting any other requirements. All other applicants must achieve a sufficient number of points in accordance with a fixed

points system. The selection criteria for the point system includes qualifications, German and English language skills, professional experience, connection to Germany, age and the potential of any accompanying spouse. Holders of the Opportunity Card are entitled to work an average of 20 hours per week and to trial jobs for a maximum of two weeks, respectively.

### Practical guidance

The planned changes make it easier for foreign workers to access the German job market. Employers who have up until now primarily looked for workers on the German job market, may therefore take the foreign job market into consideration for recruiting workers. Employers who already rely on skilled workers from abroad should familiarise themselves with the planned changes in good time so that they can benefit from the simplifications in the new Act as soon as possible. Some provisions of the Act on Further Developing the Immigration of Skilled Workers are already coming into force as of November 2023. The remaining changes will follow in March/June 2024.

**Note**

This overview is solely intended for general information purposes and may not replace legal advice on individual cases. Please contact the respective person in charge with GÖRG or respectively the author Dr Alberto Povedano Peramato by email to [apovedano@goerg.de](mailto:apovedano@goerg.de) or by phone +49 221 33660 544. For further information about the author visit our website [www.goerg.com](http://www.goerg.com).

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