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Report on the Recognition Act

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The Federal Government formally adopts the first “Report on the Recognition Act” presented by the Federal Ministry of Education and Research.

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<u>Abbreviation</u>	<u>Meaning</u>
AFBG	Aufstiegsfortbildungsförderungsgesetz – Upgrading Training Assistance Act
AG „Koordinierende Ressorts“	Working Group of the federal state departments responsible for coordinating the recognition of professional and vocational qualifications acquired abroad (“Coordinating Departments Working Group”)
AOLG	Arbeitsgemeinschaft der Obersten Landesgesundheitsbehörden – Working Group of the Supreme Healthcare Authorities of the Federal States
AQUA	“Akademikerinnen und Akademiker qualifizieren sich für den Arbeitsmarkt” – “Training graduates for the labour market” programme
AZAV	Akkreditierungs- und Zulassungsverordnung Arbeitsförderung – Ordinance regarding the conditions and procedure for the accreditation of professional bodies and the admission of employment support providers
BA	Bundesagentur für Arbeit – Federal Employment Agency
BAföG	Bundesausbildungsförderungsgesetz – Federal Education and Training Assistance Act
BÄO	Bundesärzteordnung – Federal Medical Code
BAMF	Bundesamt für Migration und Flüchtlinge – Federal Office for Migration and Refugees
BBiG	Berufsbildungsgesetz – Vocational Training Act
BeschV	Verordnung über die Beschäftigung von Ausländerinnen und Ausländern (Beschäftigungsverordnung) – Ordinance on the Employment of Foreigners (Employment Ordinance)
BIBB	Bundesinstitut für Berufsbildung – Federal Institute for Vocational Education and Training
BMAS	Bundesministerium für Arbeit und Soziales – Federal Ministry of Labour and Social Affairs
BM BF	Bundesministerium für Bildung und Forschung – Federal Ministry of Education and Research
BMG	Bundesministerium für Gesundheit – Federal Ministry of Health
BMWi	Bundesministerium für Wirtschaft und Energie – Federal Ministry for Economic Affairs and Energy
BQFG	Gesetz über die Feststellung der Gleichwertigkeit von Berufsqualifikationen (Berufsqualifikationsfeststellungsgesetz) – Act concerning the Assessment of Equivalence of Professional Qualifications (Professional Qualifications Assessment Act)
BVFG	Gesetz über die Angelegenheiten der Vertriebenen und Flüchtlinge – Federal Expellees Act
DHKT	Deutscher Handwerkskammertag – Association of German Chambers of Crafts and Trades
DIHK	Deutscher Industrie- und Handelskammertag – Association of German Chambers of Commerce and Industry
EEA	European Economic Area
ESF	European Social Fund
GMK	Gesundheitsministerkonferenz der Länder – Conference of the Ministers of Health
HWK	Handwerkskammer – Chamber of Crafts and Trades
HwO	Handwerksordnung – Crafts and Trades Regulation Code
IHK	Industrie- und Handelskammer – Chamber of Commerce and Industry
IHK FOSA	Foreign Skills Approval Competence Centre of the Chambers of Commerce and Industry a consortium under public law of 77 of the 80 chambers of commerce and industry to act as a central decision-making body in respect of applications for the recognition of foreign professional and vocational qualifications (FOSA = Foreign Skills Approval)
IQ	Integration durch Qualifizierung – Integration through Training
IW Köln	Institut der deutschen Wirtschaft Köln – German Institute for Business Research, Cologne
JMD	Jugendmigrationsdienst – Youth Migration Service
JVEG	Justizvergütungs- und –entschädigungsgesetz – Justice Remuneration and Compensation Act
KMK	Ständige Konferenz der Kultusminister der Länder in der Bundesrepublik Deutschland – Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany
KrPflG	Krankenpflegegesetz – Nursing Act
MSO	Migrantenselbstorganisation – autonomous migrant organisation

SGB	Sozialgesetzbuch – Social Security Code
SME	Small and medium-sized enterprise
SVR	Sachverständigenrat deutscher Stiftungen für Integration und Migration – Research Council of German Foundations for Integration and Migration
VLK	Verband der Landwirtschaftskammern – Association of the Chambers of Agriculture
VwVfG	Verwaltungsverfahrensgesetz – Administrative Procedure Act
WHKT	Westdeutscher Handwerkskammertag – West German Association of Chambers of Crafts and Trades
ZAA	Zentrale Anlaufstelle Anerkennung – (Hamburg) Counselling Centre for Recognition of Qualifications
ZAB	Central Office for Foreign Education (at the Secretariat of the Standing Conference of the Ministers of Education and Cultural Affairs, KMK)
ZAV	Zentrale Auslands- und Fachvermittlung – Central Foreign and Specialist Placement Agency
ZDH	Zentralverband des Deutschen Handwerks – German Confederation of Skilled Crafts

Part I

Conclusions and perspectives

Germany needs skilled workers! Many companies, hospitals and long-term care institutions are already dependent on trained staff from abroad. This tendency is set to exacerbate in future. In the year 2030, the working age population is expected to comprise over six million people fewer than in 2010¹. For this reason, at an educational summit staged in Dresden as long ago as 2008, Federal Government and federal state heads agreed improvements in the legal situation and procedures governing the recognition of professional and vocational qualifications acquired abroad. The Federal Government created the “Law to improve the assessment and recognition of professional and vocational education and training qualifications acquired abroad” as a new instrument to secure the requirement for skilled workers in Germany. This “Recognition Act” entered into force on 1 April 2012 and governs the recognition of professions and occupations that are the responsibility of the Federal Government. In order to maintain the uniformity of the legal situation, the federal states have followed by beginning to take a coordinated approach to establishing equivalent legal rights and recognition procedures for the area in which professions and occupations are subject to federal state law.

On the basis of experiences gained over a period of around two years and of the initial results of the Monitoring Project,² the present report draws conclusions regarding ten points and takes a look at the challenges that lie ahead.

1. The Federal Recognition Act is leading to a paradigm shift and is meeting with considerable approval both nationally and internationally.

In passing the Recognition Act, the Federal Government has created for the first time a general legal right to assessment of the equivalence of a foreign professional or vocational qualification with a German reference occupation³. The law guarantees individualised procedures for the investigation of equivalence, and these are usually required to be completed within three months. At the same time, it opens up recognition opportunities for further target groups. Qualified specialists in regulated professions, such as doctors and nurses, are not the only beneficiaries. For the first time, recognition opportunities are available to skilled workers holding vocational qualifications in non-regulated training occupations. Although such persons do not need formal recognition in order to exercise these occupations, recognition of their foreign vocational qualification may improve their career chances. Article 1 of the Recognition Act, the Professional Qualifications Assessment Act (BQFG), now makes recognition procedures possible for persons who have trained in commercial occupations or in the craft trades. The regulations contained within the EU Directive on the recognition of professional qualifications are also being opened up to recognition applicants from third countries or with third country qualifications. Because applications are possible both from within Germany and from abroad, the Recognition Act will lead to an improvement both in the activation of domestic areas of potential and in the acquisition of skilled workers from other countries. A further innovation that is attracting international attention is the planned mandatory consideration of professional and occupational experience in the equivalence assessment. In overall terms, this means that the procedures and criteria relating to professions and occupations governed by federal law have been standardised, expanded and enhanced.

The Recognition Act enjoys broad political consent and support from both houses of the German Parliament, from trade and industry and from the business associations.

It represents a paradigm shift since it focuses on the positive areas of potential that migrants are able to offer and redresses the deficit-oriented approach that was usually adopted previously. The law moves beyond the concept of professional or occupational recognition as the mere object of an administrative

¹ Cf. Federal Ministry of the Interior 2012, p. 49, cf. Federal Statistical Office 2009.

² The first Monitoring Report from the BIBB project is in particular based on comprehensive guidance data and on the first national statistics for recognition procedures from the year 2012. The first report focuses on occupations governed by the chambers and on the two regulated professions of doctor and registered general nurse since these occupations have attracted the greatest amount of interest in terms of recognition. The Monitoring Project is based on preliminary investigations and analyses and thus does not yet cover the whole of the recognition system. Nevertheless, the report reveals initial tendencies, developments and findings (cf. Part III).

³ Cf. Part II-1.1.

procedure to embrace the idea of “recognition in the sense of respect and appreciation of personal life achievement”⁴. Persons with a foreign professional or vocational qualification now have a better chance of finding employment in the field in which they have trained, regardless of whether they are already resident in Germany or are newly arrived migrants⁵. This makes an important contribution towards securing a supply of skilled workers and to the integration of persons with foreign qualifications. The fact that over 80 percent of recognition procedures have led to a positive outcome thus far shows the great potential of the new regulations. This is also confirmed by the Research Council of German Foundations for Integration and Migration (SVR) in its Annual Survey for 2013: “The German Recognition Act has been welcomed as an extraordinary integration policy instrument by the SVR, by trade and industry and by the unions”⁶.

Since the educational summit in 2008, processes for the legislation and standardisation of administrative implementation have been put in train in the federal states on the basis of a joint resolution adopted by the Federal Government and the federal states. Numerous measures for the execution, harmonisation and bundling of the recognition acts of the Federal Government and the federal states and for the standardisation of administrative implementation have been initiated via the Working Group of the federal state departments responsible for coordinating the recognition of professional and vocational qualifications acquired abroad (“Coordinating Departments Working Group”). Some of these measures are already in force. A Model Law for the federal states which is aligned to the Federal Government Act has, for example, been drawn up. Laws governing professions and occupations which are the responsibility of the federal states have already entered into force in 13 federal states (status: 20 February 2014)⁷. However, from the point of view of the Federal Government, the statutory regulations enacted by the federal states do not contain material improvements for all professions and occupations. Significant differences are exhibited in some cases. This could lead to “recognition tourism” between the federal states.

Perspectives

The Federal Government will continue to scrutinise the statutory regulations relating to the recognition of foreign professional and vocational qualifications for any possible improvements and will make adjustments where necessary. In January 2014, the updated EU Directive on the recognition of professional qualifications entered into force. This must be implemented in national law within the next two years. The introduction of a European Professional Card and the possibility of gaining partial access to regulated professions via partial recognitions are particular areas in which implementation will be needed. The intention is not merely for the EU Directive to be implemented. Standardisation will also be achieved by extending its facilitation measures to third country qualifications. This is in line with the generally accepted and endorsed basic principle underlying the Recognition Act. Within this context, scrutiny also needs to take place as to whether further requirements for adaptation can be identified on the basis of experiences with the implementation of the Recognition Act.

A positive development is anticipated within the area of federal state legislation. All federal state recognition acts are expected to have entered into force by the end of 2014. Nevertheless, further liberalisations and standardisations would be desirable both within the existing and planned new regulations of the federal states, particularly with regard to recognition of the much-in-demand qualifications of teaching staff.

⁴ Federal Minister Johanna Wanka on the occasion of the first anniversary of the entry into force of the Recognition Act in 2013.

⁵ Cf. Part III-3.1.

⁶ Research Council of German Foundations for Integration and Migration 2013, p.151.

⁷ BB, BE, BW, BY, HB, HH, HE, MV, NI, NW, RP, SN, SL, cf. Part II-1.2.

2. General conditions and structures for rapid and successful implementation of the Recognition Act have been created in the area governed by the chambers in particular.

One essential prerequisite for the successful implementation of the Recognition Act is uniformity and comparability within the administrative process. For this purpose, general conditions and administrative structures that ensure comparison and harmonisation of procedural practice in the respective areas of responsibility are required. Especially in the area governed by the chambers, successful initiatives have been undertaken within a short space of time. In order to apply the new equivalence assessment procedure pursuant to the BQFG, new structures were created and expertise was established and effectively deployed even before the law entered into force. Areas of responsibility and know-how were bundled.⁸ This means that occupations regulated by the chambers of commerce and industry fall within the remit of a central agency in the form of the Foreign Skills Approval Competence Centre (IHK FOSA), whereas occupations in the craft trades are handled by “lead chambers”. Cross federal state bundlings also took place in the case of the Medical Council of Westfalen-Lippe, the Brandenburg Chamber of Dispensing Chemists and the Tax Consultancy Association of Lower Saxony, which covers specialist employees in relevant occupations.

Such a structural change has not yet taken place at the federal state authorities, particularly at those with responsibilities for the healthcare professions. The relevant committees of the federal states have already adopted a resolution for an overarching central assessment agency for the healthcare professions.

Perspectives

In order to achieve effectiveness and efficient implementation of the statutory stipulations, unification of administrative structures should be continued both in further chambers areas and in the federal authorities. In the field of the healthcare professions, where the volume of applications is the highest and the demand for skilled workers the greatest, the cross-federal state central assessment agency which has already been decided upon should be established and made operational as a matter of urgency. For this purpose, sufficient human and financial resources need to be made available at the Central Office for Foreign Education (ZAB), the designated host body.

3. Information and guidance provision is effective and guarantees recognition successes.

Comprehensive nationwide information and guidance provision was established to coincide with the entry into force of the Recognition Act. Highly efficient structures were created all over the country to offer information to persons seeking recognition from home and abroad prior to their application and to provide guidance and support during the procedure itself in the form of the Internet portal “Recognition in Germany”, which is housed at the Federal Institute for Vocational Education and Training (BIBB) and also features the very popular “Recognition Finder” to direct users to the right competent bodies, a telephone hotline run by the Federal Office for Migration and Refugees (BAMF) and an advisory network set up within the scope of the “Integration through training (IQ)” funding programme. The figures relating to the use of these services show⁹ that there is target group awareness of the provision in Germany and abroad and that it is well received. They also demonstrate that the “Recognition in Germany” portal, an information and promotional campaign funded by the BMBF, is a suitable instrument for continuing to increase demand on the part of those interested in seeking recognition. Within a short period of time, the website has become the main source of initial information on topics relating to recognition and a port of call indicated by many other providers.

The first consultations offered by the BAMF Hotline and the IQ Network provide targeted preparation for

⁸ Cf. Part II-2.2.

⁹ Cf. Part III-3.1.2.

initial guidance and the procedures at the competent bodies. The Monitoring Project shows that this first consultation, the initial guidance from the competent bodies and the labour market related consultations given by the employment agencies and the Job Centres supplement one another and are an effective form of cooperation. The competent bodies assess the service levels and quality of the first consultations very positively with regard to such matters as selection of the reference occupation and compilation of the necessary documentation.

The labour administration organisations refer their customers to the first consultations and initial guidance services and cooperate directly and largely successfully with the IQ Network and the competent bodies at a regional level. In overall terms, positive conclusions may be drawn within the area of recognition guidance provided by the labour administration organisations. Awareness and success of this recognition guidance is high, particularly with regard to training courses conducted by the labour administration organisations via IQ Networks.

Guidance is revealed to be a very complex and individual process. As well as recognition of qualifications, first consultations in particular may touch upon issues from the areas of migration law, language knowledge, professional and occupational experience, opportunities for adaptation training and funding and may sometimes lead to a process of continuous support for those seeking recognition. Selection of the suitable reference occupation often constitutes a major challenge. A high degree of support intensity is also recorded with regard to procurement of full documentation. This is an area in which the established guidance services, especially those provided within the IQ Networks, make an important contribution.

As the Monitoring Project shows, the comprehensive approach towards guidance goes far beyond merely providing advice on the procedure. In the chamber area in particular, it may also encompass alternatives to the recognition procedure such as second-chance training, retraining, further training or the external examination¹⁰. The primary goal of guidance is integration into the labour market. The equivalence assessment is not always the sole productive approach to adopt in this regard. This also explains why not every consultation necessarily leads to an application. Partial equivalence in an occupation which is in demand on the labour market may also, for example, be a more promising route than full equivalence in a less sought-after occupation.

Guidance on non-regulated occupations is revealed to be significantly more time consuming than guidance on regulated professions since selection of the reference occupation is more difficult and the alternatives to establishment of equivalence stated above need to be taken into account. The fact that the guidance volume is significantly higher in the chamber area compared to the numbers of applications is partially due to these circumstances and is therefore also evidence of good quality of advice. In the regulated sector, where access to a profession is only possible via recognition, alternative routes into the labour market are largely absent. The cost of guidance is significantly lower because the reference occupation is usually easy to identify. In contrast to the non-regulated occupations, a large proportion of consultations in the regulated area leads to an application.

To sum up, we may say that the Monitoring Project shows that guidance has rapidly established itself as a significant success factor in recognition procedures and that this is a major reason why so many procedures have led to a positive outcome and full equivalence.

Perspectives

The aim is for existing information provision to be further expanded, firmly established and more closely bundled. To this end, information on occupations governed by federal state law and state-specific results pages are being added to the "Recognition in Germany" Internet portal as the federal state recognition acts successively enter into force. The plan is for operation of the portal to become a permanent part of the task remit of BIBB so as to ensure continuous quality assurance with regard to access to information. In order to make it easier for those interested in seeking recognition to obtain initial information, it would be desirable

¹⁰ Cf. Part III-3.2.1.

to achieve closer bundling and interlinking with other Internet provision on the topic of recognition – the Information System of the Recognition of Foreign Professional and Vocational Qualifications (anabin), run by the ZAB, the Information Portal for Foreign Professional Qualifications (BQ Portal) and the Internet services provided by the IQ Network. From the point of view of the Federal Government, the medium-term aim is to make all relevant information available in as target group oriented and user-friendly a way as possible, including in easy-to-understand language.

From May 2014, the successful national information and promotional campaign of the “Recognition in Germany” Internet portal will be backed up by an international campaign. The target group for this comprises skilled workers with a foreign professional or vocational qualification and multipliers in Germany and abroad. The portal will be collaborating closely with the “Make it in Germany” welcome portal.

Endeavours are ongoing to create similar bundlings in the field of guidance. It would, for example, be useful and helpful and in the best interests of callers to merge the BAMF Hotline, which provides guidance on issues relating to recognition, with other telephone-based advisory services on immigration and work opportunities and thus offer all guidance on the topic of “Living and Working in Germany” under a single telephone number. In order to guarantee high quality of guidance, enquiries management should be organised in such a way so that the respective sub-topics are handled by institutions with the relevant expertise.

Cooperation of the initial counselling centres with the initial guidance services of the competent bodies and with the labour administration organisations should be further intensified and extended. Guidance on recognition should be firmly established at the labour administration organisations, and quality of recognition guidance should be ensured, particularly within and with the assistance of the IQ Networks.

In order to provide an effective back-up to the recognition acts of the Federal Government and federal states, the federal states are being encouraged to develop their guidance participation further (guidance from a single source). The experiences gained from successfully operating welcome centres and guidance networks should be used in this regard.

4. The recognition procedures are working well. Standardisation of implementation still needs to be driven forwards in some areas.

Since the educational summit held in Dresden in 2008, improving the legal basis and the procedures for the recognition of foreign qualifications has been a joint objective of the Federal Government and the federal states. In a resolution adopted on 15 December 2010, the heads of government of the federal states announced their support for accelerated creation of uniform and unbureaucratic regulations for the recognition procedures conducted by the Federal Government and federal states.¹¹ This intention was specified further in several resolutions adopted in the following years. On the occasion of their Annual Conference held from 23 to 25 October 2013, they once again announced that they were in favour of moving towards standardisation of implementation. They support the idea that the databases used in connection with recognition decisions should be harmonised with one another and be operated in as standardised a way as possible in terms of quality assurance.¹²

Although progress along the route of standardised implementation has been made in the past, there is still a need for further development in some areas.

Implementation in the chamber area has been rendered uniform by the changes to administrative structures described in point 2 above, especially via the bundling of tasks and competences. The “BQFG

¹¹ Cf. Minutes of the Conference of Heads of Government of the Federal States in Berlin on 15 December 2010.

¹² Cf. Minutes of the Annual Conference of Heads of Government of the Federal States in Heidelberg from 23 to 25 October 2013.

Implementation” Working Group, which includes representatives from the chambers and the associations, has contributed towards the rapid development of uniform standards, as has the support available to the competent bodies via the BQ Portal.

By way of contrast, the Monitoring Project also reported the non-standardised approach being adopted towards federal state implementation in the healthcare professions¹³. This relates in particular to the standards, benchmarks and procedures for the identification of equivalence, language knowledge requirements, evaluation of professional experience and the approach to the imposition of compensation measures. The varying application of the statutory regulations and the differences in implementation between federal state authorities mean that regional disparities in the volume of applications cannot be excluded. This is another area in which the “Coordinating Departments” working group has drawn up several proposals regarding harmonisation, such as in the field of standardised notices.

The expectation is that the legal ordinance enacted by the Federal Ministry of Health (BMG) on 2 August 2013 for the “Implementation and content of updating measures for the issuing of authorisation to practise in healthcare occupations governed by the Federal Government” will make an important contribution to standardisation in the healthcare professions governed by federal law.

The Monitoring Project highlights a number of particularly conspicuous aspects of implementation.

Both procuring the documentation needed for the execution of the equivalence assessment and obtaining the necessary information on the respective foreign educational system often prove difficult. Checking the genuineness of documents is a particular challenge for the competent bodies. Such problems occur particularly frequently in the case of qualifications from third countries. The competent bodies are making wide-ranging endeavours to support those seeking recognition. For this purpose, they use the information provision available online, in particular the anabin database and the BQ Portal, as well as researching the necessary information themselves in some cases. It is, however, frequently the case that the databases do not contain information about countries from which no or only a few applications have been received thus far. The consequence of this is that the equivalence assessment is considerably more difficult. In the case of EU qualifications, on the other hand, such problems are virtually unknown. This means that these procedures cause considerably less expense. Further support provision for the competent bodies should be investigated, particularly for the equivalence assessment procedures involving qualifications from third countries.

Consideration of the professional and occupational experience of those seeking recognition is one of the essential innovations of the Recognition Act. In the chamber area, this plays an important role in aligning the reference occupation and in compensating for the differences between foreign and German qualifications. The Monitoring Project indicates that thus far the federal state authorities have made significantly more reticent use of this means of arriving at an establishment of equivalence. In the interests of acquiring professionally experienced skilled workers, practice in this field should be investigated and further developed to ensure that occupational experience is actually considered in the investigatory procedure.

The BQFG provides for the possibility of a skills analysis if documentation cannot be produced, if the significance of the documentation is limited or if there are doubts regarding content and correctness. Very infrequent use is, however, currently being made of this instrument for the establishment of equivalence because little experience is available and the supposition is that cost of implementation will be high. The standards developed in the BMBF cooperative project “Prototyping” may help lead to a simplification of the procedures, to an increase in level of acceptance and to nationwide establishment of the skills analysis.

With regard to the notices, advisory staff have indicated a need for more readily comprehensible and more extensive statements regarding the correlations and substantial differences identified in training. The view is that this is necessary in order for those seeking recognition, advisors, companies and training providers to receive better orientation for training and adaptation measures. For competition reasons, however, explicit

¹³ Cf. Part III-3.3.

indications of certain particular adaptation training courses or their providers should not be included.

In overall terms, there is a discernible conflict within recognition practice between two objectives which in themselves are justified. On the one hand, only comprehensive and careful scrutiny of equivalence on the basis of reliable information on the foreign qualification guarantees the quality, acceptance and labour market usability of the notices. On the other hand, the competent bodies make every effort to keep costs as low as possible for those seeking recognition, for example in connection with the procurement of documentation, and to provide active support within the scope of their capacities.

Perspectives

In order to standardise implementation further and facilitate consistent application of the regulations by the competent bodies, the development and harmonisation of joint occupationally specific standards is indispensable. This includes standards for equivalence assessment, basic criteria for the exercising of the profession or occupation, uniform regulation of requirements regarding language knowledge, consideration of professional and occupational experience and content and execution of compensation measures.

Further structural bundlings similar to those already put into effect by the chambers can be expected to make a major contribution to standardisation in federal state implementation. The ZAB has already been named as the central competent body for non-regulated school-based vocational qualifications governed by federal state law. The execution of the transfer of tasks to a central assessment body for healthcare professions as resolved and realisation of the design concept for this drawn up on 8 March 2013 including the requirements identified there for more human and financial resources represent important stages along the route to standardisation in a highly significant area of implementation. Rapid implementation together with provision of the necessary human and financial resources now needs to take place.

In the case of procurement and scrutiny of the necessary documents and information relating to educational systems and training qualifications, completion, modernisation and better linking of the existing database systems are desirable. The aim should be to be able to download all the necessary information in a quality-assured manner without too great an effort irrespective of by whom it was created or uploaded. From the point of view of the Federal Government, the "Recognition in Germany" portal could take on a coordinating function within this modernisation process.

In order to achieve further standardisation, moves should be made to check that the existing execution and implementation regulations of the federal state authorities are up-to-date and comply with the new statutory provisions of the Federal Government and the federal states.

In order to make the instrument of the skills analysis more broadly usable, transfer of the results from the project for the standardisation of other equivalence assessment procedures (Prototyping) should be instigated. An investigation should also be undertaken into the extent to which the skills analysis can be included in the specific laws governing the regulated professions.

Sector-specific agreement on a more uniform design and quality of the notices is needed. Apart from the formal requirements of a notice, clear descriptions of existing qualifications and utilisable statements on substantial differences between the foreign professional or vocational qualification and the domestic reference occupation are necessary in order to be able to identify further qualification needs. In addition to this and as already suggested by the federal states,¹⁴ a uniform appearance of the notices would be helpful, not least for employers.

One of the challenges for the further development of recognition practice is to find an appropriate balance between the wish for a straightforward procedure which is easy to handle and the objective of carrying out high-quality and meaningful assessments of professional and vocational qualifications that are recognised on the labour market.

¹⁴ Cf. Part III 3.3.2.

5. Results of the first statistics – most foreign qualifications are recognised and interest in medical professions is particularly high.

On 15 October 2013, the Federal Statistical Office issued its first statistics on the Federal Recognition Act¹⁵. These showed that a decision had already been reached in almost three quarters (around 8,000) of the 11,000 procedures registered across Germany during the period from April to December 2012 (cut-off date: 31 December 2012). The vast majority of procedures (82 percent) ended in full recognition of the professional or vocational qualification acquired abroad. These qualifications are fully equivalent with the German reference occupations.

Interest in recognition was particularly high in the area of the regulated professions: Recognition is a prerequisite for the exercising of these professions, and around 80 percent of applications submitted relate to them. The main emphasis was on the medical healthcare professions, in particular doctors and registered general nurses. This occupational group accounted for as many as 6,837 of the 7,458 applications in which a positive decision was reached, including 5,121 applications from doctors. Considerable shortages in these professions are already becoming discernible in Germany. The figures show that the Recognition Act is making an important contribution towards securing the requirement for skilled workers.

Around 20 percent of applications relate to non-regulated occupations in the dual system, such as mechanic, electronics technician or to occupations in the commercial sector. Alongside the large number of notices of full equivalence (66 percent), applicants were also awarded partial equivalence of qualifications. Such partial recognition also improves labour market access.

According to the Federal Statistical Office, the first federal statistics cannot be expected to map the whole of the recognition system. The supposition is that not all recognition bodies have registered their data in full and in a timely manner.

Perspectives

Experience has shown that there are frequently technical difficulties with statistics in the first year of survey. The expectation is that the quality of reporting for the 2013 survey of data will rise since the competent bodies will have more experience and will initiate specific measures to improve the survey.

6. The added value of recognition for the companies should be increased.

In the light of the shortage of skilled workers, both the trade unions and the employers are increasingly showing themselves to be open to the employment of migrants. Nevertheless, the assumption is that there is a fundamental lack of knowledge within the companies of the opportunities provided by the law, particularly at small and medium-sized enterprises (SME's) and in the area of the non-regulated occupations. Some are not aware of the recognition acts¹⁶ and have not yet become familiar with the procedures and notices.

The Monitoring Project identifies a difference between the regulated area governed by the federal state authorities and the non-regulated chamber sector with regard to the route taken to first consultations and initial guidance by those interested in seeking recognition¹⁷: In the field of the medical professions where academic qualifications are required and in the specialist healthcare professions, those interested in seeking recognition often find their way to the competent body via potential employers. In the chamber area, by way of contrast, referrals from companies and HR service providers play virtually no role. On the one hand, this is

¹⁵ Cf. Part III-2.2.

¹⁶ According to a survey of 15,000 companies conducted in the spring of 2013 by the DIHK, only around 26 percent of respondents were aware of the Recognition Act.

¹⁷ Cf. Part III-3.2.3.

due to the fact that access to the regulated professions is only possible via recognition. Secondly, the shortage of skilled workers in the latter is already clearly discernible.

In the non-regulated sector, a recognition procedure is not the only possibility of tapping into existing areas of potential offered by employees. Nevertheless, especially for SME's without a strategic human resources development system, supporting recognition may be useful in terms of making staff competences visible and usable. The illustration of such win-win situations and practically oriented information on the Recognition Act and the benefits and opportunities it brings are therefore suitable ways of securing companies for possible involvement.

Perspectives

Whereas the chambers entered the recognition process at an early stage, established extensive expertise and created viable structures, more work needs to take place with regard to information, awareness and activation of the social partners and companies concerning the benefits of the recognition procedures. The use of the Recognition Act as an instrument for human resources acquisition and development could in particular be better highlighted.

For this reason, the BMBF is using the project "Anerkannt!", which is operated by the Educational Institute of the German Confederation of Trade Unions, to promote an information and training campaign for workers' and staff council members, young people's and trainee representative bodies and shop stewards. It is also offering to support the employers, the chambers and their umbrella associations in approaching companies in a target group specific manner and to encourage active use of recognition as a tool for staff acquisition and development.

Alongside the importance of information, companies also need to gain trust in the new regulations. The perspective is that Company acceptance will be to a large extent determined by continuing high quality of the recognition procedures and notices.

7. Opportunities for adaptation training are being extended, further developed in a tailored manner and quality assured.

If substantial differences between the foreign qualification and the German reference occupation are identified in the recognition procedure, these may be offset by compensation measures and adaptation training. Different conditions apply in this regard to regulated professions and non-regulated occupations.

In the regulated sector, adaptation measures are statutorily stipulated in the form of adaptation periods, aptitude tests or knowledge tests. The Monitoring Project shows that implementation of adaptation provision is still being approached differently across the country. In some cases, it is also difficult to put appropriate national provision in place, especially for healthcare professions where academic qualifications are not required.

There are also differences in duration and cost in provision for preparation for an aptitude or knowledge test or for language support in healthcare professions where academic qualifications are required. In addition, there is also a lack of clarity in respect of the quality of the provision. Only some private providers are certified in accordance with the "Ordinance regarding the conditions and procedure for the accreditation of professional bodies and the admission of employment support providers" (AZAV).

The Monitoring Project also reveals that guidance on adaptation measures given via the competent bodies often varies according to what the relevant bodies perceive their role to be. Whereas some recognition bodies do not view such guidance as a task to be provided by them, others offer advice and refer applicants on to known and tried and tested providers in the region.

Old-age care represents a special case. Nowhere abroad is there any training which corresponds to the German qualification of geriatric nurse, and therefore the profession of registered general nurse is normally selected as the reference occupation. For this reason, compensation measures are predominantly performed in the hospital environment. This leads to problems in using recognition of foreign long-term care staff as a vehicle for recruiting geriatric nurses.

In the chamber area, adaptation training is not mandatory in order to exercise the occupation. It may, however, lead to significantly better opportunities on the labour market. Unlike in the regulated professions, existing structures for EU citizens cannot serve as a platform. Demand for training measures in this area is shown to be highly differentiated. Because very individual further training requirements are normally involved, development of standardised provision is difficult.

Occupationally related language support is an essential component of training in all areas, and this is another field in which provision still needs to be expanded. This particularly applies to the regulated sector, where language knowledge is usually a prerequisite for authorisation to practise.

Within the scope of the IQ Programme and of further projects both in the regulated and non-regulated sectors, impetuses for the development of provision have taken place that offer good examples of expansion.

Perspectives

In the area of the regulated healthcare professions, the new legal ordinance of the Federal Ministry of Health (BMG) "Implementation and content of adaptation measures for the issuing of authorisation to practise in healthcare occupations governed by the Federal Government", which entered into force on 1 January 2014, is expected to bring about a standardisation of compensation measures. Many of the inconsistencies which have arisen thus far will no longer occur in future as a result of nationally applicable stipulations.

Networking between the competent bodies, advisory agencies, companies and training providers needs to be improved all over the country in order to ensure guidance that is appropriate in terms of quality and to initiate the development of new provision. One of the functions of the planned ESF-funded IQ Programme "Training of migrants within the context of the Recognition Act" is to set important impetuses for the establishment of new regional cooperation structures by providing start-up financing for the development of adaptation training provision. In addition to this, framework structures can be created for flexible individualised provision which is tailored towards the differentiated demand. Extensive guidance and support for those seeking recognition, assistance in the search for suitable companies and the flexible opening-up of existing initial and second-chance training provision are all essential prerequisites in this regard.

Within the field of old-age care, to the extent that relevant starting points are in place (such as completion of specialisation), the competent body should undertake the equivalence assessment using the reference occupation of geriatric nurse and include any professional experience in the long-term care sector within the investigation. In addition to this, in recognition procedures in the sector of registered general nurse where the applicant has the offer of a job from an employer in the old-age care sector, an investigation should take place as to whether any adaptation measures that may be required can be completed (at least partially) in the institution of the potential employer. The new legal ordinance governing the implementation and content of adaptation measures in the healthcare professions provides sufficient leeway in this regard.

8. The costs of the procedures should be further standardised in a sector-specific manner and financing should be secured.

Whereas fee ranges of between €100 and €600 apply in the chamber area, the costs of the procedure in the regulated sector remain non-uniform and exhibit considerable variation. This is not merely due to the inevitably differing procedural costs in the case of individual investigations. Even the flat-rate information provided on the websites of the competent bodies differs greatly. These differences in the cost structure could have consequences for the decisions made by applicants and lead to regional disparities in the volume of applications.

The fees charged for highly involved and quality-assured recognition procedures often do not cover the costs of the competent bodies and can only be offset by match funding. This means that there is a conflict between covering the costs of procedures and the wish not to allow fees to become a hurdle for those interested in seeking recognition.

The costs of compensation measures or of preparations for tests and adaptation periods represent additional expenses incurred in all occupations and are difficult to assess in advance. This makes it harder for those interested in seeking recognition to weigh up costs and benefits beforehand. Despite the fees, the recognition procedure can be associated with a high educational return for many interested parties, particularly in the field of the regulated professions.

For persons wishing to pursue a recognition procedure, various opportunities exist for the assumption of costs by third parties. What the most relevant funding instruments for the specific objectives of those interested in seeking recognition (Social Security Code, SGB, II/III, Special Programme for the promotion of occupational mobility of young people from Europe who are interested in training, MobiPro-EU, Hamburg scholarship programme) all have in common is the condition that recognition must be utilisable on the labour market in accordance with the purpose of the law (§ 1 BQFG). Normally, only AZAV-certified measures are eligible for funding via SGB II/III. These possibilities are each limited to certain groups of people, and there is no legal right to funding (discretionary benefits).

The funding practice of the Job Centres and employment agencies exhibits considerable regional differences. In the regions surveyed, positive experiences predominated of the assumption of costs for unemployed persons by the employment agency or Job Centre. There were, however, also reports of non-uniform practice and instances of failure to assume costs. Positive experiences are particularly reported from regions where there are good work contacts between the labour administration organisations, the competent bodies and the IQ counselling centres.

Apart from the programmes stated, there are no funding mechanisms specifically tailored to the financing of adaptation measures or to the securing of basic living costs during a compensation measure. A funding gap particularly exists for persons who are not in receipt of benefits pursuant to SGB II/III and need to go without income during the adaptation measures.

Perspectives

In the case of the fees for the procedure, efforts should continue to be made to move towards a uniform range of fees. This should also take place with a view to socially compatible fees. A possible first stage would be an agreement between the federal states on a range of fees within the regulated sector, for example initially for individual occupations or occupational groups.

From the point of view of the Federal Government, the funding practice of the employment agencies and the Job Centres should be even more closely aligned. Networking of labour administration with competent bodies and advisory agencies should be intensified across the country, particularly within the scope of the IQ Funding Programme. An investigation is taking place as to the possibility of whether basic subsistence via SGB II/III can be expanded to the measures funded within the scope of the ESF-financed IQ Programme. As a transitional measure, a corresponding funding possibility is planned, even if applicants are not in receipt of benefits.

In addition to this, the Federal Government will also look into the option of a scholarship programme for adaptation training to supplement the ESF-financed IQ Programme.

9. Monitoring the recognition system secures information and guidance to lead our actions. Instruments are being further developed on an ongoing basis.

In Article 1, § 17 (BQFG), the Recognition Act sets out provisions for national statistics. Article 1, § 18 (BQFG) states that there should be an evaluation of the application and effects of the law three years after its entry into force with a mandatory reporting requirement to both the lower and upper houses of the German Parliament, the Bundestag and the Bundesrat.

In a protocol declaration made at a meeting of the Bundesrat on 4 November 2011, the Federal Government also provided an assurance that it would, for the purpose of quality assurance, monitor implementation in an appropriate way and on an ongoing basis prior to the evaluation deadlines set out in the law. It also committed to investigate which institution within the sphere of responsibility of the BMBF could be the most useful home for tasks related to the development and management of uniform quality standards for equivalence assessment procedures and standardised evaluation practice. The outcome was the establishment of the Monitoring Project at BIBB, which traces the recognition system from the perspective of various stakeholders and presents its initial results in this report.

The quality assurance instruments deployed thus far (statistics and monitoring) show successful implementation of these tasks and outline an initial picture of the recognitions system. They document what has been achieved thus far and draw attention to areas where further development and adaptation are required.

