

Expats in Germany – Inbound and Outbound

Questions frequently asked by Foreigners

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Preface

The number of foreigners operating in Germany as business travelers, employees or students and the like is growing; so, too, is the number of questions posed by these individuals and firms' HR, tax and legal departments. Reason: there is no debating that German immigration law and administrative practices are quite challenging. Being unaware of the relevant German immigration processes and regulations can lead one to become ensnared in pitfalls that can lead to delay the start of an assignment or a family reunion. Daily questions with respect to 90-day Schengen allowance, university degrees and their possible equivalencies, salaries, local address requirements, proof of health insurance, common law marriage rules, apostille requirements, and many other related matters do arise. Challenging questions about income tax issues, social security aspects and legal protections German law affords employees are often posed by those wishing to work and live in Germany – or by those residing and working in Germany who wish to be outbonded from Germany elsewhere. The global mobility team of PricewaterhouseCoopers GmbH Wirtschaftsprüfungsgesellschaft (PwC) answers these kinds of question on a daily basis and guides foreign employees and their companies through the immigration process.

With this in view, this handbook will serve to answer in writing as simply as possible the questions most commonly posed by those expats coming to work and live in Germany. The focus of this book is to share those questions foreigners commonly ask and then answer them accordingly. We aimed to phrase the questions in a way that an English speaker would formulate them (Note: American English has been chosen for this book). It is a reference book intended to come from a typical business perspective, as opposed to a purely German legal one. It will work to guide foreigners, companies and, in particular, HR specialists through German immigration law, highlighting and explaining basic terms and procedures that non-Germans working in Germany should be aware of. The questions are constructed with a view to standard immigration procedure. This text also includes separate sections that address questions on other pertinent information, including social security, tax, employment law. Each section begins with a brief overview of the specific topic so as to contextualize its application to inbound and outbound matters.

When relevant laws are mentioned, cited or both. However, as the intent of this work is to not be a typical law book, many of the specific citations and references have been left out, because they will be of little interest to our target audience.

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2.3 Non-visa Nationals

- 93** The immigration process for a non-visa national is largely post arrival, meaning that the individual will not need to apply for an entry visa at the German consulate/embassy in their home country or current country of residence before traveling to Germany.
- 94** The work permit pre-approval can be filed at any time. The applicant does not need to be present in Germany at the time of filing and is allowed to travel on business to Germany for a maximum of 90 days within a 180-day period while the application is in process. The applicant, however, is not allowed to perform work activities until the work permit has been approved and the post arrival steps of **address registration** and **residence permit** filing have been completed.
- 95** Once the **work permit** pre-approval is approved, the employee needs to travel to Germany (if not already there) and register their residential address at the town hall of the municipality in which they will reside in order to officially belong to the local jurisdiction. Only then will the immigration office for that jurisdiction take action in processing the residence permit.
- 96** Upon attending an appointment at the immigration office and successfully applying for the residence permit, the employee will receive a document which confirms their allowance to legally begin working. The final permit will be issued in the form of a sticker in the passport or as an electronic residence permit (**eAT**) which is a plastic card. The way the permit is issued (sticker vs card) depends on the jurisdiction and the work volume of the given office at that time.
- 97** Depending on the city the assignee/employee will live in, waiting times for an appointment can vary greatly. Thus, the sooner the employee can travel to Germany before the actual start date in order to complete the post arrival steps, the better the chances permission to work will be granted on time.

The steps for the immigration process for a non-visa national are as follows: 98

Pre arrival

- Work permit application – 2–3 weeks regular work permit; 1–3 weeks personnel exchange program

Post arrival

- Address Registration – 1 day;
- Residence permit filing – 1 day to file (but waiting times for appointments may be long – 1–5 weeks!);
- At this appointment the assignee should receive a temporary document allowing them to begin working*;
- Residence permit collection – 1 day (the permit is printed at the central printing press and can be collected 4–6 weeks after filing takes place).

Can the employee travel to Germany on a business visitor status while the work permit application is in process?

Yes, for 90 days within 180 days prior to work beginning. 99

When does the employee need to arrive in Germany to complete the post-arrival steps?

It is recommended to arrive in Germany at least a week or two before the employment/assignment begins in order to start the post-arrival formalities. 100

Can one schedule appointments at the authorities for completion of the post arrival steps?

Some authorities have appointment systems and appointments can be made by phone or online through the authority website. Other authorities do not have an appointment system and one must go to the regular opening hours and take a number. 101

What is the general waiting time to receive an appointment?

Registration office appointments can usually be secured on very short notice. In some immigration office jurisdictions, however, there can be a several week or even month wait to get an appointment. Often one must be registered at the town hall first before an immigration office appointment can be requested. 102

Which documents and in what form are required for the immigration steps?

- 103 For a general list of documents required for the work permit application please see chapter 3 – Most common permit types.
- 104 For a general list of documents required for the registration at the civil registry office please see chapter II 2.1. – Address Registration
- 105 The general documents required for the filing of the residence permit are:
- Valid passport for each applicant;
 - Address registration confirmation;
 - Apartment lease contract OR hotel/serviced apartment booking confirmation;
 - Work contract or assignment confirmation letter (principal applicant);
 - Work permit (ZAV) pre-approval (if applicable – principal applicant);
 - Two biometric passport photos per applicant;
 - Confirmation of health insurance;
 - Fully completed and signed application form per applicant;
 - Marriage certificate for spouse with a German translation;
 - Birth certificates for children with a German translation;
 - School confirmation for children above the age of six (6);
 - Government Fee (Please see chapter II. 2.6 – Government Fees for the exact amounts).
- 106 The immigration authorities can request additional documents at any time. Some have authority specific templates they wish to have used. Often, translations of foreign language documents are required. Some jurisdictions also request the legalization of marriage or birth certificates which must be performed in the country of issuance. If required, this should be taken care of before the employee travels to Germany to avoid delays. For more information on legalization and apostilles on documents please see chapter 7.

What kind of health insurance is necessary for the residence permit application?

- 107 Health insurance can be an international insurance but must be comparable to German statutory health insurance. Employees with a local German employment contract automatically have access to the German health insurance system.

Can the employee change address during the immigration process?

- 108 Yes, but a change of jurisdiction while the permit is in process (i.e. from temporary to final accommodation in a different jurisdiction) can lead to confusion with authorities and delays in collecting the final permit, as the applicant's file will be transferred to the new jurisdiction in the middle of the process.

Is personal appearance required for any of the immigration steps?

Yes, all applicants above the age of 6 must file their residence permit in person at the immigration office. Some town halls require personal appearance for registration. 109

Can the employee sell their house/move their goods/prepare for final travel prior to work permit approval/visa issuance?

Selling your home/shipping goods and booking travel before the work permit is approved is not recommended and therefore at one's own risk. 110