

تم تحميل هذا الملف من موقع مهاجرون



ملف يشرح طرق معالجة فيزا السفر إلى ألمانيا

موقع مهاجرون ← ألمانيا ← التأشيرات

روابط مواقع التواصل الاجتماعي في ألمانيا



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From Analogue to Digital: Current Procedures in Germany for Issuing Visas to Professionals

June 2023

DIALOGUE ON TECH AND MIGRATION

A Project of the Migration Strategy Group on International Cooperation and Development

1. Introduction

Germany needs skilled labor migration. Meeting this need requires effective migration authorities with scalable capacities. In its November 30, 2022, memorandum, the federal government detailed comprehensive measures for skilled labor immigration from third countries. Given the current climate of budget limitations, the digitalization of application and decision-making processes can contribute and add efficiency to the process.

For skilled foreign labor to immigrate to Germany from non-EU countries, they must meet specific legal requirements and adhere to an official procedure. Admission requirements under migration law may include minimum education levels or minimum salary requirements for specific residence permits, such as the EU Blue Card. In addition, the official issuance of a residence permit, which provides the right to reside in Germany and participate in the labor market, requires every foreign person to undertake an application

procedure. The quality and speed of the application process is significantly influenced by two factors: the staffing situation of the authorities and the degree of digitalization.

The migration procedure consists of several individual steps that are interlinked and which require the cooperation of the skilled foreign worker and the future employer. Both parties must provide information and documents to the relevant authorities for examination. These authorities then exchange data and documents between each other in order to make the appropriate approval decision. In this paper, the application procedure is examined from the perspective of various stakeholders while detailing the points of interaction between authorities and the use of different data transmission channels.

The paper concludes by highlighting some current inefficiencies and suggests areas for improvement.

2. Which authorities are involved and what are their tasks?

This chapter highlights the authorities involved in the immigration process and their data systems. The description details the steps an applicant needs to take before and upon entering Germany.

Embassies of the Federal Foreign Office

Any skilled foreign worker seeking employment in Germany must apply for a visa appointment through an online booking page of the German embassy in their country of origin. During the visa appointment, the applicant must present all required documents in person. The submission of documents initiates the standard procedure for issuing work visas. The embassies of the Federal Foreign Office then check the documents against the issuance requirements and involve the necessary authorities in Germany. The Federal Office of Administration (Bundesverwaltungsamt, hereinafter referred to as “BVA”) plays an important intermediary function in this process — including a check on previous entries with security authorities, and, in cases of previous stays in Germany or family reunification, communicating with the immigration authorities. After receiving the necessary approvals from these authorities via the BVA, the embassy issues the visa. The embassy uses a data processing program called RK-Visa to transmit data to other authorities. The physical visa file is sent by diplomatic courier to the immigration authority in the worker’s future place of residence in Germany. In some

cases, fax machines are still used to transmit personal data back to the embassy. In June 2022, a web-based visa application platform called Consular Services Portal was piloted in select embassies (see info box). The embassies also use third-party providers to handle visa interview appointments, during which the applicants physically submit their documents. Once an applicant has registered online with these third party-providers, additional services are available, such as information on the application process, appointment booking options, and further additional services that may be subject to a fee.

In 2022, the Federal Foreign Office implemented the so-called Consular Services Portal (Auslandsportal, www.digital.diplo.de) to process consular services, including visa procedures. Currently in a pilot phase, applicants can use the platform to enter their personal and employer-related data, upload documents, and view the progress of their procedure. However, applicants must make in-person appointments to submit the visa application, provide the original documents to the German embassy, and pay fees via another system. Only after this appointment are documents reviewed and examined for completeness and other authorities are involved. The portal is currently only available

for the EU Blue Card permit and only available at select German embassies. Expansion to other types of visas and more embassies is planned.

Federal Office for Foreign Affairs

The Federal Office for Foreign Affairs (Bundesamt für Auswärtige Angelegenheiten, hereinafter referred to as “BfAA”), an authority subordinate to the Federal Foreign Office, supports the embassy in processing visa procedures. The embassy scans the physical visa file for the BfAA to process the application. The BfAA does not directly communicate with the applicants. Instead, visa issuance and communication remain in the hands of the embassy.

Federal Office of Administration

Subordinate to the Federal Ministry of the Interior, the Federal Office of Administration (Bundesverwaltungsamt, hereinafter referred to as “BVA”) is the communication and service interface between the German embassies and the many domestic authorities involved in the visa issuance process. The BVA manages access to various national and European databases, including the Central Register of Foreigners (Ausländerzentralregister, AZR) and the Visa Warning Database (Visawarndatei), as well as the relevant partial data of the Schengen Information System (SIS) and the Visa Information System (VIS). The BVA provides the embassies with any data needed to review the visa application. The information requests and the storage of the query results to the mentioned databases run fully automated.