Perspectives

The invitation to tender for the statutorily prescribed evaluation of the application and effects of the law will be prepared in 2014. The evaluation will be carried out in accordance with the legal stipulations by the end of 2016. The Federal Government will subsequently present the first Evaluation Report.

Federal statistics will continue to be kept over the coming years (see also point 5).

Ongoing observation and evaluation, especially of statistical data, and information and guidance, in particular for policy makers and the specialist academic research community, will be established as a permanent task at BIBB. Reporting will be further developed and will in future be focused on changing main areas of emphasis. Whereas the 2014 report primarily concentrates on the perspective of the guidance institutions and the recognition bodies, the plan in 2015 is for the points of view vis-à-vis the recognition system of those interested in seeking recognition, of the companies and of continuing training providers to be included. Above all, the intention is to look at the routes and destinations of those interested in seeking recognition following guidance. Another main focus will be transfer of the results with the aim of further standardisation of implementation practice. Plans for this purpose include events such as workshops with representatives of the competent bodies for the transfer of good practice and networking.

10. The Recognition Act is a contribution towards securing a supply of skilled workers and will help strengthen innovation in Germany.

The recognition of foreign professional and vocational qualifications is a central element in terms of securing a supply of skilled workers. Although, according to the OECD, Germany is one of the countries with the lowest hurdles to the immigration of highly skilled workers, too few such workers are coming to Germany. The OECD also evaluates the significance of the Recognition Act for Germany in positive terms: "A new framework for recognition of qualifications also creates opportunities for identifying vital medium-level skills abroad"¹⁸.

¹⁸ OECD 2013, p. 119.

The main area in which the OECD believes that there is room for improvement relates to immigration rules for vocationally qualified skilled workers without a higher education qualification: “The existing shortage list mechanism could be broadened to allow identification of non-university level skilled occupations to open for recruitment.”¹⁹ The Federal Government has revised the Employment Ordinance and opened up migration for holders of vocational qualifications in shortage occupations. One of the prerequisites is that there is equivalence between the foreign qualification and the German reference occupation in accordance with the recognition rules of the Federal Government or federal states. This has for the first time created a link between migration and recognition law and made recognition of a vocational qualification acquired abroad a condition for immigration.

Beyond the supply of skilled workers, immigration is also of significance to Germany as a location of research and innovation. There are indications that cultural diversity and a high degree of pluralism of skilled workers increase innovation and productivity²⁰. In its 2012 report, the Expert Commission on Research and Innovation (EFI) also underlines the importance of the Recognition Act for the German research and innovation system: “The ‘Recognition Act’ represents the first occasion on which the Federal Government has established modern foundations for the recognition of foreign professional and vocational qualifications”²¹.

Perspectives

Germany needs a sustainable culture of welcome and recognition in order better to tap into areas of potential for the country’s labour market at home and abroad. A further improvement in general legal, political and societal conditions is required for this purpose.

The link between recognition and immigration law that has been introduced is fostering new opportunities for labour migration. Even greater account should be taken of this correlation for future amendments to the Residency Act or Employment Ordinance in order to create consistent legal foundations for the acquisition of qualified migrants. In particular, the new regulations contained within the Employment Ordinance, which make recognition or necessary adaptation training a condition for labour market migration, should continue to be monitored on an ongoing basis and adapted in a practically oriented manner if required.

The recognition of foreign professional or vocational qualifications should be more closely perceived in connection with increasing international mobility and discussed within the context of “circular mobility”. Alongside existing cooperation with the special programme MobiPro-EU²² and the welcome portal „Make it in Germany“, further cooperation agreements should be developed with other Federal Government activities, such as with the Central Office for International Vocational Education and Training Cooperation, the iMOVE Initiative²³ and the Welcome Centres of the federal states.

The aim of all endeavours is to bring about a further improvement in the way in which Germany is perceived abroad and in the integration of migrants on the German labour market. As an economically strong, modern and open country of immigration, Germany extends a welcome to foreign skilled workers.

¹⁹ OECD 2013, p. 16.

²⁰ Cf. for example Malchow-Møller et al. 2011, Niebuhr 2007, Ozgen et al. 2011.

²¹ Expert Commission on Research and Innovation (EFI) 2012, p. 70.

²² Cf. Part III-3.5.2.

²³ Cf. BMBF Dossier on International Educational Cooperation.

Part II

The Recognition Act

The central aim of the Recognition Act, which entered into force on 1 April 2012,²⁴ is to facilitate or improve the chances of persons with foreign professional or vocational qualifications to work in the profession or occupation in which they have trained, regardless of whether they are already living in Germany or are new migrants. The intention is for this goal to be achieved via simplification and standardisation of the recognition of foreign professional and vocational qualification.

1. Legal foundations

The following section provides a summary of the Recognition Act of the Federal Government and of the related legal foundations. The main general new features of the act and the status of federal state legislation are outlined. On the other hand, the stipulations contained within the Recognition Act that specifically relate to the procedural process (including documentation to be submitted pursuant to § 5 Paragraph 1 BQFG, notices pursuant to § 7 BQFG, other suitable procedures pursuant to § 14 BQFG and duty to cooperate pursuant to § 15 BQFG) are presented later in direct connection with implementation in practice (see III-3.3)²⁵.

1.1 The Recognition Act of the Federal Government

Structure of the Recognition Act

The Recognition Act is a so-called composite act which comprises several laws and amendments to existing laws. This structure was selected due to the fact that consideration needed to be accorded to the existing legal framework. Particular mention in this regard should be made of the stipulations promulgated in European Union law, especially the so-called EU Recognition Directive (2005/36/EC)²⁶, special regulations contained within the Federal Expellees Act (BVFG),²⁷ agreements made under international law, especially the Lisbon Agreement²⁸ and existing provisions in employment law.

Article 1 of the Recognition Act is the new “Act concerning the Assessment of Equivalence of Professional Qualifications” (referred to in abbreviated form as the “Professional Qualifications Assessment Act” or “BQFG”).

Article 2 contains amendments to the Vocational Training Act (BBiG).

Article 3 concerns itself with changes to the Crafts and Trades Regulation Code (HwO).

Articles 4 to 61 contain adaptations and amendments to the specific laws governing the professions, such as the Federal Medical Code (BÄO) and the Nursing Act (KrpflG). Prior to the enactment of the Recognition Act, these existing specific laws contained provisions for the recognition of European professional and vocational qualifications in some areas as a result of stipulations promulgated in European Law (in particular the EU Directive 2005/36/EC). The amendments to specific legislation governing the professions made in the Recognition Act meant that these regulations were widely opened and extended to encompass nationals of third countries and qualifications acquired in such countries.

The **relationship between specific legislation governing the professions and the BQFG** is regulated in § 2 Paragraph 1 BQFG. This states that the BQFG is a subsidiary regulation, i.e. the BQFG only applies to the extent that provisions contained in the specific laws governing the professions do not stipulate

²⁴ Law of 6 December 2011, Federal Law Gazette (BGBl), Part I, No. 63, p. 2515.

²⁵ For detailed information on the legal foundations of the Recognition Act, cf. Maier/Rupprecht (2012).

²⁶ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications. L 255 of 30 September 2005, p. 22; L 271 of 16 October 2007, p. 18; L 93 of 4 April 2008, p. 28; L 33 of 3 February 2009, p. 49, last amended via Ordinance (EC) No. 279/2009. L 93 of 7 April 2009, p. 11. cf. on the Directive: Kluth/Rieger (2005).

²⁷ Law on the Affairs of Displaced Persons and Refugees — Federal Expellees Act as published on 10 August 2007 (Federal Law Gazette, BGBl. I p. 1902), last amended by Article I of the Law on 6 July 2009 (BGBl. I p. 1694).

²⁸ Convention on the Recognition of Qualifications concerning Higher Education in the European Region of 11 April 1997, which entered into force in Germany on 1 October 2007 (BGBl 2007 II p. 712).

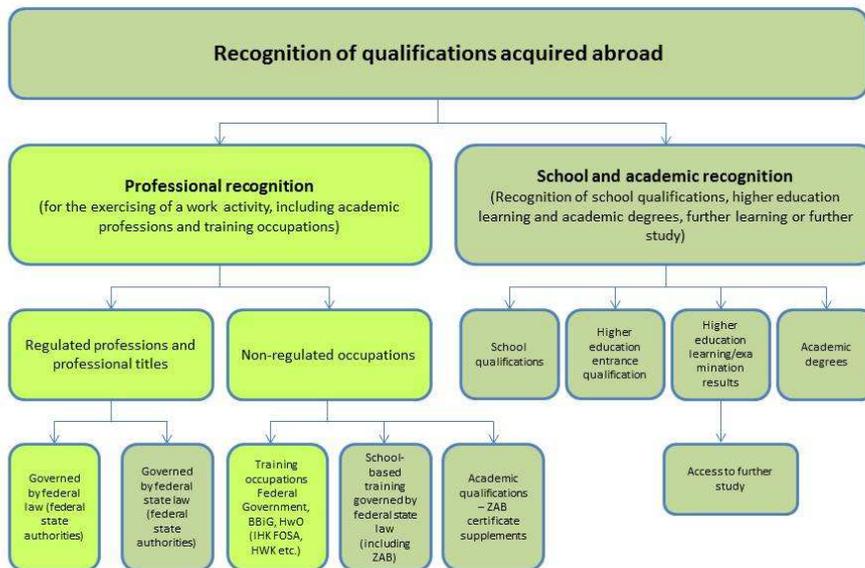
anything to the contrary. Insofar as the specific laws contain provisions, they have priority over the BQFG. The BQFG is also applicable if specific legislation governing the professions makes reference to it²⁹.

Scope of application of the Recognition Act

The Recognition Act encompasses only professions and occupations that are governed by federal law (cf. Figure 1). It therefore applies to around 600 occupations. These include 84 regulated professions (41 of which are governed by specific laws and 43 of which are regulated occupations in the sense that a licence and possession of a master craftsman qualification are required pursuant to Annex A of the Crafts and Trades Regulations Code, HwO, for the exercising of these trades in a self-employed capacity) and approximately 510 non-regulated occupations. The latter include the dual training occupations, which number some 330, and about 180 advanced training qualifications governed within the scope of the Vocational Training Act and the Crafts and Trades Regulation Code.³⁰

Regulated professions are professions which can only be commenced or practised by individuals who have acquired specific professional qualifications as stipulated by relevant legal or administrative provisions. The exercising of such a profession includes use of the professional title, and this is restricted to individuals with specific professional qualifications in accordance with relevant legal or administrative provisions (§ 3 Paragraph 5 BQFG). In the case of regulated professions, the equivalence assessments form part of the procedure leading to authorisation to practise³¹. Identification of equivalence of the qualification abroad is one of several mandatory prerequisites for the exercising of the profession in Germany at all.

Figure 1: Summary of recognition routes in Germany



Legend: The lightly shaded fields show the area of application of the Recognition Act.
Source: Explanatory Memorandum to accompany the Federal Government Recognition Act, BMBF.

²⁹ For example § 40a HwO, § 16 Paragraph 1 Livestock Breeding Act, § 40 Explosives Act.

³⁰ Last updated: 1 August 2013. Subject to changes as a result of entry into force or ceasing of being in force of training regulations.

³¹ Special cases: automatic recognition of so-called sector professions pursuant to the EU Professional recognition Directive.

The aims of Directive 2005/36/EC, which has been in force since 2005, are to implement the right to free movement and to facilitate access to professions and to settlement to citizens all over the EU. This is the reason why compensation measures in the form of tests or adaptation courses take place in circumstances where substantial differences are identified that cannot be offset by professional experience. The Recognition Act has largely opened up this formalised opportunity to compensate for substantial training differences in the regulated professions to third country nationals and to holders of third country qualifications³².

Non-regulated occupations particularly comprise the training occupations in the dual system. A training occupation represents a set of occupational knowledge, skills and competences which are governed in a nationally standardised way via training regulations. Training takes place in the dual system at the two learning venues of the company and the vocational school. If an occupation is not state regulated in Germany, holders of a foreign qualification can directly apply for jobs on the labour market or enter self-employment. Nevertheless, identification of equivalence offers benefits. This makes the foreign qualification more transparent and easier for potential employers to assess.

In the higher education sector, the Federal Recognition Act only applies to qualifications which lead to regulated professions. Other higher education qualifications are not covered by the act. Together with 27 further professions (teacher, nursery school teacher, engineer, architect, social education worker, school-based vocational education and training qualifications)³³, these are governed by federal state law. In the case of higher education qualifications, application may be made to the ZAB for a certificate evaluation. This compares the foreign higher education qualification with a German higher education qualification and thus also opens up prospects on the labour market.

Main new elements introduced by the Recognition Act

- The Recognition Act creates an overarching and general legal right to a recognition procedure. Previously, this right only applied to EU citizens or to EU qualifications in the regulated professions (pursuant to Directive 2005/36/EC) and to “late resettlers” (persons of German descent from the successor states of the former Soviet Union and other Eastern European states) pursuant to § 10 of the Federal Expellees Act (BVFG)³⁴. For the training occupations in the dual system, the BQFG establishes for the first time a general right to assessment of equivalence of a vocational qualification acquired abroad with the comparable German qualification. Nationality is detached from occupational access in almost all cases. Holders of a notice of equivalence are accorded the same legal status as persons who are in possession of the relevant German professional or vocational qualification.
- The criteria and procedures for the equivalence assessment are governed by law and are largely harmonised for regulated professions and non-regulated occupations. The central question is whether there are substantial differences between the foreign professional or vocational qualification and the German reference occupation and, secondly, whether any such differences could possibly be offset by professional or occupational experience or by further evidence of competence. Consideration of professional or occupational experience is one of the unique selling points of the German BQFG in international comparative terms³⁵.

³² A particular circumstance applies to regulated occupations in the craft trade sector. If a person intends to enter self-employment in an occupation where a licence and possession of a master craftsman qualification are required (pursuant to Annex A of the Crafts and Trades Regulations Code, HwO), the equivalence assessment may be limited to one of more essential activities. To this extent, identification of partial equivalence is possible in this case.

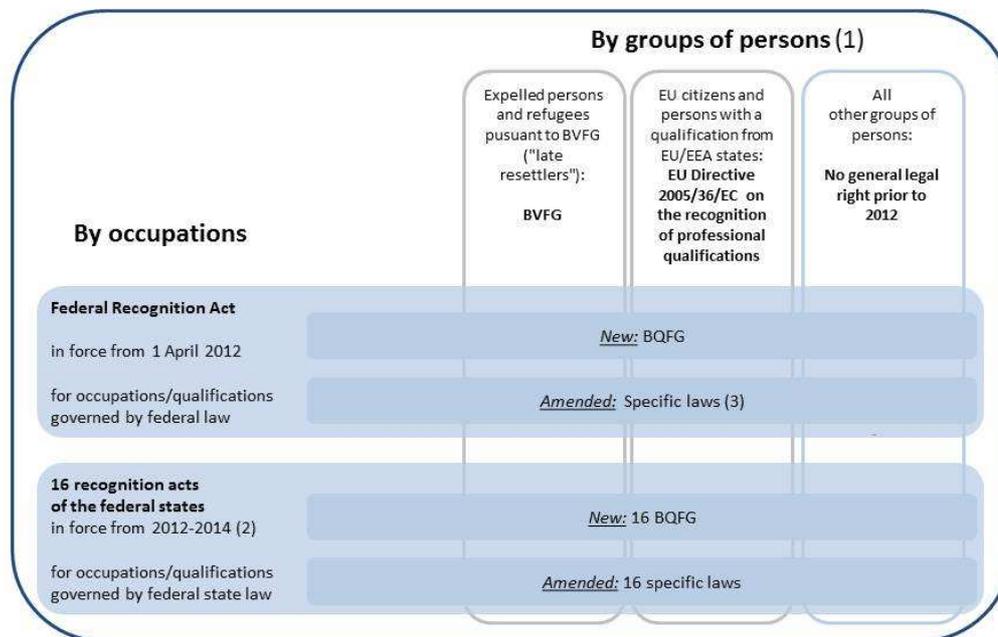
³³ Status: 1 August 2013. Professions with different specialisms and specialist medical qualifications have been included here. Consideration also needs to be accorded to the fact that circumstances specific to individual federal states have not been taken into account. This means it may be the case that certain professions or qualifications are not offered in all federal states.

³⁴ Late resettlers may choose between a recognition procedure in accordance with the BQFG or opt for a process based on the older BVFG.

³⁵ Cf. Viggo Haarlv, Danish Ministry of Education, on the BQFG https://www.anererkennung-in-deutschland.de/html/de/daenisches_bildungsministerium.php (accessed: 18 November 2013).

- Applications may be made from abroad or from within Germany without any requirement for secured residency status. This means that persons with temporary leave to remain and asylum seekers may also submit an application. The act is geared towards the wish to exercise employment in Germany, not towards a residence permit. Nevertheless, establishment of equivalence does not confer the right to be issued with a residence permit.

Figure 2: Legal foundations of professional and occupational recognition



Source: Representation by BIBB. (1) Simplified presentation (it is, for example, crucial in practice whether the qualification acquired in an EU state was obtained before or after the accession of the country to the EU). Neither is any consideration given to other legal foundations such as the Lisbon Convention. 2) Expected (for the status of federal state legislation, see Figure 3). (3) Example of a specific law governing the professions: Federal Medical Code.

On 1 January 2014, the "Ordinance on the implementation and content of compensation measures and on the issuing and extension of authorisations to practise in medical professions governed by federal law" entered into force. This legal ordinance provides the recognition authorities in the federal states with specific stipulations for the execution and structure of adaptation measures in the healthcare professions. It also contains more detailed regulations regarding the issuing of temporary authorisations to practise.

Since 1 July 2013, the updated Ordinance on the Employment of Foreign Nationals (Employment Ordinance - BeschV)³⁶ has made the Recognition Act relevant for **migration** to the German labour market. Skilled workers who have completed non-academic vocational education and training in states outside the EU may now migrate to Germany in order to work if they are in possession of a professional or vocational qualification which is equivalent to a German qualification pursuant to the recognition rules of the Federal Government or federal states and if the occupation in question has been published on the so-called white list of occupations in which shortages exist by the Federal Employment Agency (BA) in accordance with § 6 Paragraph 2 No. 2 BeschV. The white list is updated on a regular basis³⁷ and encompasses the training occupations in which qualified staff are particularly required according to the skilled worker shortage analysis conducted by the BA.

In summary, we can say that there is parallel application of legal foundations relating to various groups of persons and of legal foundations relating to different professions and occupations (cf. Figure 2). Those interested in seeking recognition, advisors and staff responsible at the competent bodies

³⁶ Employment Ordinance of 6 June 2013 (BGBl. I p. 1499).

³⁷ Cf. <http://www.arbeitsagentur.de/web/content/DE/service/>

Ueberuns/WeitereDienststellen/ZentraleAuslandsundFachvermittlung/ VersionsDEEN/DeutscheVersion/Arbeitsmarktzulassung/Detail/index.htm?dfContentId=L6019022DSTBA1532451 (accessed: 20 March 2014).

therefore always need to clarify at the outset which legal foundation is applicable.

1.2 Status of legislation in the federal states

Since the educational summit held in Dresden in 2008, improving the legal basis and the procedures for the recognition of foreign qualifications has been a joint objective of the heads of Federal Government and the federal states. In a resolution adopted on 15 December 2010, the governments of the federal states announced their support for accelerated creation of uniform and unbureaucratic federal state regulations for recognition procedures.

The federal states are responsible for the administrative implementation of the Federal Recognition Act in the regulated professions (such as doctor, registered general nurse) and for **legislation and enactment of the federal state recognition acts (for the regulation of professions governed by federal state law**, including teacher, nursery school teacher and engineer). Further standardisation of implementation of the recognition rules is also a major objective of the Federal Government and of the federal states³⁸.

On 31 December 2013, recognition acts regulating professions governed by federal state law were in place in nine federal states (Hamburg, Saarland, Lower Saxony, Hessen, Mecklenburg-Western Pomerania, North-Rhine Westphalia, Bavaria, Rhineland-Palatinate and Saxony). Acts entered into force in Brandenburg and Baden-Württemberg in January 2014 and in Berlin and Bremen in February 2014 (cf. Figure 3). Government drafts for relevant laws have been drawn up in the other federal states, and these are currently the object of public or parliamentary consultation³⁹ (status: 20 February 2014).

Irrespective of this, recognition rules in the respective specific laws governing the professions are already in place in all federal states, in particular with regard to the implementation of the EU Recognition Directive (Directive 2005/36/EC) for regulated professions.

Using recognition legislation in line with federal law in terms of content and structure, the federal states have begun to standardise and simplify the sometimes varying regulations contained within the individual laws governing the professions. The respective Professional and Vocational Qualifications Assessment Acts thus always form Article 1 of the recognition acts of the federal states. This is equivalent to the legal rights and procedures contained within the federal BQFG.

In contrast to the approach adopted in the federal BQFG, the recognition regulations of the federal state BQFG always apply unless laws governing the professions currently stipulate a different procedure with regard to the new Recognition Act (restricted subsidiarity). In terms of content, these occupationally specific recognition regulations certainly correspond with those of the BQFG in some cases. This means that the federal state recognition acts may sometimes differ significantly from one another in Article 2 and following articles.

³⁸ Most recently in the form of a report prepared by the Working Group of the “Coordinating Departments” of the federal states which was adopted at the Annual Conference of the Heads of Governments of the Federal States held from 23 to 25 October 2013.

³⁹ Cf. Table 13 in the Annex.

Figure 3: Recognition acts of the federal states

Federal state recognition acts	
In force	Legislative process ongoing
Date of entry into force:	
Hamburg	01.08.2012
Saarland	30.11.2012
Lower Saxony	19.12.2012
Hessen	21.12.2012
Mecklenburg-Western Pomerania	29.12.2012
North Rhine-Westphalia	15.06.2013
Bavaria	01.08.2013
Rhineland-Palatinate	16.10.2013
Saxony	31.12.2013
Brandenburg	01.01.2014
Baden-Württemberg	11.01.2014
Bremen	06.02.2014
Berlin	20.02.2014

Source: Information taken from "Summary of the status of recognition legislation of the federal states", drawn up by the "Coordinating Departments" Working Group on 20 February 2014, representation by BIBB.

2. Processes and stakeholders in the recognition system

A comprehensive consideration of the recognition system begins with initial information and guidance and extends to cover actual recognition and subsequent integration into the labour market. The whole of the recognition process can be divided into three phases (see Figure 4).

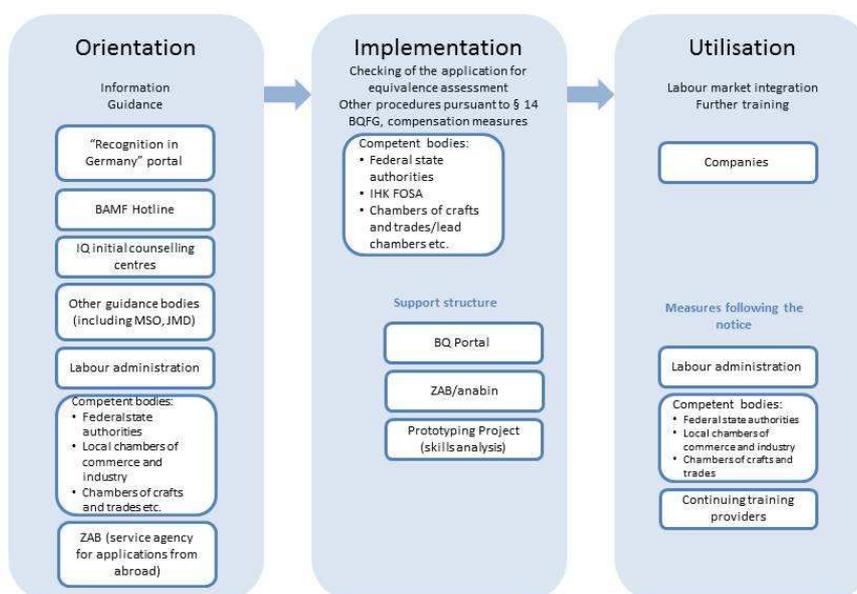
Phase 1: As part of the initial orientation procedure, interested parties use information and guidance provision to find out about recognition opportunities with regard to their professional or vocational qualification acquired abroad. Guidance focuses on the individual case with the aim of submitting an application for establishment of equivalence or of exploring alternative options for better labour market integration.

Phase 2: Once an application has been submitted, the competent bodies compare the foreign professional or vocational qualification with the current German occupational profile (reference occupation). The procedure concludes with a notice regarding the outcome of the equivalence assessment (full, partial or no equivalence, possible stipulation of adaptation measures).

Phase 3: Subsequent to the actual recognition, the focus is on utilisation of the equivalence notice, i.e. integration into the labour market of the recognised skilled worker or further training (for example in circumstances where partial equivalence has been accorded).

Many stakeholders and institutions are involved in the implementation of the Recognition Act, and their cooperation makes a major contribution to successful recognition of foreign professional and vocational qualifications.

Figure 4: The recognition process from the point of those interested in seeking recognition



Source: Representation by BIBB.

2.1 Phase 1 – orientation

In order to facilitate access to recognition procedures for interested parties, the assistance available from existing guidance institutions was supplemented by the development of differentiated information and guidance provision. These new measures introduced to support the act include a telephone hotline operated by the Federal Office for Migration and Refugees (BAMF), the “Recognition in Germany” portal, at the Federal Institute for Vocational Education and Training (BIBB) and initial counselling centres provided within the scope of the “Integration through Training – IQ” funding programme.

During this phase, a fundamental differentiation may be drawn between (self-accessed) information, the first consultation and initial guidance. With the help of information portals such as “Recognition in Germany” (see Table 1), interested parties can themselves **find out** about opportunities for recognition of their professional or vocational qualification acquired abroad. The BAMF Hotline, about 70 IQ initial counselling centres and further advisory bodies⁴⁰ offer **first consultations**. The first consultation usually comprises information on the relevant legal foundations and procedures and referral to the competent body. **Labour market related consultations** provided by the labour administration organisations relate to all labour market integration issues and may also include questions regarding the recognition of qualifications acquired abroad (cf. Table 1). **Initial guidance** is conducted by the competent bodies⁴¹ by dint of the fact that they are required to provide guidance on applications and the procedure within the scope of their duty of support and care in the administrative process (§ 25 Administrative Procedure Act, VwVfG). The competent bodies in the chamber area are the chambers of crafts and trades, the chambers of commerce and industry, the chambers of agriculture and the chambers representing the liberal professions (including medical associations, chambers of tax consultants and chambers of engineers). In the area of federal state implementation, competent bodies are federal state authorities such as

⁴⁰ These include the advisory bodies which provide recognition guidance alongside the IQ programme and already existed prior to the entry into force of the Recognition Act, such as the Hamburg Counselling Centre for Recognition of Qualifications (ZAA). There are also over 600 adult migrant guidance centres (MBEs), more than 420 Youth Migration Services (JMD) agencies, the Training Guidance Guarantee Fund, education and further training guidance providers (such as adult education centres, trade union and church institutions), legal advice centres, refugee guidance centres, local government bodies and migrant organisations (cf. Baderschneider and Döring 2013, p. 55).

⁴¹ A competent body is defined as the institution which “oversees training in and the exercising of the relevant occupation in Germany” (West German Association Chamber of Crafts and Trades 2012, p. 9).

regional and district councils. It is not mandatory to seek guidance from the competent bodies (cf. West German Association of Chambers of Crafts and Trades 2012, p.17). Those interested in obtaining recognition may submit an application for an equivalence assessment without taking formal advice. Nevertheless, the responsibility structure of the recognising bodies is so heterogeneous that the supposition must be that potential applicants are not able to identify the body which should deal with their case on an ad hoc basis. The requirements made of applicants and the associated duties to present documentation to the competent bodies are also perceived to be so high that a successful application is difficult without further explanation. Since mid-2011, 16 regional networks have been in place. These are financed via the **“Integration through Training” Funding Programme (IQ)** and cover all of the states of the Federal Republic of Germany. In addition, there are five specialist IQ agencies across the country (dealing with topics such as recognition and training) whose main task is quality assurance of the provisions and measures offered by the network within the respective thematic areas. However, the IQ Funding Programme also advises regulatory institutions which are responsible for provision aimed at securing integration in the labour market. These are mainly the employment agencies and the Job Centres, although guidance is also given to the chambers and regional trade and industry. Furthermore, the regional networks offer training courses on the recognition of foreign professional and vocational qualifications. The IQ Funding Programme is jointly financed by the BMAS, the BMBF and the BA (cf. Arians et al. 2013). In principle, human resources service providers and companies could also play a role in the orientation phase. The intention is to consider this in more detail in the next stages of the investigation (see III-4).

Table 1: Stakeholders and information and guidance provision during the orientation phase

	INTERNET PORTAL “RECOGNITION IN GERMANY”	BAMF HOTLINE	CENTRAL OFFICE FOR FOREIGN EDUCATION (ZAB)
Task in the orientation phase	(Self) information	First consultation	First consultation
Since	1 April 2012	1 April 2012	2012
Provision/objective	<p>“Recognition in Germany” is the official Federal Government portal for the recognition of foreign professional and vocational qualifications. It is operated by BIBB on behalf of the BMBF and is available in German and English. The portal offers all the latest relevant information on professional and occupational recognition. It also assists with preparation for submission of an application. Those interested in seeking recognition are able to use the Recognition Finder function to locate their German reference occupation and identify the right competent body. An “Advanced Filter” is available to specialist advisory staff to assist with job searches. A so-called “updating routine” ensures that the address database and areas of professional responsibility of the competent bodies are checked on a regular basis.</p> <p>A national information campaign to raise awareness of the portal and of the opportunities offered by the new law was launched in March 2013. Advertising measures are being expanded to cover countries outside Germany in 2014.</p>	<p>The Telephone Hotline operated by the Federal Office for Migration and Refugees (BAMF) offers a first individual consultation to those interested in seeking recognition. Staff at the Hotline provide information in both German and English on basic legal principles, procedures, competent bodies and local initial counselling centres.</p>	<p>One of the functions of the ZAB is to act as a “central contact agency for applications from abroad”. The Conference of the Ministers of Education and Cultural Affairs in the Federal Republic of Germany (KMK) has designated the ZAB as the main service body for all cases in which applicants from abroad are having difficulties in aligning their foreign professional or vocational qualification to a German reference occupation and in identifying the relevant competent body for a recognition procedure.</p>
Target group(s)	<ul style="list-style-type: none"> • Persons living in Germany or abroad who have acquired foreign professional or vocational qualifications • Advisors • Multipliers • The general public 	<ul style="list-style-type: none"> • Persons living in Germany or abroad who have acquired foreign professional or vocational qualifications 	<ul style="list-style-type: none"> • Persons living abroad
Financing	The “Recognition in Germany” Portal is financed within the scope of the IQ Funding Programme.	The BAMF Hotline is financed by the BMBF.	The ZAB is financed by the federal states in accordance with the Königstein Funding Formula.
Link	www.anerkennung-in-deutschland.de	www.bamf.de	www.kmk.org/zab

<i>(Continuation)</i>	IQ INITIAL COUNSELLING CENTRES	LABOUR ADMINISTRATION ORGANISATIONS	COMPETENT BODIES
Task in the orientation phase	First consultation	Labour market related guidance	Initial guidance
Since	2011-2014 (funding period)	2012	2012
Provision/objective	<p>Across the country, there are approximately 70 IQ initial counselling centres offering first consultations on the recognition of foreign professional and vocational qualifications. Consultations take place by telephone or in person (face-to-face). The IQ concept provides for a two-stage guidance approach. The IQ initial counselling centres ensure a minimum service (MUST), which comprises a first consultation (including advice on the procedure and referral to the competent body). In addition to this, some initial counselling centres offer comprehensive support to persons interested in seeking recognition (ADD-ON). This comprises aspects such as procedural support and/or further guidance (e.g. recommendation of training provision).</p>	<p>Labour market consultations relating to the recognition of a foreign qualification are conducted for the purpose of implementing the Recognition Act. These consultations take place within the framework of a four-phase integration work model.</p> <ol style="list-style-type: none"> 1. Analyse competences 2. Stipulate integration goal 3. Select strategy 4. Implement and monitor the concept <p>The task of the advisors at the Employment Agencies and Job Centres is to assess opportunities for integration into the German labour market in a way appropriate to training on the basis of the qualification acquired abroad (with or without recognition) and to provide indications where necessary of the competent body responsible for recognition (including prior clarification of the possible German reference occupation).</p>	<p>The competent bodies conduct initial guidance. They inform those interested in seeking recognition of the legal foundations and of the recognition procedure in overall terms (documentation to be submitted, costs etc.). They carry out a preliminary assessment by working with the person interested in seeking recognition to identify the German reference occupation. Professional and occupational goals and ideas are also explored, and the existence of alternative procedures is indicated.</p> <p>In the chamber sector, the local chambers are responsible for providing initial guidance prior to applications. In the trade and industry sector, the actual equivalence assessment is carried out by the IHK FOSA (Foreign Skills Approval Competence Centre of the Chambers of Commerce and Industry).</p>
Target group(s)	<ul style="list-style-type: none"> • Persons living in Germany or abroad who have acquired foreign professional or vocational qualifications • Multipliers and companies making an enquiry 	<ul style="list-style-type: none"> • Unemployed persons and job seekers from a migrant background 	<ul style="list-style-type: none"> • Persons living in Germany or abroad who have acquired foreign professional or vocational qualifications. The qualification must be within the respective area of responsibility.
Financing	The IQ initial counselling centres are financed within the scope of the IQ Funding Programme.	Labour market related guidance is a mandatory task pursuant to §§ 29 ff. SGB III in conjunction with § 1 Paragraph 2 No. 3 SGB III or in accordance with § 16 Paragraph 1 SGB II in conjunction with §§ 29 ff. SGB III.	Competent bodies/federal state administrative bodies
Link	www.netzwerk-q.de/482.html	www.arbeitsagentur.de	All competent bodies at www.anerkennung-in-deutschland.de/tools/berater/de/filter

2.2 Phase 2 – implementation

Actual administrative implementation usually involves three stages of work on the part of the competent bodies.

1. Checking the prerequisites for the application
2. The equivalence assessment
3. Issuing of the notice

With regard to non-regulated occupations in the dual system, the chambers (chambers of crafts and trades, Foreign Skills Approval Competence Centre of the Chambers of Commerce and Industry (IHK FOSA), the agricultural chambers etc.) are, pursuant to § 8 BGFG, responsible for the professions and occupations allocated to them.⁴² In the case of the regulated professions, such as the healthcare professions, responsibility is based on the respective specific legislation governing the professions and on the implementation provisions of the 16 federal states. The recognition procedure for occupations regulated in the Craft and Trades Regulation Code (e.g. master craftsman occupations) takes place via the chambers of crafts and trades. Professions and occupations governed by federal state law are the responsibility of the federal states.

1. *Stage 1: The application is checked* in order to identify whether the applicant fulfils the prerequisites, documents are examined for completeness and the reference occupation is stipulated.

2. *Stage 2: The equivalence assessment* involves comparing the professional or vocational qualification acquired abroad with the German reference occupation. If during the formal comparison substantial differences are identified on the basis of the documentation available, an individual investigation takes place as to whether professional or occupational experience or other evidence of competence such as further training can be taken into account to compensate for missing training content. In addition to this, other suitable procedures (a “skills analysis”) can be carried out as a further alternative way of assessing equivalence. These are deployed in circumstances such as where written evidence of the respective qualification cannot be presented or if evidence is not sufficiently meaningful. This is an area being tackled by the Prototyping Project, which is piloting suitable procedures for the identification of employability skills (such as skills analyses).

Prototyping Project

The Prototyping Project is a collaborative venture between seven chambers, the Research Institute for Vocational Education and Training in the Craft Trades at the University of Cologne (FBH) and the Central Agency for Continuing Vocational Education and Training in the Skilled Crafts (ZWH). Lead management is provided by the West German Association of Crafts and Trades (WHKT) with main policy input from the German Confederation of Skilled Crafts (ZDH). The project is funded by the BMBF and has three objectives. These are to draw up standards for the harmonisation of initial guidance provided by the competent bodies, create the basic principles for procedural practice that is as uniform as possible across the whole country (procedural prototype) and develop standards for suitable procedures to identify employability skills (such as skills analysis).⁴³

3. *Stage 3: There is a formal difference in the outcome of the equivalence assessment between regulated professions and non-regulated occupations. In the regulated sector, full equivalence results in authorisation to practise*⁴⁴. If substantial requirements of the German reference occupation are not met,

⁴² In this respect, the BQFG is guided by the Vocational Training Act (BBiG) and the Crafts and Trades Regulation Code (HwO).

⁴³ For more information, please visit: <http://www.handwerk-nrw.de/aus-und-weiterbildung/initiativen-des-whkt/prototyping.html>, accessed: 14 November 2013).

⁴⁴ Insofar as the further prerequisites for authorisation to practise stipulated in the specific laws have been fulfilled.

the competent body will stipulate compensation measures. Authorisation to practise is issued following successful completion of these measures. In the non-regulated sector, a differentiation is drawn between full and partial equivalence. In the case of partial equivalence, existing qualifications are presented in a positive way in the **notice** and missing training contents are described. An application can be rejected in both the regulated and non-regulated areas (see III-3.3). For support during the equivalence assessment, the competent bodies may make use of the BQ Portal and the anabin database (cf. Table 2) in order to obtain information on foreign vocational education and training systems, foreign occupational profiles, education and training courses, learning venues, German reference qualifications and previous equivalence assessment results and research.

