

## Employing Non-EU citizens in Germany

*Immigration and employment in Germany*



- Business visa
- Resident permit
- Labour permit

The German Act became effective January 1<sup>st</sup> 2005 and was reformed August 28<sup>th</sup> 2007 to control and restrict Immigration by regulation of residence and integration of EU citizens and foreigners. The German foreign authority determines the legal residence status of every foreign citizen and grants the residence permit and visa. A labour permit requires permission from the foreign authority and the Federal Agency of Employment. The labour permit is a part of the residence permit. The foreign law entitles the legal alien the right to work.

The German law recognizes four types of permissions: The visa, the limited and unlimited residence permit, as well as the permanent residence permit- EG. The visa entitles a short visit, i.e. a business meeting or tourist travel but does not included the right of employment. There are three types of residence permits which are only available for education, employment or political & humanitarian reasons.

The parties of the *Schengener Convention* may enter without a visa for a period of three months, provided they do not intend to work in Germany. Supporting documents about the education, qualification, insurance, liquidity, tax, work contracts etc. are to be presented. The USA, Australia, New Zealand and Japan are party to the Schengener Agreement.

## **“Third- Country” citizens & the Schengener Agreement**

Citizens from India, Russia, Turkey and the United Arab Emirates are required to claim a, so called, “Third-Country” citizen’s residence title. The “Third-Country” citizen’s residence title is described for specific purposes only. Here the requirements to apply for a residence permit or visa are very stringent.

Obtaining a visa is determined by the purpose of visit and a special letter of invitation from a German citizen. The success factor of obtaining a residence permit is depending on the situation of the German employment market, the principle of equality and the German labour law.

## **About Counselhouse**

Whether you are incorporating a new business, looking into a possible new acquisition, or simply want to protect your intellectual property. Counselhouse is committed to supporting international clients to add a legal perspective to the business operations in Germany. Our clients engage our legal advisory to successfully keep their operations in legal balance when doing business within and across the European borders.

### ***Customized legal solutions for corporations:***

- |                          |                   |
|--------------------------|-------------------|
| ■ Business incorporation | ■ Employing law   |
| ■ Business liquidation   | ■ IP & patent law |
| ■ European Blue Card     | ■ Commercial law  |
| ■ Labour Leasing License | ■ Trade law       |

Counselhouse is committed to supporting companies that are temporary employing workers in Germany.