

I. Information for asylum-seekers with temporary permission to stay (*Aufenthaltsgestattung*) or a certificate of registration as an asylum-seeker (proof of arrival)

1. What do you need a work permit for?

- for any salaried employment in an employment relationship
- for vocational training in a company
- for most internships

2. How and when can you obtain a work permit?

2.1 If you have not yet been in Germany for three months

You are not permitted to work during this period. This is the reason why:

“Erwerbstätigkeit nicht gestattet”
(Gainful employment not permitted)

is written in your residence papers (temporary permission to stay or proof of arrival).

NOTE: Asylum-seekers from Albania, Bosnia and Herzegovina, Ghana, Kosovo, Macedonia, Montenegro, Serbia and Senegal who requested asylum after 1 September 2015 may not work at all.

2.2 If you have been in Germany for longer than three but less than 15 months

You are permitted to work during this period, and may obtain a work permit. During this period, the following will be written in your residence papers:

“Beschäftigung mit Genehmigung der Ausländerbehörde gestattet”
(Gainful employment permitted with the consent of the Aliens Office).

A number of conditions must therefore be met.

What do you need to do?

First of all, you must find an employer who would like to hire you. You must then **apply** to the **Aliens Office** for a work permit for this position.

To this end, the employer must complete a form. You must submit this form to the Aliens Office if you wish to apply for a work permit there.

The **Aliens Office** will usually send the application to the **Federal Employment Agency** which, in turn, will check the following:

a. Priority check (*Vorrangprüfung*)

A check is carried out to determine whether other employees (Germans or foreigners permitted to work anywhere) would like to have the job you have found and are suitable for the position.

NOTE: A **priority check is no longer conducted** in some regions of Germany, including the whole of Lower Saxony.

Also, if you are a graduate or have completed vocational training that is recognised in Germany, this check may not be required.

b. Examination of working conditions

An examination is undertaken to check whether the job you have been offered complies with all laws and regulations (e.g. concerning working hours) and whether the wages you are to receive also correspond to the compulsory wage.

c. Prohibition on temporary agency work

A check is made to determine whether your position constitutes “temporary agency work”. You may not yet perform temporary agency work in some cases. **Temporary agency work is always possible** if **no priority check** is conducted.

The Federal Employment Agency has **two weeks** to complete these checks.

If the Federal Employment Agency approves the check or fails to respond (!), the Aliens Office will grant you a work permit for this position. **Please ensure** that the Aliens Office transfers this to your temporary permission to stay.

If the Federal Employment Agency does not approve the check or if you are not granted a work permit nevertheless, the Aliens Office must notify you of the reasons for the rejection **in writing**. You can lodge an appeal against this decision within a certain period of time; in this case, seek advice and assistance from an information centre.

2.3 If you have been in Germany for longer than 15 months but less than four years

Virtually everything remains the same as in the period before (see No. 2.2).

HOWEVER: Throughout the whole of Germany, the Federal Employment Agency will **NO** longer check to see whether someone else should be given the position (priority check) and you may perform temporary agency work. This therefore increases your chances of receiving a work permit!

2.4 You have already been in Germany for four years

You may now work without the Federal Employment Agency having to undertake a priority check beforehand. However, you **MUST** go to the Aliens Office in order for the addition

“Beschäftigung erstattet”
(Gainful employment permitted)

to be entered in your temporary permission to stay. You will **NOT** be allowed to work without this remark.

You will now be able to undertake any kind of work or vocational training. However, as long as you have temporary permission to stay, you may **NOT** work as an entrepreneur (self-employed person); you will **ALWAYS** need an employer to hire you.

3. Under what conditions can you obtain a work permit for vocational training in a company?

If you have been in Germany for less than three months, you may **NOT** undertake vocational training in a company.

If you have already been in Germany for three months, the Aliens Office can grant you a work permit for vocational training in a company without the Federal Employment Agency having to carry out a check beforehand.

II. Preliminary information for refugees with exceptional leave to remain

The same regulations apply to you as to asylum-seekers with temporary permission to stay (see Section I) with two exceptions:

1. Prohibition of work

The Aliens Office will not grant you a work permit if it is of the opinion that:

- You are preventing removal action, e.g. if you use a false identity or nationality or if you fail to procure a passport or documents in lieu of a passport, i.e. if you do not go to your embassy.
- You only entered Germany in order to gain financial support from the German authorities.

In this case, the following would then be stated in your exceptional leave to remain:

**“Erwerbstätigkeit nicht gestattet”
(Gainful employment not permitted).**

If you would like to review whether the right decision was taken in your case and if you have found a position that you would like to fill, you should contact an information centre so that this prohibition of work may possibly be revoked.

2. Vocational training in a company

If you have exceptional leave to remain, you may obtain a work permit for vocational training in a company straight away, i.e. you need not wait until you have been in Germany for three months.

III. Preliminary information for refugees with a temporary residence permit (Aufenthaltserlaubnis)

If you have a **temporary residence permit**, your chip card will state which provision was applicable for the issuing of your temporary residence permit, i.e. why it was granted.

1. Temporary residence permit in accordance with the second sentence of § 22; § 23 Section 2; § 25 Sections 1 and 2 of the Residence Act

This temporary residence permit enables you to work, pursue vocational training or take up self-employment. Further approvals are often required in order to take up self-employment; please consult an information centre about this.

Your temporary residence permit will therefore state:

**“Erwerbstätigkeit gestattet”
(Gainful employment permitted)**

2. Temporary residence permit in accordance with the first sentence of § 22; § 23 Section 1; § 23a; § 24; § 25 Sections 3, 4, 4a, 4b, 5; § 25a Sections 1 and 2 of the Residence Act

This temporary residence permit enables you to perform any work or pursue vocational training, but not to take up self-employment immediately. For this reason, you must visit the Aliens Office in order for the addition

**“Beschäftigung gestattet”
(Employment permitted).**

to be entered in your temporary residence permit. If you would like to take up self-employment, you must apply to the Aliens Office for permission.

PRELIMINARY INFORMATION ABOUT ASYLUM-SEEKERS AND REFUGEES ENTERING THE LABOUR MARKET

**When can I obtain a work
permit?**



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