Especially in the case of regulated professions, they are also able to make application to the Central Office for Foreign Education (ZAB) for internal government reports on foreign professional and vocational qualifications.

Table 2: Support systems for the implementation phase

	BQ PORTAL	ZAB/ANABIN DATABASE
Task in the implementation phase	Information/support for the competent bodies in the chamber area	Information/support for the competent bodies
Since	2011	1905 (ZAB)
Provision/objective	The BQ Portal supports competent bodies and employers in the evaluation of foreign professional and vocational qualifications. Country and occupational profiles (for recognised training occupations pursuant to the Vocational Training Act (BIBG) or the Crafts and Trades Regulation Code (HwO) and corresponding advanced training occupations) are drawn up by the German Institute for Business Research in Cologne (IW). They have been also been prepared by BIBB for 15 federal states since the autumn of 2012. The competent bodies can also upload assessment results to the portal themselves. Since April 2012, 60 country profiles, 666 occupational profiles and 160 assessment results have been published (as of March 2014). Each month, the BQ Portal receives approximately 20 enquiries of a general nature (e.g. questions regarding matters such as user access) and about 75 enquiries directed at country experts. From 1 April 2012 to 30 September 2013, an average of 26 enquiries per month were submitted by competent bodies. These involved extensive research and coordination activities which were conducted both in Germany and abroad in conjunction with the competent bodies themselves.	The Central Office for Foreign Education (ZAB) is housed at the Standing Conference of the Ministers of Education and Cultural Affairs (KMK). Its tasks include the preparation of specialist reports on academic and vocational recognition at the request of federal state authorities and the assessment of higher education qualifications worldwide in accordance with the Lisbon Agreement (diploma supplements). The ZAB acts as the National Information Agency for the EU Directive on the Recognition of Professional Qualifications (2005/36/EC). The anabin database provides information on the evaluation of foreign educational qualifications and certificates of competence from over 180 countries and their educational and training institutions, although it makes no claim to be complete. The competent bodies within the area of professional and vocational recognition are displayed on the basis of data from the portal "Recognition in Germany". During the period from January to September 2013, the ZAB received 12,650 written enquiries, 10,013 enquiries made by telephone and 5,518 applications for diploma supplements. anabin was also accessed 852,271 times.

Target group(s)	<ul style="list-style-type: none"> • Chambers and employers' associations • Companies 	<ul style="list-style-type: none"> • Educational institutions • Government authorities • Employers • Private individuals (diploma supplements)
Financing	The BQ Portal is financed by the Federal Ministry of Economics and Technology (BMW).i)	Both the ZAB and the anabin database are financed by the federal states in accordance with the Königstein Funding Formula. The modernisation of the database in 2009/2010 was supported with funding provided by the Federal Foreign Office.
Link	www.bq-portal.de	www.kmk.org/zab.html http://anabin.kmk.org

In the sectors of trade and industry and the craft trades respectively, specific organisational models have been developed with regard to areas of responsibility for the equivalence assessment. Both models represent a bundling and concentration of resources for the execution of the equivalence assessment, although the approaches adopted differ considerably.

§ 8 Paragraph 5 BQFG created the legal prerequisites for relevant transfer of responsibility to one or more competent bodies.

IHK FOSA

The IHK FOSA (Foreign Skills Approval Competence Centre of the Chambers of Commerce and Industry) is a central competent body created in the spring of 2012. It is responsible for administrative implementation within the scope of the BQFG in the trade and industry sector. The IHK FOSA was set up as an independent body under public law by 77 of the 80 chambers of commerce and industry. Only the chambers of Wuppertal-Solingen-Remscheid, Hanover and Braunschweig⁴⁵ do not participate. The aim of creating a central body for the evaluation and recognition of foreign professional and vocational qualifications is to ensure a nationally uniform and efficient procedure. Against the background of a “continuously growing task” and in light of the need to “complete tasks in an economical and effective way”, cooperation between the chambers of commerce and industry within the context of the Recognition Act also serves to reduce the burden on the local chambers (cf. Jahn 2012).

The IHK FOSA is responsible for the whole of the administrative process, from the acceptance of the application to the issuing of the notice. Further tasks include building up expertise on qualifications acquired abroad, recording information on foreign VET systems and conducting research into individual training courses. It also offers seminars for local chamber of commerce and industry advisors and cooperates with various institutions such as labour administration bodies, associations and migrant organisations (cf. Pfister and Treu 2012).

The lead chamber system of the chambers of crafts and trades

In the craft trade sector, the local chambers are responsible for the implementation of the Recognition Act. In this decentralised approach (cf. Witt 2012), the chambers take on all tasks within the scope of the recognition process (initial guidance, acceptance of the application, equivalence assessment, issuing of the notice etc.). Against the background of a differentiated occupational system in the craft trades

⁴⁵ The Braunschweig Chamber of Commerce and Industry has formally handed over its tasks pursuant to the BQFG to the Hanover Chamber of Commerce and Industry.

and the large number of foreign qualifications from various countries of origin, a so-called lead chamber system was installed. The designated lead chambers bundle expertise on certain countries of origin and take on the equivalence assessment on the application of a local chamber of crafts and trades. There are lead chambers for 36 countries of origin, and the ten countries most frequently represented in the recognition system are covered (Poland, Turkey, Russia, Romania, Kazakhstan, Bosnia, Serbia, Ukraine, Kosovo and Greece). In the case of the countries of origin that generate particularly large numbers of applications (for example Poland and Turkey), several lead chambers act together in a lead chamber cooperative. The lead chamber system is an approach adopted by the chambers of crafts and trades that is voluntary and operates on the basis of a division of labour. The aims are to ensure uniform implementation, to create synergies by spreading the task of conducting research into foreign professional and vocational qualifications and to set decision-making standards within the framework of the equivalence assessment process.

There is no need to involve the lead chamber if an evaluation decision for the reference qualification is already available in the BQ Portal. In such a case, the local chamber adopts the evaluation from the BQ Portal and, if necessary, investigates whether substantial differences can be offset on the basis of individual factors (in particular professional and occupational experience). Insofar as the BQ Portal does not contain any basis for an evaluation of the foreign professional or vocational qualification, the full application documentation is forwarded to the lead chamber.

Especially in complex cases, the latter will seek support from the BQ Portal in researching information abroad.

The lead chamber checks the available documentation submitted by applicants for equivalence but is not required to conduct its own investigations with the applicants. Firstly, a formal check is conducted of the qualification acquired abroad. If full equivalence is not identified, any substantial differences ascertained should be stated in such a way so as to permit a response to the question of possible compensation via other qualifications or relevant practical experience. By agreement with the local chamber, the individual investigation may also be conducted by the lead chamber. If no final evaluation of equivalence of the foreign qualification with the German reference qualification is possible, a summary report of the result of the investigation is drawn up (for example lack of evidence, lack of information on the content and duration of the foreign professional or vocational qualification). The lead chamber summarises the result of the investigation in an official report, which should be structured in such a way that it can be directly used for the notice issued by the local chamber and be uploaded to the BQ Portal.

The local chamber adopts the result of the official report for the notice it issues to the applicant. If no final evaluation of the facts and circumstances is possible on the basis of the official report, an investigation should take place as to whether the prerequisites are in place for the application of a skills analysis pursuant to § 50b Paragraph 4 HwO. If these conditions are fulfilled, applicants should be notified of this possibility and skills analyses conducted as necessary.

Bundlings in further chambers and federal state authorities

Bundlings and concentrations of focus are also being undertaken in other areas of responsibility.

Responsibility for the occupational profile of **qualified dental employee** has, for example, been transferred to the Dental Council of Westfalen-Lippe by 14 other dental councils. The basis for this is an agreement under public law to delegate duties pursuant to 8 Paragraph 5 BQFG. This agreement to transfer responsibility has been resolved by members' meetings of the respective dental councils and subsequently approved by the relevant supervisory authority. Responsibility for the profession of

medical assistant has also been transferred to the Medical Council of Westfalen-Lippe by 11 federal state medical councils pursuant to the BQFG. The medical and dental councils view this agreement as a bundling of administrative responsibilities that allows equivalence assessments to be processed via a single source. In the case of the occupational profile of **commercial employee in the pharmaceutical sector**, 14 chambers of dispensing chemists have already decided to transfer their responsibility to the Brandenburg Chamber of Dispensing Chemists.⁴⁶

In accordance with § 8 Paragraph 5 BQFG, the Lower Saxony Chamber of Tax Consultants has taken on responsibility from 10 chambers for tasks relating to the identification of equivalence in the occupational profile of tax clerk.

In the area of the **healthcare professions**, there are plans to establish a central assessment body at the ZAB to cover all of the federal states. Resolutions agreeing to this step in principle have already been adopted by the Health Ministers Conference and the Standing Conference of the Ministers of Education and Cultural Affairs.⁴⁷

Working Group of the federal state departments responsible for coordinating the recognition of professional and vocational qualifications acquired abroad (“Coordinating Departments Working Group”)

This working group was formed by the Standing Conference of the Ministers of Education and Cultural Affairs in the autumn of 2011 in order to achieve the most uniform possible structure for the creation and implementation of recognition legislation in the federal states in accordance with the aim formulated by the heads of the federal state governments in 2010. Both the ZAB and the BMBF were invited to become involved in the group. The working group comprises departments with different responsibilities and thus also includes representation from various federal state specialist minister conferences.

“BQFG Implementation” Working Group

The “BQFG Implementation” Working Group was set up by the BMBF in connection with the preparation of the Recognition Act. It has representation from the BMBF, the BMWi, the ZDH, the DIHK, the German Federal Association of the Liberal Professions (BFB), the Association of the Chambers of Agriculture (VLK), the IHK FOSA, the BQ Portal and the Recognition Portal. The tasks of the working group are to support the implementation of the BQFG in the field of the training occupations, ensure uniform application, harmonise and exchange information material and tools and make proposals for the correction of wrong developments. Documentation that has been drawn up and agreed includes explanations and application guidelines for the Recognition Act and the BQFG and sample applications and notices which are accessible to the competent bodies via the BQ Portal and which have also been made available to the “Coordinating Departments” Working Group for the purpose of federal state implementation.

⁴⁶ Resolutions adopted at the 86th Health Ministers Conference on 26 August 2013 and at the 215th meeting of the Working Group of the Standing Conference of the Ministers of Education and Cultural Affairs on 12 September 2013. See also the report from the Working Group of the “Coordinating Departments” of the federal states which was presented to the Annual Conference of the Heads of Governments of the Federal States held from 23 to 25 October 2013.

⁴⁷ Information from the “Summary of facts and circumstances relating to the bundling and concentration of areas of responsibility in the healthcare sector” produced by the Occupations Committee of the Working Group of the Supreme Healthcare Authorities of the Federal States (AOLG), status: 5 February 2014).

2.3 Phase 3 – utilisation

A comprehensive consideration of the recognition system also encompasses the issue of integration into working life. The recognition process does not end with the issuing of the notice. It also includes the question of application and utilisation of notices on the labour market.

A notice according full equivalence to the qualification acquired abroad facilitates the **integration of applicants into the labour market**. Such a formal notice of equivalence increases the acceptance of the foreign qualification. When applying for jobs which are in line with their training, the holders of such equivalence notices are able to compete against applicants who are able to demonstrate corresponding domestic qualifications. Employment that is in line with training may in turn lead to categorisation on a pay scale that is commensurate with work activities performed. This applies both to new applicants and to persons who are already in employment. If nothing else, equal consideration of qualifications and improved integration into working life also enhances societal participation. Even persons who have only received certification of partial experience can use the notice to demonstrate their skills more effectively on the labour market. As well as a presentation of substantial differences, they are also provided with indications as to how they can use targeted further training to achieve full equivalence for their qualification.

For the **companies**, the notice of equivalence offers guidance as to the fields of activity in which persons can be deployed, in line with the German reference occupation. The Recognition Act provides the companies with significant assistance in creating transparency of foreign qualifications. Companies can also use the recognition procedure to operate a targeted human resources development approach and support persons with the relevant qualifications in opening up new fields of activity for themselves. Added value for notices certifying partial equivalence also emerges at this point since existing areas of skills potential are presented. These can be further developed within the scope of further training to lead to a full German-style qualification which can be measured against the latest training standards at any given time. In future, the shortage of skilled workers in some branches and sectors of the German labour market will mean that companies will be even more dependent on the immigration of specialist staff from abroad. The equivalence assessment procedure for professional and vocational qualifications from third countries will thus continue to grow in significance for the companies.

Against this background, the focus is on the development of adaptation training provision that provides connectivity and on a relevant set of funding instruments. The onus here is on **continuing training providers** to develop precisely tailored instruments. Particularly in the field of the non-regulated occupations: “[The Recognition Act] is creating a new kind of requirement both on the supply and on the demand side. The new aspect is [...] that this requirement relates to partial qualifications and thus calls for modularised provision which in some cases is very individually tailored” (Fohrbeck 2012, p. 10).

Part III

Monitoring of the recognition system

Within the scope of the Bundesrat's final consultations on the Federal Recognition Act (889th Meeting of the Bundesrat on 4 November 2011), the Federal Government issued a protocol declaration providing an assurance to the federal states that it would monitor implementation of the act in an appropriate way and on an ongoing basis prior to the evaluation deadline (2016) set out in the law and that it would take action without delay, including legislation, in the event of an obvious requirement for adaptation. This self-imposed duty on the part of the Federal Government is in accordance with the objective agreed between it and the federal states to ensure the greatest possible degree of standardisation with regard to the legal foundations and procedures relating to the recognition of professional and vocational qualifications acquired abroad. It takes specific account of the wish expressed by the federal states in both the Bundesrat proceedings and in the "Coordinating Departments" Working Group for quality assurance in respect of implementation.

Two years after the enactment of the Federal Recognition Act, BIBB is presenting the first technical account of the results of the investigations it has carried out into the implementation of the act on behalf of the BMBF in the form of Parts I and II of the present report (for information on the terms of reference, see Part III-1.1). This report should be viewed as the first in a series of successive annual reviews that build upon one another. It concentrates predominantly on a consideration of occupations governed by federal law. The emphasis in this reporting period was placed on skilled workers living in Germany who have a qualification acquired abroad. The main focus was on the perspective of the competent bodies and the guidance institutions. In the area of federal state implementation, the first project phase undertook targeted interviews of the recognition bodies responsible for the professions of doctor and registered general nurse by dint of the fact that these are the two professions in which demand is greatest. In interpreting the results presented, consideration needs to be accorded to the fact that the investigations were based on differing survey periods. The official statistics, for example, relate to the period from 1 April 2012 to 31 December 2012, whereas the interviews with experts from the competent bodies and guidance institutions were conducted between June and September 2013⁴⁸.

1. The Recognition Monitoring Project

1.1 Terms of reference

Under the terms of an administrative agreement concluded between the Ministry of Education and Research (BMBF) and the Institute for Vocational Education and Training (BIBB) from 22 to 26 November 2012, BIBB was commissioned with the task of monitoring the implementation of the Recognition Act. The results of the monitoring process inform a technical report to be submitted on an annual basis by BIBB.

The aim of the project is to achieve transparency with regard to the application and implementation of the act and its attendant processes (for example information and guidance, adaptation training, acceptance of notices on the labour market) and thus to contribute to quality assurance. Alongside administrative implementation, therefore, processes upstream and downstream to the actual recognition procedure are also considered in order to respond to the following key questions.

- To what extent is the act being used and by whom?
- How and under which general conditions are administrative implementation and the attendant processes structured?
- Is there a requirement for support for the competent bodies and/or relevant stakeholders (for example advisory bodies)?
- Are synergies and opportunities for transfer discernible (for example from the chamber area to federal state implementation) and where can these be used?

⁴⁸ A precise summary of the investigation periods is presented in table 14 in Annex A2.

- How is the act to be judged with regard to tapping into areas of skilled worker potential for the labour market (for example acceptance of notices)?
- Can a statutory need for adaptation be identified? The project essentially has three main areas of focus, whereby the first project phase concentrates on the first two of these.

1. Technical support for the establishment, evaluation and reporting of the recognition statistics pursuant to § 17 BQFG.
2. Design concept for and application of instruments and procedures for the systematic observation of the implementations of the Federal Act and its associated processes.
3. From 2014: preparation of the contract award procedure for the external evaluation of the act pursuant to § 18 BQFG after a period of four years (2016, with subsequent report to the Bundestag and Bundesrat).

The present report should be viewed as the first in a series of successive annual reviews that build upon one another. It is based on the description of the Recognition Monitoring Project commenced in 2013 and on the more detailed concept for this project agreed with the BMBF on 14 June 2013 with the involvement of the Project Council. The empirical investigations used to inform this year's report are accordingly aligned towards the *official statistics*, the *equivalence procedures* and the preceding *recognition guidance*. The investigations into other main thematic focuses also stipulated in the concept will be conducted during the further course of the project and addressed in the following reports (see also III-4).

1.2 Preliminary methodological remarks

The project pursues a multi-perspective and participatory approach and is aligned towards the objectives of the Federal Recognition Act. A multi-perspective approach means that the recognition system is initially highlighted from the **respective perspectives of those involved**, and that these are subsequently collated to form an overall picture.

The following perspectives are taken into account.

- Perspective of the competent bodies
- Perspective of the guidance institutions
- Perspective of those interested in seeking recognition
- Perspective of the continuing training providers
- Perspective of the companies
- Labour market perspective

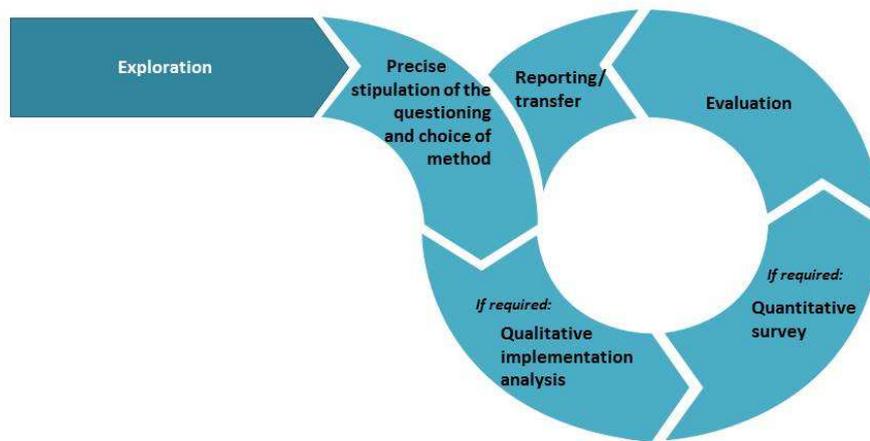
For the first report, the main focus adopted within the scope of our own investigations was on the perspectives of the competent bodies, including the ZAB and the BQ Portal in their capacity as service providers, and on those of the guidance institutions. On the basis of an analysis of further sources, it was also possible to make statements on other perspectives, and these have been used to inform the present report.

Two ways are used to investigate these perspectives depending on requirements.

- *Secondary sources*: Analysis of existing information provided by the stakeholders, such as press releases, publications and statistics. Insofar as results were available from interviews, surveys or statistical analyses conducted by third parties (research projects, project evaluations etc.), these were also used as sources once their validity had been checked.
- *Own empirical investigations*: We conduct our own empirical investigations such as expert interviews and/or quantitative surveys of the respective stakeholders if required.

Investigations of the individual perspectives are aligned to the following standard sequence (cf. Figure 5): exploration > precise stipulation of the questioning and choice of method > qualitative implementation analysis (including expert interviews) > additional quantitative survey if necessary > evaluation > reporting or transfer. The results gleaned in this fashion in turn inform possible later phases of the investigation. Depending on the questioning and (data) material already available, a differentiated approach is adopted to processing the perspectives, i.e. investigative stages are methods are applied as required.

Figure 5: Schematic representation of the loops of the investigation



The results of the *first investigative* phase of the project are based on the following data sources.

- Official statistics pursuant to § 17 BQFG
- webmonitor survey 2013 (cf. dataset description in Annex A1)
- Use and guidance documentation from the IQ counselling centres and the BAMF Hotline and use figures for the Recognition Portal (cf. dataset description in Annex A1)
- Microcensus evaluations
- Quantitative survey of the 53 chambers of crafts and trades in conjunction with the German Confederation of Skilled Crafts (ZDH)
- 40 expert interviews (Part A and Part B below)
- Analysis of 35 websites of federal state authorities responsible for the recognition of doctors and registered general nurses (cf. description in Annex A1)
- Secondary literature

Interviews with the competent bodies and guidance institutions (main thematic focus 2013)

Against the background of the joint goal of the Federal Government and federal states to achieve implementation of the law that is nationally standardised and subject to quality assurance to the greatest extent possible, the overriding interest in terms of the findings that emerge from the investigation of the **perspective of the competent bodies** centres on how implementation is structured from their point of view, on whether recognition decisions are based on benchmarks and standards and if so on which benchmarks and standards, on which difficulties arise in practice and on the work stages in respect of which there is a need for adaptation or support.

The main interest with regard to the findings on **information and guidance provision** outside the competent bodies is to determine how and by whom existing information and advisory services are

used. Questions need to be asked on the extent to which standardised and quality-assured guidance takes place, on which difficulties arise for the guidance institutions in practice, on the work stages in respect of which they perceive a need for support and on the nature of the networking structure between one another or with the competent bodies. Another point of interest is whether there is a further requirement for guidance both during and after the application. A further goal is to obtain structural information on potential applicants and quantitative information on guidance processes.

In the first phase of the investigation, interviews (Part A) were conducted with experts from competent bodies and guidance institutions whereby consideration was accorded to the following selection criteria.

- In the chamber area, only chambers of commerce and industry and chambers of crafts and trades were interviewed since these bodies are responsible for most non-regulated occupations⁴⁹. In the area of federal state implementation, interviews were carried out with recognition bodies responsible for the professions of doctor and registered general nurse due to the fact that these were the occupations in which most applications were expected, something which was borne out by the initial statistics relating to applications.
- Both initial counselling centres within the IQ Funding Programme and external IQ advisory bodies were interviewed.
- In selecting the institutions, endeavours were made to achieve broad regional distribution, and the facts and circumstances in city states and larger federal states were taken into account.

The intention was that the interview partners should already have experience in guidance or in the execution of the equivalence assessment⁵⁰. For this reason, the umbrella associations, the IQ "Recognition" agency and the Working Group of the Supreme Healthcare Authorities of the Federal States (AOLG) were asked to nominate contact partners at competent bodies or guidance institutions. Because of this type of sampling, the results should not be viewed as representative of the competent bodies in Germany and lay the foundations for further investigations.

20 expert interviews were conducted with persons responsible for guidance and/or for the equivalence assessment. Ten of these were from the chamber area (five each from the chambers of commerce and industry and chambers of crafts and trades), five were from the relevant federal state authorities and five from IQ advisory bodies or external IQ guidance agencies.

These were backed up by 20 further expert interviews (Part B) with representatives from ministries, associations and measures to support the law as well as further stakeholders from the fields of policymaking, trade and industry, practice and administration of recognition.

A guide was developed to serve as a foundation for the conducting of the interviews in Part A with a view to structuring the discussion in terms of content and chronologically. The guide was aligned towards the following topics.

- *Guidance*

Including access to guidance, typical work stages, cost of guidance, alternative recommendations, identification of the reference occupation and documentation of consultations

- *Equivalence assessment*

Including approach adopted to the checking of documents, recourse to sources, duty to cooperate, benchmarks and standards

- *Persons interested in seeking recognition*

Including status of knowledge and motivations and objectives of persons interested in seeking recognition

- *Networking*

Including cooperation with other institutions within the scope of the Recognition Act, marketing,

⁴⁹ Further competent bodies (including agricultural authorities, chambers of agriculture and chambers representing the liberal professions) are taken into account as required in one of the following project phases.

⁵⁰ In the areas of trade and industry and the craft trades, a Council Meeting was held on 14 June 2013 at which the chamber representatives expressed a wish that the focus of the interviews conducted should be initially placed on initial guidance rather than on the actual procedure of the equivalence assessment itself. The federal state authorities responsible for the recognition of doctors and registered general nurses were also interviewed about equivalence assessment and on the whole of the process leading to authorisation to practise.

- *Evaluation of the law and support requirements*

The interviews focused on the work sequences and challenges in guidance and in the implementation of the procedure. Against this background, evaluation of the transcribed interviews takes place in accordance with standardised content analysis criteria⁵¹.

2. Official statistics pursuant to § 17 BQFG

2.1 Explanations of the official statistics and the survey procedure

The aim of collecting official statistics on the recognition of professional and vocational qualifications acquired abroad is to represent the recognition system. The statistics also provide data on structures and developments in the field of recognition of qualifications obtained abroad which are of major significance for educational, economic and integration policy. The statistics also deliver indirect indications for areas where legal adaptation is required and opportunities to bring about improvement in the implementation of the procedure. The legal foundations for the collection of data are § 17 BQFG and regulations contained in specific legislation governing the professions which make reference to § 17 BQFG.

Paragraph 2 of § 17 BQFG currently stipulates the following survey characteristics.

- a) Nationality of the applicant
- b) Gender of the applicant
- c) Date of application
- d) Country of training of the applicant
- e) German reference occupation or German reference training
- f) Date of the decision
- g) Object and nature of the decision
- h) Notifications regarding the freedom to provide services
- i) Decisions regarding the freedom to provide services
- j) Legal remedies filed
- k) Subsequent decisions on legal remedies filed.

§ 17 Paragraph 3 BQFG states the following survey characteristics as auxiliary variables.

- l) Names of persons required to give information
- m) Addresses of persons required to give information
- n) Name of the person to whom queries may be addressed
- o) Telephone number of the person to whom queries may be addressed
- p) e-mail address of the person to whom queries may be addressed

§ 17 Paragraph 2 of the BQFG has been amended by § 23 of the “Act for the Promotion of Electronic Government Administration and for the Amendment of Further Regulations (EGovG)” of 1 August 2013 to the extent that the following survey characteristic has been added:

- q) Place of residence of the applicant

These statutorily stipulated characteristics were implemented in the form of 27 characteristics⁵². The characteristic of place of residence was voluntarily added to the survey of data for the year 2012. The competent bodies report the data they have collected regarding volume and processing of applications to the relevant federal state statistical office.

⁵¹ Hermeneutic and reconstructive approaches strongly concentrated on personality structures or interpretation patterns were not pursued (Kruse 2009, pp. 60 ff.).

⁵² Cf. Federal Statistical Office and the statistical offices of the federal states: Dataset Description. BBO1OSS_SA6. Status: 25 February 2013. Statistics in accordance with the Professional Qualifications Assessment Act (BQFG).

The document “Terms and explanations”⁵³ for statistics pursuant to the BQFG instructs: “Applications which have been withdrawn or applications for which full documentation has not been made available by the cut-off date of 31 December **should not be reported.**” For this reason, not all applications which have been or are being processed by the competent bodies are recorded in the statistics. For example, applications are not counted for statistical purposes if the procedure has not yet been opened. This means that it is not possible to represent the entire activities of the competent bodies with regard to volume of applications. Neither does any documentation take place as to whether a greater number of withdrawn applications occurs in respect of certain reference occupations, certain countries of training or certain competent bodies as opposed to others.

The first collection of official statistics pursuant to § 17 BQFG took place at the beginning of 2013 for the reporting year of 2012. Experience has shown that it is difficult to establish a new form of official statistics. In a press release, the Federal Statistical Office pointed out: “The [...] statistical information published should be regarded as a lower limit. In some cases, the competent bodies responsible for recognition were only determined within the course of the reporting year and had to set up their reporting systems from scratch. For this reason, the supposition is that that reports from these bodies have not in all cases been complete or taken place in a timely manner”⁵⁴. Nevertheless, problems obviously occurred both with competent bodies only established during the course of the year and with competent bodies which had been conducting recognition procedures since the entry into force of the law. Particularly due to a shortage of staff and in light of the fact that some bodies were not informed of the survey characteristics until a late stage, some competent bodies were not in a position to report all data to the relevant federal state statistical office in the desired form (both in terms of the type of reporting and the inclusion of all variables). It is also possible that these problems may occur with regard to the statistics for 2013 (collection at the start of 2014). In addition to this, the competent bodies were compelled to devote a great deal of time and attention to the new statistics, something which required time resources.

As already described under the survey characteristics, the surveying of the place of residence of applicants was not a legally prescribed characteristic until 1 August 2013. Although this characteristic was voluntarily included in the collection of data, several competent bodies did not report it because of the absence of statutory stipulations. For this reason, evaluation within the scope of the official statistics for 2012 is not realisable because data is incomplete. This means that no valid statements are possible.

Alongside the problems described, which became visible during the course of the survey itself, further conspicuous elements were revealed within the scope of the plausibility tests for the data reported. Not all reports from the competent bodies (relating to individual types of characteristics rather than to the reporting as a whole) are capable of plausible explanation⁵⁵. This may indicate the necessity for more precise elucidation to the competent bodies of the characteristics of the statistics, and for this reason the terminology and explanations have been adapted. Secondly, however, it is also possible that the implementation of the stipulations pursuant to § 17 BQFG with regard to characteristics and types of characteristics surveyed do not in some cases correspond to the realities of the recognition procedures at the competent bodies. This will need to be an object of further investigation.

For these reasons, a conscious decision has been taken not to undertake an overall representation of the official statistics within the framework of the present report. The approach adopted has been to only present data in respect of which no obvious implausibilities are discernible.

Digression – reports on professions and occupations governed by federal state law

Official statistics for the year 2012 are limited to professions and occupations governed by federal law. For the future, it would be desirable to have a comprehensive representation which also includes professions and occupations governed by federal state law (i.e. professions and occupations the

⁵³ Cf. https://www.statistik.bayern.de/medien/statistik/erhebungen/begriffe_und_erlaeuterungen_bqfg_2013.pdf (accessed: 20 March 2014).

⁵⁴ Press release 347/13 from the Federal Statistical Office of 15 October 2013 – “Almost 7,500 foreign professional and vocational qualifications recognised in the year 2012”.

⁵⁵ In some reports relating to a licence to practise for doctors, for example, occupational experience in the craft trades is given as a reason for a positive decision.

recognition of which is regulated via the respective federal state laws) in order to map the whole of the recognition system in Germany and reveal the areas of potential that are realised for the labour market. Nevertheless, in 2012 only five federal states had passed their own recognition act (cf. II-1.2). This is the reason why a joint representation for the year 2012 is not yet useful. Further investigation also needs to take place as to on which basis a joint presentation can be made by the Federal Statistical Office of professions and occupations governed by federal and federal state law.

2.2 Results of the official statistics for 2012⁵⁶

A total of 10,989 applications for recognition of a professional or vocational qualification acquired abroad were notified to the Federal Statistical Office for the 2012 reporting year (i.e. from 1 April to 31 December). These reports encompass only professions and occupations that are governed by federal state law.

Considerable differences are revealed in the figures for the individual federal states. The four federal states with the most applications are Baden-Württemberg, Bavaria, Hessen and North Rhine-Westphalia. Almost three quarters of all applications were submitted in these federal states⁵⁷.

By 31 December 2012, a decision had already been reached in respect of 7,980 of these applications. Figure 6 shows how the applications and notices are distributed across regulated professions and non-regulated occupations.

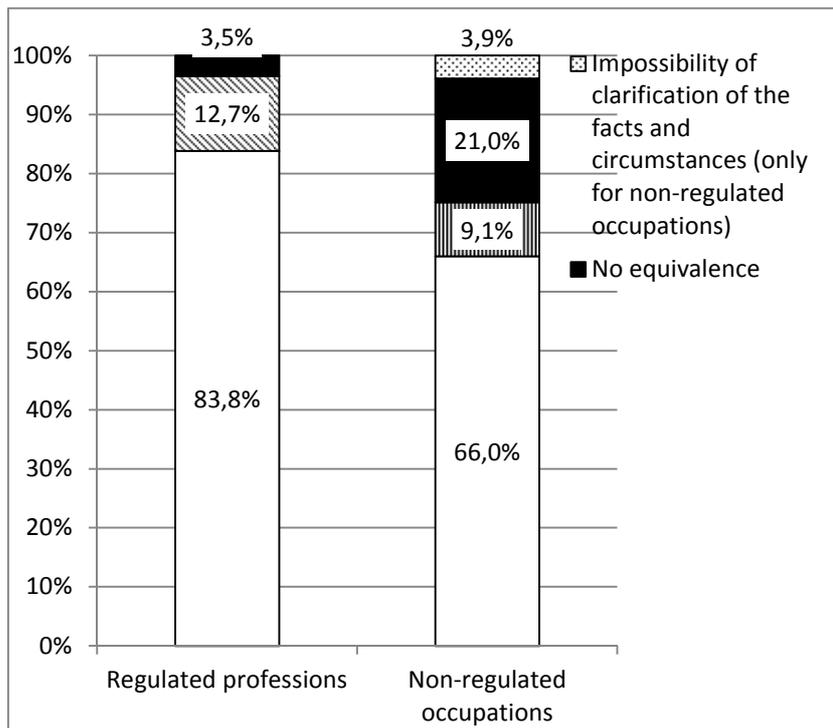
It makes it clear that more than three quarters of all applications were for recognition of a regulated reference profession. The primary reason for this is likely to be that, in the case of recognised professions, successful recognition of the professional qualification is the prerequisite for the exercising of the occupation in Germany. For this reason and in line with expectations, considerably more notices were issued for regulated professions than for non-regulated occupations. In 2012, it was also the case that a decision was reached in 81.8 percent of the applications submitted in regulated professions. The corresponding figure for non-regulated occupations was 36.1 percent. With regard to the other applications, a decision was still outstanding as of the cut-off date of 31 December 2012. One explanation for this difference could be the fact that automatic recognition can take place in some regulated professions for citizens from the EU, the EEA and Switzerland⁵⁸. This automatic recognition does not include any equivalence assessment.

⁵⁶ The Federal Statistical Office has made tables available to BIBB for the purpose of conducting evaluations of the official statistics. All individual cells have been rounded to a multiple of three in order to provide anonymisation, and for this reason the results referred to here may deviate slightly from the actual values.

⁵⁷ Just under 70 percent of the population from a migrant background live in these four federal states.

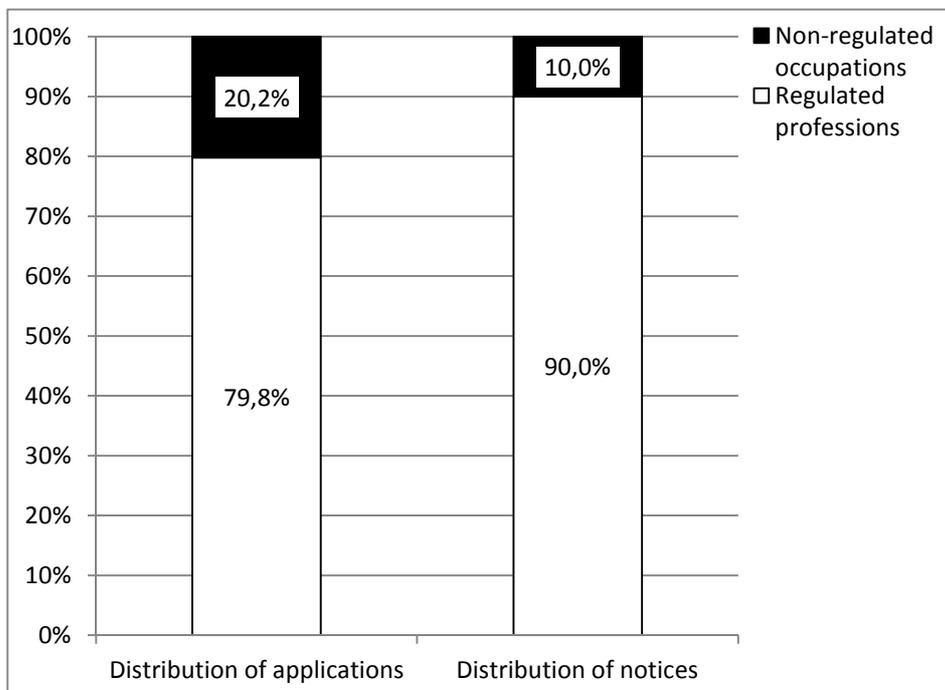
⁵⁸ On the basis of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications. L 255 of 30 September 2005, p. 22; L 271 of 16 October 2007, p. 18; L 93 of 4 April 2008, p. 28; L 33 of 3 February 2009, p. 49, last amended via Ordinance (EC) No. 279/2009. L 93 of 7 April 2009, p. 11. cf. on the Directive: Kluth/Rieger (2005) and Part II Section 1.1.

Figure 6: Distribution of applications and notices across regulated professions and non-regulated occupations for 2012 in percent



Source: Federal Statistical Office, representation by BIBB, date for 2012 (applications N =10,989, notices N = 7,980)

Figure 7: Results of procedures in which a decision was reached for regulated professions and non-regulated occupations for 2012 in percent



Source: Federal Statistical Office, representation by BIBB, data for 2012, regulated professions N= 801, non-regulated occupations N = 7,179).

Another reason could be that the competent bodies for regulated professions had already had experience with recognition procedures because of automatic recognition, whereas no such experience was in place in respect of the non-regulated occupations.