Security Authorities

The BVA also submits the applicant's data to security authorities, such as the Federal Office for the Protection of the Constitution (Bundesamt für den Verfassungsschutz) or the Federal Criminal Police Office (Bundeskriminalamt).

Federal Employment Agency

The Federal Employment Agency (Bundesagentur für Arbeit, hereinafter referred to as “BA”) verifies whether the requirements for admission to the German labor market have been met and whether the salary and employment conditions correspond to those of domestic employees. The BA uses an internal data processing program. The embassy submits requests for approval to the BA via the RK-Visa program. In addition to this approval process, employers can submit a so called work permit pre-approval (Vorabzustimmung) to the BA via e-mail or the BA's online platform. The pre-approval process can be useful to speed up the application process.

Registration Authorities

After entering the country, any foreign national must physically visit the local registration office to register their residence and present original documents. The registration data is recorded and transmitted to the Immigration Authority via the Central Register of Foreigners, AZR.

Immigration Authorities

The Immigration Authorities (Ausländerbehörde, hereinafter referred as “ABH”) only get involved in the work visa procedure if the foreign national previously resided in Germany, e.g. for study or other employment. In such cases, the embassy makes an online request

to the ABH and sends the entire physical file to the ABH for closer examination. The ABH's decision is transmitted to the embassy via ABH software or fax, depending on the technology available to the specific ABH.

Once the skilled worker enters the country, the ABH carries out its own residence procedure, which, if approved, ends with issuing the final residence permit. In doing so, the ABH uses data transferred by the registration authority. During this process, the professional must again appear in person, pay government fees, and present their documents. In most cases, the foreign national collects the final electronic residence permit produced by the Federal Printing Press (Bundesdruckerei) in person from the ABH.

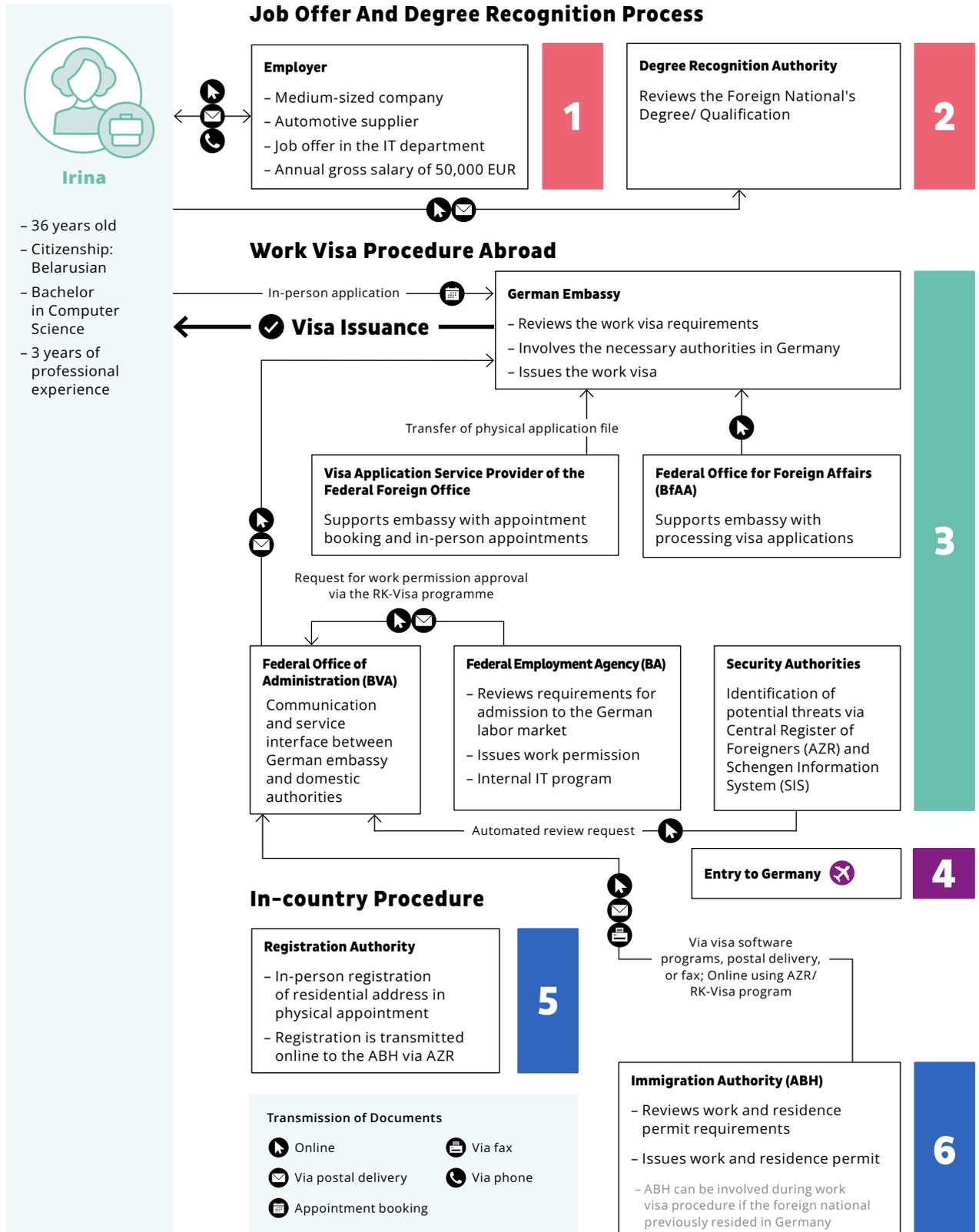
Depending on the municipal infrastructure, the ABHs have a variety of IT systems and platforms, including programmes called "LaDivA", "ADVIS" and "Stranger". As a result, procedures are often inconsistent. This contributes to inefficiencies and delays in the immigration procedure.

