

Annex 2: Implementation of the Process for the Assessment of Equivalence of the Foreign Professional Qualifications and for the Issuing of the Professional Licence

of the
Agreement
between the

Federal Employment Agency of Germany (Bundesagentur für Arbeit)

and

Norka Roots, Thycaud, Thiruvananthapuram under the Department of NORKA,
Government of Kerala, India

on

the Placement of Indian Health Professionals from the State of Kerala/India
in Employment as Registered General Nurse
in the Federal Republic of Germany

I. Recognition process

In accordance with this agreement, foreign workers can be placed in employment in Germany by the BA in order to carry out the procedure to determine the equivalence of the foreign professional qualification. This also includes the granting of a professional licence.

This means that this residence permit enables the foreign skilled worker to enter Germany without the equivalence of the professional qualification having to be established before entering Germany. However, this equivalence determination must be applied for and addressed immediately after entering Germany.

However, the skilled worker must provide evidence of a professional qualification from the country of origin as specified in the placement agreement. At the latest after arriving in Germany and taking up employment, the procedure for recognising this foreign professional qualification must then be initiated. In addition, it may be necessary to apply for and obtain a professional license.

The residence permit based on the placement agreement is initially always granted for a maximum of twelve months and can be extended to a total period of residence of a maximum of three years for the purpose of recognition of one's foreign qualification. This extension is only possible if proof is provided that the procedure for recognition of the foreign professional qualification is consistently pursued.

Subsequent employment as a recognised skilled worker in Germany is only possible if the professional recognition procedure has been successfully completed within the above-mentioned time limit.

II. Components of the Recognition Process

The recognition process is roughly described below. Detailed information (also translated into numerous languages) is available on the internet under the official homepage www.anerkennung-in-deutschland.de. Components of the application for recognition are usually:

- a. Translation and certification of the required documents and evidence;
- b. Application to the competent recognition body for an assessment of the equivalence of the foreign professional qualification;
- c. If applicable, application for a professional licence or licence to practise medicine;
- d. If differences have been identified in the procedure: Vocational qualifications to compensate for the differences;
- e. Further vocational language training (for example, because these are required for professional licensing);
- f. If applicable, proof of other admission requirements for this occupational profile (e.g. certificate of good conduct, health suitability).

In the recognition procedure, the competent body examines the extent to which a vocational qualification acquired abroad is comparable to the qualification required for this occupation in Germany. The basis for this examination is usually the German training regulations, professional regulations or study regulations for the occupation in Germany. In addition to formal study and professional qualifications, proven professional experience from the country of origin can also be credited.

In the case of complete conformity with the training required for the German reference occupation, full recognition of the professional qualification is granted; in the case of only partial conformity, partial recognition is granted. In the partial recognition decision, the competent recognition body determines which practical or theoretical qualifications are required.

In the case of regulated professions, a professional licence must also be applied for. Further requirements must be met for this (e.g. certain language level, health suitability, etc.).

Regulated professions are professions for which the exercise of the profession is only permitted with recognition. For these professions, in addition to a particular professional qualification, further requirements are often necessary for professional authorisation. This is especially true for professions in the fields of health, safety or social work, such as a doctor or a teacher. A protected occupational title such as engineer, certificates of competence and expertise for some self-employed activities and trades as well as further training qualifications such as master craftsman or Fachwirt are also forms of regulation.

III. Recognition Costs and Provisions for Bearing Costs

The recognition procedure is subject to a fee. Costs are incurred for the application to the competent recognition office (fee) and for the translation and certification of necessary documents. Additional costs are often incurred for qualifications. Irrespective of the principles described in annex 5, the cost allocation is shown below:

1. The necessary costs for the application for the examination of the equivalence of the foreign professional qualification at the competent recognition body shall be borne by the employer.
2. Costs for translations and certifications of documents required by the competent recognition body for the equivalence assessment shall be borne by the employer. Excluded are translation costs for documents that have already been arranged by the foreign skilled worker for the application to a German employer or the selection procedure in the country of origin (for example, for diplomas, curriculum vitae).
3. Vocational qualifications are paid by the employer or – as far as available and possible - from public funds.
4. Costs for further job-related language training in Germany are financed by the employer and/or subsidised from public funds.

IV. Maximum Duration of Residence until Obtaining full Equivalence and, if applicable, Professional Authorisation

The residence permit is initially limited to one year. The extension depends on whether proof is provided to the BA that the recognition procedure is consistently carried out and, if applicable, that the necessary qualifications, examinations, etc. have also been carried out (see annex 3 of the agreement – Labour Market Admission).

The skilled worker must complete the necessary qualifications within a maximum of 3 years and obtain the full equivalence of their qualification in Germany. If necessary, the professional practice permit must also be available by this time. Only if full equivalence is achieved within this period is further residence in Germany possible for employment as a recognised skilled worker.

V. Support from One's Employer

Employers in Germany are required to support skilled workers who enter the country via the placement agreement in carrying out the entire recognition process, including the necessary qualifications. In some cases, public and non-profit institutions and organisations are also available to support and assist in these processes. However, the main responsibility for carrying out the procedure lies with the foreign skilled workers and the hiring employers themselves.