



**UNIVERSITY GRANTS COMMISSION
BAHADURSHAH ZAFAR MARG
NEW DELHI – 110002**

F.No.1-1/2007(IC)

October, 2012

The Registrar
All Indian Universities

Sub: Change in German Immigration law, including introduction of a Blue Card –reg

Sir/ Madam,

The Ministry of Human Resource Development, Department of Higher Education, New Delhi has forwarded a letter No.Berl/Com/227/01/2012, dated 29-08-2012 received from Embassy of India, Berlin, Germany regarding Change in German Immigration law w.e.f 1st August 2012.

The detailed information is enclosed for information. In case of any query, Ministry of External Affairs may please be contacted.

Yours faithfully,

**Charan Dass
(Under Secretary)
Ph.011-23238446**

Email:charandass80@hotmail.com



2012-13
www.indianembassy.de



Ashok Kumar
Counsellor (Eco. & Com.)
Embassy of India, Berlin
Tiergartenstrasse, 17
10785 Berlin

No.Berl/Com/227/01/12

August 29, 2012

Sub : Changes in German Immigration Law, including introduction of a Blue Card.

Dear Maám,

With effect from 1st August, 2012, Germany has made some fundamental changes to its existing law on immigration, which, apart from a prominent introduction of an EU Blue Card, also include changes in respect of residence and employment of foreign university students and graduates, foreigners in occupational training, self-employed workers and entrepreneurs.

2. The EU Blue Card has been incorporated into the German Residence Act as part of the implementation of the EU Council Directive on highly qualified employment, and Germany's own objective of facilitating and promoting the migration of highly skilled workers into the country. It is a new residence permit for highly qualified non-EU workers, like natural scientists, engineers, IT specialists etc., who have a university degree or equivalent qualification and a minimum defined salary.

3. In addition to the Blue Card, numerous changes have been made for facilitating stay and employment of students and other highly skilled workers, as well as to help small businesses to find foreign skilled workers for positions that would otherwise go unfilled.

4. A note on features of new German Immigration Law starting August 1, 2012, is enclosed for your information.

With regards,

Yours sincerely,

(Ashok Kumar)

Smt.Ruchi Ghanshyam,
Joint Secretary (EW),
Ministry of External Affairs,
New Delhi.

Copy to :

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- (i) Shri A.C. Pandey, Joint Secretary, Ministry of Labour & Employment, New Delhi.
 - (ii) Shri Atul Kumar Tiwari, Joint Secretary, Ministry of Overseas Indian Affairs, New Delhi.
 - (iii) Smt. Veena Ish, Joint Secretary, Ministry of Human Resource Development, New Delhi.
 - (iv) Shri G.V. Venugopala Sarma, Joint Secretary, Ministry of Home Affairs, New Delhi.

With warm regards,

(Ashok Kumar)

Changes in German Immigration Law w.e.f. Aug.1, 2012

The Residence Act :

Provisions on the entry of foreigners into Germany, their residence in the country, various residence purposes, the termination of residence and asylum procedures, are contained in the Immigration Act of 1st January 2005, which is also known as the 'Residence Act'.

2. As per the above Act, **all foreign nationals** entering Germany for work require a Work Permit, **except the citizens of EU (incl. Romania & Bulgaria w.e.f. 1/1/2014), Switzerland, Norway, Liechtenstein, and Iceland**, and are supposed to obtain an entry visa from the German Embassy/Consulate before arrival. A Final Permit is issued, post-arrival, by the alien office. Here again, the **citizens of USA, Canada, Australia, New Zealand, Japan, ROK, and Israel, are exempted from obtaining a visa before arrival** and are granted the Final Permit after arrival in Germany. The various categories of Work Permit include: Study, Work & residence, Permanent, Family reunion, Self-employment, etc.

3. W.e.f. 1st August 2012, some fundamental changes have been made to the existing law which, apart from a prominent introduction of an EU Blue Card, **also includes** changes in respect of residence and employment of foreign university students and graduates, foreigners in occupational training, self-employed workers and entrepreneurs. The basic features of the 'Blue Card' as well other changes made are as follows :

1. The EU Blue Card

4. An EU Blue Card has been incorporated into the German Residence Act as part of the implementation of the EU Council Directive on highly qualified employment and Germany's own objective of facilitating and promoting the migration of highly skilled workers into the country. The Blue Card is a new residence permit for highly qualified non-EU workers, like natural scientists, engineers, IT specialists etc., who have a university degree or equivalent qualification and a minimum defined salary.

5. **In addition** to the Blue Card, numerous changes have been made for facilitating stay and employment of students and other highly skilled workers, as well as to help small businesses to find foreign skilled workers for positions that would otherwise go unfilled.

Eligibility :

- Foreign nationals holding a German university degree or comparable qualifications, i.e. a foreign but recognized university diploma/degree comparable to a German degree.
- Granted only for a **specific job** (unlike US Greencard), having an annual **gross salary of € 44,800/-, or € 35,000/- in case of shortage occupations (precisely €**

34,944) (scientists, mathematicians, engineers, doctors, and IT specialists, etc.).

Validity :

- Duration of employment contract + 3 months - Max. four years.

Permanent Permit :

- after 33 months (if work contract continues); With German language (level B1 skills) : 21 months.

Spouses/Family Members :

- Can accompany the Blue Card holder, and will receive residence permits. They will not be required to have German language skills before entering Germany and are allowed to work immediately.

Period of absence from Germany/EU

- may move to another EU country after a period of 18 months and, permitted to stay outside the EU for up to twelve months. The card will remain valid.
- Stays in other EU countries will be taken as continuous stay for the purpose of permanent residence.

Priority checks :

- No priority check or inspection of working conditions in case € 44 800/- is met,
- also no checks for graduates of national university working in shortage occupations.

(i.e. the employers will **not** have to demonstrate that no other workers with priority are available to fill the position, nor that working conditions are comparable).

(II) Changes in respect of entry, stay, and employment of students and highly skilled workers, and for corporate immigration :

Students :

- Following graduation, students can remain in Germany to seek employment for up to 18 months (instead of one year permitted earlier), without any restrictions (instead of limited access to German labour market permitted earlier).
- Students are now allowed to work for 120 days or 240 half days in a year alongside their studies, (instead of 90 days or 180 days respectively, allowed previously)

Employment :

(a) Employment with an employer :

University graduates with a degree from a German or another recognized university or a degree from a comparable foreign university, and sufficient means of subsistence, can now enter Germany to seek employment. The job seeker visa allows stay for upto to six months, and is not extendable. During this period, it is *not permitted to work*.

(b) Self employment :

- The earlier threshold requirement of € 25,000/- for self-employment, has been done away with. No minimum investment is now required.
- The creation of 'five Jobs' requirement, has also been done away with. No Job creation required now.
- The '*superior economic and regional interest*', now replaced with '*Any economic and regional interest*'.
- 'Secured financing' requirement, however, remains a discretionary decision.

(III) Changes in respect of highly qualified, i.e. experienced executives and specialists :

- *The Minimum salary requirement of € 67,200/- has been done away with completely. No minimum salary now required.*
- The consent from labour authority is, however, now required.
- For the accompanying spouse, there is no language requirement and is permitted to work.

(IV) Corporate Immigration

- Citizenship, purpose of stay, qualifications, i.e. university degree (from a German University), and salary, would be the principle factors to consider when sourcing foreign talents.

August 08, 2012.