

Introduction

This country guideline provides general information on the most common corporate immigration processes for Germany. Please note that immigration processes in every country are subject to frequent change, and also that each case is assessed on its own merits. Therefore, this guideline should be taken as providing general information only. Cases to Germany are handled by our office in Frankfurt, Germany. For specific, detailed advice, please contact your representative.

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Immigration Categories

A brief description of main corporate immigration categories by assignment type follows. The appropriate immigration category or status for assignees will depend on their specific details and on their company. For details on non-typical categories, please contact your representative.

- **Work permits for locally paid employees, including new hires:** Compensation for the position and conditions of employment should meet standards in the country. A labor market check is usually required.
- **Blue Card EU:** A type of work permit, usually applied to highly qualified local hires holding a recognized university degree and earning a certain level of gross annual salary and employees belonging in the scarce occupations category (IT specialists, medical doctors, engineers etc.) holding a recognized university degree and earning a certain level of gross annual salary.
- **Intra Company Transfer (ICT):** This work permit type is granted when the employee remains on home contract. A labor market check is usually required. A sub-category of this work permit type is the Exchange of Personnel.

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This option is available if the company is registered for this program and actively exchanges employees from one country to the other. For this category, the assignee must have a university degree and not earn less than a German citizen would at the same job, but labor market check is not needed.

Typical Process Overview

Approximate overall processing time to complete the entire process, eight (8) to 16 (sixteen) weeks. However, note that lead time for document gathering at the start of the process should be factored in, as should processing time for completion of post arrival formalities. Please see the [Application Materials](#) section below for further details. Average processing time for each individual step is noted below.

Step One-A: Work permit Pre-approval

Processing Time: Two (2) to six (6) weeks

All Nationals:

Our German office files the application and supporting documents with the local authorities for approval.

Step One-B: (For everyone except nationals of: USA, Canada, Australia, New Zealand, Israel, South Korea, Japan)
Submission of Work Visa Application at the Consulate of residence

Processing Time: To be checked on a Consular basis

Dependents may apply for dependent visas at this stage or they may apply separately at a later time.

Please note that appointment waiting times may affect the total duration of the process.

Once approved, the Consulate will be authorized to issue an entry visa which allows the principal applicant to start working upon arrival. This visa will be valid for ninety (90) days and must be transferred to a work and residence permit in a post arrival process.

Preferred country nationals (see the [Bilateral Agreements](#) section below) are able to enter Germany without a work visa and can directly proceed to Step Two below. PLEASE NOTE: these nationals cannot start working until step three is completed.

Step Two: Town Hall Registration

Processing Time: One (1) day

Upon moving into a residence in Germany, all nationals must be registered at the local town hall within one week or two depending on jurisdiction. This step must be completed before the residence permit can be filed. Please note that re-registration is required every time one moves to a new location.

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Step Three: Submission of the Application for the work and residence permit

Processing Time: One (1) day + appointment wait times

The next step is to submit the residence permit application documents and have fingerprints taken at the local alien office. This appointment must be attended in person by all applicants including children above the age of six (6) – exceptions may apply. Waiting times for an appointment vary depending on the alien office but can be very long in some jurisdictions [up to six (6) weeks].

As noted above, preferred country nationals are not allowed to begin working. Visa nationals will have their work visas to cover the processing time and can instead start working upon entering Germany.

Step Four: Collection of the Residence Permit

Processing Time: About four (4) weeks

The Residence Permit applications will take approximately four (4) weeks to be printed. Emigra Worldwide can track the processing and inform the applicant when it is time to collect. In the majority of cases we are able to collect it on the employee's behalf using a power of attorney. In some jurisdictions, for example Stuttgart, a sticker is endorsed on the passport at time of filing.

Typical Documents Obtained

By following the application process described above, the following immigration documents will be obtained. Typical validity is noted next to each document name. For details on the renewal process, please see the next section, [Renewal](#).

- **Work and Residence Permit:** four (4) months to four (4) years (please note stays that are less than four (4) months will not be granted and Work and Residence Permit.)

Renewal

Residence permit renewals will need to be initiated ten (10) to fourteen (14) weeks prior to expiration in order to leave enough time for document gathering, securing appointments, possible security checks and the preparation of the card by the authorities. If initiated too late, a temporary permit will be issued to bridge the gap between expiration and new card issuance. Please note that this temporary permit may restrict work and travel.

Deregistration

Upon leaving the country, the government of Germany requires all foreign nationals to de-register their residential address. The town hall informs the alien office that the foreigner has left.