Figure 7 shows the nature of the decision in the case of regulated professions and non-regulated occupations. Clear differences are visible between these two categories. With regard to applications for regulated professions where a notice was already issued, full equivalence of the professional qualification was ascertained in more than 80 percent of cases. Nevertheless, consideration needs to be accorded to the fact that such full recognition may be preceded by a compensation measure⁵⁹. In 12 percent of cases, this compensation measure still needs to be completed (“conditional” notices). In these procedures, full equivalence cannot be certified until an aptitude or knowledge test has been passed or an adaptation period has been completed. Only 3.5 percent of notices are rejections, i.e. there is no equivalence.

Of the procedures for non-regulated occupations in which a decision was reached, full equivalence was ascertained and a notice to this effect issued in almost two thirds of cases. Partial equivalence was accorded in 9 percent of cases, i.e. substantial differences were ascertained between the qualification of the applicant and the German reference occupation. In such a case, the applicant receives a notice which contains a “description of the applicant’s existing professional qualifications and of the substantial differences between the existing professional qualifications and corresponding German professional training” (BQFG § 7 Paragraph 2). This gives applicants the opportunity to demonstrate the knowledge, skills and competences they possess or else to take part in adaptation training in a targeted manner so as to compensate for the existing differences. 21 percent of notices award no equivalence (either full or partial). The aim is for later analyses to be devoted to this proportion. In 4 almost percent of cases processed, the application was rejected because of impossibility of clarification of the facts and circumstances.

The main occupational group, in which most applications were submitted, was the medical healthcare professions. These accounted for a proportion of 78.2 percent of all applications.

This becomes clear if we consider the reference occupations in which most applications are submitted (see Figure 8). The first four occupations from the ranking list are from this professional group.

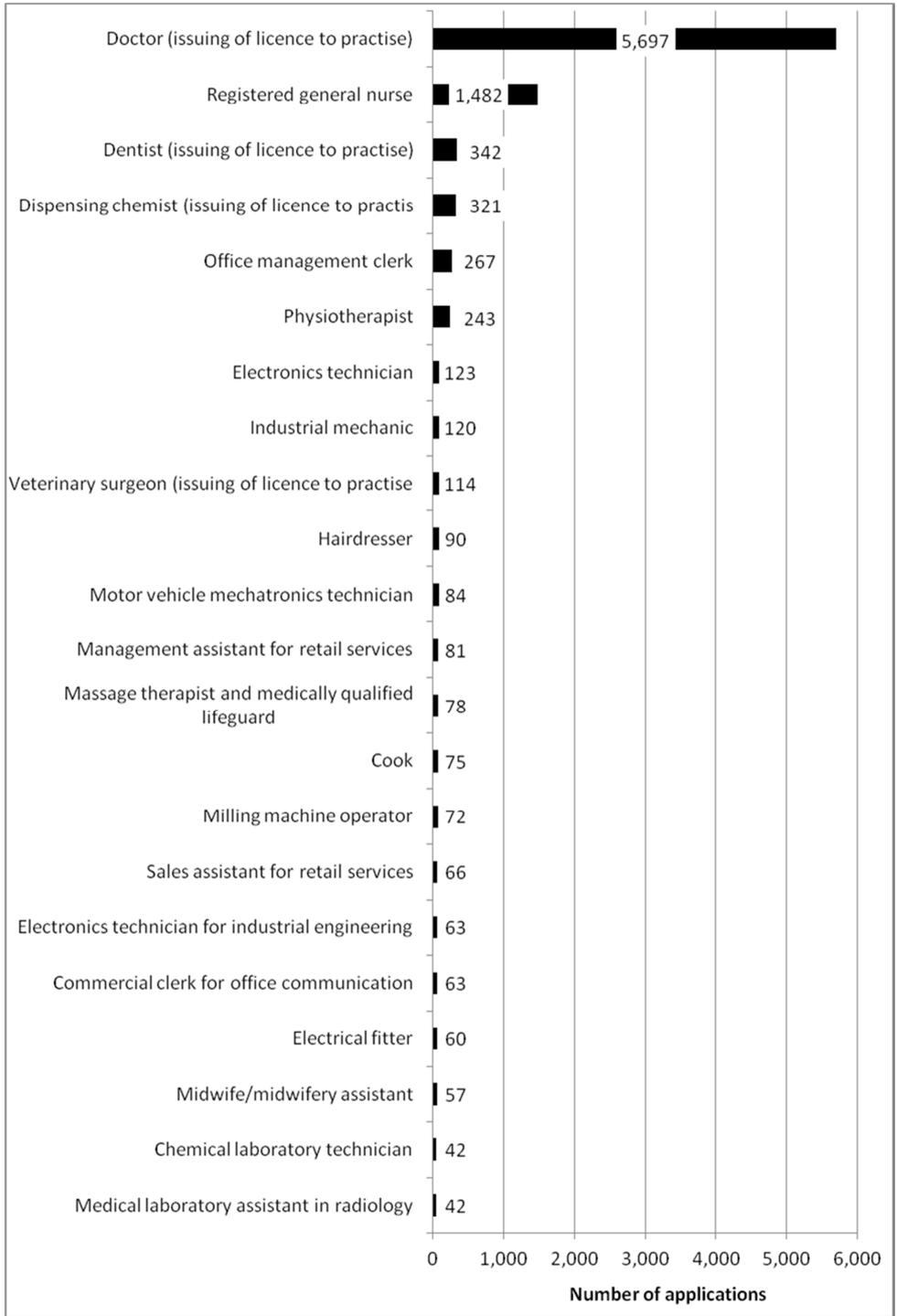
The reference occupation in respect of which most applications for recognition were submitted by some distance is licence to practise as a doctor. This profession makes up more than half of all applications. As is the case with the professions of dentist (licence to practise) and dispensing chemist (licence to practise), the profession of doctor represents a particular instance. In the wake of the Recognition Act, the so-called nationality proviso contained within the relevant specific legal regulations governing the professions (Federal Medical Code, BÄO, Pharmacy Act, ApoG, Dentistry Act, ZHG, was repealed. The result is that nationals of third countries (states outside the EU, the EEA and Switzerland) are now also able to apply for a licence to practise⁶⁰. This was not possible prior to the entry into force of the Recognition Act and could be a reason why these professions are so strongly represented in the recognition system.

In the area of non-regulated occupations, office management clerk was the reference occupation that is in most demand.

⁵⁹ Because of existing implausibilities in the data, no information can be provided for 2012 as to in how many cases a positive notice was preceded by a compensation measure. In some reports relating to a licence to practise for doctors, for example, occupational experience in the craft trades is given as a reason for a positive decision.

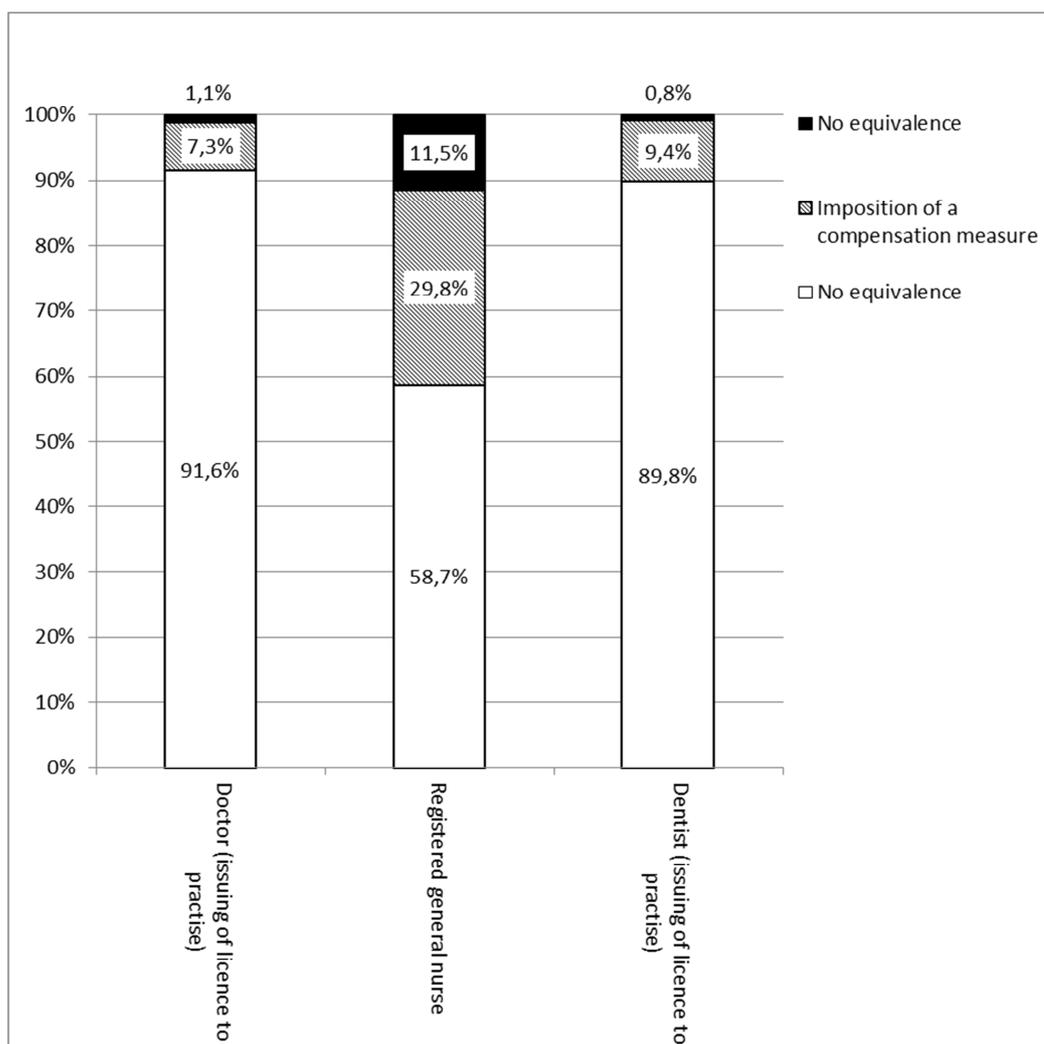
⁶⁰ Numerous licences to practise where the country of training is Germany have also been recognised, although these are not an object of the statistics.

Figure 8: Number of applications from the 22 most popular reference occupations in 2012



Source: Federal Statistical Office, representation by BIBB, data for 2012

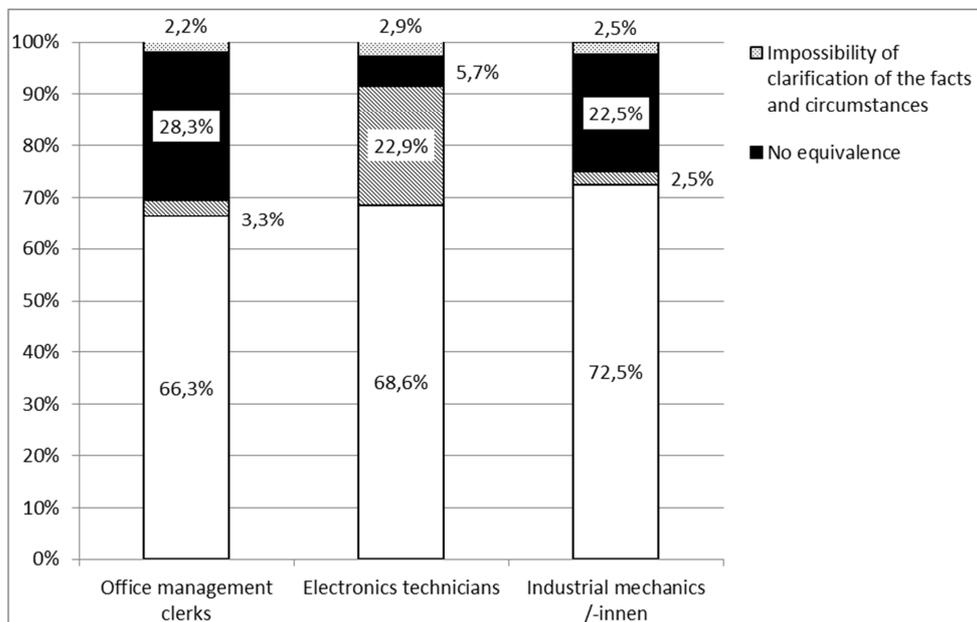
Figure 9: Results of procedures where a decision has been reached for the three most popular regulated reference professions for 2012 in percent



Source: Federal Statistical Office, representation by BIBB, data for 2012 (doctors N = 4,911, registered general nurses N = 1,110 and dentists N = 264).

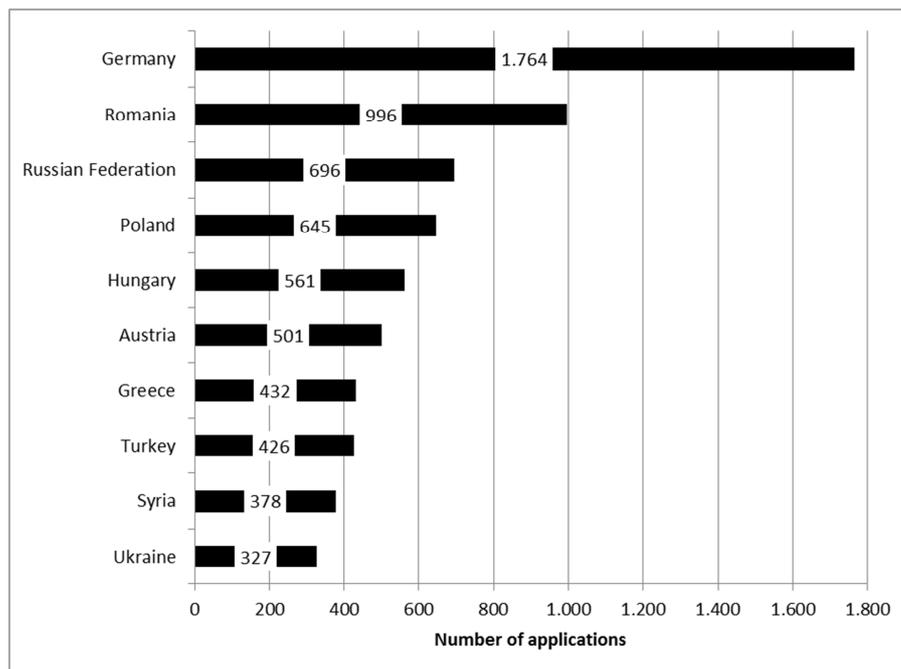
If the regulated professions and non-regulated occupations are considered individually, it is revealed that there are significant differences in the types of decisions in both groups (see Figures 9 and 10). Whereas in the case of the three most popular regulated reference professions only about 1 percent of notices issued in respect of applications for a licence to practise as a doctor or dentist were rejections, the corresponding figure for registered general nurses was more than 10 percent. The proportion of notices imposing the “condition” of a compensation measure is also considerably higher in the case of the profession of registered general nurse than in the other two professions. Particularly with regard to applications for a licence to practise as a doctor or dentist, it is clear that the rate of recognition of full equivalence (issuing a licence to practise) is very high. This is confirmed by nine or almost nine out of every ten applications respectively.

Figure 10: Results of procedures where a decision has been reached for the three most popular non-regulated reference occupations for 2012 in percent



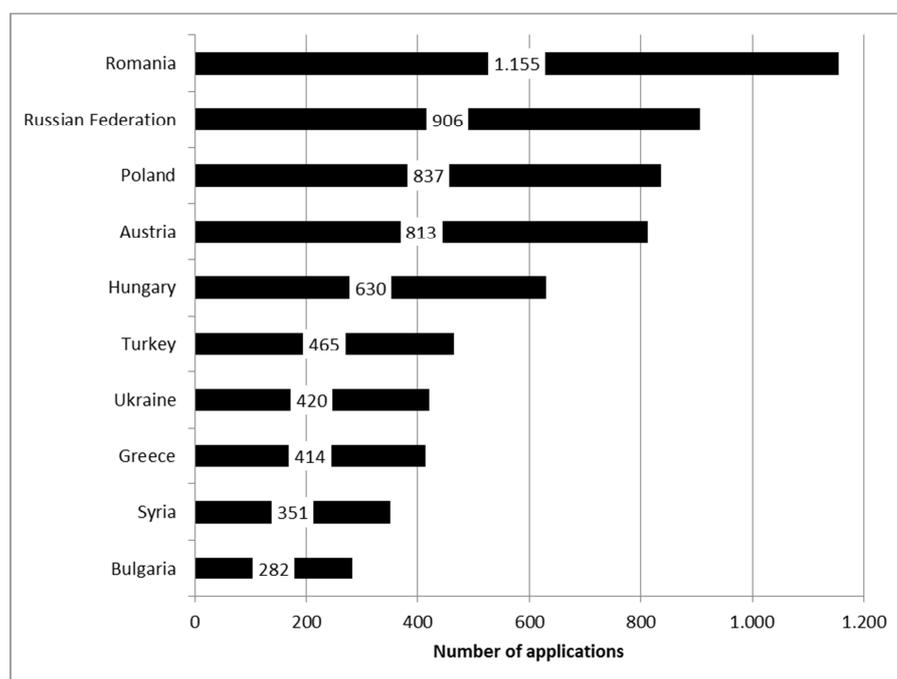
Source: Federal Statistical Office, representation by BIBB, data for 2012 (office management clerk N = 93, electronics technician N = 36 and industrial mechanic N = 39).

Figure 11: The ten most frequent nationalities of applicants in the year 2012



Source: Federal Statistical Office, representation by BIBB, data for 2012.

Figure 12: The ten most frequent countries of training of applicants in the year 2012



Source: Federal Statistical Office, representation by BIBB, data for 2012.

Also in the case of the three non-regulated occupations considered, far more than half of notices certify full equivalence.

With regard to the nationalities of applicants (see Figure 11), the nationality most frequently represented is German. The place of residence of large numbers of these persons is presumably Germany, and they are already available to the German labour market. For members of this group, recognition of their professional or vocational qualification thus opens up directly enhanced opportunities to use their skills.

In overall terms, more than half of applicants are nationals of an EU state and more than a fifth are nationals of one of the other European states. More than one in ten applicants are nationals of a state in Asia.

A similar picture is revealed in respect of the states in which applicants have completed their training (see Figure 12)⁶¹.

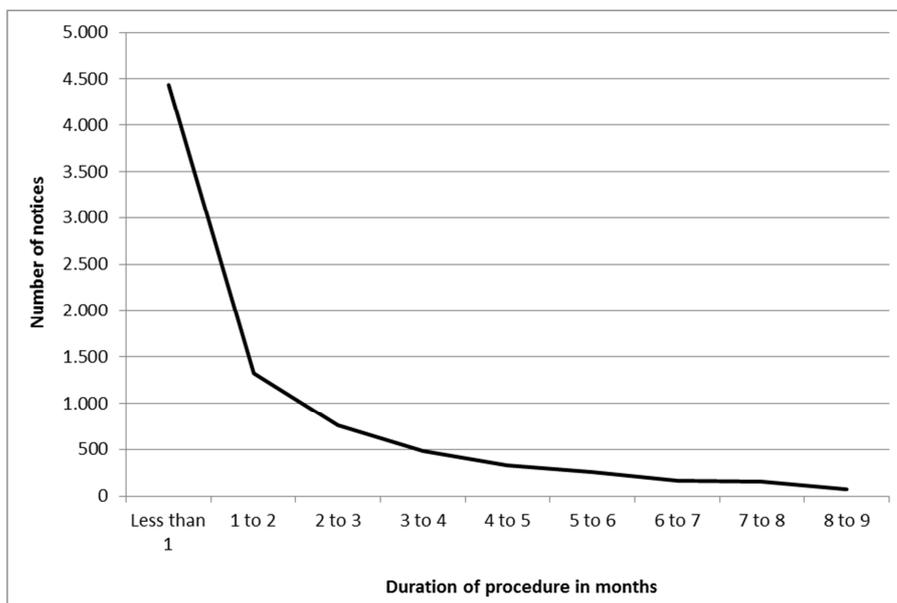
In this case too, more than half of all applications were submitted by persons who had acquired their professional or vocational qualification in an EU state. More than a quarter of professional and vocational qualifications were gained in other European countries.

One issue of great interest, particularly for the applicants, is the duration of the procedure. Consideration needs to be accorded to the fact that the regulation requiring procedures to be completed within three months of presentation of full documentation did not enter into force until 1 December 2012⁶². The intention of delaying this rule was to take into account an expected accumulation of applications during the initial phase.

⁶¹ Unlike the issue of nationality, Germany cannot be stated as a response since the BQFG only covers professional and vocational qualifications which have been acquired abroad.

⁶² Article 62 Paragraph 2 of the Recognition Act (BGBl. 2011 p p . 2515).

Figure 13: Duration in months of recognition procedures in which a decision has already been reached for the year 2012



Source: Federal Statistical Office, representation by BIBB, data for 2012 (N=7,980)

The expiry of the deadline may be extended⁶³ if the documents submitted are not sufficient for a material and legal equivalence assessment or if there are doubts as to the genuineness or correctness of documents. The deadline may also be appropriately extended on a one-off basis in cases which are difficult to decide if, for example, external expertise needs to be sought. The decision-making deadline is also “suspended” if skills analyses need to be conducted in order to arrive at a decision⁶⁴. Figure 13 shows that, including during the year 2012, more than 80 percent of applications in which a decision was reached were concluded within the three-month deadline and that more than half were even finalised within one month. The procedure took longer than five months in fewer than 10 percent of applications in which a decision was reached, something which in certain circumstances may be caused by the complexity of an individual case. This clearly shows that the competent bodies were very rapidly in a position to act and make decisions once the BQFG had entered into force. As experience with the recognition procedures increases, particularly in respect of professional and vocational qualifications or country information that are difficult to research, the expectation is that the average duration of the procedure will decrease further. There are, of course, differences (some of which are considerable) in average duration of the procedures between the individual reference occupations. Whereas, for example, the average time elapsing between presentation of full documentation to a decision in the case of registered general nurse was 26.2 days, the average corresponding figure for applications for licence to practise as a doctor was 48.1 days.

Considerably more meaningful data will not be in place until the statistics for 2013 are available, in particular because the three-month deadline will then apply to the whole of the survey period. Analyses of processing times depending on the country of training of applicants will then also be possible. This could enable us to identify the areas in which there are possibly particular problems in procuring the information necessary for the equivalence assessment.

⁶³ Cf. § 5 Paragraph 5 and § 12 Paragraph 5 BQFG and comparable regulations in the specific legislation.

⁶⁴ Cf. § 6 Paragraph 3 and § 13 Paragraph 3 BQFG and comparable regulations in the specific legislation.

Naturally, the quality of the documentation to be submitted exerts an influence on the duration of the procedures. Even when documentation is complete, delays may occur because of doubts as to the genuineness or correctness of contents. In 2012, additional requests for follow-up documentation made on the basis of doubts as to the genuineness or correctness of contents of the documents occurred in more than 8 percent of procedures. Applications for recognition of a non-regulated training occupation were mainly affected. This shows the considerable time and cost implications for the competent bodies carrying out the investigations, which need to check all documents submitted.

In a total of almost 30 percent of procedures, the competent bodies needed to make additional requests for follow-up documentation within the scope of the administrative process. This figure only includes follow-up requests which took place subsequent to the receipt and investigation of the full documentation submitted, i.e. after the application made by the party interested in seeking recognition.

A legal challenge was instigated by the applicant against the decision of the competent body in respect of fewer than 3 percent of negative notices (less than 0.3 percent of all notices).

Summary of the main results for 2012

- ✓ Total of 10,989 applications
 - 79.8 percent in regulated professions
 - 20.2 percent in non-regulated occupations
- ✓ 7,980 notices already issued
 - 82.0 percent certify full equivalence
- ✓ The most popular reference occupations are doctor (issuing of licence to practice), registered general nurse and dentist (issuing of licence to practice)
- ✓ The most frequent countries of training are Romania, the Russian Federation, Poland and Austria

Opportunities to improve the statistics

Because collection of data pursuant to § 17 BQFG was being conducted for the first time, the expectation was that there would be a series of problems typical to such cases. Some bodies, for example, only learned that they were responsible at short notice. In addition to this, at some competent bodies there was a lack of clarity regarding the survey characteristics. The reasons for this included the fact that such bodies had been notified at a very late stage.

Following a resolution adopted by the Working Group of the “Coordinating Departments” of the federal states, the “Recognition in Germany” Portal carried out an updating and quality assurance procedure with the competent bodies in August 2013. A total of approximately 1,500 bodies were requested to check the information held on them (contact details and professions and occupations for which they were responsible). The data, which was corrected by 20 September 2013, is made available to the statistical offices within the scope of the annual reporting of data held by the competent bodies. Only just over 700 bodies participated, and this shows that there is a further need to provide information.

Further measures aimed at improving the statistics, such as further development of the “Terms and explanations” to make it easier for the competent bodies to report, are being considered on an ongoing basis.

The late stage at which collection of data for 2013 took place meant that it was no longer possible to adapt and simplify the survey characteristics contained within the dataset. This is, however, being considered for the 2014 survey of data. A characteristic such as “other outcome” which includes withdrawn applications, for example, could be added.

The overall expectation is that the quality of reports for the 2013 data survey, which will take place at the start of 2014, will improve by dint of the fact that the competent bodies will have gained in experience. More far-reaching plausibility tests by the statistical offices of the federal states are also planned. These will be based on the findings which emerge from the survey for the 2012 reporting year.

3. The recognition system in practice

3.1 Target group of the Recognition Act

A description of the persons who may potentially emerge as applicants will be provided below on the basis of evaluations of the 2011 Microcensus, the guidance documentation of the IQ counselling centres and the BAMF Recognition Hotline. The data from the microcensus relates to a period prior to the entry into force of the Recognition Act and provides an overall view of the situation on the German labour market of migrants with a professional or vocational qualification acquired abroad.

The guidance data offers information on persons who have already taken part in a first consultation at one of the advisory bodies named above and have thus exhibited potential interest in a recognition procedure. This data reflects the descriptions of those interested in seeking guidance from the point of view of the guidance institutions. No response can be provided to further questions such as the motivation for recognition. In order to close this gap, the plan for 2014 is for a separate survey of this group of persons to take place. The aim here is to investigate those who have already undergone or who would like to undergo a recognition procedure (for more detailed information see III-4).

3.1.1 Fact check – persons on the German labour market with qualifications from abroad for the year 2011 (Microcensus)

According to the Federal Statistical Office, over 10.7 million people currently live in Germany who have migrated here from another country. Of these, more than 8.9 million are of working age (15 to 64 years old)⁶⁵. Even if we limit our considerations to persons aged between 25 and 64, there are still about 7.9 million immigrants who are potentially available to the German labour market. Although participation in employment by migrants is somewhat less active than the participation rate of the population as a whole (75 percent as compared to 80 percent), this group of persons represents a labour supply of over 5.9 million on the German labour market. The immigration figures to Germany, which according to the Federal Statistical Office have recently once again increased strongly,⁶⁶ show that migration can be expected to provide considerable labour potential in future. One of the objectives of the Recognition Act is to make it easier for migrant skilled workers on the German labour market to convert their professional and vocational qualifications into employment arrangements that are in accordance with their training. The following representations provide an overall view of the situation on the German labour market in 2011 of migrants with a professional or vocational qualification from abroad.

MICROCENSUS

The microcensus is an official representative statistical survey of the population and the labour market produced by the Federal Statistical Office. Each year, around 1 percent of all households in Germany take part in the survey (ongoing household sample). A total of around 390,000 households and 830,000 persons participate. In contrast to most surveys, there is a statutory duty to provide information in the case of the microcensus. For this reason, approximately 96 percent of respondents answer the mandatory questions. This circumstance and the scope of the sample of persons surveyed make the microcensus the most important representative survey in Germany. Despite the size of the survey, all results remain extrapolations and are thus subject to standard error.

The Microcensus asks for a person's highest school, vocational or professional qualification and information

⁶⁵ Specialist Publications 1 Series 2.2 Federal Statistical Office (status: 19 September 2012).

⁶⁶ Net migration 2012: +369,000/2011: +279,000/2010: +127,000/2009: -12,000/2008: -55,000. Cf.

www.destatis.de/DE/Publikationen/Thematisch/Bevoelkerung/Wanderungen/vorlaeufigeWanderungen5127101127005.xls?_blob=publicationFile (preliminary result for 2012: last checked on 24 October 2013) and www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Bevoelkerung/Wanderungen/Tabellen/WanderungenAlle.html?nn=50742 (accessed: 18 July 2012).

on the year in which the qualification in question was completed. This means that it is not always clear whether a professional or vocational qualification has been achieved in a person's country of origin if, following immigration, a further qualification is gained in Germany which is higher than the previous one. If qualifications are of equal value, the supposition is that respondents generally state their most recent qualifications and that therefore immigrants with a professional or vocational qualification do not become apparent.

The following representations aim to give a summary of the labour market situation of immigrant workers in Germany in the year 2011. Foreign migrants are divided into four groups.

1. Foreign migrants from member states of the European Union with a professional or vocational qualification from their country of origin
2. Foreign migrants from member states of the European Union with a professional or vocational qualification obtained in Germany
3. Foreign migrants from member states outside the European Union with a professional or vocational qualification from their country of origin (not including "late resettlers" from countries in Eastern Europe and the former Soviet Union and migrants who have acquired German citizenship)
4. Foreign migrants from member states outside the European Union with a professional or vocational qualification obtained in Germany

The aim of this division into groups is to facilitate an evaluation of the labour market situation of foreign migrant workers. Because direct indicators for labour market integration are only available to a limited degree, it will be helpful to provide a comparative presentation of the situation of different groups of persons with different prerequisites for the recognition of their professional or vocational qualifications. The groups of persons stated differ with regard to formal recognition of their qualifications or in respect of their legal access to a recognition procedure prior to the entry into force of the Recognition Act in April 2012.

Table 3: Overall survey population of the Microcensus evaluations for the reporting year 2011 (in thousands)

	German residents	Including								
		Foreign migrants	including:				Other German residents	including:		
			with prof. or voc. qualification	Including				with prof. or voc. qualification	without prof. or voc. qualification	* missing
				Prof. or voc. Qualification from abroad	German prof. or voc. qualification	* missing				
Total	81,754	5,675	2,527				76,079			
Aged up to 24	19,706	662	82				19,044			
Aged 25 to 64	44,927	4,388	2,192	1,380	590	222	40,539	34,850	5,325	364
Aged 25 to 34	9,845	1,136	594	348	200	46	8,709	7,130	1,517	62
Aged 35 to 44	11,439	1,337	692	431	192	69	10,102	8,895	1,119	88
Aged 45 to 54	13,227	1,060	513	331	132	50	12,167	10,652	1,399	116
Aged 55 to 64	10,416	855	393	272	65	56	9,561	8,172	1,290	99
Aged 65 and over	17,122	626	254				16,496			

Source: Specialist Publications 1 Series 2.2 of the Federal Statistical Office for the reporting year 2011 (status: 19 September 2012) and calculations by BIBB (2011 Microcensus). * No information on professional or vocational qualification and/or on year of migration to Germany and/or year of the qualification

On the basis of their training in Germany, the persons summarised in 2 and 4 above are usually in possession of a formally recognised qualification (exception: licence to practise for medical professions for which academic qualifications are required without EU, EEA or Swiss citizenship). Although foreign nationals who have migrated from member states of the European Union with a professional or vocational qualification acquired in the country of origin (1) do not have a professional or vocational qualification which already enjoys recognition in Germany, prior to the Recognition Act they already had the opportunity to instigate a procedure for the recognition of their qualification (legal right). This contrasted with the situation of foreign nationals who had migrated from states outside the European Union with a professional or vocational qualification from their country of origin (3). Such persons had a legal right to a procedure for the recognition in Germany of the professional or vocational qualification they already held only in certain circumstances (e.g. status as a late resettler) or via some legal provisions governing the professions contained within specific legislation.

The representations provided in the following tables focus on a comparison of the labour market integration of the population groups stated. This comparative presentation is also supplemented by information on other German residents (all residents not included in categories 1 to 4)⁶⁷. Table 3 shows the composition of the overall survey population. Only persons aged between 25 and 64 are taken into account (highlighted in colour). Persons for whom no information is available are excluded from consideration.

Professional and vocational qualifications and participation in employment of persons who have migrated to Germany

The likelihood that foreign nationals resident in Germany who have migrated to the country will be in possession of a professional or vocational qualifications varies according to region of origin (Table 4). Of those aged between 25 and 64 who formed the object of consideration, almost two thirds of foreign nationals who have migrated from member states of the EU hold a professional or vocational qualification⁶⁸. By way of contrast, significantly fewer than half of foreign nationals who have migrated from non-EU states are in possession of a professional or vocational qualification. Compared to this, an average of 86.7 percent of other German residents have a formal qualification (Table 4).

In the case of other German residents and foreign nationals who have migrated to Germany and completed their qualification in the country, men are on average twice as likely as women to be in possession of a professional or vocational qualification. This difference is really significant with regard to those who have migrated to Germany from states outside the European Union, the figures being 16.0 and 9.6 percent respectively (Table 4).

Significant differences between the comparative groups can be identified with regard to age (Table 4). Younger foreign nationals who have migrated to Germany both from EU states and non-EU states are very much more likely than older migrants to be in possession of a German professional or vocational qualification. A more differentiated picture emerges in respect of foreign nationals who have migrated to Germany holding a qualification from abroad. More than two fifths of foreign nationals who have migrated from EU-states are in possession of a qualification, whereby this proportion decreases sharply amongst those aged over 45. By way of contrast, an average of only just over a quarter of foreign nationals who have migrated to Germany from non-EU states have a professional or vocational qualification from abroad. In the case of the youngest age group, this proportion is 26.6 percent. It rises to over 30 percent within the group of those aged between 55 and 64.

⁶⁷ This term encompasses all German and foreign nationals resident in Germany who are not covered by the groups of persons summarised under categories 1 to 4. It includes the descendants of migrants irrespective of the nationality of such persons (foreigners who have not migrated to the country) as well as Germans who have migrated to Germany (late resettlers).

⁶⁸ In accordance with Specialist Publications 1 Series 2.2 of the Federal Statistical Office ("Population from a migrant background—results of the microcensus"), training leading to semi-skilled status is not viewed as a formal qualification.

Table 4: Foreign nationals who have migrated to Germany and other German residents by region of origin, age, gender and professional or vocational qualification

Age	Gender	Migrants									Other German residents			
		from EU states						from non-EU states						
		Qualification abroad		Qualification in Germany		No qualification	Qualification abroad		Qualification in Germany		No qualification	Qualification		No qualification
		000's	%	000's	%	%	000's	%	000's	%	%	000's	%	%
25 to 34	Male	73	46.5	32	20.2	33.3	89	26.6	68	20.3	53.1	3,589	81.0	19.0
	Female	81	44.3	41	22.7	33.1	105	26.6	59	15.0	58.5	3,542	84.0	16.0
	Total	154	45.3	73	21.5	33.2	194	26.6	127	17.4	56.0	7,130	82.5	17.5
35 to 44	Male	88	45.0	37	19.1	35.9	118	29.7	70	17.5	52.8	4,573	89.5	10.5
	Female	103	47.3	40	18.3	34.4	122	28.1	46	10.6	61.4	4,323	88.1	11.9
	Total	191	46.2	77	18.7	35.1	240	28.8	115	13.9	57.3	8,895	88.8	11.2
45 to 54	Male	86	41.8	41	20.0	38.2	84	28.1	45	15.1	56.7	5,475	90.4	9.6
	Female	73	40.3	26	14.4	45.3	89	29.3	20	6.5	64.3	5,176	86.3	13.7
	Total	159	41.1	67	17.4	41.5	172	28.7	65	10.8	60.5	10,652	88.4	11.6
55 to 64	Male	78	41.8	27	14.5	43.7	78	38.8	15	7.4	53.8	4,259	91.4	8.6
	Female	55	34.7	15	9.7	55.6	61	24.0	8	3.2	72.8	3,914	81.5	18.5
	Total	133	38.5	42	12.3	49.1	139	30.5	23	5.0	64.4	8,172	86.4	13.6
Total	Male	324	43.6	137	18.4	37.9	369	29.9	198	16.0	54.0	17,896	88.4	11.6
	Female	312	42.1	123	16.6	41.3	376	27.2	132	9.6	63.3	16,954	85.1	14.9
	Total	636	42.9	260	17.5	39.6	744	28.5	330	12.6	58.9	34,850	86.7	13.3

Source: Calculations by BIBB (2011 Microcensus).

A closer consideration of the professional and vocational qualifications of foreign nationals who have migrated to Germany (Table 5) reveals that academic qualifications are proportionately more likely to have been acquired abroad than in Germany. This applies less to foreign nationals who have migrated from EU states and more to those who have arrived from non-EU states. In addition to this, women within these population groups are particularly more likely to be in possession of an academic qualification compared to men. Compared to other German residents, foreign nationals who have migrated to the country from both regions of origin are highly likely to have completed academic training, whereby women exhibit particularly high rates of academic qualifications⁶⁹. This means that vocational training is rarer and that the gender likelihood that such training will be in place is reversed. This correlation is significantly less marked with regard gender ratios amongst foreign nationals who have migrated to Germany from EU states.

