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Zustimmung zur Beschäftigung ausländischer Arbeitnehmerinnen und Arbeitnehmer an Betriebe im Werksvertragsverfahren Erteilung

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/575204/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99011006001000
Leistungsbezeichnung I	Zustimmung zur Beschäftigung ausländischer Arbeitnehmerinnen und Arbeitnehmer an Betriebe im Werksvertragsverfahren Erteilung
Leistungsbezeichnung II	Obtain approval from the Federal Employment Agency for the employment of foreign workers in Germany under contracts for work and services
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung

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Leistungsgruppierung	
Verrichtungskennung	Erteilung (1)
SDG-Informationsbereich	Beschäftigung von Arbeitnehmern in anderen Mitgliedstaaten (Entsendung von Arbeitnehmern, Vorschriften über den freien Dienstleistungsverkehr, Wohnsitzanforderungen für Arbeitnehmer)
Lagen Portalverbund	Personal finden (2030100), Personal einstellen (2030200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	01.09.2022
Fachlich freigegeben durch	Federal Ministry of Labor and Social Affairs (BMAS)
Handlungsgrundlage	https://www.gesetze-im-internet.de/aufenthg_2004/_39.html https://www.gesetze-im-internet.de/beschv_2013/_29.html https://www.gesetze-im-internet.de/beschv_2013/_36.html https://www.gesetze-im-internet.de/aentg_2009/index.html https://www.gesetze-im-internet.de/bgb/_631.html
Teaser	If you, as a foreign employer, wish to send foreign workers to Germany within the framework of government agreements for the performance of contracts for work and services, the Federal Employment Agency must first approve this.
Volltext	Companies based in a member state of the European Union enjoy freedom to provide services. Employees of these companies who are temporarily employed in Germany to perform a contract for work do not require a work permit. This also applies to nationals of the European Economic Area and Switzerland. Employees of these companies who do not have one of these nationalities generally require a residence permit. For this, please contact the German diplomatic mission or consular post in the country of posting.

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The Federal Republic of Germany has concluded intergovernmental agreements with a number of countries. These regulate the posting and employment of workers from foreign companies on the basis of contracts for work and services. Intergovernmental agreements exist with:

- Bosnia and Herzegovina,
- North Macedonia,
- Serbia and
- Turkey.

Employees from these countries can work in Germany for a limited period of time within the framework of fixed quotas for the execution of work contracts.

Before you as a company can employ contract workers from these countries in Germany, these workers need a residence permit that allows them to work in Germany. The Federal Employment Agency must approve the issue of a residence permit in the form of a contract worker card.

Approval of the residence permit is generally granted for the expected duration of the work required to fulfill the work contract. The maximum duration of the approval of the residence permit is generally 2 years. If the execution of the work contract takes longer than 2 years due to an unforeseeable event, the approval can be extended by up to 6 months. Approval can be granted for a maximum period of 3 years if it is clear from the outset that the specific work contract will last longer than 2 years. However, this regulation only applies to employees who are new to Germany.

Individual workers with managerial or administrative duties (such as technicians or site managers) may be granted a residence permit for a maximum period of 4 years.

Contract workers from countries with which no intergovernmental agreements exist cannot be admitted. This does not apply to contract workers from the following countries:

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	• Andorra • Australia • Israel • Japan • Canada • Republic of Korea • Monaco • New Zealand • San Marino • United Kingdom of Great Britain and Northern Ireland within the meaning of the Freedom of Movement Act/EU • United States of America
Erforderliche Unterlagen	• Declaration on the contract for work • Work contract or framework and partial service contract or addendum in the original • Service specifications with precise details of the work to be performed in the original • Quota confirmation from the responsible ministry or the responsible quota awarding authority in the original • If applicable, deployment plan (for changing personnel levels during the execution period) • Self-certification form on the operational details of the customer (only for construction services) • Certificate from the local authority responsible for the protection of historical monuments that the objects in question are worthy of protection (only for restoration work) • Confirmation of receipt of information sheet 16 (Employment of foreign employees under contracts for work and services in Germany) signed and in the original
Voraussetzungen	In order to obtain approval, you must be able to prove that the workers you wish to employ • have the necessary qualifications, • have the same working conditions as comparable German employees, • actually carry out activities that correspond to their qualifications or are appropriate to their qualifications and • have a valid employment contract.

