



# *Important information for You as a prospective nurse in Germany*

## **Coming to Germany -1.3**

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Everything you need to know about coming to Germany, especially as a nurse, is described in the following sections which can help you with your decisions on your way to Germany. Read them carefully and feel free to ask us any questions you may have.

The regulation on the migration of foreign nurses to Germany depends on many factors and is always a case-specific process. International treaties and special VISA procedures are well established by now. You can find the options and rights available to you as a nurse in the third part of the compliance brochure.

- 1.3.1 The legal possibilities of immigrating to Germany
- 1.3.2 Migration and integration infrastructure and counseling opportunities
- 1.3.3 Political, social, cultural and religious participation



### 1.3.1 The legal possibilities of immigrating to Germany under current law.

Germany is part of the Schengen area. The Schengen Agreement is a treaty between many European countries that have jointly decided on a border over which one may enter with a corresponding VISA, the Schengen visa. However, the Schengen visa is a nonimmigrant visitor visa and is valid for a maximum of 3 months. Long enough for a business trip or family visit.

To get the visitor visa you have to prove that you are willing to return to your home country. Whoever comes to Germany for any other purpose but visits with a Schengen visa is liable to prosecution. You are not permitted to work with this type of visa. There are other visas for this purpose.

- Student Visa
- Tourist & Visitor Visa (Schengen)
- Business Visa (Schengen)
- Airport Transit Visa
- Education / trainee visa
- Fair and Exhibition Visa
- Visa for job search
- Visa for recognition of professional qualifications
- Visa for work, au pair, BFD (abbreviation for "Bundesfreiwilligendienst" which translates to "Federal volunteers service", a German government program)

In addition to the visa, you can apply for a residence permit ("Aufenthaltstitel") which is basically bound to a purpose ("Zweck") and roughly translates to **purpose of residence** ("Aufenthaltszweck").

In principle, a residence permit can only be issued for a specific purpose. The corresponding law, the Residence Act, provides for the following purposes of residence:

- Vocational training (§§ 16-17 Residence Act)
- Employment (§§ 18 ff. Residence Act)
- Humanitarian or political reasons and reasons pertaining to international law (§§ 22-26, 104a, 104b Residence Act)
- Family reunion (§§ 27-36 Residence Act)
- Special rights of residence (§§ 37-38a Residence Act)

Every purpose also comes with its own set of requirements to be met.

The corresponding explanations for each of the visas can be found on the website of the Ministry of Foreign Affairs.

<https://www.auswaertiges-amt.de/de/service/visa-und-aufenthalt/visa/207794#:~:text=Welches%20Visum%20Sie%20beantragen%20m%C3%BCssen,beantragen%20Sie%20ein%20nationales%20Visum>

<https://www.bmi.bund.de/DE/themen/migration/aufenthaltsrecht/einreise-und-aufenthalt/einreise-und-aufenthalt-node.html>



The corresponding laws of the Residence Act can be found here:

[http://www.gesetze-im-internet.de/englisch\\_aufenthg/index.html](http://www.gesetze-im-internet.de/englisch_aufenthg/index.html)

### *Immigration procedure for nurses*

**The procedures are complex and dependent on many factors. In order to reduce the scope, only the information applicable to nurses will be described from here on.**

We are more than happy to provide personal advice or help in finding a counseling center regarding all other options. In addition, you will also find sources for further information below.

The options of immigration for nurses are tied to the legal situation in Germany. They have now been well documented for skilled workers and also for deviating individual cases.

This is based primarily on the "FachkräfteEinwanderungsGesetz" (Skilled Immigration Act for Skilled Workers) which came into force on March 1, 2020. In essence, it is not a stand-alone new act but a collection of amendments to existing laws such as the Residence Act, the Ordinance on the Employment of Foreigners, the German Social Code and about 70 other laws. It is impossible to know all of these laws and even a lawyer will have to research them repeatedly.

However, the law now includes a new paragraph, §81, which is supposed to facilitate a so-called accelerated procedure. Additional instances are integrated into the procedure which are intended to promote faster completion.

So far, there has been little experience with the procedure, and many issues turn out to be unclear when inquiring information with the authorities. The accelerated procedure is supposed to facilitate issuing a recognition report within two to three months, but some governments need more time for the recognition process which is part of the immigration procedure. For example, the government of Upper Bavaria still needs 6 to 9 months.

Information on the Skilled Immigration Act for Skilled Workers

<https://www.make-it-in-germany.com/en/visa-residence/skilled-immigration-act>



## *Your way to Germany*

How does the Skilled Worker Immigration Act impact the possibilities and individual steps of immigration?