Since March 2020, employers have the option to initiate a fast-track work permit process (beschleunigtes Fachkräfteverfahren) with the ABHs prior to the visa application of the employee. Upon payment of a fee of EUR 411, the ABH coordinates approvals from other authorities and sends a pre-approval to the German embassy which in turn is supposed to issue the entry visa in an expedited manner. Currently, the fast-track process often does not lead to significant time savings as immigration authorities have not yet sufficiently adapted to the new process.

Degree Recognition Authorities

The Degree Recognition Authorities (Anerkennungsbehörden, hereinafter referred as "ANB") assess foreign school, vocational, or university qualifications. The ANB use different data processing programs and create their individual case files which usually are not linked to the other immigration databases.

3. The steps of a migration procedure



4. What are stakeholder touchpoints and communication channels?

Skilled Foreign National

Skilled foreign nationals provide their basic data three or more times during the migration process: once at the visa appointment, again at the registration office after entry, and finally, at the immigration authority. Original documents, including a passport, marriage certificate, or rental agreement, must also be presented at these appointments. If a degree recognition procedure is required, the skilled worker must again submit their basic data to an ANB.

The skilled worker typically attends four physical appointments during the entire application process: once each at the embassy and the registration authority and twice at the immigration authority. Recently, long processing times required a fifth appointment to collect interim permits (Fiktionsbescheinigung) from the immigration authorities.

Any queries a foreign national has for the authorities are usually communicated by email or telephone.

Concerning payment of administrative fees, there are at least two steps for the applicant, including payment of visa fees and payment of immigration authority fees. The payment methods vary depending on the embassy and immigration authority.

Employer

In the standard procedure, the employer has no direct contact with the authorities during the immigration process. However, the employer must provide the skilled worker with documents that justify the application, such as the employment contract, the job description, and the declaration of employment (Erklärung zum Beschäftigungsverhältnis). This form includes the basic data of the employer, the employee, and the employment details and is subsequently signed by the employer. Depending on the embassy's approach, the skilled worker must present original employer documents at the visa appointment, although a copy may suffice. The skilled worker thus serves as an intermediary, providing the employer's documents and data. Given the process can take a significant amount of time (occasionally more than six months between the visa appointment and the ABH appointment), the employer, at times, must reissue the documents above in preparation for the foreign national's interview appointment at the ABH, due to them being outdated from the perspective of the ABH.

Employers can make inquiries to the authorities indirectly via the skilled worker or directly by email or telephone.

Authorities

During the immigration process, three authorities create records on the skilled foreign worker: the German embassy, the employment agency, and the immigration authority. If a degree recognition procedure is necessary, the recognition authority will also generate its own data set.

Also, two physical files — a visa file and a file by the immigration authority — are created. The visa file is sent to the ABH by the embassy via the BVA. If the foreign national moves within the country, the physical ABH file gets transferred to the now responsible ABH.

In some circumstances, the authorities can exchange information on individual procedures via existing software. For example, an embassy can use the visa processing program, RK-Visa, to exchange messages with the ABH in Germany, although it cannot transmit documents electronically. On the other hand, RK-Visa does not allow internal communication between the embassy and the BA, although some data transfer is possible. For more complex communication, the authorities depend on the more traditional forms of communication available to everyone, such as the contact address of the immigration authority posted on their website. As these communication methods are also open to the public, the speed of exchange varies by the organization and the workload of the respective authority.