Foreign nationals who have migrated from non-EU states differ significantly from the comparison groups in terms of their employment behaviour (see Table 6). This particularly applies to those who have a qualification they have acquired abroad. 63.5 percent of this group are in employment, much lower than the equivalent figure for foreign nationals who have migrated from EU-states with a qualification obtained abroad (77.3 percent). This ratio is also reflected in the unemployment rate, which is almost twice as high for foreign nationals who have migrated from non-EU states with a qualification acquired abroad (9.5 percent) than for those from EU-states who also arrive with a professional or vocational qualification from abroad (5.2 percent). A similar observation may be made for economically inactive persons (26.9 percent as opposed to 17.5 percent). In overall terms, it is noticeable that similar key indicators regarding employment behaviour can be identified for foreign nationals migrating from EU-states as for other German residents. By way of contrast, the key indicators suggest that foreign nationals from non-EU states are less well integrated on the German labour market.

A consideration of the vocational training level also does not add much to findings regarding the comparatively poor labour market integration of foreign nationals who have migrated from non-EU

⁶⁹ Most countries do not have a system of vocational training comparable with that of Germany. Many occupations which are taught at vocational schools in Germany are the subject of higher education in other countries.

states (no separate table shown). Nevertheless, it is conspicuous that a particularly low proportion of foreign nationals migrating to Germany with an academic qualification obtained abroad is in employment (60.9 percent). Within the qualifications levels below this, employment rates are significantly higher in some cases, although they remain below those found in the comparison groups at all times. The ratio is reversed in the case of foreign nationals who have migrated from EU-states with a qualification acquired abroad. Persons with an academic qualification are most likely to be in employment (79.7 percent).

ILO concept

In the Microcensus, employment status is recorded in accordance with the ILO concept (cf. Rengers 2004). This states that all persons who have completed at least one hour of paid work during the reference week are considered to be in employment. Those to whom this does not apply and who would also be prepared to commence work within a maximum period of two weeks from the time of the survey are categorised as unemployed. All other persons are deemed to be economically inactive. This concept is not congruent with the definition and recording of unemployment in the unemployment statistics, where the key element is notification to the Federal Employment Agency rather than the number of hours of work performed or readiness to commence work immediately.

Table 5: Foreign nationals who have migrated to Germany and other German residents by region of origin, gender and type of professional or vocational qualification

Vocational qualification	Gender	Migrants								Other German residents	
		from EU states				from non-EU states				With qualification	
		Qualification abroad		Qualification in Germany		Qualification abroad		Qualification in Germany			
		000's	%	000's	%	000's	%	000's	%	000's	%
Vocational training	Male	174	53.8	77	56.0	198	53.7	123	62.4	11,179	62.5
	Female	152	48.6	55	45.2	158	42.0	71	53.3	11,181	66.0
	Total	326	51.2	132	50.9	356	47.8	194	58.7	22,360	64.2
School-based VET (e.g. full-time vocational school)	Male	11	3.4	4	2.9	11	2.9	5	2.7	410	2.3
	Female	15	4.9	6	4.9	14	3.6	6	4.8	741	4.4
	Total	27	4.2	10	3.9	24	3.3	12	3.5	1,152	3.3
Master craftsman Technician and Trade technical school	Male	23	7.2	17	12.3	23	6.1	11	5.6	2,069	11.6
	Female	22	7.1	11	9.1	24	6.4	8	6.2	1,700	10.0
	Total	45	7.1	28	10.8	46	6.2	19	5.8	3,769	10.8
Academic qualification	Male	115	35.6	39	28.8	138	37.3	58	29.3	4,236	23.7
	Female	123	39.4	50	40.9	180	47.9	47	35.7	3,331	19.6
	Total	238	37.5	90	34.5	318	42.7	105	31.9	7,567	21.7
Total	Male	324	100.0	137	100.0	369	100.0	197	100.0	17,894	100.0
	Female	312	100.0	122	100.0	376	100.0	132	100.0	16,953	100.0
	Total	636	100.0	260	100.0	744	100.0	330	100.0	34,848	100.0

Source: Calculations by BIBB (2011 Microcensus).

Table 6: Foreign nationals who have migrated to Germany and other German residents by region of origin, gender and participation in employment

Participation in employment	Gender	Migrants								Other German residents	
		from EU states				from non-EU states				With qualification	
		Qualification abroad		Qualification in Germany		Qualification abroad		Qualification in Germany			
		000's	%	000's	%	000's	%	000's	%	000's	%
Employed	Male	280	86.3	121	88.0	273	74.1	164	83.2	15,409	86.1
	Female	212	67.9	96	78.2	200	53.2	97	73.1	13,181	77.7
	Total	492	77.3	217	83.4	473	63.5	261	79.2	28,590	82.0
Unemployed	Male	15	4.6	5	3.7	40	10.9	15	7.8	721	4.0
	Female	18	5.9	5	4.4	31	8.1	7	5.5	578	3.4
	Total	33	5.2	10	4.0	71	9.5	23	6.9	1,300	3.7
Not economically active	Male	30	9.1	11	8.2	55	15.0	18	9.0	1,765	9.9
	Female	82	26.2	21	17.4	145	38.6	28	21.4	3,195	18.8
	Total	111	17.5	33	12.6	200	26.9	46	14.0	4,960	14.2

Source: Calculations by BIBB (2011 Microcensus).

Table 7: Foreign nationals who have migrated to Germany and other German residents by region of origin, gender and number of fixed-term contracts of employment as a proportion of all contracts of employment

Contract of employment	Gender	Migrants								Other German residents	
		from EU states				from non-EU states				With qualification	
		Qualification abroad		Qualification in Germany		Qualification abroad		Qualification in Germany			
		000's	%	000's	%	000's	%	000's	%	000's	%
Fixed term	Male	31	15.0	9	9.6	43	18.6	24	17.0	909	6.9
	Female	29	16.5	12	15.3	34	19.3	14	16.9	1,017	8.5
	Total	60	15.7	22	12.2	77	18.9	38	17.0	1,926	7.7

Source: Calculations by BIBB (2011 Microcensus).

Foreign nationals who have migrated from non-EU states are less likely on average than all comparison groups to be in possession of a professional or vocational qualification. The likelihood that they will have obtained a qualification abroad is also significantly lower compared to foreign nationals who have migrated from EU-states (28.5 percent as opposed to 42.9 percent).

Foreign national migrants who are skilled workers are more likely than other German residents to be in possession of an academic qualifications (almost 40 percent compared to about 22 percent).

The employment behaviour of foreign nationals from EU-states is very similar to that of other German residents, and the former exhibit a higher propensity to seek employment than the latter in some cases. By way of contrast, the key indicators suggest that foreign nationals from non-EU states are less well integrated on the German labour market. Particularly those with academic qualifications from abroad seem to be less likely to be able to gain a foothold on the labour market.

Quality of employment

One key indicator that is often used for the quality of employment arrangements is the number of fixed-term contracts of employment as a proportion of all contracts of employment. Table 7 shows that foreign nationals who have migrated from non-EU states with a foreign qualification exhibit the highest proportion of fixed-term employment contracts (18.9 percent). Of foreign nationals who have migrated from EU-states and are also in possession of a qualification from abroad, only 15.7 percent are working under fixed-term contracts of employment. By way of comparison, the corresponding figure for other

German residents is only 7.7 percent. Nevertheless, extreme caution should be exercised in arriving at a conclusion regarding the quality of such employment arrangements on the basis of these key indicators, and reference should also be made to other key indicators.

A further indicator of the quality of employment arrangements is their scope in terms of time. A differentiation is drawn in this regard between full-time employment, part-time employment and employment in jobs in which only a small number of hours is worked each month and which are subject to flat-rate deductions. In the latter case, working time and wages are both limited by statutory provisions. According to Table 8, the differences between the various population groups tend to be small. An exception in this regard is formed by the group of foreign nationals who have migrated to Germany from non-EU states and who are in possession of a qualification acquired abroad. Only 66.2 percent of these persons are in full-time employment, whereas the corresponding figures for the comparison groups are between 73.9 percent and 78.7 percent. The rates for part-time employment fundamentally exhibit the same pattern, albeit in a form which is less marked. Such a pattern is even more clearly discernible in the case of employment in jobs in which only a small number of hours is worked each month. Foreign nationals who have migrated from non-EU states and who are in possession of a foreign professional or vocational qualification are comparatively likely to be employed under such arrangements (13.6 percent of cases). The lowest and highest rates in the comparison groups are 6.1 percent and 8.0 percent respectively.

Table 8: Foreign nationals who have migrated to Germany and other German residents by region of origin, gender and type of working time

Type of working time	Gender	Migrants								Other German residents	
		from EU states				from non-EU states					
		Qualification abroad		Qualification in Germany		Qualification abroad		Qualification in Germany		Qualification in Germany	
		000's	%	000's	%	000's	%	000's	%	000's	%
Full-time	Male	253	90.6	110	91.4	229	83.8	149	90.9	14,437	93.7
	Female	110	52.0	52	53.7	84	42.1	56	58.1	7,226	54.8
	Total	363	73.9	162	74.7	313	66.2	206	78.7	21,663	75.8
Part-time	Male	19	6.9	8	7.0	26	9.6	10	6.2	621	4.0
	Female	70	32.9	33	34.8	69	34.7	29	29.7	4,541	34.5
	Total	89	18.1	42	19.3	96	20.2	39	14.9	5,162	18.1
Employed for a small number of hours each month	Male	7	2.5	2	1.7	18	6.6	5	3.0	351	2.3
	Female	32	15.2	11	11.6	46	23.2	12	12.2	1,414	10.7
	Total	39	8.0	13	6.1	64	13.6	17	6.4	1,765	6.2

Source: Calculations by BIBB (2011 Microcensus).

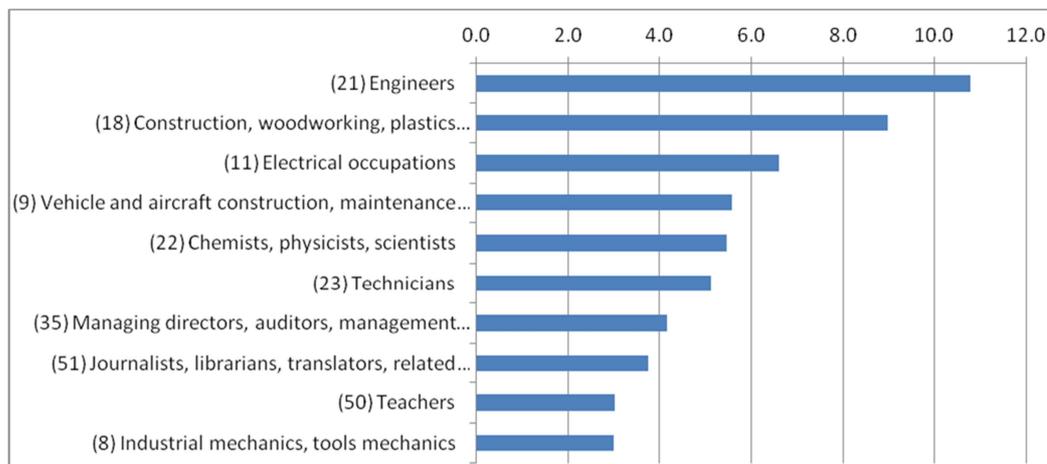
In conjunction with the high proportions of fixed-term contracts of employment discussed earlier, these figures consolidate the impression that the labour market integration of foreign nationals who have migrated from non-EU states with a qualification obtained abroad is discernibly more difficult than is the case for the comparison groups presented. This supposition is lent further support by the fact that the proportion of this population group employed in an unskilled capacity is well above average at 27.6 percent, about double the level in the comparison groups (no separate table).

The high proportions of fixed-term contracts and of employment in jobs in which only a small number of hours is worked each month together with the fact that the proportion of persons with unskilled status is well above average leads to the overall conclusion that labour market conditions are difficult for foreign nationals who have migrated to Germany from non-EU states with a foreign professional or vocational qualification. This finding is substantiated if account is taken of the comparatively low rates of employment of this population group.

Professions and occupations of skilled workers who have migrated from non-EU states with a qualification obtained abroad

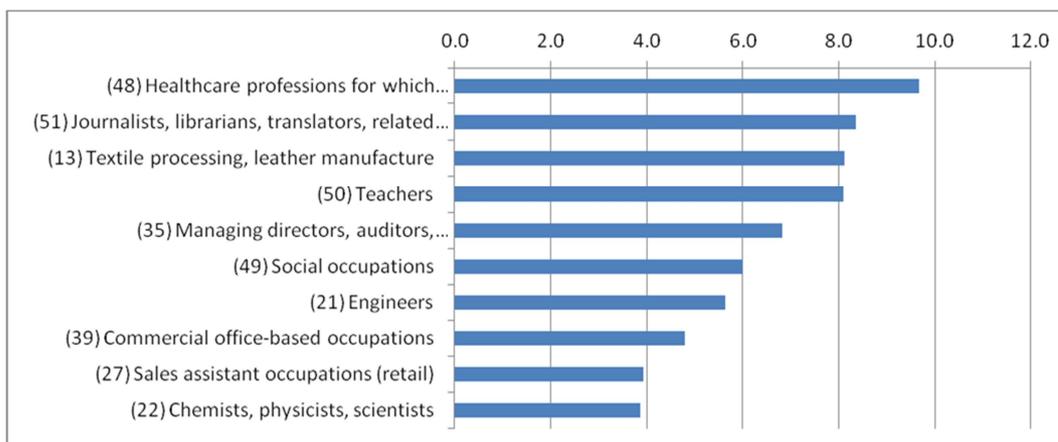
The specialist qualifications held by migrants are not the least of the factors that determine successful integration on the German labour market. Figures 14 and 15 show that there are very significant differences between men and women with regard to the professional and vocational qualifications they have respectively acquired abroad. Only five of the top ten male occupational fields appear in the top ten occupational fields for women. The ten most popular professional and vocational qualifications held by men include many from the areas of manufacturing and the craft trades. More than 10 percent of men are in possession of an engineering qualification, a profession which is much in demand in Germany. The most popular occupations amongst women are the healthcare professions for which no academic qualification is required. These also constitute a highly sought after occupational field on the German labour market.

Figure 14: The ten most popular occupational fields of qualifications acquired abroad (men)



Source: Calculations by BIBB (2011 Microcensus).

Figure 15: The ten most popular occupational fields of qualifications acquired abroad (women)



Source: Calculations by BIBB (2011 Microcensus).

In the case of many of the respective ten most popular professions and occupations, large proportions of skilled workers who have migrated to Germany are not employed in the professional or vocational field in which they originally trained. Whereas on average almost half of other German residents are working in a professional or vocational field that is in line with their original qualification, the corresponding proportion for foreign nationals who have migrated to Germany from non-EU states with a qualification acquired abroad is less than a quarter. On average, more than a third of foreign nationals

who have migrated from EU-states and who are in possession of a professional or vocational qualification obtained abroad are employed in their original professional or occupational field. Foreign nationals who have migrated to Germany and are in possession of a German professional or vocational qualification are almost as likely as other German residents to be working in a professional or occupational field that is in line with their qualification irrespective of country of origin (no separate table).

The situation of migrant skilled workers on the German labour market has been illustrated for the reporting year of 2011 on the basis of the Microcensus evaluations presented. It has been revealed that migrants from non-EU states are by some distance likely to be the least integrated group on the German labour market if they hold a professional or vocational qualification acquired abroad. In overall terms, they are less likely to be in employment, are more likely to have fixed-term contracts of employment and often hold part-time positions or jobs in which only a small number of hours is worked each month. Even if they hold a professional or vocational qualification, they are very likely to be employed in simple tasks or as assistants. In addition to this, there is an above-average likelihood that they will be working in professions or occupations that are not in line with their respective training. According to the key indicators presented, skilled workers from other EU countries are usually significantly better integrated into the German labour market.

3.1.2 Persons interested in seeking guidance from the point of view of the IQ counselling centres and the BAMF Recognition Hotline

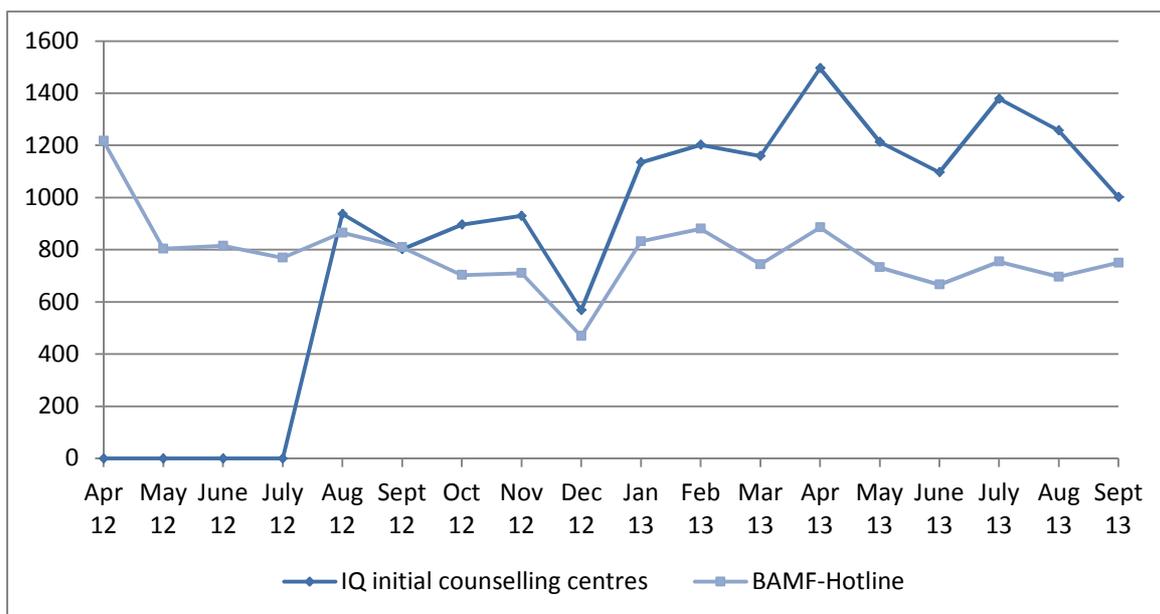
Data available from the IQ counselling centres and the BAMF Recognition Hotline (see dataset description in Annex A1) provides information on those interested in seeking guidance such as nationality and the reference occupations in respect of which they receive advice. Information is available for a total of 29,174 consultation cases. This, however, represents only a part of the whole of the guidance system since the surveys conducted by stakeholders such as the competent bodies, the labour administration bodies or migrant organisations are not included. Nevertheless, the available data is able to provide an insight into the structure and characteristics of those interested in seeking guidance and of potential applicants.

Figure 16 presents the guidance volume of the BAMF Hotline and of the IQ counselling centres over the course of time. Figure 17 shows the guidance volume of both areas of provision by European states and third countries, also over the course of time.

First consultations that took place during the reporting period from April 2012 to September 2013 are taken into account. An increase in the number of guidance cases for IQ counselling centres and European nationals is clearly discernible in April 2013. This particular point in time marked the anniversary of the Recognition Act, and awareness was raised by greater reporting in the media. This permits the conclusion that a higher level of reporting exerts a positive effect on the interest of potential applicants and that the result of efficient public campaigns may be that more people will learn of the opportunity of obtaining recognition for their professional or vocational qualification. This finding is also reflected in the usage figures for the online portal "Recognition in Germany" (status 31 September 2013). A clear rise in the number of page views was also recorded in April 2013 (just under 60,000). The guidance volume provided by the BAMF Hotline remains relatively constant over the course of time with a significant dip in December 2012. This drop, however, takes place across the board and is also revealed in the case of the IQ counselling centres, for European states and third countries and for usage figures on the online portal "Recognition in Germany". The reasons here are the public holidays that fall in December and associated holiday periods for both advisors and those interested in seeking guidance. The slight decline in guidance figures during the summer months is also probably due to holiday periods.

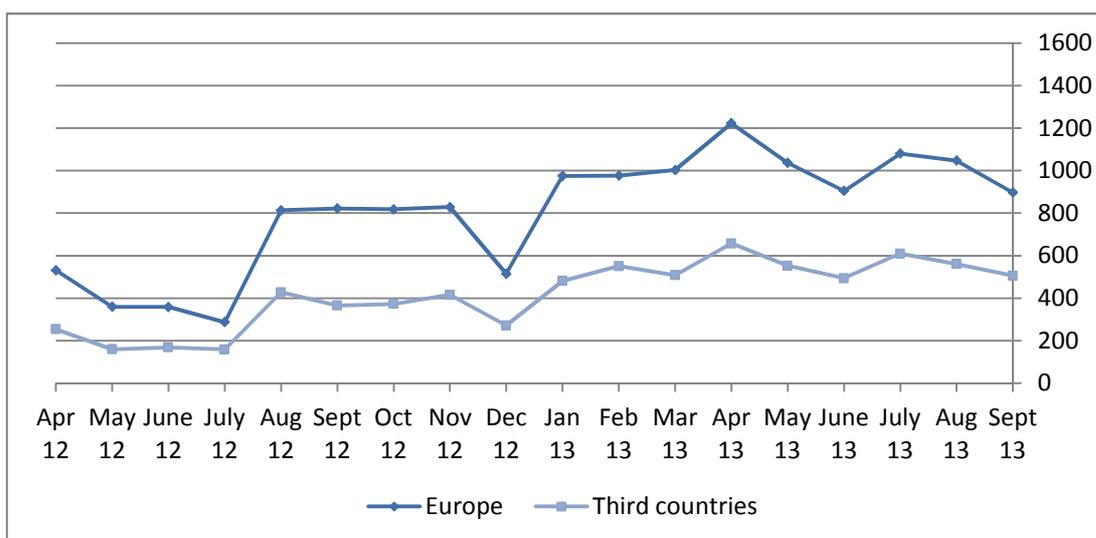
One conspicuous aspect is the fact that the progression of guidance volume for European and third country nationals runs almost in parallel. Although guidance figures for third country nationals are below those for European citizens at every stage, the pattern of development takes place in a similar fashion.

Figure 16: Guidance volume over the course of time by provision



Source: BAMF guidance data (1 April 2012 - 30 September 2013) and IQ guidance data (1 August 2012 - 30 September 2013), calculations by BIBB, n = 29,174.

Figure 17: Guidance volume over the course of time by nationality (Europe/third countries)



Source: BAMF guidance data (1 April 2012 - 30 September 2013) and IQ guidance data (1 August 2012 - 30 September 2013), calculations by BIBB, n = 29,174.

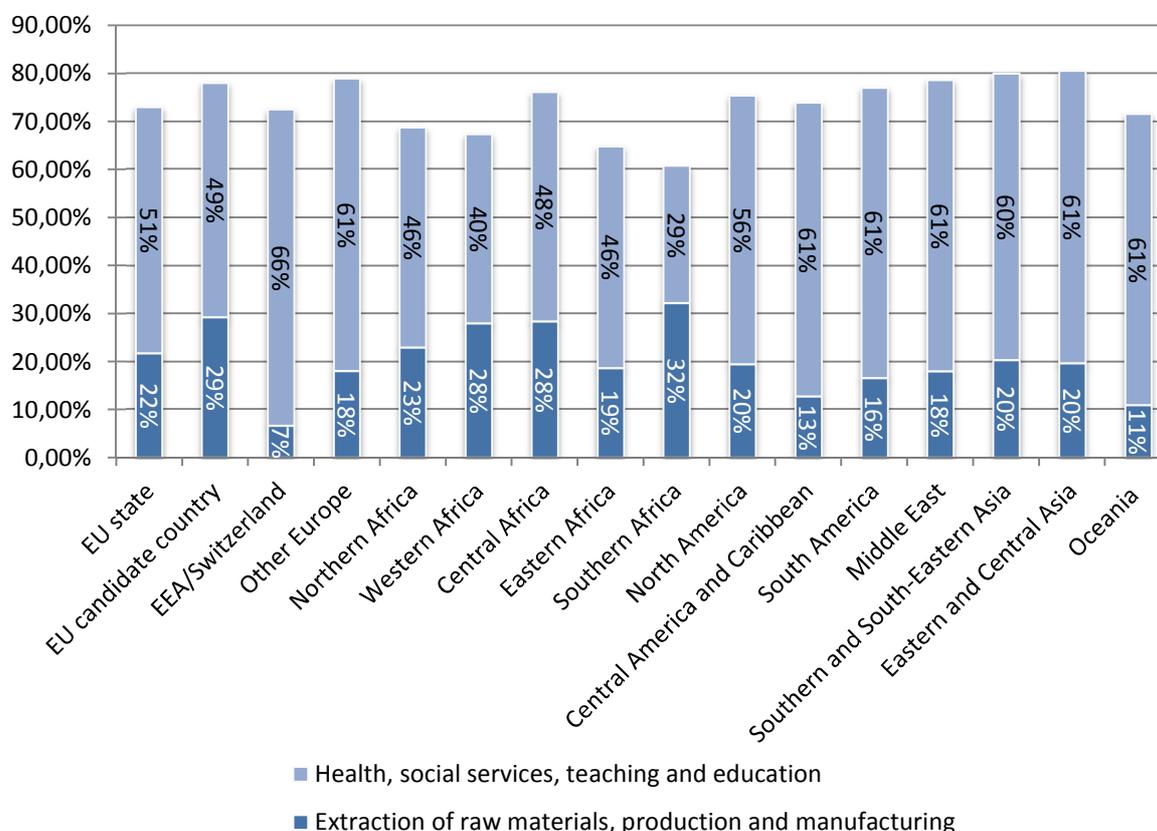
The age structure of those interested in seeking guidance shows that around 32 percent⁷⁰ of these persons are aged 30 or below. Around 72 percent are 40 years of age or younger. The average age in all regions of origin is between 30 and 39. The lowest figure of 30.5 years relates to the European Economic Area and Switzerland. The highest average age is 39 years for those from East and Central Asia. A consideration of occupational groups shows that average age for all groups is in the mid-thirties. The lowest average age of 34.1 years is found in the occupational area of “Science, geography and information technology”, whereas the highest average of 37.2 years is recorded in the field of “Health, social services, teaching and education”. This means that particular interest in a first consultation regarding recognition is shown by

⁷⁰ All percentage values here have been rounded. This means that in figures etc. some categories may add up to more than 100 percent.

persons who may have been in employment for a considerable period and who can help to secure a supply of skilled workers in Germany in the long run.

Figure 18: Guidance volume by country of acquisition of the qualification (UN geographical regions) and occupational area

Source: BAMF guidance data (1 April 2012 - 30 September 2013) and IQ guidance data (1 August 2012 - 30 September 2013), calculations by BIBB, n = 9,970.



35 percent of those interested in seeking guidance come from an EU-27 state, 9 percent from a European candidate country⁷¹ and approximately 22 percent from the rest of Europe⁷², the European Economic Area and Switzerland⁷³. This means that about two thirds of those interested in seeking guidance are European nationals when the first consultation takes place. 15 percent have German nationality. As already described in Part III Chapter 2, these are persons who have a foreign professional or vocational qualification and have already been naturalised. Other nationalities are distributed as follows: Middle East (9 percent), Southern and South-Eastern Asia (5 percent), South America (5 percent), North Africa (4 percent), Eastern and Central Asia (4 percent), North America (2 percent), Western Africa (1 percent), Eastern Africa (1 percent), Central America and Caribbean (<1 percent), Central Africa (<1 percent), Oceania (<1 percent), Southern Africa (< 1 percent)⁷⁴.

62 percent of those interested in seeking recognition from the IQ counselling centres and BAMF advisory bodies are female. Almost two thirds of these women (65 percent) obtain guidance on a reference occupation within the field of “Health, social services, teaching and education”. By way of contrast, 37 percent of men seek advice in this occupational field whilst another 37 percent are interested in guidance in the area of “Extraction of raw materials, production and manufacturing”. Women account for only 9 percent of advice in this occupational field.

71 Croatia, Macedonia, Montenegro and Turkey.

72 Albania, Bosnia and Herzegovina, Kosovo, Moldavia, Russian Federation, Serbia, Ukraine, Belarus, Andorra, Monaco, San Marino and Vatican City.

73 Iceland, Liechtenstein and Norway.

74 Division of the regions by Destatis specialist series and the geographical regions of the United Nations.

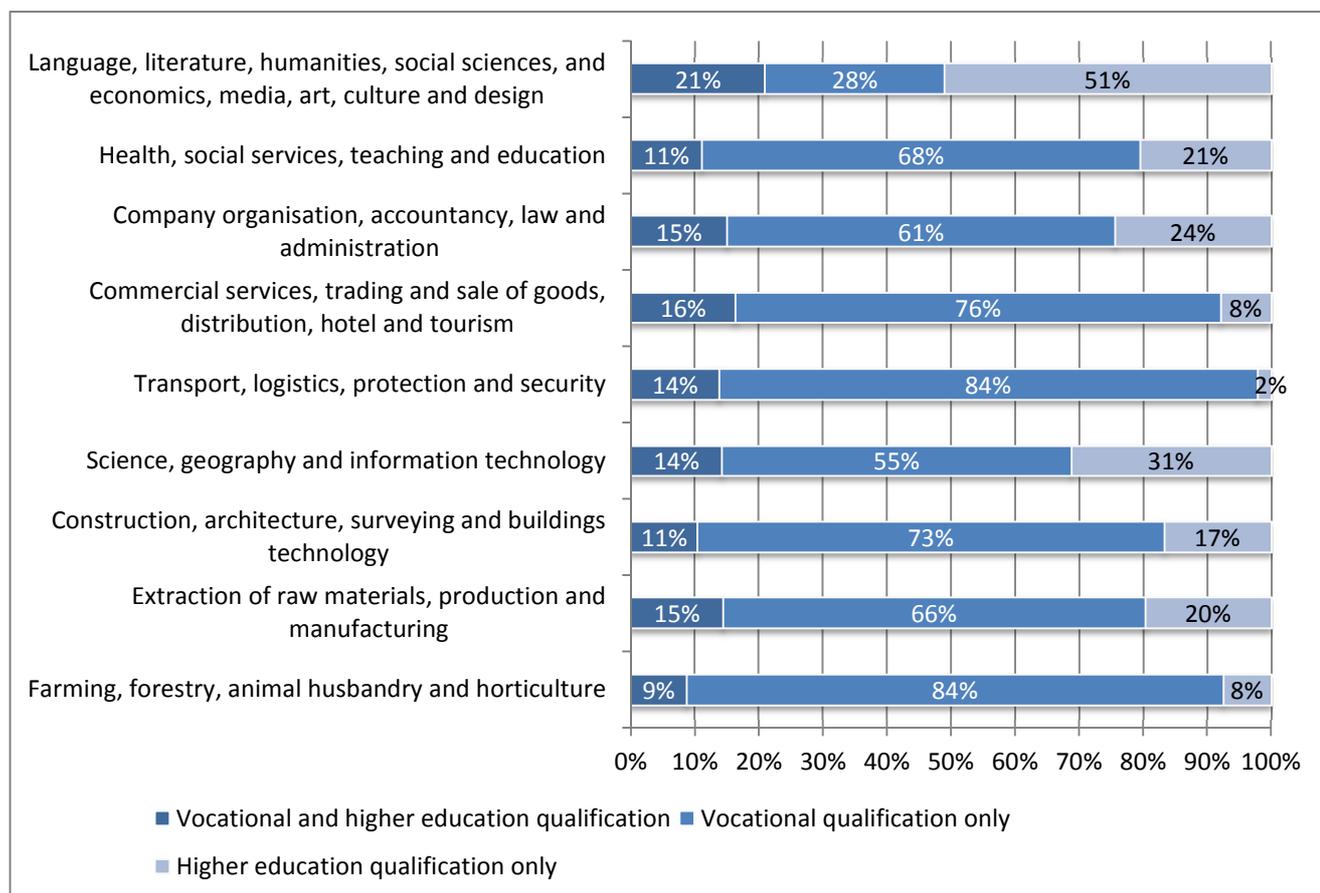
The occupational field in greatest demand in terms of guidance on professional and vocational qualifications is “Health, social services, teaching and education”, which accounts for a proportion of 56 percent. The high demand for advice in this area is also reflected in the large numbers of applications made in the healthcare sector (cf. III-2). Figure 18 shows the distribution in the two most popular occupational areas in which guidance is sought for persons with a professional or vocational qualification. It also shows that these two occupational areas make up at least half of guidance cases for each country of training.

If we consider persons with a higher education qualification, a differentiated picture emerges with regard to occupational areas. Although the field of “Health, social services, teaching and education” makes up a total of 52 percent and is the most frequently represented, this does not apply to all regions of qualification acquisition. Higher education qualifications from Central and Eastern Africa, for example, exclusively relate to the occupational areas of “Extraction of raw materials, production and manufacturing” and “Science, geography and information technology”. 100 percent of those interested in obtaining guidance and with a higher education qualification from Central America and the Caribbean also seek advice on a reference occupation from this area.

The most frequent nationalities in the occupational field of “Health, social services, teaching and education” are (in descending order): German (16 percent), Russian (10 percent), Polish (8 percent), Ukrainian (5 percent), Turkish (5 percent), Romanian (4 percent), Spanish (3 percent), Greek (2 percent), Hungarian (2 percent), Syrian (2 percent) and Indian (2 percent). In the area of “Extraction of raw materials, production and manufacturing”, the nationalities most frequently represented are: German (14 percent), Polish (9 percent), Turkish (9 percent), Russian (8 percent), Romanian (6 percent), Ukrainian (4 percent), Spanish (4 percent), Greek (3 percent), Iranian (3 percent), Indian (3 percent) and Bulgarian (2 percent).

Figure 19 shows the distribution of the types of qualifications in the occupational areas. In the two most popular fields of “Health, social services, teaching and education” and “Extraction of raw materials, production and manufacturing”, persons who are merely in possession of a vocational qualification account for 68 percent and 66 percent respectively. In all occupational areas, the strongest representation in the guidance process is from persons who hold a vocational qualification only, apart from in the field of “Language, literature, humanities, social sciences, and economics, media, art, culture and design”, where persons exclusively in possession of a higher education qualification are most likely to seek advice.

Figure 19: Guidance volume by type of qualification and occupational field



Source: BAMF guidance data (1 April 2012 - 30 September 2013) and IQ guidance data (1 August 2012 - 30 September 2013), calculations by BIBB, n = 18,876.

Table 9: The ten most popular reference occupations for guidance provided by the IQ counselling centres and the BAMF Hotline (persons whose place of residence is Germany and abroad)

Place of residence in Germany	in %	Place of residence abroad	in %
Teacher	23.6	Doctor	25.0
Registered general nurse	20.0	Registered general nurse	19.9
Nursery school teacher, state-recognised nursery school teacher	15.1	Engineer	18.5
Engineer	10.8	Teacher	9.3
Doctor	7.3	Dentist	7.5
Business economist	5.8	Physiotherapist	4.8
Office management clerk	5.7	Nursery school teacher, state-recognised nursery school teacher	4.4
Social education worker	4.3	Business economist	4.0
Electronics technician	4.0	Information technology specialist	3.6
Hairdresser	3.3	Dispensing chemist	2.8

Source: BAMF guidance data (1 April 2012 - 30 September 2013) and IQ counselling data (1 August 2012 - 30 September 2013), calculations by BIBB, n = 7,082.

In the case of the reference occupations most frequently identified in the first consultation, differences are discernible between those interested in seeking guidance who are resident in Germany and those interested in seeking guidance who are living abroad. Almost 88 percent of those interested in seeking guidance at the IQ counselling centres and the BAMF Hotline are resident in Germany. This means that the

“top ten occupations” identified for these persons are of more consequence. The user figures for the “Recognition in Germany” portal (cut-off date 30 September 2013) also reveal that more than half of the visits to the site are from Germany. An average of 43 percent of hits to the portal originate from abroad, and from the following countries in particular (stated in descending order of frequency): Russian Federation, USA, Spain, Poland, Netherlands, United Kingdom, India, Turkey and Italy. The distribution of the ten most popular occupations in first consultations is shown in Table 9. The top ten professions and occupations of persons whose place of residence is abroad account for a total of 68 percent of all reference occupations identified for this group. By way of contrast, the top ten professions and occupations⁷⁵ of persons whose place of residence is Germany account for only 48 percent of all reference occupations for this group. The remaining professions and occupations are then distributed across approximately 350 further occupations with proportions of 1.5 percent or smaller. Six out of ten of the most frequent reference occupations of persons whose place of residence is Germany are in the occupational field of Health, social services, teaching and education”. In the case of persons whose place of residence is abroad, the figure is as high as seven out of ten.

The “Recognition in Germany” portal differentiates between accessing occupational profiles in German and English. Many of the professions and occupations that are amongst the ten most frequent objects of first consultations are also indicated as the most popular by the figures for visits to the portal.

The occupational profiles most frequently accessed in German include the following (in descending order of frequency): teacher (21 percent), doctor (16 percent), engineer (15 percent), registered general nurse (13 percent), nursery school teacher (10 percent), business economist (6 percent), social education worker (5 percent), psychologist (4 percent), dentist (4 percent), information technology specialist (4 percent), geriatric nurse (4 percent). The frequency with which occupational profiles are accessed in English differs somewhat. In this case, the order of frequency is as follows: engineer (32 percent), doctor (16 percent), teacher (8 percent), information technology specialist (7 percent), dentist (6 percent), general practitioner (6 percent), consulting engineer (6 percent), registered general nurse (5 percent), dispensing chemist (5 percent), computer scientist (4 percent), architect (4 percent).

69 percent of persons interested in seeking guidance for whom such information is available (n = 7,811) have professional or occupational experience abroad, only 16 percent have professional or occupational experience in Germany. The average length of professional or occupational experience abroad (4.2 years) is longer than the average length of professional or occupational experience in Germany (3.3 years). About a fifth of persons (19 percent) have professional or occupational experience both abroad and in Germany.

