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## The President

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1. Per email  
to all  
professors

Würzburg, 4 December 2019

**Our reference: 4.3- Ma/Ro**

Dear colleagues

### Employment of Non-EU/Non-EEA Nationals

This is to inform you that, as a rule, employees/applicants who are not nationals of a member state of the European Union (EU) or another member state of the European Economic Area (EEA) need a **residence title for the purpose of taking up employment** in Germany.

It is mandatory that any and all non-EU/non-EEA nationals to be employed at your organisational unit hold a valid employment permit pursuant to Sections 18 and 20 *Aufenthaltsgesetz* (Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory, *AufenthG*) or, in the case of students engaging in part-time work in research, pursuant to Section 16 *AufenthG*.

It is illegal to employ non-EU/non-EEA nationals who are not holding the required employment permit. Employers who employ a foreign national who is not holding the required employment permit will face a fine of up to €500,000.00 and will be considered to have committed a trade/industrial offence. In addition, the employee concerned will also face a considerable fine.

Before a permit to take up/continue employment is granted, the following steps must be completed:

Non-EU/non-EEA nationals who are not nationals of a privileged country must apply for a visa at the competent German embassy or consulate before they enter Germany. The first step they will have to complete after they have entered Germany is to register their residence with the competent residents' registration office, e.g. the Würzburg Citizens' Office (*Bürgerbüro*). The new hire/employee in question must visit the offices of the competent *Ausländerbehörde* (Department for Nationality Issues and Foreigner Affairs) in person to apply for a residence permit. In certain circumstances, the *Ausländerbehörde* will have to obtain approval from the German Federal Employment Agency.

The following documents must be submitted to the competent *Ausländerbehörde* for the new hire's/employee's place of residence:

- the duly completed application form that is available from the *Ausländerbehörde*,
- the duly completed *Beschäftigungserlaubnis* form (in cases where approval is required from the Federal Employment Agency),
- the new hire's/employee's valid passport,
- a current biometric passport photo,

- the new hire's/employee's rental contract and
- a letter issued by the Service Centre Human Resources confirming that it is planned that the new hire will take up employment subject to social insurance contributions at the University of Würzburg or the employee's current employment contract with the University of Würzburg.

Applicants must promptly (no later than three months prior to expiry) visit the offices of the competent *Ausländerbehörde* regarding the issuing of an electronic residence title.

After the applicant has visited the offices of the competent *Ausländerbehörde* and submitted all of the required documents, the *Ausländerbehörde* will ask the Bundesdruckerei GmbH in Berlin to produce an electronic residence title for the applicant. The Bundesdruckerei GmbH will need three to six weeks to produce that title. Applicants must come to the offices of the *Ausländerbehörde* to collect their residence title in person. Applicants will receive a letter from the Bundesdruckerei GmbH notifying them that their residence title is ready for collection.

Since the processing of applications for permits to take up/continue employment will take a significant amount of time, we will have to make some changes to our processes for the hiring of new employees and the renewal of the employment contracts of existing employees. To ensure compliance with the provisions of AufenthG, the Service Centre Human Resources will not execute an employment contract until it has received the valid employment permit of the new hire/employee in question.

Therefore, please make sure that from now on you inform the Service Centre Human Resources in a timely manner whenever you wish to hire a new employee or renew the employment contract of an existing employee.

In normal circumstances, where an EU/EEA-national is concerned, **the hiring of a new employee must still be requested no later than six weeks in advance and the renewal of the employment contract of an existing employee must still be requested no later than four weeks in advance.** Where a non-EU/non-EEA national is concerned, **the hiring of a new employee or the renewal of the employment contract of an existing employee must be requested three months in advance.**

It must be made clear and ensured by the employing organisational unit concerned that the employment relationship of an individual will not be continued after the expiry of that individual's employment permit (even if his/her fixed-term contract has not yet expired)/if that individual was not granted an extension of his/her employment permit.

In addition, please be aware that in order to remain entitled to full unemployment benefits, all employees (both domestic and international) who are employed on fixed-term contracts are obliged to register as job seekers with the German Federal Employment Agency no later than three months prior to the end date of their employment relationship.

In order to avoid serious consequences both for the University of Würzburg and for the new hire/employee concerned, please make sure you allow enough processing time and submit your requests for the hiring of new employees or the renewal of the employment contracts of existing employees to the Service Centre Human Resources in a timely manner.

Where non-EU/non-EEA nationals are concerned, please make sure you submit the required employment permit to the Service Centre Human Resources in a timely manner. The Service Centre Human Resources is under order to not execute employment contracts until it has received the employment permit of the new hire/employee in question.

Sincerely

signed

Prof. Dr. A. Forchel