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Depending on the trade in which your company is active, special requirements may apply to the approval of the employment of foreign contract workers.

Kosten

Gebühr: 100€

An additional fee of EUR 100.00 will be charged for a supplement. If you wish to pay the fee by cash deposit, pay the amount to the account of the Federal Employment Agency at the Deutsche Bundesbank.

Zahlung nur mit Vorkasse

Gebühr: 200€

A fee is charged to the foreign employer (contractor) for the expenses incurred by the Federal Employment Agency and the customs authorities in implementing the intergovernmental agreements. The basic fee for a new application is EUR 200.00. If you wish to pay the fee by cash deposit, pay the amount to the account of the Federal Employment Agency at the Deutsche Bundesbank.

Zahlung nur mit Vorkasse

Gebühr: 75€

In addition, there is a term fee of EUR 75.00 per employee for each month of employment or part thereof.

Zahlung nur mit Vorkasse

Verfahrensablauf

To obtain approval, you as the client should proceed as follows:

- Contact the International Placement Services. You will be registered there, receive an order number and the application forms. Once you have registered and received an order number, you can download the application forms from the Federal Employment Agency's website and send (upload) them via an online account on the same page.
- Fill out the forms completely and send them with all the necessary documents to the International Placement Services.
- The International Placement Services will check the documents and inform you in writing whether the requirements for approval have been met.
- The sending foreign company will receive a letter of approval from the International Placement Services.

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	• The decision on the approval of the residence permit is issued to the contract workers in the form of a contract worker card (WAK). If the residence title is issued by the diplomatic mission or immigration authority in Germany, the WAK becomes part of the residence title. • If both the work contract employee card and the residence title are available, the employee can start work.
Bearbeitungsdauer	2 - 12 Woche(n)
Frist	1 Monat(e) Submit the required documents in good time, at least 4 weeks and at the earliest 3 months before the intended execution date. You must submit additional information on your application documents within the set deadline after being requested to do so by the Federal Employment Agency.
weiterführende Informationen	https://www.arbeitsagentur.de/unternehmen/arbeitskraefte/werkvertragsverfahren https://www.arbeitsagentur.de/datei/merkblatt-16-auslaendischean_ba015375.pdf https://www.arbeitsagentur.de/datei/Merkblatt-7-AuslaendischeAN_ba015382.pdf https://www.arbeitsagentur.de/datei/nettolohnbedingungen2017_ba015248.pdf
Hinweise	When applying for the first time, please always contact the International Placement Services of the Federal Employment Agency first. You will be registered there and receive an order number.
Rechtsbehelf	The notification of approval and fees can be • appeal and • action before the social court can be used as legal remedies. The following applies to the issue of the work contract employee card: The decision made by the BA within a procedure for issuing a visa or residence permit is not an independent administrative act. It is an internal act of cooperation vis-à-vis the diplomatic mission or

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	foreigners authority that decides on the residence title. An appeal can therefore only be lodged against the decision of the diplomatic mission or immigration authority.
Kurztext	• Consent to the employment of foreign workers in companies under the work contract procedure Issue • Foreign contract workers in Germany require a residence permit and a contract worker card to take up employment • Workers from the following countries can work in Germany for a limited period of time within the framework of fixed quotas: Bosnia and Herzegovina North Macedonia Serbia Turkey • The Federal Employment Agency must approve the residence permit in the form of the contract worker card • Depending on the trade, special conditions may apply for approval • Responsible: Central International and Specialized Placement Service of the Federal Employment Agency
Ansprechpunkt	
Zuständige Stelle	Federal Employment Agency
Formulare	Forms available: Yes Written form required: Yes Informal application possible: No Personal appearance necessary: No Online services available: Yes
Ursprungsportal	Zustimmung zur Beschäftigung ausländischer Arbeitnehmerinnen und Arbeitnehmer an Betriebe im Werksvertragsverfahren Erteilung, Zustimmung zur Beschäftigung ausländischer Arbeitnehmerinnen und Arbeitnehmer an Betriebe im Werksvertragsverfahren Erteilung