

IMMIGRATION GERMANY Q&A

Most frequently asked questions - Responses in a brief -



1. What are the most common residence permits applied for in Germany?

Foreigners can enter Germany based on a Schengenvisa, either issued for tourist or business travel purposes. They can also apply for National visa or various types of combined work and residence permits, depending on the individual qualifications or further immigration framework conditions.



2. Are there any exemptions of the visa obligations?

Generally speaking, for EU nationals, the EU freedom of movement applies.

Privileged nationals such as US-Americans, Canadians etc. can enter Germany and can apply for a residence permit locally in Germany (even though it is not recommendable due to long lead times at the immigration authorities).

There are further exceptions to the visa requirement, also e.g. for South American or Asian nationals. However, the requirement depends on individual conditions, e.g. (the entry as a dependent or the presence of a biometric passport etc.).



3. Does a residence permit also entitle the holder to a work permit and vice versa?

There are residence titles that only legitimize residence, but not employment. Otherwise, however, there is no work permit issued without a residence title.



4. Are there any special requirements for the company to employ foreign workers?

In principle, any company can hire foreign professionals as long as the German labour law framework conditions are complied with and a comparable salary is paid. However, depending on the legal basis, companies may have to prove that they have an international structure. In addition, the individual qualification of the assignee for the position to be filled must be proven (see question 5). The authorities can also initiate a labour market check to verify the actual need of the recruitment of the foreigner.



ABOUT BDO LEGAL

As the German legal consultants to BDO AG Wirtschaftsprüfungsgesellschaft, we support you with more than 70 lawyers at 9 Offices in Germany in the development and implementation of business decisions in all essential business disciplines.

Together with BDO, we advise you in integrated teams consisting of lawyers, accountants and tax consultants. Integrated into the BDO International network, we operate in 164 countries worldwide with more than 95,000 employees.

www.bdolegal.de

CONTACT

BDO Legal
Rechtsanwaltsgesellschaft mbH



Sevim Weller

Lawyer
Düsseldorf
Phone: +49 211 1371-217
sevim.weller@bdolegal.de

5. What requirements must a foreign applicant fulfil?

The proof of qualification depends on the position to be filled. A university degree is not necessarily required, although it is beneficial. Meanwhile, work permits are also granted based on the proof of a recognized vocational education. Specialist work experience can also enable the work permit to be issued. Generally speaking, the requirements are usually lower in shortage occupations. In principle, the combination of individual qualifications, the requirements of the job, the general conditions such as salary and, if applicable, the requirements of the labour market are examined. Based on this, the work and residence permit can be applied for within the legally prescribed framework.



6. To which authority do I submit the application

There are different options here, depending on the jurisdiction and the possible legal bases to be applied for.

A visa application is submitted to the responsible German representation in the home country. But it is also possible to apply locally in Germany, although this does not apply to all citizenships and requires a residence registration. In addition to the legal entitlement, the temporal component should be taken into account. The application from/in the home country is usually advantageous. Furthermore, we recommend checking the option to clarify the work permit entitlement in advance.



7. How long does the application process take?

In general, the application process should be started at an early stage. A standard application for a residence title in Germany takes 4-8 weeks after the complete set of documents is available. There is the possibility to optimize the process timewise, even if the appointment situation of the German immigration authorities is challenging. Authority internal approvals can significantly slow down the process. Therefore, the route and place of the application should be well chosen.



8. How long is a permit valid for Germany?

The residence titles have different validity periods. A visa is issued for 90 days up to one year, the first residence title is usually valid for 1-2 years. Based on this, an extension can be applied for locally, provided the work contract is appropriate and adequate accommodation and health insurance is given.



9. How long can I leave the country without losing my permit?

A residence permit expires 6 months after leaving Germany. The only exception is the EU Blue Card, which expires 12 months after leaving Germany, but a longer period may be permitted upon application.



10. How can BDO Legal support with my application?

We support our clients, both the employer and the employee and, if applicable, also the dependents, from through the whole immigration process, starting with a feasibility assessment, individual compilation of the application package, coordination of appointments, on request accompanied service until the residence permit card is ready for collection and checked for correctness. In addition, the validity is tracked and, if applicable, extensions are triggered. All under the premise that time and costs are handled as efficiently as possible and that the client has as little effort as necessary.



Please find further details on our Business Immigration Services here: [Immigration Services for Business \(bdolegal.de\)](https://www.bdolegal.de)

Please note that the above are only generalized information. A valid advice can only be given on a case-by-case basis. Please feel free to contact us any time.

This publication has been carefully prepared, but it has been written in general terms and should be seen as broad guidance only. The publication cannot be relied upon to cover specific situations and you should not act, or refrain from acting, upon the information contained therein without obtaining specific professional advice. Please contact BDO Legal Rechtsanwalts-gesellschaft mbH to discuss these matters in the context of your particular circumstances. BDO Legal Rechtsanwalts-gesellschaft mbH, its partners, employees and agents do not accept or assume any liability or duty of care for any loss arising from any action taken or not taken by anyone in reliance on the information in this publication or for any decision based on it.

BDO Legal Rechtsanwalts-gesellschaft mbH, a limited liability company is a legally independent cooperation partner of BDO AG Wirtschaftsprüfungsgesellschaft. BDO AG Wirtschaftsprüfungsgesellschaft, a German company limited by shares, is a member of BDO International Limited, a UK company limited by guarantee, and forms part of the international BDO network of independent member firms. BDO is the brand name for the BDO network and for each of the BDO Member Firms.