**Basically, a skilled worker from abroad can choose the following options:**

- 1. You choose the Accelerated Skilled Worker Immigration Procedure for which you have to**
  - a. apply through a Philippine licensed agency
  - b. find a German employer through the agency
  - c. take a language course up to B2, online or offline
  - d. complete the B2 with a B2 exam certificate at Goethe Institute or TELC certified institutions
  - e. collect all the necessary documents for the procedure
  - f. apply for the recognition procedure of the profession
  - g. start the appropriate procedure with the foreign authorities, in the Philippines this is the procedure of a government agency, namely the POEA (Philippine Overseas Employment Administration). Only the POEA will issue an exit permit
  - h. go through the visa process
  - i. Once all documents are received, the skilled worker is ready to travel to Germany
  - j. In Germany they have to undergo adaptation measures or take a "Kenntnisprüfung" (Theory Exam).
  - k. When all formalities have been completed, the respective state authority issues the corresponding certificate, officially recognizing the nurse as a Registered Nurse in Germany.
  
- 2. You choose an apprenticeship for which you have to**
  - a. apply through a Philippine licensed agency
  - b. have a German employer and sign training contract with him
  - c. take a language course up to B2, online or offline ATTENTION, only an A2 certificate is required officially, but the nursing schools do not accept this and require a B2 certificate since all their lessons are completely in German.
  - d. complete the B2 degree with a B2 exam certificate at Goethe Institute or TELC certified institutions
  - e. sign a training contract with a nursing school
  - f. apply for diploma recognition in Germany
  - g. go through the VISA process
  - h. Once all documents are received, the trainee is ready to travel to Germany
  - i. In Germany they then start the training lasting three years.
  
- 3. 3. As nursing is a regulated profession, further possibilities are very limited. Since the immigration as a prospective skilled worker is always processed through the state governments and recognition procedures, obtaining a job seeker visa can be difficult. The privilege to obtain a job seeker visa more easily is reserved for the skilled workers who are**



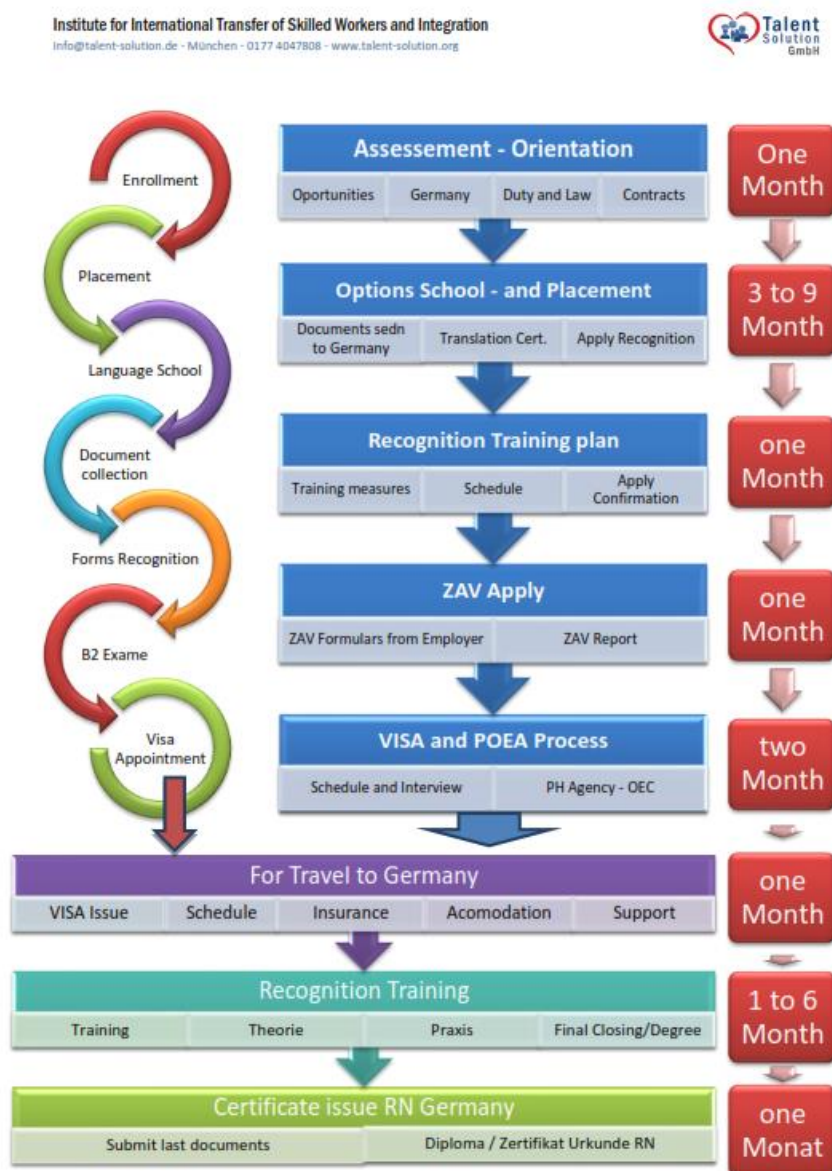
not part of the regulated professions such as IT specialists or drivers, assistant carpenters and butchers.