5. What are current challenges to the data exchange process?

No "once only" principle: There is currently no systematic data exchange in the migration process. Foreign skilled workers and employers must resubmit written documents with the same content at different points in the procedure. The employee's personal data and the employer's employment-related data may need to be submitted individually to the BA, the AV, and the immigration authority.

Multitude of data management systems: The many data management systems used by authorities involved in the migration process are only partially coordinated, requiring multiple data sets for a single application.

Inconsistent communication channels: The format and bandwidth of communication is inconsistent. Internal communication is not possible in all directions, while data transmission is only partially possible and remains subject to quantity limits. Authorities must therefore resort to correspondingly slower forms of communication via the same channels open to the public.

Physical files: The need for physical file exchange persists. In many cases, German embassies cannot securely transfer electronic files to the immigration authorities. ABH's therefore require physical files to be sent which can significantly delay the application process.

Existing systems underutilized: Some immigration authorities do not use the full capabilities of available interfaces. Instead, they resort to manual communication, such as the fax machine or external emails.

Delayed development of existing systems: The online portal of the Federal Employment Agency allows the employer to participate in the examination of labor market admission within the framework of the so-called work permit pre-approval. However, the portal has remained largely at its initial development level since 2021.

Inconsistent documentation requirements: Authorities have discretion on acceptable forms of proof, such as a marriage certificate or a university degree. However, there is inconsistency between authorities. For example, an embassy may accept a marriage certificate as presented, whereas the registration office may insist on an extensive document verification procedure. This inconsistency creates unpredictability and delays due to time-consuming communication loops.

6. What are recommendations for improvement?

Easy-to-implement suggestions

- **Implementation of automated government systems:** Government systems could automatically confirm receipt of applications and documents and communicate processing status and decisions. An automated reply email using standard text would be sufficient in most cases. This could reduce the workload of the authorities, who often receive requests for status updates.
- **Publication of current processing times:** Authorities could provide monthly updates on their websites showing the expected wait time for an appointment and the anticipated processing time after the appointment.
- **Longer valid entry visas:** Issuing 12-month entry visas effectively removes the time pressure for the ABH to complete the domestic procedure.
- **Prioritization of digital over physical:** The submission of physical documents, in addition to electronic transmission of data, should be reduced in application procedures whenever digital documents are sufficient.
- **Postal instead of personal:** Official documents, such as the electronic residence permit and interim permits, can be sent to the skilled foreign worker by post once they have been completed by the ABH. This eliminates the need for the foreign national to make an additional appointment with the authority, thus relieving the system.

Medium-term suggestions

- **Creation of a data pool:** Once data has been submitted by the applicant and the employer, the data should be shared via a data pool, accessible to the necessary authorities but only those data relevant for the authorities' tasks.
- **Expansion of the Consular Services Portal:** The portal should be expanded to facilitate all types of visas, with access provided to every embassy abroad. Data entered via the portal should be transferred to the data pool. The Consular Services Portal should also maintain payment and communication functions. In addition, the portal should provide an access point for employers and for immigration law firms.
- **System-integrated communication:** Every authority should have channels which allow electronic exchange of messages and data between authorities.
- **Accelerate application review:** The embassies could commence checking the visa application and involving the authorities as soon as the process has been initiated by the skilled worker via the Consular Services Portal. This way, the wait time for the visa appointment can be used to substantively process the application and the physical appointment would then largely become a document check appointment.
- **Revise the visa application process:** To maximize the BfAA's capacities, the tasks of the other agencies in the process chain must also be adjusted. The current path of communication from visa service provider to the embassy to BfAA needs to be reviewed for redundancies. In addition, expanding the **BA's online portal** and linking the information to the data pool would add efficiencies.
- **Human resource planning:** Even with expansion of digitalization, chronically understaffed authorities will need to train and hire more personnel.

7. Outlook

In summary, the IT challenges of the administration are diverse and far-reaching. However, there are some easy-to-implement possibilities for system improvement. Prior to further digitalization and automation, an intensive process review should be undertaken to eliminate inefficiencies. Furthermore, digitalization must be tackled in a concerted, transparent, and politically visible manner by the relevant federal ministries and authorities and should include federal states, counties, and

municipalities. Human resource planning for the authorities involved is also critical. At the political level, it is important to raise awareness that successful labor immigration heavily depends on the strength of the migration administration itself rather than on the number of work permit types available. Overall, any action to upgrade migration management should be positioned on par with current legislative changes in terms of public visibility and political accountability.