Dependents

Dependent immigration status approval is given according to the immigration status of the principal applicant. Where the principal applicant is in Germany with a work and residence permit, the following rules apply for dependents:

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- **Minimum age (spouses):** Eighteen (18)
- **Maximum age (children):** Eighteen (18), unless disabled
- **Children sixteen (16) years of age or older:** If the child is already sixteen (16) before arriving in Germany, they may be required to attend German classes
- **Unmarried partners:** Not accepted
- **Married same sex couples:** Accepted
- **Non-traditional dependents (e.g. parents, siblings):** Not accepted (unless a hardship case)
- **Nannies:** Not accepted (exceptions only if child is disabled)
- **Work authorization:** spouses of residence permit holders always have the right to work
- **Married to a German or European Union National:** Simplified processing may apply; varies from case to case
- **German Language Knowledge:** May be necessary in some cases; for example, at certain embassies, when the spouse does not have a university degree or for spouses of German citizens.

Application Materials

Application materials vary depending on the immigration category being applied for and on the specifics of the case. General application materials for a work permit are noted below.

- Current resume (C.V.), diploma and passport copy.
- For dependents, passport copies, birth and marriage certificates.
- Corporate documents include contracts, job descriptions and assignment letters.
- Health care coverage (must cover Germany)
- Depending on the jurisdiction, documentation may need to be submitted with a German translation and birth and marriage certificates may require legalization. We assist with translation and legalization requirements upon request.

Business Visitors

- **Name of visa granted:** Schengen type C
- **Visa waiver:** Preferred country nationals do not need a Schengen Visa to visit Germany on business. Some nationals requiring a visa for work purposes are exempted from the Schengen visa requirement for business. For more details please ask your representative.
- **Duration of stay:** A maximum of ninety (90) days out of a one-hundred-eighty (180) day period
- **General activities permitted:** “business only”, generally defined as attending business meetings, negotiations, trade fairs, conferences and seminars.

Change of Status

Not allowed, except for “preferred countries” but on the assumption that at the time of filing for the Work and Residence Permit, the ninety (90) days allowance in the Schengen area has not elapsed.

Salary and Payroll

Salary and payroll requirements vary depending on the specifics of the case. In Germany, a foreign employee may not be employed for less salary than a German national would earn at the same job.

Blue Card EU applications require specific salary level requirements. Highly qualified applicants are currently required to earn at least 48,400€ gross annually; applicants in scarce occupations are required to earn 37,752€ gross annually. Please note there is NOT a Blue Card application per se, it is the authorities that grant that.

Qualifications

Qualification requirements will vary from case to case and will depend on the immigration category under which the application is made. However, in general, the immigration authorities do expect to see an undergraduate or graduate degree. In some situations, a strong case may be made for applicants without a degree provided their level of experience and industry-specific qualification is high.

Red Flags

The following points are important to note at the start of the process. If any of the below situations apply to you, please contact your representative immediately for further detailed advice.

- Absence of university degree
- Absence of relevant experience
- For intra-company transfers, if the employee has been with their company for less than twelve (12) months
- Insufficient compensation
- Unmarried partner
- At the visa application step, the consulate may request a proof of basic knowledge of the German language for dependents. However, there are exemptions.
- For visa nationals, the German authorities reserve the right to reject dependent visa applications if the assignment duration is less than twelve (12) months.
- In some jurisdictions, if a marriage takes place after the principal applicant has already completed immigration in Germany, a visa for the new spouse may not be granted until the principal applicant has lived in Germany for two (2) years.
- Some authorities request legalization and translation of marriage and birth certificates of children, when present. Certain countries' certificates (i.e. India and the Philippines), may be difficult to legalize and could take several months to process.
- In the case of examining eligibility for a Blue Card EU, the university degree must have equivalency status with a German degree.
- Renewals: if a renewal is submitted too late and there is a gap between the last permit validity and the permit to be approved, some jurisdictions will not give the employee permission to continue working until the new permit is approved.

Penalties for Non-Compliance

The government of Germany takes immigration non-compliance very seriously. Penalties for non-compliance may include fines, deportation, and imprisonment.

Employee Penalties:

- Employee may be refused re-entry to Germany for a certain period of time.
- Fines up to 5,000.00 € can apply.
- Repeated offences can lead to imprisonment.

Employer Penalties:

- Fines up to 500,000.00 € can apply.

Bilateral Agreements

- **European Union (EU):** Germany is part of the European Union (EU). All EU nationals are not required to obtain Work Authorization to work in Germany. All EU nationals must register with the local town hall upon arrival.
- **Preferred Countries:** Nationals of Australia, Canada, Israel, Japan, South Korea, New Zealand and the U.S.A. may apply for their Work and Residence Permits after entering Germany without a work visa.
- **Schengen Agreement:** Germany is a member of the Schengen agreement. Schengen visas (type C), national work visas (type D) and residence permits for Germany will allow travel in the Schengen area.

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Last review: March 2016