68 percent of those interested in obtaining guidance (n = 8,891) are unemployed or seeking work at the time of the first consultation. This includes persons who have been recorded as unemployed, job seekers not in receipt of benefits, unemployed and in receipt of benefits pursuant to German Social Security Code II or III (SGB II or SGB III),⁷⁶ job seekers abroad or unemployed and in receipt of asylum seeker benefits. Almost half of these persons (45 percent) are in receipt of benefits in accordance with German Social Security Code II (SGB II). 52 percent of persons who have been living in Germany for a period of between one and two years are unemployed. Although the proportion of those who are unemployed falls as the period of residency becomes longer, it is revealed that the amount of persons in receipt of benefits pursuant to SGB II remains stable at between 30 and 40 percent. As the period of residency becomes longer, however, there is also an increase in the proportions of persons in employment who are subject to mandatory social insurance contributions without being in receipt of support in the form of SGB II benefits. Of persons who have been living in Germany for between one and two years, only 9 percent are in employment subject to mandatory social insurance contributions, whereas the corresponding figure for those who have been resident in the country for between 15 and 25 years is 26 percent. This proportion falls to 20 percent for those who have been living in Germany for longer than 25 years. If we consider the employment situation at the point in

⁷⁵ Both professions governed by federal state and by federal law are taken into account.

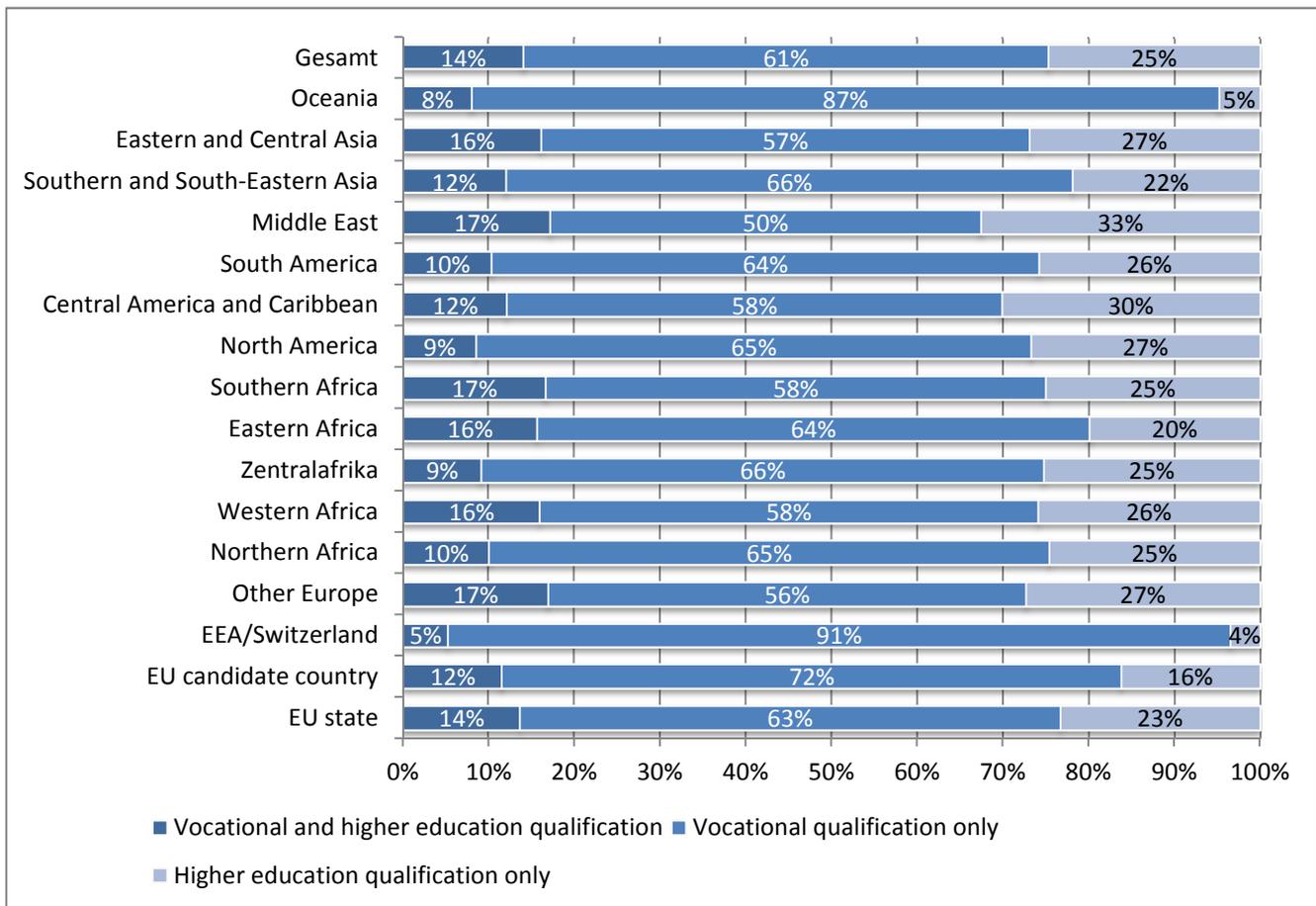
⁷⁶ SGB II benefits include “Class II” unemployment benefits, social welfare benefits and benefits for education and participation. They are aligned to the needs of the person entitled to receive benefits rather than to his or her earlier income from employment. SGB III benefits include unemployment benefits that are paid when a person becomes unemployed and are calculated on the basis of previous income from employment.

time when the first consultation takes place according to EU or third country nationality, it is noticeable that the rates of unemployment amongst those interested in seeking guidance who are from third countries are somewhat higher than those of their counterparts with EU-state nationality, the figures being 25 percent and 22 percent respectively. This means that approximately one in four third country citizens obtaining guidance from the advisory bodies is unemployed or a job seeker, whereas the same is true for only one in five EU nationals. 7 percent of EU citizens are in employment subject to mandatory social insurance contributions as opposed to 2 percent of third country nationals. The employment situation of citizens of third countries interested in seeking guidance thus appears to be somewhat worse than the employment situation of European nationals (cf. III-3.1.1).

More than half (52 percent) of persons interested in seeking guidance for whom information on length of residency is available (n = 15,955) have been in Germany for less than five years. The average period of residency is 7.3 years. It was possible to conduct guidance discussions in German with persons who had been living in the country for longer. This applies in 88 percent of guidance cases. 72 percent of persons interested in seeking guidance for whom such information is available (n = 17,118) are in possession of a certificate attesting knowledge of the German language. 93 percent of these are resident in Germany and six percent are resident abroad. This gives rise to the supposition that the relevant persons living in Germany at the time when the first consultation took place have already taken part in relevant language support provision prior to the first consultation. It is noticeable that more persons with a vocational qualification (64 percent) are in possession of such a certificate than persons with a higher education qualification (22 percent) or those who hold both types of qualification (14 percent). Another conspicuous aspect is the fact that approximately one third (31 percent) of persons with such a certificate have only been resident in Germany for a period of one to two years. Information on the type of professional or vocational qualification and on nationality is available for 75 percent of those interested in seeking guidance (n = 21,915). Figure 20 presents the distribution of types of qualification in the individual regions. The majority of those interested in seeking guidance (61 percent) is in possession of a vocational qualification only. 25 percent hold only a higher education qualification, and about 14 percent have both types of qualification. Persons from the European Economic Area and Oceania constitute exceptions in this regard. 91 percent and 87 percent of these persons respectively are in possession of a vocational qualification only. In all regions, the proportions of persons holding both types of qualification is 17 percent or less.

The average duration of training for a vocational qualification is 3.6 years. This means that this group of persons undergoes a shorter period of training than those in possession of a higher education qualification, in respect of which the average duration of training is 4.5 years.

Figure 20: Distribution of types of qualification of those interested in seeking guidance by regions (geographical regions of the UN)



Source: BAMF guidance data (1 April 2012 - 30 September 2013) and IQ guidance data (1 August 2012 - 30 September 2013), calculations by BIBB, n = 21,915.

The IQ counselling centres and the BAMF Hotline conducted a total of 29,174 consultations during the period from April 2012 and September 2013 in the case of the former and between August 2012 and September 2013 in the case of the latter.

On the basis of the available data, typical persons interested in seeking guidance may be described in the following terms. They are generally aged in their mid-thirties, originate from one of the EU-27 states and have been resident in Germany for a period of approximately seven years on average⁷⁷. They are in possession of a professional or vocational qualification from the area of “Health, social services, teaching and education” or from the area of “Extraction of raw materials, production and manufacturing” and speak good enough German to be able to conduct the first consultation in the language. Although they have already been able to gather professional or occupational experience abroad, they still run the risk of becoming unemployed or job seekers in Germany.

⁷⁷ About a third of those interested in seeking guidance have been living in Germany for less than two years. A total of 52 percent have been resident in Germany for up to five years.

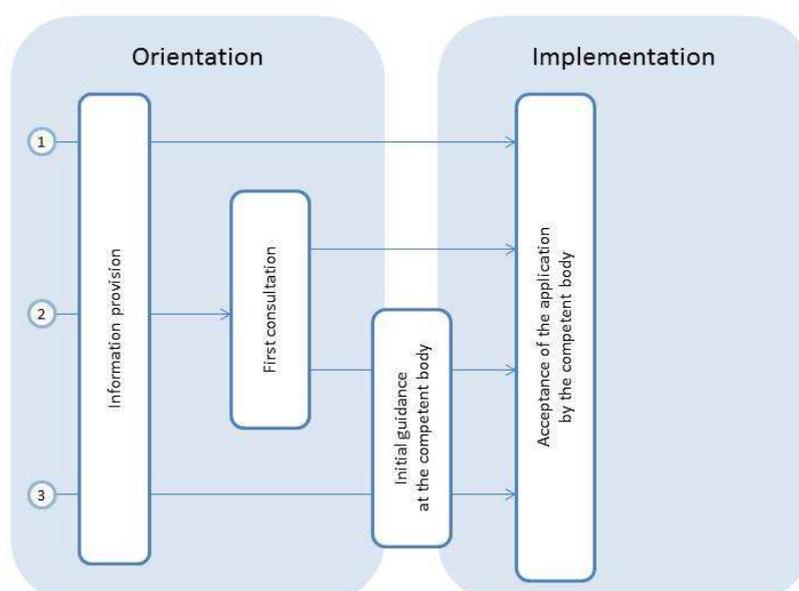
3.2 Information and guidance

3.2.1 Routes to recognition and guidance approaches

The aims of this section are to highlight in more detail the guidance provision offered by the initial counselling centres and the competent bodies within the scope of the Recognition Act and to outline the opportunities that may arise for those interested in seeking recognition from the point of view of the advisory bodies.

We will begin by presenting the role of guidance prior to submission of an application from the perspective of the initial counselling centres and the competent bodies. The advisors at these institutions offer initial orientation to those interested in seeking recognition. They provide particular assistance in seeking out the right competent body in each case, give information on the recognition procedure and lend support prior to the submission of an application.

Figure 21: Guidance prior to submission of an application



Source: Based on West German Association of Crafts and Trades (WHKT) initial guidance, representation and supplementary information by BIBB.

From the perspective of persons interested in seeking recognition, there are several routes to the submission of an application along which they can make use of information or guidance provision or a combination of the two (cf. Figure 21).

They are able to draw upon a broad spectrum of information provision, including such vehicles as the “Recognition in Germany” portal, the homepage of the IQ network, the anabin database or information services made available by the relevant competent bodies and other guidance institutions. There is also a multitude of institutions which are able to offer relevant information and assistance prior to submission of an application (see II-2). With regard to guidance on the Recognition Act, a differentiation is drawn between two types of provision. Alongside the “initial counselling centres”, which supply basic information and consultations on the Recognition Act, the competent bodies also offer so-called initial guidance on the recognition procedure.

1 Generally accessible information

Persons interested in seeking recognition may submit an application to a competent body for assessment of the equivalence of their qualification acquired abroad without any requirement to obtain guidance beforehand. Applications without preceding guidance are supported by the information portals which have been developed. This means that all necessary information on basic legal principles, professions and occupations, competent bodies and the procedure itself is publicly available to the interested parties.

2 Initial counselling centres

The initial counselling centres, in particular the advisory bodies operating within the IQ Funding Programme, external IQ advisory bodies, the BAMF Hotline and the Central Office for Foreign Education (ZAB) offer basic information to those interested in seeking recognition in the form of a first consultation. As well as providing information and guidance on fundamental issues concerning the Recognition Act, they also give “referral guidance”. The function of referral guidance is to point those interested in seeking recognition to the right competent body for their case. An application may then be submitted directly to the competent body in question or further more detailed guidance may be obtained.

3 Initial guidance

The competent bodies provide their own initial guidance to those interested in seeking recognition predominantly prior to submission of application. Not the least of the reasons why this service is provided is the fact that it constitutes a statutory guidance task that the competent bodies are required to make available within the administrative process (§ 25 Administrative Procedure Act, VwVfG). In the craft trades sector, the local chambers are responsible for guidance and equivalence assessment. In the chambers of commerce and industry sector, the local chambers offer initial guidance. The equivalence assessment is provided centrally under the auspices of the Foreign Skills Approval Competence Centre of the Chambers of Commerce and Industry (IHK FOSA)⁷⁸. In the field of the medical professions where academic qualifications are required and in the specialist healthcare professions, it is incumbent on the relevant federal state authorities to provide initial guidance and the equivalence assessment. The aim of this initial guidance is to inform potential applicants in advance about the recognition procedure, the legal foundations of the process and requirements regarding such matters as documentation to be submitted. The objective is to give tailored assistance so as to ensure that recognition of qualifications acquired abroad is as successful as possible.

Ideally, the first consultation and the initial guidance process will complement each other in such a way that the first consultation provides those interested in seeking recognition with fundamental orientation regarding their case, explains the recognition procedure and directs them to the right competent body. The initial guidance process can then follow on from this to offer more detailed, case-related advice and support those interested in seeking recognition in submitting their application.

Against the background of the multifarious guidance provision outlined thus far, the following section addresses the question of which information and/or guidance provision is actually used by those interested in seeking recognition prior to submitting an application.

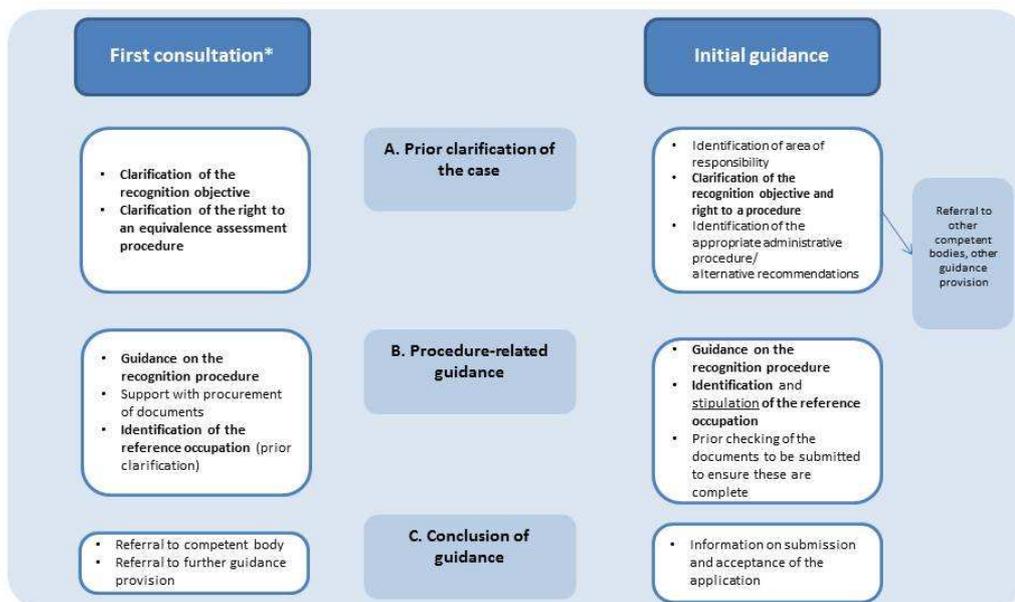
⁷⁸ In Wuppertal, Hanover and Braunschweig, the local chambers are responsible for initial guidance and the equivalence assessment.

Commonalities and differences in the guidance approaches of initial counselling centres and competent bodies

The initial aim is to outline the guidance approaches adopted by initial counselling centres and competent bodies before moving on to present commonalities or differences with regard to form or scope of guidance.

In the guidance provision offered by the initial counselling centres, delineation is made between a minimum standard (“MUST”) and further provision (“ADD ON”). Initial guidance is self-evidently designed as referral guidance. This means that, within the scope of the guidance, the aim is to identify the correct competent body which those interested in seeking recognition can contact with their case.

Figure 22: Typical guidance procedure and guidance approaches in the first consultation and initial guidance process (shown here: the chamber area)



* The guidance process in the first consultation depicted here relates to the obligatory part (“MUST”).
Source: Based on the WHKT guide and IQ interface paper, representation by BIBB.

Initial guidance at the competent bodies is designed on an individual basis in order to prepare for the procedure ahead. The competent bodies are required to provide guidance on applications and the procedure within the scope of their duty of support and care in the administrative process (§ 25 Administrative Procedure Act, VwVfG).

The guidance approaches of the initial counselling centres and the competent bodies can be described on the basis of a typical guidance procedure. Firstly, initial clarification of the case of the persons interested in seeking recognition takes place at both guidance institutions. This is followed by procedurally related guidance. The conclusion of the guidance comprises planning the next steps to be undertaken by those interested in seeking recognition with the aim of submitting an application for equivalence assessment (see Figure 22).

The guidance approaches are described in two central documents, which have been evaluated for the presentation below. Guidance within the scope of the initial counselling centres and delineation to other guidance institutions are described in the so-called interface paper of the IQ Network. A guide for the competent bodies was drawn up within the framework of the Prototyping Project.⁷⁹ This focuses on guidance in the chamber area and serves as a basis for initial guidance (cf. West German Association of Chambers of Crafts and Trades 2012).

⁷⁹ See information box in Part II Section 2.2.

In addition to this, the Recognition Monitoring Project carried out interviews with advisors from the initial counselling centres and competent bodies in order to highlight guidance practice from the perspective of the advisors in greater detail and to present commonalities and differences between the two guidance approaches.

A. Prior clarification of the case

First of all, within the scope of the first consultation and the initial guidance provided at the competent bodies, an exploration takes place as to which professional or occupational goals the persons interested in seeking recognition are striving to achieve and as to how they imagine their future working life⁸⁰. The fundamental focus of both the first consultation and initial guidance is on issues relating to successful utilisation of existing qualifications and integration into the labour market. Depending on which objectives are to be achieved, discussions take place with the persons interested in seeking recognition as to whether recognition in accordance with the BQFG or pursuant to the relevant specific legislation governing the professions is the productive procedure to adopt.

According to the advisors at both the initial counselling centres and the competent bodies, most persons interested in seeking recognition have clear goals in mind when they embark upon the guidance procedure. They wish to enter or re-enter a profession or occupation or else are focused on improving their current professional or occupational situation (e.g. obtaining a permanent contract of employment, moving to a better pay scale categorisation or entering further training or self-employment).

In seeking assessment of their qualification acquired abroad, many are also looking for personal recognition of their knowledge, skills and competences. They state that their motive is confirmation of their abilities and enhanced self-esteem.

Guidance at the initial counselling centres covers the whole spectrum of recognition procedures. It encompasses the whole range of regulated professions and non-regulated occupations governed by federal law, professions and occupations that are the responsibility of the federal states or governed within the scope of respective federal state legislation and opportunities for recognition for school-based and academic qualifications. Within the scope of the first consultation, therefore, clarification needs to take place as to the extent to which seeking a recognition procedure could be productive for the individual case at hand.

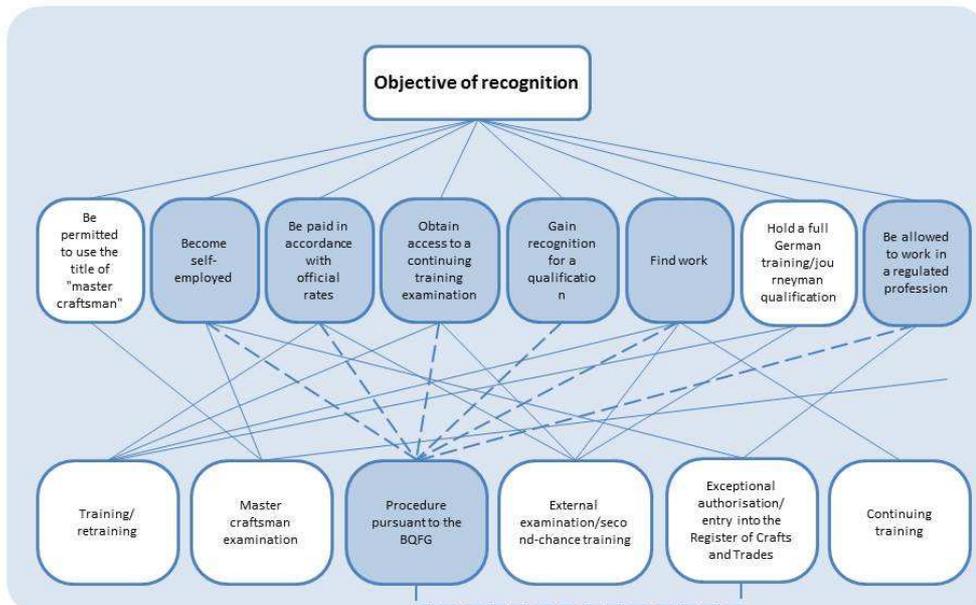
The prior clarification, first consultation and initial guidance processes initially investigate whether those interested in seeking recognition fulfil the prerequisites for a recognition procedure, i.e. whether they have a professional or vocational qualification acquired abroad. This is one of the central application requirements for an equivalence assessment. Qualifications which do not correspond to professional and vocational training in terms of scope and content are insufficient. Advisors give examples such as certificates obtained within the framework of further training courses which do not correspond to a recognised qualification. In addition to this, semi-skilled workers or unskilled workers with occupational experience are not eligible to submit an application (see III-3.3).

During initial guidance at the competent bodies, prior clarification is required in order to determine whether the case of persons interested in seeking recognition falls within the remit of the competent body in question. An investigation takes place as to whether the relevant qualification corresponds to a German reference occupation which is governed by the Federal Recognition Act and whether the recognition body approached is responsible for the occupation.

This is described as a major challenge by the competent bodies, since in the case of a not inconsiderable proportion of initial contacts it emerges that the qualification acquired abroad or the German reference

⁸⁰ Here and below, results are presented by guidance at the initial counselling centres and competent bodies. Where commonalities are ascertained, guidance provision at the initial counselling centres and the competent bodies are not explicitly differentiated. Differences are presented separately. Within the competent bodies, the chamber area and the competent bodies for federal state implementation (usually the Regional Councils) are presented in differentiated form. In areas where structural differences between the sectors of trade and industry and the craft trades exert effects on guidance provision, these issues are addressed.

Figure 23: Aims of recognition and routes to realisation



Source: Based on Kettner 2013 in accordance with the WHKT guide with the indication that the presentation makes no claim to be complete (footnote 81).

occupation sought does not fall within the area of responsibility of the particular competent body.

If the result of the prior clarification process is that the competent body approached is not responsible, referral guidance then takes place with the aim of informing persons interested in seeking recognition of the competent body which is responsible for their case. Alternatively, they may be referred on to a guidance agency able to provide a first consultation and basic advice.

Taking account of the individual goals which persons interested in seeking recognition wish to achieve and of areas of potential such as professional or occupational experience, the outcome of the guidance process may be that an equivalence assessment pursuant to the BQFG or the relevant specific legislation governing the professions is not productive.

In the chamber area, there is a further opportunity to access the labour market via multiple possible routes of second chance qualifications or commencing employment in the target occupation (cf. Figure 23). In its development of guidance for the advisors themselves, the chamber area has already taken account of the fact that referral may be made to alternative procedures, including within the scope of initial guidance (West German Association of Chambers of Crafts and Trades 2012, pp. 20 f.).⁸¹

⁸¹ Rainer Kenner: Initial guidance on recognition in accordance with the Professional Qualifications Assessment Act (BQFG), Berlin, 12 June 2013 IQ "Recognition" Group, unpublished presentation.

As the representation shows, there are numerous aims that may be pursued by persons interested in seeking recognition. The procedure in accordance with the BQFG enables a whole series of these objectives to be realised. Exceptions are the use of a master craftsman title and a certificate to show completion of German training or a journeyman qualification. It is clear that, besides the recognition procedure, these respective aims can also be achieved via different routes and by other means. If persons wish, for example, to become self-employed, they may complete a master craftsman examination or submit an application for exceptional authorisation or may become registered with the Register of Crafts and Trades (see below). Another example which makes it clear that the procedure according to the BQFG is just one of many possibilities is the aim of finding work or employment. Alongside the establishment of equivalence, this objective may also be realised via second chance training or retraining or by participating in relevant further training. In connection with the recognition of professional or occupational experience, reference is often made to the external examination.⁸² “Persons with vocational qualifications acquired abroad should therefore be individually advised whether a procedure for the establishment of equivalence or the external examination better suits their personal objectives and requirements. This advice is a central component of the initial guidance provided by the chambers of crafts and trades to persons interested in seeking recognition.” (Kramer/Witt 2012, p. 30).

Interviews conducted with the competent bodies in the chamber area confirm that reference is often made to the external examination during initial guidance. The external examination is the most frequently mentioned alternative procedure to the equivalence assessment. All interview partners confirm that they have also conducted consultations in this regard. The only variation between the chambers in this regard is the frequency with which guidance on the external examination is provided. This ranges from “occasionally” to “very frequently”. The interview partners constantly point out that, alongside relevant occupational experience, sufficient language knowledge also needs to be in place in order to take part in a final or journeyman examination because such an examination involves demanding written and oral testing in the German language.

Alongside the external examination, consultations on further training, advanced training and retraining courses all have a role to play at the chambers. The initial guidance advisors also provide information on opportunities for recognition within the scope of the Federal Expellees Act (cf. III-3.2.3).

In the craft trade sector, alongside the alternatives from the area of trade and industry already stated, reference is also made to the extensive regulations governing master craftsmen qualifications and to the further opportunities afforded by the Crafts and Trades Regulation Code (HwO). One alternative to the equivalence assessment that is frequently cited is application for exceptional authorisation for entry into the Register of Crafts and Trades pursuant to § 9 HwO⁸³.

The counselling centres also provide advice on the external examination if persons interested in seeking recognition who have the relevant occupational experience ask for advice, although the interview partners state that such a circumstance tends to be the exception. In such cases, they refer persons on to the chambers, e.g. to craft trades career guidance services or to the local chamber of commerce and industry. In addition, there are also reports of cases in which persons contact an initial counselling centre in agreement with the labour administration organisations in order to seek retraining rather than for the purpose of an equivalence assessment.

In the field of the medical professions where academic qualifications are required and in the specialist healthcare professions, the typical guidance process is somewhat different. Prior clarification of the case

⁸² The so-called external examination permits persons who have not completed dual training to take part in the regular final vocational training examination. In order to be admitted, relevant occupational experience or other learning achievements in the occupation in question need to be demonstrated. The admission procedure is conducted by the competent bodies, usually the chambers. The external examination is regulated in the Vocational Training Act (§ 45 Paragraph 2 BBiG) and in the Crafts and Trades Regulation Code accordingly (§ 37 Paragraph 2 HwO).

⁸³ Nationals of a member state of the EU, nationals of treaty states to the European Economic Area (EEA) or nationals of Switzerland may submit application for exceptional authorisation for entry into the Register of Crafts and Trades pursuant to § 9 HwO. The prerequisites for registration are demonstration of self-employment or a job as works manager in a relevant craft trade. In addition, it is also sufficient to demonstrate that relevant training has been completed abroad.

of the persons interested in seeking recognition only takes place to a limited extent. From the point of view of the advisors, such fundamental exploration of the situation is not necessary by dint of the fact that the case of the persons interested in seeking recognition is clearly delineable from the outset. They wish to obtain recognition as a doctor or registered general nurse. The question of responsibility does not usually need to be discussed further.

In response to follow-up questions, the interview partners reported that there were no corresponding alternative procedures in the healthcare sector (in particular the external examination) and that therefore no guidance on other recognition procedures took place.

B. Procedurally related guidance

Within the scope of procedurally related guidance, the first consultations and initial guidance processes focus on the specific recognition procedure in greater detail. The legal foundations and associated rights and duties of the persons interested in seeking recognition are explained, and the aim is to address the possible outcome of the equivalence assessment.

Initial counselling centres

The first consultation may take place in person at a counselling centre or by telephone⁸⁴. The provision of advisory services by telephone is a necessity in order to achieve the widest possible national coverage, especially for those interested in seeking recognition who are unable to visit the initial counselling centres in person because of the great distance from their place of residence. Within the scope of the first consultation, the advisory bodies offer general information on the recognition procedure, view the documentation of persons interested in seeking recognition and identify the German reference occupation. Alongside this, the initial advisors state that guidance is frequently provided on matters relating to costs and financing.

As well as basic guidance, the initial counselling centres also offer “procedural support” (“ADD ON”). This extends beyond the basic first consultation. The initial advisors assist those interested in seeking recognition in dealing with government authorities, support them in researching the documents requested and help to fill out the application. They also give guidance on integration into the labour market. If those interested in seeking recognition are already in possession of a notice, the initial counselling centres can provide advice on how any substantial differences identified can be offset, such as via compensation measures in the form of further training.

Within the scope of the interviews, it became clear that support is often provided with researching documents and filling in the application. The initial advisors describe that their objective is to delineate the German reference occupation as precisely as possible in order to enable those interested in seeking recognition to submit their application to the correct competent body. They endeavoured to ensure that applications could be rapidly processed at the competent body without any need to make additional requests for follow-up documentation from applicants.

According to the initial advisors, guidance was not often provided subsequent to a recognition procedure. It was revealed that those interested in seeking recognition very rarely contacted the initial counselling centre after the first consultation had been concluded.

Chamber area

The physical viewing of documents is of particular significance to the competent body since personal discussions with those interested in seeking recognition provide an opportunity to explore the objectives of the latter, the recognition procedure itself and existing documentation in detail.

⁸⁴ According to the IQ data, about 61 percent of advisory discussions are conducted in person. All other consultations (approximately 39 percent) take place either by telephone or e-mail (n = 15,074, see dataset description in Annex A1).

Stipulation of the German reference occupation is at the heart of procedurally related guidance. The point of reference is always current German vocational education and training, not the VET that was in place at the time when the foreign qualification was acquired. Identification of the reference occupation takes place with the agreement of those interested in seeking recognition.

In selecting the reference occupation, the primary goal will normally be to achieve identification of equivalence. The choice of reference occupation will be guided by where the best chances of successful equivalence lie. This is governed by the following.

- Degree of concurrence between the occupational profiles
- Previous occupational experience in cases where the foreign training exhibits substantial differences to the German training
- Consideration of the occupational activity to which the applicant aspires

With regard to the labour market relevance and national usability of equivalence decisions, it is essential to comply with the following order for the investigation of reference qualifications when selecting a reference occupation in the field of non-regulated occupations.

1. Training occupations in the dual system (governed by federal law)
2. School-based initial and advanced training occupations governed by federal state law
 - a. Occupations governed within the regulatory framework of the Standing Conference of the Ministers of Education and Cultural Affairs (KMK)
 - b. Other school-based initial and advanced training occupations governed by federal state law
3. Any chamber regulations that may apply⁸⁵.

The minimum requirements for initial guidance are a curriculum vitae and an original certificate, usually together with a translation. When viewing documents, the first task is to check for completeness. An investigation also takes place as to whether all parts have been translated. If documentation is not complete, the persons interested in seeking recognition are requested to obtain the necessary paperwork. Another purpose of viewing documentation is to provide reassurance to the relevant recognition body that it is indeed the agency responsible. In a small number of cases, advisors involved in providing initial guidance state that a more detailed investigation of the documentation reveals that a different body is responsible.

Within the scope of guidance given by the chambers of commerce and industry, the aim of advisors involved in providing initial guidance is to “clearly delineate” the reference occupation in order to minimise the amount of work needed at the IHK FOSA in order to arrive at an establishment of equivalence. Within this context too, it also emerges in a small number of cases that the body in question is not the agency responsible⁸⁶.

Alongside the qualification acquired abroad, consideration is also accorded to other evidence of competence (such as certificates relating to further training or retraining). In order to identify the German reference occupation, it is necessary from the point of view of the advisors involved in providing initial guidance to record occupational experience both in Germany and abroad. Particularly in cases where it is not possible quickly to establish a clear alignment to the relevant German occupational profile, occupational experience may serve as a basis for detailed determination of the relevant reference occupation. Occupational experience provides information on the operational areas of deployment in which a person has worked. These give an indication of whether the persons interested in seeking recognition have primarily worked in the industrial or craft trades sector, an aspect which in turn influences identification of the competent body.

Evidence of relevant occupational experience and other evidence of competence can also compensate for missing training contents. This enables the equivalence assessment to be anticipated by arriving at a more detailed idea of what the possible outcome of the recognition procedure will be. In the experience

⁸⁵ Cf. Federal Ministry of Education and Research 2012, p 23 and Working Group of the “Coordinating Departments” of the federal states, minutes of the 5th meeting held on 23 April 2013.

⁸⁶ The IHK FOSA application statistics show that 10 percent (n = 307) of applications received were “referred onto other bodies on the grounds of wrong area of responsibility” (IHK FOSA 2013, p. 2).

of the advisors involved in providing initial guidance, most training courses completed abroad are school based. Against the background of the approach adopted within the dual training system and the associated linking of theoretical and practical learning within the framework of company-based training and training at vocational school, it is frequently the case that practical elements of training in particular are absent from training courses completed abroad as opposed to German VET. These deficits, which in the case of the equivalence assessment may be identified as substantial differences, may be offset by occupational experience when equivalence is investigated.

Competent bodies in the field of the medical professions where academic qualifications are required and in the specialist healthcare professions

Guidance provided by the competent bodies in the area of “medical professions where academic qualifications are required” and in the “specialist healthcare professions” is essentially restricted to procedurally related advice. Guidance takes place on a face-to-face basis or by telephone, although there are reports of many guidance cases in which the competent bodies are contacted by e-mail from abroad by persons interested in seeking recognition. In such instances, the relevant documents are exchanged by e-mail.

The main focus of the guidance is on information on the equivalence assessment within the scope of the issuing of authorisation to practise and the documentation to be submitted in this regard. The latter includes information on certification, translation and possible appraisals of the documents. It is also pointed out that in some cases those interested in seeking recognition need to provide so-called security for the drawing up of such a report (see III-3.5.1). In addition to this, the advisors notify applicants of (possible) compensation measures which may be imposed following the equivalence assessment. Subsequent guidance in this regard is often provided after the notice has been issued.

The advisors describe that those interested in seeking recognition frequently arrive with completed equivalence assessment applications or that guidance is structured along the lines of the application.

The competent bodies point out that guidance for persons interested in seeking recognition with a qualification from a third country is more involved than guidance for persons from the EU with automatic recognition pursuant to the EU Directive.

C. Conclusion of guidance

Following guidance at the initial counselling centres, persons are referred to the relevant competent bodies for the purpose of submitting an application or to receive further advice. From the point of view of the guidance agencies able to provide a first consultation, further guidance is only useful in chamber occupation areas. In some occupational groups, such as the electrical occupations in both the trade and industry and craft trade sectors, there are content overlaps which make precise determination of the reference occupation difficult. With regard to these occupational groups, specialist guidance as to which reference occupation may come into question is of significance (see III-3.2.2).

In occupational fields where responsibility seems to be clear, the main areas stated here being the medical professions where academic qualifications are required, the specialist healthcare professions and the professions of nursery school teacher, engineer and teacher, it is not necessary to refer applicants on to the competent body for the purpose of further guidance.

Following procedurally related advice within the scope of initial guidance, the competent bodies provide information on the party to which the application for an equivalence assessment should be directed. In the case of the chambers of crafts and trades, this is generally the advisors involved in providing initial guidance, who are also responsible for the equivalence assessment. In the field of trade and industry, those interested in seeking recognition submit their application to the IHK FOSA.

At the chambers of crafts and trades, the application for an equivalence assessment is usually completed during the guidance procedure itself. The advisors involved in providing initial guidance at the local chambers in the trade and industry sector assist those interested in seeking recognition with the completion of their applications.

These are then submitted to the IHK FOSA.

The guidance approaches and feedback received from the interviews show that the initial counselling centres and the competent bodies in the chamber area pursue a comprehensive approach towards providing guidance which extends beyond purely procedural advice.

The initial counselling centres offer information and guidance provision for a wide range of groups of persons wishing to obtain recognition of their professional or vocational qualification. The main challenge in the field of the non-regulated occupations is guidance on the reference occupation.

Initial guidance at the competent bodies is restricted to groups of persons who are able to demonstrate that they hold a relevant foreign qualification within the respective area of responsibility. For those interested in seeking recognition who have acquired relevant qualifications and further occupational knowledge, skills and competences in the area of responsibility, the competent bodies in the chamber area offer comprehensive educational and training guidance.

The picture produced by the descriptions given by the advisors involved in providing initial guidance in the chamber area is that guidance exhibits a high degree of standardisation and homogeneity regarding processes, contents and scope. Initial guidance extends well beyond purely procedurally related advice, particularly in the way in which it includes alternative opportunities. This applies equally to the chambers of commerce and industry and the chambers of crafts and trades.