The foregoing requirements are derived from the legal sources mentioned in the previous chapter, particularly,

1. the Philippine Laws, the POEA publications on OFW Recruitment
2. the Skilled Immigration Act, the Ordinance on the Employment of Foreigners, the Federal Recognition Act and the Federal States Recognition Act.

In terms of international transfer of skilled workers, you can find a lot of information on the following site:

<https://www.make-it-in-germany.com>



You can find the enlarged version of this visual representation of the transfer process by clicking on the following link <https://www.dropbox.com/s/nryw5ofw5g051ds/Process%20Optic%202021%20Nurse.pdf?dl=0>





### *Other ways to come to Germany*

**Many skilled workers choose to come to Germany as au pair or via the BFD (Federal Volunteer Service) to then conclude a training contract in the course of the year in Germany.**

This way of coming to Germany works out in some cases, but it must be chosen with due diligence. Approximately 50% of the cases fail because of lack of proper guidance during the numerous visits to the authorities. So never choose this way without seeking guidance first.

For further information, the authorities involved can be contacted directly. The central reference points are named in the next chapter.

### *Family reunion*

However, the new law has also paved the way for a great new opportunity of coming to Germany, facilitating the family reunion procedure for spouses and children. This holds true especially if the applications for family reunion are filed within 6 months after the skilled worker arrived in Germany. More information on this can be found on the website of the BAMF (Federal Office for Migration and Refugees)

<https://www.bamf.de/EN/Themen/MigrationAufenthalt/ZuwandererDrittstaaten/Familie/familie-node.html>

## **1.3.2 Infrastructure of migration and integration counseling**

Germany offers extensive support for all forms of migration and integration. The primary responsible body is the

The Federal Office for Migration and Refugees, or BAMF (German Abbreviation) -

<https://www.bamf.de>

The BAMF is a competence center and responsible for migration and integration in Germany. It is responsible for asylum procedures, migration research, refugee protection and the nationwide promotion of integration.

You can find more information on labor migration via:

<https://www.make-it-in-germany.com/en/>

### *The mbeon app for migration counseling*

The federation of the migration consultation provides a good and anonymous entry point with their digital offer.

The free APP "mbeon – Messengerberatung für Zuwanderer" offers data-secure chat counseling.



Answers to various questions regarding the arrival in Germany can be found via this chat counseling (for topics like work and profession, learning German, health and accommodation).

At the same time, the app and the website provide comprehensive information on migration for initial guidance

In addition, there is the possibility to seek advice at an MBE counseling center personally.

### *Sources for skilled workers living in Germany*

#### **The Information Center for Asylum and Migration (IZAM)**

This information facility provides reliable, comprehensive and up-to-date information for migrants, and information about the global refugee and migration crises including their causes.

The range of information covers laws, literature and media reports on integration, right of asylum, right of residence, regional studies and human rights as well as sources for migration research.

The following available resources regarding asylum, migration, integration and return are important for you:

- - Expert assessments and official information on procedures under the Asylum Act
- - Case law on right of asylum and right of residence

Source: <https://www.bamf.de/DE/Behoerde/Aufgaben/Informationszentrum/informationszentrum-node.html>

### *Promoting integration*

#### **Development and Implementation of Integration Courses**

Knowledge of the German language is important for integration. The Federal Office has established integration courses for learning German.

Integration courses consist of a language course as well as an orientation course in which participants learn more about life and culture in Germany.

Integration courses are offered in almost every major city throughout the country and are conducted by private and public institutions such as the VHS (Volkshochschule) in the localities.

In addition to the main course, there are also courses for women, parents and young people, as well as literacy courses.

#### **Migration counseling for course participants**

Parallel to the courses, you can seek migration counseling ("Migrationsberatung" abbreviated MBE). The MBE complements the integration course. Everyone who attends a course of the BAMF (Federal





Office for Migration and Refugees), no matter where, is eligible to get advice on migration from this institution.

Counseling is given by the top organizations of the Federal Association of Non-statutory Welfare, such as the German Caritas Association, the Workers' Welfare Association, the German Red Cross, the Federation of Expellees, and others. This means that there is a counseling center in nearly every place, taking care of issues regarding migration or integration.

