



March 2024

The strategy paper summarises the most important changes to migration law contained in the Act on the Further Development of Skilled Immigration, passed by the German parliament on 23 June 2023 and came into force on 1 March 2024, after an initial part came into force on 18 November 2023.

I. Looking back: The main legislative changes since 18 November 2023

Far-reaching changes to the law, particularly regarding the EU Blue Card and the residence permit for skilled workers with vocational training or academic qualifications, came into force on 18 November 2023. Of particular note here are the reduced annual salary limits of EUR 45,300 gross or EUR 41,041.80 gross in selected shortage professions required for the EU Blue Card, the newly introduced so-called short-term and long-term mobility for holders of the EU Blue Card, the abolition of them being tied to their employer after twelve instead of twenty-four months since taking up the employment and the waiver of a connection between the professional or academic training and the job description as far as the skilled worker permit is concerned.

Read about the legislative changes in our previous policy paper on this topic [here](#).

I. Student permit: Extended periods of employment and new working day account

Foreign students are now permitted to work 140 full or 280 half working days per calendar year instead of the previous 120 full or 240 half days, whereby student part-time work at universities and other university-related institutions, as well as compulsory internships, are still not counted. Also new is the introduction of the so-called favorability test and the so-called working day account: While, in principle, a work activity of up to four hours per day counts as half a day and over four hours as a full day, a further distinction is made between lecture period and lecture-free period: thus, during the lecture period, part-time employment of up to 20 hours per week can be counted as 2.5 working days per week, regardless of the distribution of working hours, and during the lecture-free period, employment can be counted as 2.5 working days per week, regardless of the actual weekly working hours.

Tip: As the new working time regulations outlined above involve a degree of complexity that should not be underestimated, strict documentation and, above all, calculation of working hours, distinguishing between half days and full days as well as lecture period and lecture-free period, must be ensured. Any exceeding of the above-mentioned working time limits is subject to separate authorisation by the responsible immigration authority.

In addition, it will be easier for students to change their residence permit before completing their studies: Under the old legal situation, the relatively far-reaching so-called ban on changing purpose applied, which only allowed students to apply for a residence permit for a different purpose before completing their studies in exceptional cases. From 1 March 2024, students can apply for a residence permit for another purpose before completing their studies, provided they meet the requirements.

II. The main legislative changes as of 1 March 2024

In addition to the new regulation of the EU Blue Card, which became necessary as a result of an amendment to the EU Highly Skilled Workers Directive (2021/1883) and was thus determined by EU law, the German legislator has created further important legal innovations at the national level to combat the continuing shortage of skilled workers in numerous German industries. These relate, in particular, to the residence permit for students, the creation of a new option for specialists, the facilitation of the reunification of parents and parents-in-law and the permanent residence permit.

2. New option for specialists: Employment with extensive professional experience no longer just for IT specialists

The residence permit for IT specialists without a formal university degree based on three years of relevant professional experience will be extended for qualified but non-regulated professions. However, the new regulation is legally complex.

This requires either training completed abroad that has lasted at least two years or academic training completed abroad. Both must be recognised in the country of origin. Recognition abroad is also subject to confirmation by a competent authority in Germany. In addition, the employee must provide evidence of two years of professional experience within the last five years before applying and earn at least 45% of the annual income threshold for contributions to the general pension insurance scheme, which corresponds to a salary of EUR 40,770 gross in 2024. An exception to this threshold applies to employers bound by collective agreements and who employ staff under such a collective agreement.

Finally, it is worth noting that German language skills are no longer required for applicants. This applies in particular to the all-important employment permit for IT specialists, for which language skills of at least level B1 of the Common European Framework of Reference for Languages were previously required.

3. Reunification with parents and parents-in-law: No longer only possible in exceptional cases

According to the current legal situation in Germany, parents can only join a foreign person in extremely exceptional cases to avoid exceptional hardship.

According to the new legal situation, parents can now join their parents on the condition that the foreigner was granted a residence permit for employment purposes for the first time on or after the cut-off date of 1 March 2024, e.g. an EU Blue Card, an ICT Card, a residence permit as a skilled worker or a residence permit as a specialist. No exception to this rule is permitted, meaning that the parents of the foreigner already living and working in Germany based on such a residence permit must continue to be referred to the above-mentioned exception rule. In addition, the livelihood of the parents moving to Germany must be secured, which includes adequate health insurance coverage and generally excludes the use of public funds.

Under the same legal conditions, it is also possible for parents-in-law to join their spouse, with the additional condition that the spouse must reside permanently in Germany.

An overview of the new regulations on the reunification of parents and parents-in-law can be found [here](#).

4. Permanent residence permit: Shorter periods of prior residence

The period for obtaining a permanent residence permit for skilled workers with sufficient knowledge of German at level B1 of the Common European Framework of Reference for Languages will be reduced from four to three years. For EU Blue Card holders with sufficient knowledge of German at level A1 of the Common European Framework of Reference for Languages, the period for obtaining a permanent residence permit will be reduced from 33 to 27 months. EU Blue Card holders with language skills at level B1 can still apply for a permanent residence permit after 21 months.

In addition, the acquisition of a permanent residence permit will also be simplified for the spouse of the skilled worker. If the spouse already holds a permanent residence permit, the spouse can also obtain this without having to be a skilled worker himself or herself if he or she lives in a marital partnership with the skilled worker, has held a residence permit for three years and is gainfully employed for at least 20 hours per week. However, language skills at level B1 of the Common European Framework of Reference for Languages as well as basic knowledge of the legal and social order and living conditions in Germany are also required.

Tip: Since it will soon be possible to obtain German citizenship after just five years and, in the case of special integration achievements, even after only three years, and given that the other legal requirements are essentially the same as for a permanent residence permit, it is recommended to always give priority to checking whether you are eligible for naturalisation.

III. Looking ahead

Following the far-reaching changes to legislation determined by EU law as of 18 November 2023 about the EU Blue Card, the German legislator is now going one step further and is providing further important incentives for the urgently needed immigration of skilled workers with notable simplifications in the areas of employment permits for students and specialists as well as concerning the reunification with parents and parents-in-law and the permanent residence permit.

Further immigration law milestones include the introduction of the so-called Opportunity Card for jobseekers on 1 and 2 June 2024 and the long-awaited German citizenship re-form adopted on 19 January 2024. The latter is anticipated to take effect on either 1 May or 1 June 1 2024. It not only shortens the naturalisation period from eight to five years but also allows for German citizenship acquisition in just three years with special integration achievements, while maintaining the existing citizenship. You can find a more detailed discussion of the contents of the Opportunity Card [here](#) and a first outlook on the citizen-ship reform [here](#).