Consideration of occupational experience is viewed as essential by the advisors involved in providing initial guidance. Systematic identification of the occupational experience of those interested in seeking recognition prior to the submission of an application increases the prospects of success and of a positive equivalence assessment.

Initial guidance at the competent bodies in the field of the medical professions where academic qualifications are required and in the specialist healthcare professions is largely restricted to guidance to prepare applicants for the procedure and for the equivalence assessment in particular (since unlike in the non-regulated occupations, no comparable alternatives such as the external examination are available).

In overall terms, first consultations and initial guidance are revealed to be a major means of support for those interested in seeking recognition and exert a positive influence on the quality and duration of the procedures and on the prospects of success.

3.2.2 Points of access and referrals to first consultations

The documentation on guidance cases produced by initial counselling centres in the IQ Funding Programme and by the BAMF Hotline enables us to present how persons interested in seeking recognition became aware of the guidance institutions.

This section uses data from the initial counselling centres and from the BAMF Hotline and information gathered from the interviews with the initial counselling centres. As presented in Part III Section 3.1.2, a total of 29,174 persons interested in seeking recognition (cut-off date 30 September 2013) received advice from the initial counselling centres and the BAMF Hotline within the scope of the guidance process.

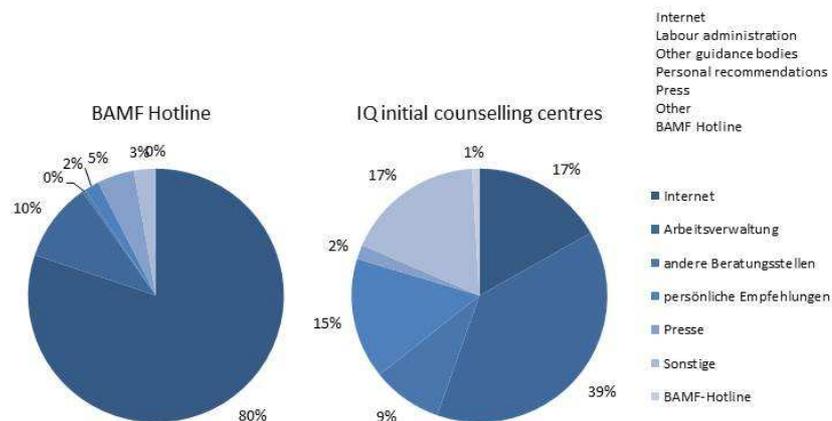
Data documented by the guidance agencies able to provide a first consultation includes aspects such as how those interested in seeking recognition became aware of initial guidance or by which institutions they were referred to the initial counselling centre (see Figure 24).

The BAMF Hotline is mainly contacted by persons interested in seeking recognition who have become aware of the service online. One fifth of Internet users found their way to the hotline via the “Recognition in Germany” portal. Smaller numbers of persons came to use the hotline via indications from the labour administration organisations or the press or via personal recommendations. Virtually no role is played by other advisory bodies such as migration advisory centres, the Youth Migration Services or autonomous migrant organisations.

A completely different picture with regard to points of access for persons interested in seeking recognition is revealed in the case of the initial counselling centres within the IQ Programme. The highest rate of instances of points of access to initial counselling centres is recorded by the labour

administration organisations, whereby Job Centres make up a higher proportion compared to the employment agencies. Almost one fifth of those interested in seeking recognition access initial guidance via the Internet. 8.8 percent of all instances of Internet access were from users of the “Recognition in Germany” portal. A not insignificant proportion of instances of access to initial guidance takes place via mouth-to-mouth propoganda via family, friends and acquaintances or within the scope of language courses. Other guidance institutions, in particular migration advisory centres, the Youth Migration Services or autonomous migrant organisations, also play only a minor role in this case. Referrals to the initial counselling centres from the BAMF Hotline were also explicitly included within this context. The relevant proportion here is one percent and should be viewed as very low. This indicates that the BAMF Hotline and the initial counselling centres should each be seen an independent form of provision, and very few persons interested in seeking recognition will avail themselves of both services. Other forms of access not further specified account for just under one fifth of the total.

Figure 24: Access to first consultation (BAMF Hotline and IQ initial counselling centres)



Source: BAMF and IQ guidance data, BIBB calculations. BAMF Hotline n =14,100 and IQ initial counselling centres n =15,074.

A significant difference is revealed in comparison to the two bodies providing first consultations. Whereas contact with the BAMF Hotline is mainly initiated by information provision on the Internet, in the case of the initial counselling centres referrals often comes from other advisory institutions. If the figures for institutions such as labour administration organisations, other advisory bodies and referrals from the BAMF Hotline are collated, it is shown that just under half of persons interested in seeking recognition have found their way to the guidance institutions via other points of contact. Only ten percent of instances of access to the BAMF Hotline take place via referrals from other initial advisory bodies.

Instances of access from the “Recognition in Germany” portal to the BAMF Hotline and the initial counselling centres also differ. Whereas those interested in seeking recognition use the portal to contact the BAMF Hotline on a relatively frequent basis, the proportion of instances of access from the portal to initial counselling centres tends to be low. Against this background, an investigation should take place as to the extent to which indications of the regional guidance provision offered by the IQ Network should be placed in a more visible manner in the portal.

Information from interviews with the advisory bodies

The interviews with the initial counselling centres also provide indications of points of access of persons interested in seeking recognition and of placement pathways via other institutions.

According to information provided by the advisory bodies, the influx from labour administration organisations has been continuing to increase recently since the employment agencies and Job Centres have greater awareness of the topic and may also, where applicable, encourage customers with relevant qualifications acquired abroad to avail themselves of the guidance services of the initial counselling centres within the scope of a so-called integration agreement⁸⁷.

In some regions, “representatives for recognition issues” were appointed at migrant organisations in order to provide support for the topic of recognition and offer assistance to those interested in seeking recognition. Their tasks are to provide information to persons interested in seeking recognition and to direct them onto guidance agencies able to provide a first consultation. They also offer assistance as translators and with dealing with government authorities. If no “representatives for recognition issues” are available locally and the topic of professional and occupational recognition is not offered by the migrant organisations themselves, advisors from the initial counselling centres are used.

The advisors from the bodies providing first consultations report that, although referral guidance from competent bodies to institutions able to provide a first consultation does take place, such instances are rare. One frequent reason for such a referral is that those interested in seeking recognition have not contacted the right body in regard to their situation. It may also be the case that the competent body refers them onto an advisory body if there are further guidance issues which extend beyond the actual procedure. Aspects stated include general questions on occupational development and questions which relate to participation in language courses, to further qualification opportunities or to the financing of the costs of the equivalence assessment.

A further point of access to a first consultation is self-marketing. Individual initial counselling centres are conducting “group guidance events”, which are, for example, staged at migrant organisations or within the framework of language courses. According to the advisors, enquiries from persons interested in seeking recognition were more likely to be received in the wake of these events.

Because the documentation on first consultations does not survey which steps are taken by those interested in seeking recognition following the conclusion of guidance, their routes through the recognition system cannot be fully reconstructed.

The BAMF Hotline is most frequently contacted on the basis of information available online. In most cases, the services offered by the initial counselling centres are sought out following an indication given by the labour administration organisations.

The data of the advisory bodies relating to access by persons interested in seeking recognition enables two aspects to be highlighted. Firstly, guidance agencies able to provide a first consultation are both a first point of contact for those interested in seeking recognition and host advisory bodies, to which referrals are made by other institutions (such as the labour administration organisations). Secondly, in terms of its spectrum of tasks, the BAMF can be seen as a guidance agency able to provide a first consultation.

Referrals from first consultations

As already presented above, the first consultation is designed as referral guidance. Alongside the basic advice given as outlined, it aims to help those interested in seeking recognition to find the right competent body.

The routes taken by persons interested in seeking recognition following completion of the first consultation are described by the advisors as a “black box”. There is no secure information regarding

⁸⁷ Integration agreements are concluded between the labour administration organisations and recipients of benefits (in particular Class II unemployment benefits). The duties of both contractual partners are stipulated, goals are defined and measures for integration into the labour market are agreed.

whether those interested in seeking recognition are referred onto the competent bodies for the purpose of further initial guidance or to which bodies they are referred, no secure information on whether they submit a direct application for equivalence assessment, i.e. without seeking prior guidance, and indeed no indication of whether they continue to pursue recognition of their professional or vocational qualification at all. The bodies providing the first consultation state that they do not receive any feedback from the competent bodies regarding applications or the results of equivalence assessments. Feedback from persons interested in seeking recognition tended to constitute an exception. There was thus no way of judging whether an application had met with a positive response or not. Feedback was more frequently received from persons interested in seeking recognition who had submitted an application in the area of the regulated professions and had had compensation measures imposed on them.

Two of the five bodies providing first consultations carry out destination studies in order to understand the routes taken by persons interested in seeking recognition after guidance, the status of the application or where support can still be provided if required.

In response to the question as to how many of their persons interested in seeking recognition go on to submit an application after the completion of guidance, three of the five bodies providing first consultations interviewed estimate that around half continue to pursue recognition. One body providing first consultations reports that virtually all of those interested in seeking recognition made an application.

According to the estimates of individual bodies providing first consultations, about half of persons interested in seeking recognition in the chamber area were referred on for initial guidance. The main focus here was on reassurance regarding the target reference occupation.

With regard to questions on the reference occupations, it could be the case that the bodies providing first consultations communicated directly with the chambers without the persons interested in seeking recognition having to contact them. In such cases, issues requiring clarification were discussed by telephone or e-mail thus enabling the persons interested in seeking recognition to submit their application speedily.

Some initial counselling centres have made division of labour arrangements with the local chambers. In one region, for example, an agreement was reached whereby the local chambers would take direct responsibility for persons interested in seeking recognition who come directly from the world of work and who can therefore be categorised as cases which do not tend to present problems.

The IQ counselling centres then took care of persons interested in seeking recognition who had been referred by the labour administration organisations and who require more extensive advice in areas such as financing.⁸⁸

The initial counselling centres do not have any systematic knowledge of the destination of persons interested in seeking recognition following guidance.

Referrals to the initial guidance services of the competent bodies are mainly made in the chamber area, i.e. in the case of non-regulated occupations. Usually, the main focus here is on reassurance regarding the reference occupation.

According to the estimations of the initial counselling centres, at least half of all persons interested in seeking recognition who have received advice within the scope of the guidance process go on to submit an application for recognition. An application is more likely to be made in the regulated area than in the non-regulated area.

⁸⁸ Initial survey results within the scope of a destination study undertaken in Hamburg show a positive response on the part of persons interested in seeking recognition who had availed themselves of a first consultation and gone through the recognition procedure. According to persons in possession of full or partial equivalence, the notice is important for their labour market integration. Guidance is accorded a high degree of significance in respect of the success of the recognition process (cf. Brussig et al. 2013).

3.2.3 Initial guidance services provided by the competent bodies

Similarly to in the case of the bodies providing first consultations, documentation of guidance in the chamber area is structured in a case-related way. The form of documentation may vary from chamber to chamber in terms of scope and degree of detail. Nevertheless, common elements are revealed in the case of all respondents. These are as follows.

- Socio-demographic information on persons interested in seeking recognition (e.g. year of birth, gender, nationality, information on qualification acquired, country of training)
- Information on the nature and duration of contact (e.g. date of enquiry, enquiries from abroad, types of consultation (telephone, written or face-to-face), number of contacts and meetings)
- Status of guidance (e.g. which documents still need to be submitted)
- Outcome of guidance (e.g. reference occupation identified, referral to another (competent) body)

In the case of the chambers, the interviews revealed that the extent and purpose of the documentation are dependent upon the respective organisational model.

In the craft trade sector, where initial guidance and the equivalence assessment form a unit in terms of human resources and organisation, guidance cases are extensively documented because the chambers of crafts and trades collect all essential documentation during the guidance process and record information on individual cases for the equivalence assessment. The documentation is also used to report to the official statistics. In some cases, use is made of the checklists from the Prototyping Project (cf. West German Association of Chambers of Crafts and Trades 2012). This is, for example, also stipulated for recording the language competences of persons interested in seeking recognition and for documenting consultations on other alternative procedures.

Within the scope of the initial guidance provided at the chambers of commerce and industry, guidance cases are predominantly documented for the purpose of tracking. Because, with the exception of the chambers named above (cf. II-2), the IHK FOSA is the competent body, it is also incumbent on the latter to submit reports for the official statistics. This means that the local chambers produce less extensive statistics. The documents sent in by persons interested in seeking recognition are not, for example, retained after completion of guidance. According to information provided by themselves, the chambers of commerce and industry are not required to do so within the scope of guidance provided at a local level.

Although the chambers of commerce and industry also offer guidance on alternative procedures, such procedures are, according to the advisors, not documented. The only exception is applications that relate to the Federal Expellees Act (BVFG). Within the framework of an ongoing survey, the Association of German Chambers of Commerce and Industry (DIHK) collects data on the amount of initial guidance, the number of consultations that relate to the BVFG and instances of referral guidance to other bodies. The volume of guidance at the local chambers can be presented on the basis of this information. The German Confederation of Skilled Crafts (ZDH) conducted a survey of initial guidance provided at the chambers of crafts and trades during the period from April 2012 to February 2013. In order also to be able to map the period from March 2013 to August 2013, the ZDH carried out a further survey in conjunction with BIBB.

From the point of view of the chambers, documentation of initial guidance is significant for the following reasons. Firstly, guidance services provided by the competent bodies are not an object of the official statistics pursuant to § 17 BQFG since such statistics only record recognition procedures once an application has been submitted (cf. III-2). Secondly, take-up of initial guidance shows how likely persons interested in seeking recognition are to obtain information on the equivalence assessment. In order to present the whole of the service provided by the chambers and thus complete the picture, consultations prior to, during and after a recognition procedure need to be taken into account. In addition to this, guidance provided by the chambers in the lead-up to an application is also ascribed a political significance.

“The whole of the advisory services provided prior to submission of application would otherwise not appear at all.”

Scope of initial guidance at the competent bodies

Alongside volume of applications, ongoing procedures and notices issued, the take-up of guidance at the competent bodies is an important indicator in terms of evaluating the implementation of the Recognition Act. Prior to the submission of an application, take-up of initial guidance more or less indicates specific interest in the recognition of foreign qualifications.

Data is available for a total of over **22,000 initial consultations conducted in the chamber area** (chambers of commerce and industry and chambers of crafts and trades).

Table 10: Initial consultations in the chamber area

Survey period*	Chambers of Commerce and Industry				Chambers of Crafts and Trades			
	1	2	3	4	5	6	7	8
	01.04.2012- 31.12.12 (9 months)	01.01.2013- 17.07.2013 (6½ months)	Total	Proportion** column 2 of 1 in percent	01.04.2012- 28.02.2013 (11 months)	01.03.2013 - 30.08.2013 (6 months)	Total	Proportion** column 6 of 5 in percent
Baden-Württemberg	735	447	1,182	-16	1,992	934	2,926	-14
Bavaria	827	361	1,188	-40	1,402	808	2,210	6
Berlin	369	197	566	-26	283	270	553	75
Brandenburg	6	0	6	-100	158	69	227	-20
Bremen	26	16	42	-15	107	61	168	5
Hamburg	234	89	323	-47	419	167	586	-27
Hessen	165	284	449	138	1,331	710	2,041	-2
Mecklenburg-Western Pomerania	0	6	6		7	8	15	110
Lower Saxony	249	521	770	190	425	116	541	-50
NRW	874	762	1,636	21	1,952	987	2,939	-7
Rhineland Palatinate	62	21	83	-53	554	211	765	-30
Saarland***	-	-	-	-	283	36	319	-77
Saxony	39	14	53	-50	278	140	418	-8
Saxony-Anhalt	13	26	39	177	62	62	124	83
Schleswig-Holstein	30	10	40	-54	269	119	388	-19
Thuringia	3	5	8	131	30	6	36	-63
Total	3,632	2,759	6,391	5	9,552	4,649	14,256	-10

* In interpreting the data, account needs to be taken of the differing survey periods in the areas of the chambers of commerce and industry and chambers of crafts and trades.

** The proportion shows the development of volume of guidance. This is formed by taking the difference between the average monthly volume of guidance for the first and second survey period. Positive proportions indicate that more consultations were conducted on average during the second survey period than during the first. By the same token, negative proportions show that the volume of consultations has reduced during the second survey period as compared to the first.

* No information received for the commerce and industry sector in this federal state.

Data sources: DIHK special evaluation of the archive and documentation system for recognition consultations, cut-off date 17 July 2013. ZDH survey cut-off date 28 February 2013 and ZDH/BIBB survey on initial guidance, cut-off date 30 August 2013, own calculations.

Almost 6,400 initial consultations have been documented at the chambers of commerce and industry since April 2012⁸⁹. More than 14,200 initial consultations have been conducted in the craft trades area (see Table 10)⁹⁰. In addition to initial consultations relating to the BQFG, the chambers of commerce and industry conducted more than 1,400 referral consultations to other bodies and about 200 consultations in connection with the Federal Expellees Act (BVFG).

No data on initial guidance was collected in the case of the medical professions where academic qualifications are required and the specialist healthcare professions.

In the field of commerce and industry, the chambers in three federal states each carried out in excess of 1,000 initial consultations. In North Rhine-Westphalia, the figure was even over 1,500 consultations. In the craft trades area, the largest volume of guidance was recorded in North Rhine-Westphalia and in Baden-Württemberg. Approximately 3,000 initial consultations took place in both of these federal states. More than 2,000 consultations were conducted in both Bavaria and Hessen.

In the trade and industry sector, the volume of guidance rose slightly in 2013 as compared with 2012 (cf. Table 10, Column 4). This is mainly due to strong increases in North Rhine-Westphalia, Lower Saxony and Hessen, whereas the volume of guidance is in decline in some other federal states.

In the craft trades area, a slight decline in the volume of guidance can be identified⁹¹. An increase in the volume of guidance has been recorded in five federal states, in particular in Saxony-Anhalt and in Berlin.

In addition to this, it is revealed that the overwhelming amount of all initial consultations took place in the federal states of the former West Germany, whereas the volume of guidance in the former states of East Germany is small.

A total of over 22,000 initial consultations were conducted at the chambers of commerce and industry and chambers of crafts and trades. In 2013, volume of guidance remained largely stable across both chamber areas compared to 2012.

Access to initial guidance at the competent bodies

According to the information provided by the competent bodies surveyed, the points of access of persons interested in seeking recognition are not surveyed in a structured form. Only one competent body in the chamber area systematically documented the routes taken by those interested in seeking recognition.

Against this background, the estimations of the interview partners at the competent bodies regarding access of persons interested in seeking recognition are summarised below (cf. Figure 25).

Chamber area

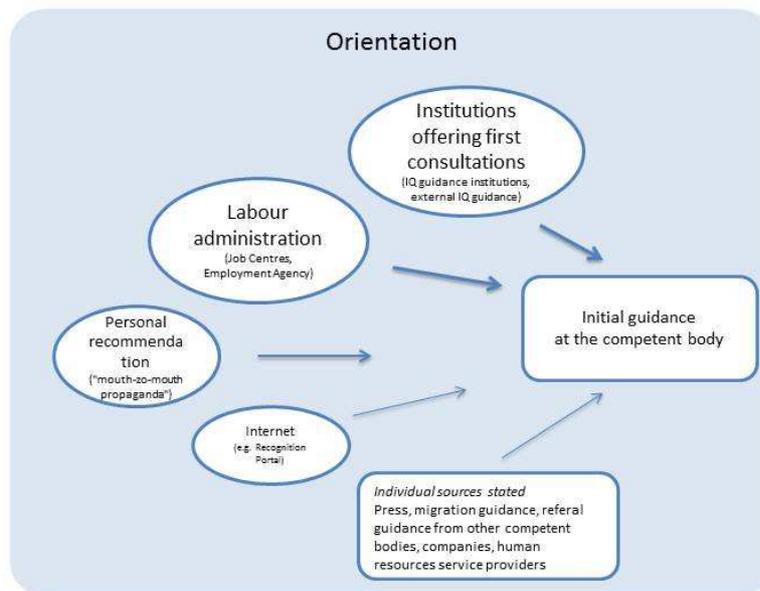
When questioned as to the route via which persons interested in seeking recognition arrived at the initial guidance services offered by the chambers, the **initial counselling centres** were the most frequent point of access stated in almost all of the ten interviews conducted. This shows that, in regions where an IQ advisory body or comparable advisory bodies are installed, chambers experience a high degree of access by persons interested in seeking recognition via initial counselling centres.

⁸⁹ A total of 60 of 80 chambers of commerce and industry provided feedback on the volume of consultations. The DIHK data management tool is currently being used by 60 chambers of commerce and industry. The Hanover Chamber of Commerce and Industry is a project holder within the scope of the IQ Funding Programme.

⁹⁰ All 59 chambers of crafts and trades provided feedback on initial guidance. With the agreement of the ZDH, the chambers of crafts and trades were contacted by e-mail and asked to provide information on the frequency of initial guidance conducted (insofar as such the duration of such guidance was longer than ten minutes).

⁹¹ Consideration nevertheless needs to be accorded to the fact that the comparison periods are differently structured to those in trade and industry. The period taken into account in this regard comprised the first eleven months since the entry into force of the BQFG and the period from March 2013 up until and including August 2013. With regard to the decrease in volume of guidance, we need to remember that average values were formed on the basis of survey periods containing different numbers of months (eleven and six months respectively). This means that during the second survey period (from March up until and including August), it may be the case that the holiday period is more significant than in the previous eleven months. This may explain the lower number of initial consultations, which would mean that volume of guidance remains more or less stable.

Figure 25: Access to initial guidance at the chambers



Source: Interviews with advisors involved in providing initial guidance at the chambers, representation by BIBB.

Within the scope of the referral guidance provided by initial counselling centres, persons interested in seeking recognition are placed with the chambers in order to clarify further aspects relating to the recognition procedure during initial guidance. Feedback from the chambers shows that the focus in these cases is often on identification of the German reference occupation. The chambers arrive at a positive evaluation of cooperation with the initial counselling centres and of the quality of the first consultation. Some chambers view the first consultation as being so comprehensive that those interested in seeking recognition would be able to submit an application without further guidance. They feel that initial guidance from the chamber is often no longer necessary.

In response to the question as to which effect fundamental initial guidance has on the time and effort required for the equivalence assessment, advisors involved in providing initial guidance in the craft trades report that when looking at the applications submitted they can tell who has received guidance and who not. This underlines the positive impression of the advisory services provided by the initial counselling centres.

Alongside the referral guidance offered by bodies providing first consultations, the **labour administration** organisations also play a major role. Particularly the Job Centres, but also the employment agencies, refer their customers with qualifications acquired abroad directly to the chambers for initial guidance. Good and constructive cooperation between the chambers on the one hand and the employment agencies and the Job Centres on the other is indicated in some regions.

Some of the advisors involved in providing initial guidance remark that the labour administration organisations encourage customers for whom a recognition procedure is possible to pursue such a route. This is especially revealed by the fact that those seeking guidance frequently initially have very little information on the recognition procedure and need to be urged by the advisors to adopt this approach⁹². Although this adds to the time needed for the guidance process, it could also lead to better labour market opportunities for those affected.

The advisors involved in providing initial guidance also view information from friends and acquaintances, or **mouth-to-mouth propaganda**, as playing an important role with regard to access to guidance. Persons who have completed guidance or gone through a recognition procedure acted as multipliers in this

⁹² There may also be a correlation between this circumstance and the integration agreements mentioned by the initial advisors (cf. III-3.2.2).

regard by drawing the attention of their community to the opportunity for recognition.

The advisors interviewed were of the opinion that only a few persons interested in seeking recognition found their way to the competent body via information provided on the **Internet**. Reference is often made to the competent body's own homepage in this regard. In the chamber area, virtually all homepages contain a reference to the Recognition Act and provide initial information on the procedure. In many cases, application forms are also made available for download. The "Recognition in Germany" portal is mentioned by a number of interviewees and is also used by them for their own research. According to their evaluation, however, this is a route which was exclusively accessed by only a few persons interested in seeking recognition in order to contact the chamber directly without obtaining a first consultation.

Instances of access via the press played a smaller role in quantitative terms. The same applies in respect of referral via a **migration advisory centre**, which is only stated as a possible point of access in isolated individual cases. There are very few reports of **referrals from other competent bodies**.

Although enquiries from **companies** regarding the Recognition Act or from persons seeking recognition who wish to draw the attention of their employer to the issue are received by some chambers, these tend to constitute exceptions. The same applies with regard to **human resources service providers**, which have submitted applications for equivalence assessment for their employees in isolated individual cases.

Competent bodies in the field of the medical professions where academic qualifications are required and in the specialist healthcare professions

In the field of the medical professions where academic qualifications are required and in the specialist healthcare professions, no documentation usually takes place of how persons interested in seeking recognition have learned of the opportunity to obtain recognition for their qualification acquired abroad or of the party which referred them to the competent body. Although e-mail enquiries are archived, comprehensive documentation of the type performed by the chambers is not carried out. A file is only created if there is a specific application. Separate documentation of guidance cases is also not necessary for these bodies because (almost) all consultations lead to an application.

According to the evaluation of the advisors involved in providing initial guidance, a majority of persons interested in seeking recognition registers their interest once a potential employer has been found. The advisors refer applicants to the advisory body responsible so that application may be submitted for authorisation to practise or for a licence to practise.

Sometimes employers make direct enquiries to the competent body, particularly when several applications have been received. Several interview partners also reported that employment agencies and temporary employment companies sought information on the recognition procedure.

E-mail enquiries are frequently received from persons interested in seeking recognition who are resident abroad. In their application, such persons must provide an assurance that they intend to work in the relevant federal state. In such cases, applicants have often contacted an employer for the purpose of making an application.

Alongside referral from employers, information on the Internet also plays a role. The main information medium stated is the homepages of the competent bodies. There are also reports that persons interested in seeking recognition have been made aware of the opportunity to gain recognition for their qualification obtained abroad by friends, acquaintances or family members.

According to the assessment of the advisors involved in providing initial guidance, external advisory bodies are less likely to be used prior to obtaining guidance from the competent bodies. Labour administration organisations also played a subordinate role.

Access to initial guidance at the chambers mainly takes place via the initial counselling centres and the

labour administration organisations. “Mouth-to-mouth propaganda” also plays a not inconsiderable role.

With regard to the quality of first consultations, the chambers paint a positive picture, meaning that extensive initial guidance is often not needed following the first consultation.

In the field of the medical professions where academic qualifications are required and in the specialist healthcare professions, those interested in seeking recognition often find their way to the competent body via potential employers. Persons interested in seeking recognition also obtain information from the Internet. Increasing numbers of applications from abroad are also being submitted via this information pathway.

In the chamber area, referrals from companies and HR service providers play virtually no role.

3.2.4 Ratio of consultations to applications submitted

Against the background of a high volume of guidance since the entry into force of the Recognition Act, the competent bodies were asked during the interviews how many of their guidance cases led to an application and what the reasons were why persons seeking guidance possibly did not submit an application.

Chamber area

There is a strong variation amongst the chambers interviewed in the ratio of initial consultations to applications submitted⁹³. At the time when the interviews were conducted, the number of guidance cases being dealt with at the chambers was between a maximum of approximately 500 and a minimum of approximately 50. At a majority of these chambers, the amount of applications submitted as a proportion of initial consultations varies between just under ten percent and 20 percent. Individual chambers report that 40 or 50 percent of persons interested in seeking recognition who receive guidance go on to submit an application.

Some advisors involved in providing initial guidance commented upon the low rates of applications by making statements such as “I would have expected it to be more” or “That’s much too low”. By way of contrast, other advisors pointed out that the procedure is not necessarily the best approach for all those interested in seeking recognition or that in many cases the prerequisites for submitting an application were not in place, such as with regard to the documents to be supplied.

The reasons why many guidance cases do not result in an application are presented from the point of view of the chambers interviewed below.

Reasons why an application for equivalence assessment is not made

● *Difficulties in fulfilling the statutory duty to cooperate*

The most common reason stated why an application is not submitted following the receipt of initial guidance is that persons interested in seeking recognition do not supply or are unable to supply the documents required. In practice, it often proved difficult to fulfil the duty to cooperate stipulated in the law. The interviewees consistently stated that very many documents needed to be requested and that obtaining these was frequently very costly and time consuming for applicants or else they were unable to procure the relevant documentation at all. Another consequence of this was that the procedures often extended over long periods of time.

Particularly persons interested in seeking recognition who had completed their training in countries

⁹³ The evaluations of the competent bodies regarding the ratio of the number of initial consultations to the number of applications actually made in the regions must always be interpreted against the following background. The support given by bodies providing first consultations may mean that persons interested in seeking recognition receive such comprehensive guidance that they no longer avail themselves of guidance from the competent bodies. In addition to this, those interested in seeking recognition may make an application without obtaining any guidance at all.

affected by crisis were usually unable to supply documents such as descriptions of the training course or other official paperwork either because such documentation had been destroyed or because the institutions in question no longer existed.

The advisors at the competent bodies expect that some persons interested in seeking recognition will be able to procure the documentation at a later date and thus enable a recognition procedure to be instigated. On the basis of the available information, it was not possible to determine whether guidance in respect of “other suitable procedures” (§ 14 BQFG, skills analysis) will follow.

● *False expectations regarding the recognition procedure*

In connection with the procurement of documents, several advisors involved in providing initial guidance report that persons interested in seeking recognition were under the false assumption that the procedure was a simple administrative act. They arrived for guidance with the expectation that they would receive a “stamp” or a simple endorsement confirming the equivalence of their qualification. According to the statements made by the interviewees, this was connected with the fact that the vast majority of persons interested in seeking recognition had no or very little prior knowledge of the procedure (and therefore also of the attendant duration, duty to cooperate and costs). Many had only heard of the Recognition Act, for example from acquaintances or colleagues. The interviewees also criticised the fact that wrong ideas or simplified or abridged depictions of the procedure emerged through the press or from advertising the Recognition Act. The consequence of this was that those interested in seeking recognition were often deterred from the procedure during initial guidance at the competent bodies. This particularly applied in respect of duration of the procedure and the costs.

● *Financing of the costs of the procedure*

The issue of financing was a frequent reason for not pursuing the recognition procedure further. Particularly for groups of persons with a low income, the fees and possible further costs (procurement of documentation including translations, certifications, skills analysis, further training) represented too high a burden, despite the fact that advice on financing opportunities was provided as part of the guidance process or options such as payment of fees in instalments were available (see III-3.5.1).

● *Alternative suitable possibilities and procedures* As described above, the question of alternative procedures was addressed within the scope of initial guidance. In the case of the training and employment biography of some persons interested in seeking recognition, these options offered different routes which were better in some cases. If, for example, a person had many years of occupational experience and sufficient language knowledge, the external examination could be a more suitable path to pursue. From the point of view of the advisors involved in providing initial guidance, this recognition option was an attractive one because it also led to the acquisition of a German vocational education and training qualification.

Only one chamber reported specific indications of how many persons interested in seeking recognition progressed to alternative procedures. In this case, 20 percent submitted an application within the framework of the BQFG. 30 percent made no application. The other 50 percent progressed to alternative procedures. The chambers do not, however, carry out any further monitoring with regard to whether those interested in seeking recognition actually implement this recommendation.

● *Commencement of employment*

Especially in the case of non-regulated occupations, one reason for not making an application could be that persons interested in seeking recognition have entered employment in the meantime. The advisors point out that persons interested in seeking recognition are frequently unaware that they could use the qualification they have acquired abroad to make job applications and that formal recognition is not a prerequisite for the commencement of employment.

● *The qualification acquired abroad does not correspond to current German occupational profile standards*

A further task of initial guidance is to check whether a recognition procedure has any prospects of success. The advisors involved in providing initial guidance make it clear that they advise against an application in circumstances such as when training abroad was completed many years ago and there is no expectation that training contents are comparable with the high requirements of current occupational profiles in Germany.

Alongside these reasons, there are also further factors which play a part in the decision to forego submitting an application. According to the descriptions given by the interview partners, the fact that one possible outcome of the procedure is no full equivalence and that further training measures could be necessary under certain circumstances in order to be able to enter employment may act as a deterrent to persons interested in seeking recognition. This was an area in which guidance could not assist in adequately persuading persons interested in seeking recognition of the benefits of partial recognition, which in the case of non-regulated occupations describes existing skills and deficits.

As well as the chambers responsible, the bodies providing first consultations were also asked why persons interested in seeking recognition failed to submit an application for an equivalence assessment in the non-regulated sector.

The reasons they stated as to why a recognition procedure was not pursued further largely correspond with those already listed for the chambers. From the point of view of the advisors, the main reasons for failure to submit an application are financing of the costs of the procedure and the fact that the qualification acquired does not correspond to current German occupational profile standards. The bodies providing first consultations are also familiar with the time and trouble involved in procuring documents. In a number of cases, persons interested in seeking recognition have come back to them following initial guidance at the chambers or after having submitted an application because they were having difficulties in obtaining the documents requested.

They point out that those interested in seeking recognition are not in possession of basic information on the recognition of their qualifications acquired abroad. For example, they frequently did not know that recognition is not a prerequisite for exercising an occupation in the non-regulated area. In such cases, the advisors state that referral to the chambers is more likely in order to clarify whether a recognition procedure would be useful.

There was often an absence of fundamental information on the German vocational education and training system and on the necessity of comparing a qualification with a German reference occupation. For this reason, there were occasions when persons interested in seeking recognition did not understand the requirements the law was making of them because they found them too complicated. It was also difficult to explain why persons interested in seeking recognition needed to contact a competent body or submit their application to such a competent body. There were sometimes confusions between the guidance institutions and the competent body.

Competent bodies in the field of the medical professions where academic qualifications are required and in the specialist healthcare professions

In the field of the medical professions where academic qualifications are required and in the specialist healthcare professions, the situation is fundamentally different compared to the chambers. Whereas in the chamber area many of those seeking advice do not make an application, in the field of the medical professions where academic qualifications are required and in the specialist healthcare professions applications are submitted by virtually all persons interested in seeking guidance who have received guidance from the respective relevant bodies. The reason for this is the fact that the professions are regulated. In the regulated area, those interested in seeking recognition have no choice other than to obtain an assessment of the equivalence of their qualification acquired abroad if they wish to exercise their profession in Germany. One further reason for the high numbers of applications is the significant shortage of skilled workers in these professional groups. This is also revealed by the fact that employers (such as hospitals) or employment agencies specifically contact the competent bodies.

Three of the five competent bodies put the proportion of those attending a consultation who then go on to make an application at virtually 100 percent. One body reports a ratio of 90 percent. Another body in the field of the medical professions where academic qualifications are required even states that the number of applications exceeds the number of consultations. This is mainly due to the high proportion of applications received from abroad, in respect of which the persons interested in seeking recognition do not attend a personal consultation. The proportion of persons interested in seeking recognition who obtain information in advance by telephone or in writing is estimated at between 10 and 15 percent and at 20 percent by one competent body. The competent bodies state that it is very rare for the seeking of

such prior information not to lead to the provision of guidance. Individual examples show that applications are not made in circumstances where persons interested in seeking recognition submit an application in another federal state because, for example, they have a firm job offer there.

In some cases, friends and acquaintances and occasionally also migration advisory centres ring up on behalf of persons interested in seeking recognition in order to obtain information on opportunities for recognition. The assessment of the competent bodies is that the background to such enquiries is an attempt to ascertain the federal state in which recognition is easiest to conduct.

Despite the high volume of guidance, only a few applications for equivalence assessment are submitted in the chamber area as opposed to the regulated area.

The reasons for failure to submit an application in the non-regulated area are as follows.

Difficulties in fulfilling the statutory duty to cooperate (documents, translations)

False expectations regarding the recognition procedure

Financing of the costs of the procedure, alternative options and procedures, commencement of employment

Foreign qualification does not correspond with current occupational profile standards

Although the chambers also provide advice on other options and procedures, the question arises as to the extent to which persons interested in seeking recognition actually use these routes towards obtaining recognition. The information given by the interview partners makes it clear that they do not have a comprehensive overview of which pathways are taken by those interested in seeking recognition once the guidance process has been completed.

Destination of persons interested in seeking recognition after having received advice may be viewed as the “blind spot” of recognition guidance.

In the field of the medical professions where academic qualifications are required and in the specialist healthcare professions, virtually every consultation results in an application for equivalence assessment. The reasons for the high volume of applications are the fact that the professions are regulated and the increasing shortages of skilled workers in this area.

3.3 The recognition procedure — from the application to the notice

The following representation is based on interviews with staff from the competent bodies responsible for the recognition procedures, on evaluations of websites and competent bodies and on analyses of information supplied by applicants (cf. III-1.2). Experiences of external advisors are also taken into account. In this phase of the project, investigations are focused on the regulated professions and on the medical professions where academic qualifications are required and the specialist healthcare professions in particular due to the fact that this is the area in which the highest volume of applications has been recorded. Staff from the relevant federal state authorities were specifically surveyed on implementation in the medical and healthcare professions. In the area of the non-regulated occupations, the main thematic focus of the interviews with staff from the competent bodies was on initial guidance.