### **The promotion of job-related German language skills**

Job-related German language training builds directly on the integration course.

Selected facilities conduct these language courses on behalf of the BAMF, Federal Office for Migration and Refugees. Those who are already at an advanced level of language proficiency can participate in order to improve their chances of integration into the labor and training market.

### **Regional coordination**

In each region there are coordinators who are in direct touch with all participating course providers, counseling centers, immigration authorities and job centers.

1. **Welcome Center:** <https://welcome-center-germany.com/>
  - a. The Welcome Center Germany was founded in 2015 and has already assisted many people with moving to Germany and with all the necessary tasks that are important for starting a new life in a new country.
  - b. The Welcome Center offers support in four different areas: visas and permits, living in Germany, learning German, and insurance.
  
2. **Make it in Germany:** <https://www.make-it-in-germany.com/>
  - a. This website was set up by the German Federal Government for skilled workers from abroad.
  - b. make-it-in-germany is a multilingual portal and informs those interested in immigration how to successfully make their way to Germany - from the preparations in their home country to the arrival and first steps in Germany.
  - c. Concrete & binding: "Make it in Germany" provides comprehensive information on entry and visa procedures, job search and everyday life in Germany.  
  
Entrepreneurs and researchers also receive subject-specific information about their career opportunities in Germany.
  - d. Additionally, training or studying opportunities in Germany are presented.
  - e. Skilled workers can also search for suitable job offers in the "Make it in Germany" job exchange and find out in which sectors and regions shortages of skilled workers already exist.



- f. Important tips for skilled workers on how to properly apply in Germany.
- g. Important notes on all legal backgrounds and links to the corresponding laws

3. **Recognition in Germany** <https://www.erkennung-in-deutschland.de>

- a. This portal has been specifically designed to provide skilled workers with all the information they need on how to have their foreign professional qualifications officially recognized in Germany.
- b. It also features a so-called "Recognition Finder" which allows users to find the relevant office and contact details with just a few clicks.
- c. Furthermore, you can contact the hotline set up to answer your questions in German and English on the following topics:

- recognition of foreign skilled workers' qualifications
- Job search and profession
- Entry and residence
- Learning German

The hotline is available Monday through Friday from 8 a.m. to 6 p.m. (Central European Time) under:

+49 30 1815 - 1111

### **1.3.3 Political, social, cultural and religious participation**

Everyone has the right to free development and freedom of expression in Germany. Of course, only to an extent where no one else is hurt or humiliated in the process. Germany boasts over 600,000 associations. There is hardly any area of daily life which is not incorporated in a program of an association. From the "Kleingartenverein" (allotment association), over associations for crafts, for common travelling, mountaineering, debate courses or cooking courses.

<https://bundesverband.bvve.de/vereine-in-deutschland/>

There are associations in every city. The easiest way to find an association that is of interest to you is to visit the local city hall website. All the associations of a place or city are listed on there, often even indicating the topics that the association represents.

#### *Political participation*

Most political parties are also organized in associations and almost anyone can become a member. You can find the most information about these parties via the link below.

[https://www.bundestag.de/resource/blob/708466/5ef7ea465eec502e5534b173aa824177/beilage\\_parteien\\_10\\_08\\_20-data.pdf](https://www.bundestag.de/resource/blob/708466/5ef7ea465eec502e5534b173aa824177/beilage_parteien_10_08_20-data.pdf)



Federal Agency for Civic Education: <https://www.bpb.de/>

### *Social participation*

In Germany, there are non-profit organizations in almost every city. Apart from Caritas, the Red Cross and many other large organizations, there are also numerous small institutes that help to improve people's living conditions like "Bahnhofsmission" (a kind of Travelers' Aid) and homeless services, to name but a few. You can find more information in the relevant publications of the "Verbund sozialer Dienste" (Association of Social Services):

<https://verbund-sozialer-dienste.de/>

### *Religious participation*

There are church organizations in almost every city in Germany. These include two state churches and dozens of free churches.

The Catholic Church and the Protestant Church (Lutheran) are recognized as state organizations. The corresponding legal form of organization is "corporation under public law". It is a quite complex legal form, but it gives them the right to collect taxes, for example, which will then be deducted from your paycheck.

Other churches like the Baptists, Charismatics, free evangelical churches and many more offer their services mostly on the event pages of the newspapers.

More information can be found on the following websites:

Catholic Church: <https://www.katholisch.de/startseite>

Protestant Church: <https://www.ekd.de>

The German Evangelical Alliance: <https://www.ead.de/>

Federation of Pentecostal Churches: <https://www.bfp.de/>

Union of Evangelical Free Churches in Germany: <https://www.baptisten.de/willkommen/>

Further sources can be found on the Internet