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Vorabzustimmung zur Ausländerbeschäftigung Erteilung

Heruntergeladen am 30.06.2025

<https://fimportal.de/xzufi-services/102716362/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99011018001000
Leistungsbezeichnung I	Vorabzustimmung zur Ausländerbeschäftigung Erteilung
Leistungsbezeichnung II	Obtain prior approval from the Federal Employment Agency for the employment of foreign workers in Germany
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	
Verrichtungskennung	Erteilung (1)
SDG-Informationsbereich	Beschäftigung von Arbeitnehmern in anderen Mitgliedstaaten (Entsendung von Arbeitnehmern,

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	Vorschriften über den freien Dienstleistungsverkehr, Wohnsitzanforderungen für Arbeitnehmer)
Lagen Portalverbund	Personal einstellen (2030200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	24.08.2022
Fachlich freigegeben durch	Federal Ministry of Labor and Social Affairs (BMAS)
Handlungsgrundlage	https://www.gesetze-im-internet.de/beschv_2013/_36.html https://www.gesetze-im-internet.de/aufenthg_2004/_39.html
Teaser	If you as an employer wish to employ foreign skilled workers who come from third countries, the Federal Employment Agency must generally approve this. You can have the requirements for approval checked in advance.
Volltext	The nationality of a skilled worker determines whether he or she requires a permit to take up employment in Germany. Nationals of EU member states, the European Economic Area and Switzerland do not require a work permit; nationals of other countries (third countries) can obtain one under certain conditions. In order for you as an employer to be able to employ foreign workers from third countries, your future employees need a visa from the foreign representation (embassy or consulate) in their country of origin or a residence permit from the local immigration authority in Germany. Both must allow them to work or train in Germany. In many cases, the Federal Employment Agency must approve the employment so that a corresponding visa or residence permit can be issued. This is possible in various ways: • The foreigners authority, the embassy or the consulate involve the Federal Employment Agency in an administrative procedure within the authority.

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	• Alternatively, you as an employer can speed up this process: you can ask the BA directly whether it will approve the employment of a foreign worker in your company (so-called advance approval). The advance approval is valid for 6 months from the date of issue. The visa or residence permit must be issued within this period so that the Federal Employment Agency does not have to re-examine the application.
Erforderliche Unterlagen	• Declaration on the employment relationship • Supplementary documents, for example references from previous employers, if required
Voraussetzungen	• You must submit a specific job offer. • You have not yet submitted the application to the diplomatic mission or foreigners authority. • Further requirements may arise depending on the specific employment and the intended visa or residence title.
Kosten	Gebühr: Es fallen keine Kosten an There are no costs for you.
Verfahrensablauf	To initiate the procedure for prior approval, you must submit a written application: • Download the "Declaration of employment relationship" form from the Federal Employment Agency's website and complete it. It may also be necessary to provide additional information for certain types of employment. In this case, complete either supplementary sheet A (residence permit for the recognition procedure) or supplementary sheet B (residence permit for a posting). • Send the documents to your responsible labor market admission team at the International Placement Services (ZAV). If you have a user account for the digital services of the Federal Employment Agency, you can upload the documents directly using the upload service. • The ZAV will check your documents. You may be asked to submit further documents, for example an employment contract. • If the result of the check is positive, you will receive a

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	letter of approval for employment, which you pass on to the foreign employee or the competent authority. • The employee usually submits this letter to the relevant immigration authority, embassy or consulate when applying for a visa or residence permit.
Bearbeitungsdauer	4 - 6 Woche(n) You should expect a processing time of 4 to 6 weeks.
Frist	6 Woche(n) The application for a preliminary examination should be received by the Federal Employment Agency at least 6 weeks before applying for the visa or residence permit. 1 Monat(e) You must submit any additional information required, for example on pay, working hours and other working conditions, within one month of being requested to do so by the Federal Employment Agency.
weiterführende Informationen	https://www.arbeitsagentur.de/unternehmen/arbeitskraefte/informationen-arbeitsmarktzulassung https://www.arbeitsagentur.de/unternehmen/arbeitskraefte/vorabzustimmung-fuer-auslaendische-beschaeftigte https://www.arbeitsagentur.de/datei/Merkblatt-7-AuslaendischeAN_ba015382.pdf https://www.arbeitsagentur.de/fuer-menschen-aus-dem-ausland/arbeitsmarktzulassung-standortliste https://www.make-it-in-germany.com/de/unternehmen/ https://www.arbeitsagentur.de/unternehmen/arbeitskraefte/informationen-arbeitsmarktzulassung https://bamf-navi.bamf.de/de/Themen/Behoerden/ https://www.arbeitsagentur.de/unternehmen/arbeitskraefte/arbeitsmarktzulassung-migration-check-arbeitgeber
Hinweise	
Rechtsbehelf	The decision made by the Federal Employment Agency within a procedure for issuing a visa or residence title is not an independent administrative act. It is an internal act of cooperation vis-à-vis the diplomatic mission or immigration authority that decides on the residence title. An appeal can therefore only be lodged against the decision of the diplomatic mission or

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	immigration authority. This applies accordingly to the preliminary approval, as the act of cooperation is merely upstream.
Kurztext	• Advance approval for employment of foreigners Issuance • Federal Employment Agency must approve residence permits that allow employment in Germany EU citizens and citizens from the European Economic Area (EEA) and Switzerland: can work in Germany without a permit Third-country nationals require a residence permit that allows them to work • the request for approval is sent to the Federal Employment Agency by the visa office or the immigration authority in an internal procedure within the authorities • Employers can check whether all requirements are met by means of a pre-approval procedure • Determination by the Federal Employment Agency is valid for 6 months • Contact persons are the labor market admission teams of the International Placement Services of the Federal Employment Agency • Proof required: Proof of salary, working hours and other working conditions Proof of the applicant's qualifications • responsible: Federal Employment Agency
Ansprechpunkt	
Zuständige Stelle	
Formulare	Forms available: Yes Written form required: No Informal application possible: Yes Personal appearance necessary: No Online services available: Yes
Ursprungsportal	Vorabzustimmung zur Ausländerbeschäftigung Erteilung, Vorabzustimmung zur Ausländerbeschäftigung Erteilung