Various **implementation models** have become established for carrying out the equivalence assessment. Whereas the chambers of commerce and industry⁹⁴ opted for the foundation of a consortium under public law in the form of the Nuremberg-based IHK FOSA, the 53 German chambers of crafts and trades are implementing the new recognition procedures by using an internal lead chamber system (cf. II-2). Implementation of the law in the field of the regulated professions is the responsibility of the federal states. Across the country, there are 35 federal state authorities responsible for the professions of doctor and registered general nurse (permission to use professional titles, licence to practise) and which therefore also have responsibility for the establishment of equivalence which is a prerequisite for authorisation to practise. Of these, 13 authorities conduct the equivalence assessment for both professions. Twelve are responsible for registered general nurses and ten for doctors with training

⁹⁴ With the exception of the three chambers of commerce and industry of Hanover, Wuppertal-Solingen-Remscheid and Braunschweig.

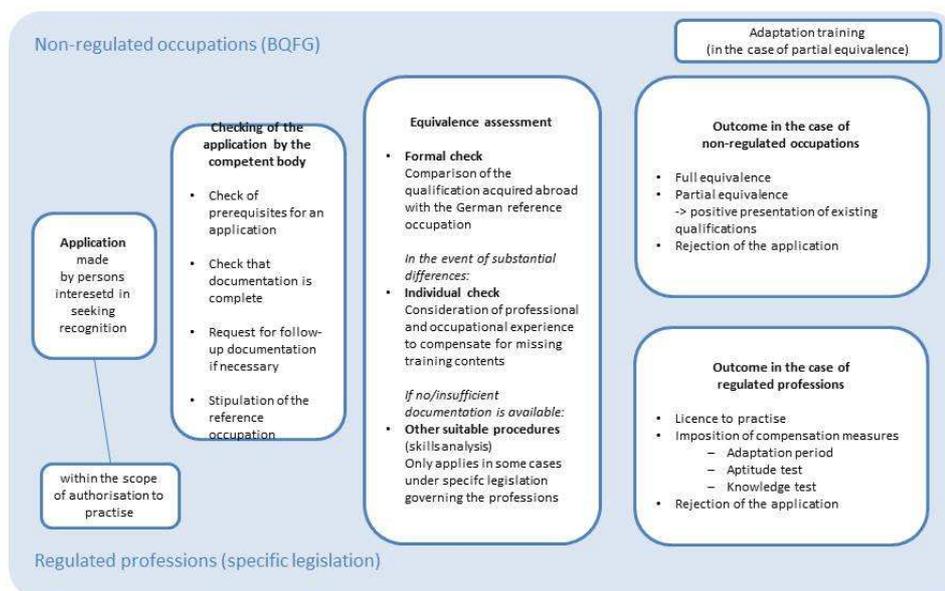
certificates from abroad⁹⁵. In Bavaria, there are two federal state authorities (“Governments”) for the recognition of doctors with foreign professional qualifications, whereby only the Government of Upper Bavaria assesses training certificates from third countries for equivalence. The Government of Lower Franconia is, at least as far as doctors are concerned, exclusively responsible for training certificates acquired within the EU, EEA or Switzerland.

In terms of the implementation of the procedures, these various organisational forms mean that, because of the bundlings of responsibilities, processes tend to be structured in a uniform manner at both the chambers of commerce and industry and the chambers of crafts and trades and generally follow the same or at least very similar patterns. Information made available online such as application forms are largely standardised. In the area of federal state implementation, various approaches have developed, especially in the case of establishment of equivalence with the aim of obtaining a licence to practise in the profession of doctor as well as in respect of procedures for registered general nurses. This will be highlighted in greater detail below. Experts from schools of nursing or universities are, for example, frequently involved to conduct the equivalence assessment and to prepare a report for the competent body.

Figure 26 shows the procedure from submission of application pursuant to the BQFG for regulated professions and non-regulated occupations. In the case of the regulated professions, the procedure may vary depending on the specific legislation. Usually, the application for equivalence assessment is made within the scope of the application for authorisation to practise. Equivalent qualification is one of several prerequisites for authorisation to practise.

In the area of **federal state implementation**, all persons interviewed were, prior to the entry into force of the Recognition Act in April 2012, involved with the recognition of foreign professional qualifications within the scope of EU Directive 2005/36/EC⁹⁶ and with the implementation of this Directive in the regulations governing the professions (specific legislation). They mainly view the new statutory

Figure 26: Recognition procedure for regulated professions and non-regulated occupations



Source: Representation by BIBB.

regulations, which have existed within the relevant specific laws since April 2012, in comparison to the familiar procedures which have been practised thus far (automatic recognition of qualifications of citizens of the EU, EEA and Switzerland who have acquired such qualifications in a member state). The

⁹⁵ This means that there are a total of 25 competent bodies for the recognition of registered general nurses and 23 for the recognition of doctors (cf. Table 16 in Annex A2).

⁹⁶ Directive 2005/36/EC applies to nationals of member states of the European Union (EU), of the European Economic Area (EEA) and of Switzerland who have acquired their qualification in a member state and ensures them access to the same profession under the same prerequisites as national residents.

new legal stipulations, processes and associated expense will be evaluated against this background.

In the **chamber area**, albeit to a lesser extent, competent bodies also made decisions on applications for recognition prior to the entry into force of the general legal right introduced by the BQFG, particularly in connection with recognition procedures for so-called “late resettlers” (immigrants of German origin from Russia and Eastern Europe) pursuant to the Federal Expellees Act (cf. representation by Englmann and Müller 2007)⁹⁷.

Both in the **chamber and federal state areas of implementation**, staff report an increase in enquiries and applications. We may therefore assume that both areas have growing experience in the implementation of the law.

3.3.1 (Pre-) checking of the application by the competent body

An equivalence assessment procedure is available to all persons who have acquired a training qualification abroad and intend to enter employment in Germany. Semi-skilled and unskilled workers without a certified qualification are not eligible to submit an application. Professional and vocational skills which have been obtained by purely informal means are not sufficient for an application. Applications may be made from both Germany and abroad and may also be submitted irrespective of nationality⁹⁸ or residence status. The e-Government Act,⁹⁹ which entered into force on 1 August 2013, removed the requirement for the written form in respect of applications made pursuant to the BQFG. This means that applications for equivalence assessment of foreign professional and vocational qualifications may be made by e-mail in future, the main aim being to facilitate the submission of applications from abroad.

According to the information provided by the interviewees and in contrast to the chambers, the relevant federal state authorities receive more applications than consultations conducted (cf. III-3.2). Because the IQ and BAMF guidance figures show (cf. III-3.1.2) that doctors and registered general nurses account for a particularly large proportion of those seeking guidance, the assumption is that many such persons obtain advice from an external body prior to initial contact with the competent body and subsequently submit their application to the federal state authority without having contacted the latter beforehand.

Reference occupation

The fundamental prerequisite for the submission of an application is stipulation of a **German reference occupation**, with which the foreign professional or vocational qualification should be compared in order to investigate whether there are substantial differences/commonalities.

The stipulation or at least delineation of a possible reference occupation usually forms part of the guidance which takes place prior to the submission of an application. Doctors and registered general nurses with a foreign professional qualification are usually able to determine the relevant reference occupation without difficulty and therefore require less guidance before the application is made. As already presented in Part III Section 3.2, a different picture is usually presented in the chamber area. Many persons interested in seeking recognition go on to obtain initial guidance from the chamber responsible after having undergone a first consultation at an external advisory body. Such initial guidance often goes beyond the provision of mere procedural advice by focusing on alternative procedures and/or subsequent stipulation of the German reference occupation. The large number of German training occupations and their high degree of differentiation mean that it is not easy to select a German reference occupation in some cases.

The IHK FOSA reports that reference occupations stipulated on incoming applications need on some

⁹⁷ In some cases, the chambers also prepared other non-legally binding reports on the comparability of a foreign qualification with a German training qualification.

⁹⁸ The law removes any link between occupational access and nationality in virtually all professions and occupations.

⁹⁹ *Act for the Promotion of Electronic Government Administration and for the Amendment of Further Regulations* of 25 July 2013

occasions to be changed during the course of the equivalence assessment. They state that this is in particular not unusual in the case of occupations which have various specialisms, since final determination of the reference occupation is frequently not possible until the whole of the application has been subjected to detailed scrutiny. Alteration and stipulation of the reference occupation always take place in agreement with the applicants.

Once the reference occupation has been finally stipulated, the current German occupational profile serves as the comparative document. In the case of the training occupations, this function is fulfilled by the training regulations.

The fundamental legal principles and their practical implementation are presented in greater detail below on the basis of the individual stages of the procedure.

Duty to cooperate/documents

§ 15 BQFG stipulates that applicants have the obligation to cooperate in determining the facts and circumstances of their case. They are required to provide all necessary documents and information. If applicants fail to fulfil their **duty to cooperate**, the competent bodies are not obliged to undertake their own subsequent investigations. They may determine the outcome of the procedure on the basis of the information available to them. Nevertheless, the competent bodies must afford applicants a hearing beforehand and point out that it is their intention to reject or decide the application if documentation is not subsequently supplied within an appropriate deadline. Applicants are thus given an opportunity to present the necessary documentation in a timely manner or else provide notification of why this is not possible (cf. Maier und Rupprecht 2012). Identical or similar regulations exist in most recognition rules contained within specific legislation governing the professions.

In § 5 Paragraph 1, the BQFG sets out the **necessary documents** which applicants are required to submit. These are as follows.

- 1) A tabular presentation of training courses completed and work history
- 2) An identification document
- 3) Training certificates acquired abroad
- 4) Proof of relevant professional or occupational experience or other evidence of competence to the extent that these are necessary for the assessment of equivalence
- 5) A declaration that no previous application for establishment of equivalence pursuant to the BQFG has been filed

Pursuant to § 5 Paragraph 2, Clause 1 of the BQFG, the competent body may require originals or certified copies of the documents. Documents should generally be translated into German before being submitted. Translations should be prepared by interpreters or translators who are publicly authorised or certified in Germany or abroad. Notwithstanding this, the competent bodies may also accept simple copies of the documents pursuant to § 5 Paragraph 3 BQFG.

The decision deadline stated in § 6 Paragraph 3, Clause 2 BQFG does not commence until all documents required under the law are in place. If it emerges during the course of the procedure that documents are not sufficient for the equivalence assessment in terms of substantive law, the competent body may require the submission of further documents pursuant to § 5 Paragraph 4 BQFG. These may constitute more detailed information on the contents, duration and general conditions of the professional or vocational training completed abroad. The competent bodies are required to set an appropriate deadline for this. The same applies pursuant to § 5 Paragraph 5 BQFG to cases in which the competent body has good reason to **doubt the genuineness or correctness of documents**. In such a case, the competent body may offer applicants the opportunity to supply additional information or further explanations to demonstrate the genuineness or correctness of documents. The aim here is to minimise cases of abuse (such as falsified documents or illegally issued certificates).

In practice, it often proves difficult to fulfil the duty to cooperate stipulated in the law. The interviewees consistently stated that very many documents needed to be requested and that obtaining these was frequently very costly and time consuming for applicants or else they were

unable to procure the relevant documentation at all. Another consequence of this was that the procedures often extended over long periods of time (cf. III-3.2).

Although applicants were in most cases able to present the foreign training certificate itself, the competent bodies state that this is not usually sufficient in order to conduct an equivalence assessment. All staff at the competent bodies agree that further documents relating to the specific training certificate which provide information on content and duration usually need to be added to the application (or else are subsequently requested during the course of the procedure). These include timetables, curricula, examination regulations, reports on activities and subjects and associated listings of hours studied. Some competent bodies point out on their websites that procedures can be accelerated if further documents are supplied in addition to those requested which may assist the competent body in evaluating the qualification. The guidance institutions surveyed also state that they instruct applicants to attach all possible information on training and professional and occupational experience to their application from the outset.

The procurement of this documentation is, however, frequently associated with enormous expenditures of time and financial outlay for the applicants.

“Of course, the ideal scenario is if they bring information about their subjects, numbers of hours and so on with them. But basically, if we’re honest, this happens quite rarely.”¹⁰⁰

“A typical example is that [...] many people, for example, [...] have the final certificate from their training somewhere, [...] but don’t have any detailed list of what the teaching subjects, marks etc. were. These things are frequently missing, [...] and they are also hard to procure. And then we receive [...] enquiries [...] as to the extent to which it is possible to obtain a general training plan from the country of origin. [...] I can sometimes help, but sometimes the situation is [...] relatively hopeless if certain training institutions no longer exist [...]. We [...] frequently deal with persons from Syria, where it is simply impossible to obtain anything retrospectively.”¹⁰¹

In many cases, applicants need to obtain translations into German of the additional documents (e.g. timetables, training regulations) and sometimes have to arrange for these translations to be certified. A decision as to whether translation of the documentation is required is made on an individual case basis. On its website, for example, the IHK FOSA states that translations will not be necessary if its staff have a knowledge of the relevant language¹⁰². This possibility only, however, applies to additional documentation requested and does not extend to documents which are statutorily stipulated, such as the training certificate. Similar reports are received from other competent bodies, including from the lead chamber system of the chambers of crafts and trades. Insofar as relevant foreign language competence is available at the chamber responsible or at the lead chamber producing the report, the requirement for translation may be waived. In the interests of reducing costs, this circumstance should be explained to the applicant at an early stage (Witt 2012, p.107). Within this context, the BQ Portal makes a major contributing in terms of providing support, particularly to the chambers of crafts and trades. The latter seek assistance from the BQ Portal, particularly in complex cases. Thanks to the cooperation agreements it has established with the countries of origin and its language knowledge, the BQ Portal is able to procure training regulations and background information. This material is translated, and has also been available online since 2011. The BQ Portal now offers detailed descriptions of vocational education and training systems and of the main educational courses for 62 countries (status: March 2014). These provide a basis on which foreign occupational profiles can be categorised, at least for the competent bodies. The BQ Portal has also translated numerous foreign training regulations in respect of which specific applications had been received by the chambers.

Most staff interviewees from the competent bodies try to support applicants in the fulfilment of their duty to cooperate by sometimes undertaking research themselves as to whether the necessary documents and information are already available in translated form (such as on the BQ Portal, in the ZAB

¹⁰⁰ Statement of an interviewee from a competent body for healthcare professions.

¹⁰¹ Statement of an interviewee from a guidance institution.

¹⁰² According to information provided by the IHK FOSA, its employees have native speaker knowledge of a total of 16 languages and are able to understand 23 languages.

database or in their own documentation). Some interview partners from competent bodies and the guidance institutions surveyed report that they work in parallel with persons interested in seeking recognition to endeavour to obtain information and/or documentation required for the procedure via the relevant institutions abroad.

However, especially when applicants have acquired qualifications in countries from which no or very few applications have been submitted thus far, information on their specific training courses and possibly regarding the VET systems in their countries of origin is frequently not (yet) available in the databases. For this reason, some interviewees are critical of the fact that it is highly likely that applicants who are the first to seek recognition for a certain qualification will need to spend the greatest amount of time and incur the highest costs. One guidance institution reports that a standardised letter has been produced by the regional chamber of crafts and trades, which applicants can use to enter into direct contact themselves with the relevant institutions in the country of training in order to request the necessary documents. They found that such an approach often works better than if the competent bodies become involved.

Some interviewees, who are responsible for the equivalence assessment and licence to practise for doctors, address another problem with regard to the duty to cooperate. In some case, applicants are of the view that submission of the relevant diploma is sufficient. They are under the apprehension that the authorities themselves (within the scope of it duty to investigate the facts of the case) will take care of procuring the documents necessary for the equivalence assessment.

Applicants are also frequently not in possession of proof of existing professional experience. Because the law states that professional or occupational experience may compensate for any substantial differences identified, clear representation and often certification of professional activities and experiences are often very relevant to the competent bodies (cf. the section on professional and occupational experience below).

The interviews reveal that the assumption is that applicants from third countries with the reference occupations of doctor or registered general nurse are generally less likely to be accorded equivalence without a knowledge test and therefore cannot immediately be issued with authorisation to practise or a licence to practise. This also has implications for the duty to cooperate. Those responsible for the recognition of doctors report that scrutiny of the documents is not very strict since the knowledge test will in all cases identify whether relevant professional knowledge is held.

If the duty to cooperate cannot be fulfilled because, for example, institutions in the country of origin do not cooperate or documents are simply no longer available (such as in the case of refugees), § 14 BQFG provides for the possibility of analysing professional or vocational qualifications via “other procedures”. In the craft trade sector, for example, there is a clear recommendation that a skills analysis should be offered in such cases. If an applicant refuses to take part in a skills analysis, the application must be decided on the basis of the existing documentation. The result in this case is rejection of the application.

Specific legislation governing the professions does not currently include any regulations which are broadly comparable to those contained in § 14 BQFG. In the healthcare professions, there is the possibility of conducting a knowledge test in such cases.

The “Coordinating Departments” Working Group has already consulted on this problem and ascertained that the competent bodies are frequently not sufficiently informed of the possibilities highlighted in § 14 BQFG. For this reason, the “Coordinating Departments” Working Group has resolved the following.

“1. They (the competent bodies) should make greater use of the opportunities afforded by § 14 BQFG by identifying the key professional skills, knowledge and competences of applicants required for a comparison with the relevant German vocational education and training via other suitable procedures.

2. In cases where specific law governing the professions precludes the applicability of § 14 BQFG, corrective legislative initiatives should be undertaken as soon as possible in order to arrive at

regulations that are analogous to § 14 BQFG. The specialist minister conferences should be made aware accordingly.”¹⁰³

Checking the genuineness of documents represents a major challenge for the competent bodies, since it is extremely difficult to identify falsified paperwork. There are two particular problem areas in this regard. These are forgeries and translations, and there is a close correlation between both of these.

Forgeries may be excluded if confirmation of genuineness (Hague Apostille or Legalisation) is available. Nevertheless, competent bodies indicate that they are currently many applicants with professional qualifications from Arabic-speaking countries affected by crisis, in which, given the present situation, embassies and consulates are not carrying out procedures for the confirmation of authenticity of official documents¹⁰⁴. There are also reports that, if there is a suspicion of falsification, the ZAB is sometimes involved and requested to conduct an examination of the genuineness of the documents.

According to a chamber of crafts and trades lead chamber, the main tool in identifying forgeries is knowledge of the original documents. For this purpose, this particular chamber uploads genuine (anonymised) training certificates to the BQ Portal in order to offer comparison opportunities to other bodies. The competent bodies also proposed that forgeries should be centrally stored in a database (e.g. the BQ Portal or other centrally available databases). This has been implemented in part for the chamber area. In many cases, the BQ Portal has been able to support evaluation practice in this regard. Numerous falsifications have been identified and uploaded to the internal area of the website in anonymised form for the use of the chambers. Hints for the identification of forgeries have also been added. A debate on the topic of falsifications is now taking place in the internal forum of the BQ Portal. The theme is also being addressed in training courses for chamber experts offered by the BQ Portal. Access to the experiences of other competent bodies with the same documents can also assist in investigating the genuineness of a certificate.

In the area of the chambers of crafts and trades and chambers of commerce and industry, it is suggested that the competent bodies should adopt the following approach in the event of justified doubt as to the genuineness and truth of documents submitted. Firstly, applicants should be requested to submit further documents which may allay any such doubts. If the doubts persist and it is not possible to obtain sufficient information on the foreign training, the final means via which the facts and circumstances of the case may be clarified is a skills analysis pursuant to § 14 BQFG or § 50b Paragraph 4 HwO, which enables identification of whether the key skills, knowledge and competences are in place (cf. Witt 2012, p.114).

According to the federal state authorities, the determination that compensation measures are necessary is a frequent outcome in the case of the regulated professions (i.e. doctor and registered general nurse) if there are doubts as to the genuineness of training certificates.

The problem relating to translation stated above refers to suspicions of wrong translation and therefore false content of certificates. According to the legislation (§ 5 Paragraph 3, Clause 3 BQFG), translations requested may be carried out by publicly appointed or certified translators from Germany or abroad. Nevertheless, it is difficult to identify in practice whether a translator from abroad is certified or publicly appointed.

Embassies or consulates would need to be consulted in this regard.

Because training regulations and other documents may also be submitted in falsified form, simple copies are not usually sufficient for the competent bodies. According to statements made by members of staff at

¹⁰³ Cf. Working Group of the federal state departments responsible for coordinating the recognition of professional and vocational qualifications acquired abroad (“Coordinating Departments Working Group”) — minutes of the 5th meeting held on 23 April 2013 (unpublished).

¹⁰⁴ Following the realisation by some German missions abroad that prerequisites for the confirmation of authenticity of documents are not in place in their district, they have, with the approval of the Federal Foreign Office, suspended the procedures until further notice. Cf. website of the Federal Foreign Office: www.konsularinfo.diplo.de/contentblob/1615026/Daten/3324513/Urkunden_Auslaendische_oeffentliche_in_Deutschland.Pdf (accessed: 14 November 2013).

a guidance institution, some competent bodies only accept documents that have been translated in Germany. The Cologne District Government, for example, includes on its website the following instructions regarding foreign language documents.

“All foreign language documents and certificates must be translated by a person who has been duly certified by a court of law in Germany. A list of sworn translators is available from the Higher Regional Court (qualified translation). A translation prepared abroad has equal status with a qualified translation if the translator has been recognised by a diplomatic representative body of the Federal Republic of Germany or if such a representative body confirms the correctness and completeness of the translation.”¹⁰⁵

No generally valid benchmarks can be created for justified doubts as to genuineness and truthfulness. Reasons for doubt may include unusual names of authorities in certificates or deviation between the appearance of documents submitted and documents of the same type from the country of origin. All staff members interviewed from the competent bodies report experiences with (supposed) forgeries. “You develop a certain instinct over the course of the years. Basically, we know what documents should look like, and we can recognise where significant changes have been made. The mistakes that are made are the same as those made in all forgeries. Ultimately, not many are 100 percent accurate. Most have serious differences and defects in certain places.”

The fact that all documents frequently need to be presented in translated form and must in some cases be authenticated increases the amount of time and cost involved for applicants, but also gives the competent bodies a relatively high degree of security that documentation is genuine. In the case of non-regulated occupations, the stipulation of a reference occupation is a major challenge for the first consultation and initial guidance.

In order to carry out the equivalence assessment, further documents are usually required alongside the training certificate to provide information about the content and duration of training. Fulfilment of the duty to cooperate is often difficult in practice, since procurement of the necessary documents often involves considerable expenditure of time and money on the part of applicants. Another consequence of this was that the procedures often extend over long periods of time.

In some cases, the competent bodies make every endeavour to support applicants in procuring the documents required such as by undertaking their own research. Translations are not needed in some cases insofar as staff at the competent bodies are in possession of the relevant language knowledge.

It is extremely difficult to recognise falsified documents, and checking the genuineness of documentation is a major challenge for the competent bodies. There are two particular problem areas in this regard. The main difficulties are forgeries (suspicion that a certificate is not genuine) and translations (suspicions of wrong translation and therefore false content of certificates). No generally valid benchmarks can be created for justified doubts as to genuineness and truthfulness. Uploading genuine documents to databases can provide important support in this regard. The competent bodies frequently request that all documents should be presented in translated and authenticated form. Although this increases the amount of time and cost involved for applicants, it also gives the competent bodies a relatively high degree of security that documentation is genuine.

Documentation via the competent body and recourse to available documents (knowledge management)

During the course of the procedure (and frequently beforehand as part of the guidance process, cf. III-3.2), the competent bodies and the guidance institutions require **information on the foreign educational system and on the specific training certificate of the applicants in particular** in order to be able to compare the latter with the relevant German reference occupation. However, additional information is also frequently needed on the German reference occupations.

There are various sources of information to cover this requirement, and these are frequently mentioned by the staff interviewed. Firstly, there are the databases which provide information on foreign educational systems, professions and occupations. These include the BQ Portal, the anabin database

¹⁰⁵ Link: www.bezreg-koeln.nrw.de/brk_internetorganisation/abteilung02/dezernat_approbationen/approbation_arzt/index.html (accessed: 25 October 2013).

and the Internal Market Information System (IMI)¹⁰⁶. Other sources stated are those which provide information on German occupations (reference occupations) and on the competent bodies. These include the “Recognition in Germany” portal, BERUFENET and the occupations section on the BIBB website.

Those surveyed generally use at least two of these databases in order to obtain the information required.¹⁰⁷ This indicates that various information sources need to be consulted in order to research the necessary data. It may, however, also show that the individual responsible bodies may not be aware of the delineations or specific alignments of the databases or that they were unable to identify any of the services as the most useful for them. To this extent, a further bundling of the existing information sources and Internet portals is considered to be useful.

Staff of the ZAB and the BQ Portal are also stated to be important contact partners with regard to obtaining information on a foreign educational system or on a specific foreign training qualification. The chambers of crafts and trades state that the responsible lead chambers are their first port of call for questions relating to certain qualifications and countries of origin.

All staff interviewed agree that it would be very helpful if as many foreign training qualifications as possible could be centrally bundled and aligned to the relevant German reference occupation and if this information could be accessed once processed or if cases that had been decided could be viewed. A summary of countries and/or qualifications in respect of which establishment of equivalence is usually possible or not possible would also be viewed as very useful. At the same time, there is an awareness that documentation in this form is not possible since every case must always be examined on an individual basis, particularly with regard to the inclusion of further evidence of competence and especially in respect of existing professional or occupational experience.

“This is something we tried several years ago. We set up a cross-state working group and attempted to draw up lists of which occupation has been recognised in which federal state and how. We gave up on the project relatively quickly, because we simply noticed that it would not work. Individual evaluation of individual cases meant that there was never any comparability. If we registered a case, this did not really help the next federal state which was maybe dealing with a similar case.”

“That means it is impossible to say training in Syria is automatically this occupation or that. It’s not just the training. These are people who have usually had experience of life and who have worked as a doctor, dentist or in a clinic in their home land or in another country. And every individual has different further training and curricula vitae. [...] These are precisely the elements that are taken into consideration in identifying substantial differences or compensation measures. Therefore, in principle, every evaluation is an individual case.”¹⁰⁸

The interviewees also point out the problem that not all authorities will necessarily be in agreement with a decision uploaded to a database. Individual evaluation of the cases makes subsequent comparability very difficult.

“And then, of course, there is also the discretionary decision of the authority. So if you make a comparison, identify substantial differences and say that a person is such and such of a percentage short, it can easily be the case that another authority will say that’s enough for us.”

Many competent bodies also have their own documentary stipulations and approaches.

¹⁰⁶ The Internal Market Information System (IMI) is an electronic system aimed at improving communication and cooperation between administrative bodies of the member states in the implementation of internal market regulations in the EU. It aims to reduce practical barriers, reduce costs and improve the efficiency and effectiveness of administrative cooperation in Europe.

¹⁰⁷ The chambers of crafts and trades interviewed also made mention of the Craft Trades Information Platform, which provides information on German training courses. Its internal section contains reference profiles which include a summary of the training regulations and a description of essential activities. These reference profiles have been prepared by the craft trade associations. See www.handwerkskammer.de/ (accessed: 14 November 2013).

¹⁰⁸ Statements from interviewees from two competent bodies for medical and healthcare professions.

The chambers of commerce and industry records ongoing guidance statistics in a joint database made available by the Association of German Chambers of Commerce and Industry (DIHK). The IHK FOSA documents its own applications and decisions and, in its capacity as a central body, has recourse to documentation submitted in the past (e.g. foreign curricula and training regulations).

The chambers of crafts and trades document both volume of guidance and procedures at the respective institution. Procedures relating to the separate areas of responsibility of lead chambers are also documented by these bodies. All chamber of crafts and trades staff interviewed evaluated the BQ Portal as useful and also use the service. The interviews show that the BQ Portal is the central instrument for standardisation of decision-making practice in the craft trades. The information on foreign occupational profiles gleaned in the recognition procedures is documented in the portal by the chambers of crafts and trades. This information is available to other user groups in the public section of the BQ Portal. The results of the comparison between a foreign occupational profile and a German reference qualification are documented in the internal section of the portal and are thus accessible to all other chambers of crafts and trades. The aim is to secure uniform evaluation of the same vocational qualification.

The federal state authorities that files are created in accordance with standardised procedures. This does not usually take place until an application has been received. Documentation of consultations, especially of telephone and e-mail enquiries, tends to be unusual. One federal state authority states that submitted documents that may be useful for other procedures, such as translations of curricula, are centrally stored so that they can be accessed again. This does not, however, take place in a standardised way across Germany.

On the occasion of their annual conference staged in Heidelberg from 23 to 25 October 2013 and with a view to obtaining high quality recognition procedures and decisions, the Heads of Government of the Federal States expressed their support for an overarching, joint and standardised quality assurance process irrespective of the legislative responsibility for individual occupations. They embrace the idea that the databases used in connection with recognition decisions should be harmonised with one another and be operated in as uniform a way as possible in terms of quality assurance.

The competent bodies usually have a high requirement for information regarding foreign educational systems and qualifications. There is an awareness of the various information provision, and these services are used as sources of information with greater or lesser intensity depending on the type of competent body. Particularly when applicants have acquired qualifications in countries from which no or very few applications have been submitted thus far, information on VET systems and specific training courses is frequently not yet available in the databases. In the area of the chambers of crafts and trades and chambers of commerce and industry, documentation structures have been developed (in particular the BQ Portal and documentation via IHK FOSA) which facilitate access to previous applications and decisions.

Applications and decisions are also documented in the individual federal state authorities. This does not, however, as yet take place across authorities or in a nationally standardised way. The competent bodies are in favour of further bundling and compilation of information.

Required language knowledge and evidence of language knowledge

Pursuant to Article 53 of the Recognition Directive 2005/36/EC, applicants in regulated professions need to be in possession of a **knowledge of languages** necessary for practising the profession. However, investigation of language knowledge needs to take place independently of the assessment of the equivalence of a professional qualification in a separate evaluation process. Establishment of equivalence of the professional qualification may not in principle be refused due to insufficient language knowledge.

The requirements relating to language knowledge necessary for the exercising of a profession are governed in the specific legislation for the individual *regulated professions* (for example as a separate prerequisite for the issuing of a licence to practice to doctors). Both in the Federal Medical Code (BÄO) and in the Nursing Act (KrPflG), the formulations used are very flexible. Applicants are required “to be in

possession of the knowledge of the German language necessary for the exercising of the professional activity”¹⁰⁹. The precise nature of this required knowledge is defined by the federal states, which are responsible for the administrative implementation of the laws.

Sufficient language knowledge is emphasised by all interviewees as an important prerequisite for the exercising of professions in the healthcare sector since it influences patient safety. The unanimous view is that smooth communication is always the basis for a trusting relationship between doctors and patients. A resolution adopted at the 86th meeting of the Conference of Ministers of Health (GMK) on 27 June 2013¹¹⁰ states that only good communication between doctors, patients and patient family members offers protection against the kinds of misunderstandings and uncertainties that may stand in the way of the right diagnosis and treatment and treatment support. In addition to this, the resolution recognises that sufficient knowledge of spoken and written German is indispensable in the interests of securing cooperation between the medical professions and therefore across the various healthcare groups.

Research¹¹¹ conducted into language knowledge requirements stated on the websites of the competent bodies reveals that the most common prerequisite for a licence to practice as a doctor or authorisation to practice as a registered general nurse is Level B2 of the “Common European Framework of Reference for Languages.”¹¹² In some cases, there is an additional or alternative language test. Results by federal state are presented in Table 11. This reveals that federal state stipulations are usually standardised.

Table 11: Summary of language knowledge requirements by federal states for the professions of doctor and registered general nurse

Federal state	Required language level	
	Doctor	Registered general nurse
<i>Baden-Württemberg</i>	B2, pass in “Patient Communication” Language Test	B2 * ₁) / no information available * ₂)
<i>Bavaria</i>	B2	B2 * ₃)/no information available * ₄)
<i>Berlin</i>	B2 Issued by the Goethe Institute or another telc-certified language institute	No information available
<i>Brandenburg</i>	B2	B2
<i>Bremen</i>	B2 + interview with authority	B2
<i>Hamburg</i>	B2	B2
<i>Hessen</i>	B2 (for the issuing of temporary authorisation to practise in the first six months) C1 (for the issuing of a general licence to practice)	Goethe Certificate BI “Zertifikat Deutsch” (ZD), telc Deutsch BI, TestDaF Level 3, German Test for Immigrants (B1) or diploma from the “did deutsch-institut”

¹⁰⁹ Cf. § 3 Paragraph 1 Clause 5 BÄO and § 2 Paragraph 1 Clause 4 KrPflG.

¹¹⁰ Cf. resolutions of the 86th GMK in Potsdam on 26 and 27 June 2013, agenda item 7.3.

www.gmkonline.de/?&nav=beschluesse_86&id=86_07.03 (accessed: 14 November 2013).

¹¹¹ Research was carried out between 16 September 2013 and 7 October 2013. Internet sites of a total of 35 federal state authorities (including twelve authorities responsible for the recognition of registered general nurses, ten responsible for the recognition of doctors and 13 responsible for the recognition of both professions) were evaluated in accordance with certain criteria. The research into the requirements for doctors was also informed by a survey conducted by the “Healthcare Professions” Working Group of the Supreme Healthcare Authorities of the Federal States Working Group from the autumn of 2013.

¹¹² The Common European Framework of Reference for Languages (CEFR) was developed by the Council of Europe. It sets out extensive recommendations that provide transparency and comparability in respect of language acquisition, language application and language competence of learners. The recommendation encompasses all four language skills (reading, listening, speaking and writing) and is formulated in six competence levels. These range from A1 for beginner to C2 for the highest level of language.

	Issued by the Goethe Institute or another telc-certified language institute	
<i>Mecklenburg-Western Pomerania</i>	B2	B2
<i>Lower Saxony</i>	B2	B2
<i>North Rhine-Westphalia</i>	B2, pass in language test	B2
<i>Rhineland Palatinate</i>	Test via the Rhinehessen District Medical Council	B2
<i>Saarland</i>	B2	B2
<i>Saxony</i>	B2	B2
<i>Saxony-Anhalt</i>	B2	B2
<i>Schleswig-Holstein</i>	B2	No information available
<i>Thuringia</i>	B2, pass in "Patient Communication" Language Test	B2

* 1) Karlsruhe and Stuttgart Regional Councils

* 2) Freiburg and Tübingen Regional Councils

* 3) Governments of Central Franconia, Lower Franconia, Lower Bavaria, Upper Bavaria and Upper Palatinate

* 4) Governments of Upper Franconia and Swabia

Source: BIBB research on the websites of the competent bodies.

The interviews show, however, that there is an overall lack of nationally standardised criteria regarding language knowledge requirements, especially in respect of the issue as to how and at which time during the procedure the language requirements should be demonstrated or tested.

The information obtained from interviewees from the competent bodies and guidance institutions and the data from the websites of the competent bodies reveal the following different types of procedures.

- Evidence of language knowledge at the required level is accepted irrespective of at which school and in which country it was acquired.
- Evidence of language knowledge at the required level is only accepted if it was acquired at a Goethe Institute.¹¹³
- The required language level may be demonstrated in an interview with authority staff members. In such an interview, the authority also enquires into professional situations from a patient point of view. In such cases, the official memorandum and result of the interview replace a certificate from a language school.
- In addition to demonstration of a certain language level, some authorities require a further test, in which knowledge of specialist medical language is examined.
- Applicants who need to take part in a knowledge test do not usually need to take part in an additional specialist language test insofar as a test of this nature is required by the competent body because the additional specialist language test is replaced by the knowledge test, which is conducted in German.

On the websites of the federal state authorities, language knowledge requirements (certificates) are usually listed as part of the documents to be submitted for the application. No differentiation is made between

¹¹³ Goethe Certificate B2 or C1 respectively.

documents which are necessary for the establishment of equivalence and documentation that is required for achievement of authorisation to practise or a licence to practise. Information about documents requested normally refers to all documents needed for the issuing of authorisation to practise or a licence to practise and thus encompasses language knowledge. Staff at the relevant federal state authorities also point out that the main issue at stake for applicants is achievement of authorisation to practise and for this reason it is useful to provide evidence of language knowledge at the commencement of the procedure. They explain that this also prevents frustration at a later stage when equivalence has been established but authorisation to practise is initially refused because of an absence of language knowledge. For some federal state authorities, the B2 language certificate represents the “entrance ticket” to further scrutiny of the application.

Another federal state authority reports that applications are accepted even if the applicant has no or very little knowledge of German thus far. This authority states that, when an application is accepted, the applicants need to be given an explanation of which knowledge and documents will still be required during the professional authorisation procedure.

There is a fundamental consensus between the staff interviewed that it would be useful to prepare nationally uniform standards with regard to the language level requirement and also to require knowledge of specialist medical language. The medical associations are also calling for standardised language testing, including specialist medical language¹¹⁴.

In the light of the different approaches towards language knowledge requirements which still exist across the country, this seems to be an area in which action is needed in order to achieve uniform implementation. There are tendencies in various federal states towards more standards and greater standardisation, including considerations regarding standardised tests to examine knowledge of German and of specialist medical language for both doctors and registered general nurses. The new “Ordinance on the implementation and content of compensation measures and on the issuing and extension of authorisation to practise in healthcare professions governed by the Federal Government” stipulates that the aptitude and knowledge test should take place in a practical and oral form and should involve patients. The aim here is that applicants should demonstrate their professional knowledge as well as being required to show what language competences they possess.

Standardised medical language tests have now been introduced in Baden-Württemberg, North Rhine-Westphalia, Rhineland Palatinate and Thuringia. In the area of nursing in Lower Saxony, a nursing-specific language test which has been developed by an expert group led by the Ministry of Social Affairs can be taken as an alternative to a language certificate at level B2. Preparatory language courses are offered, some of which are provided within the scope of the ESF-BAMF Programme.

In Rhineland Palatinate, for example, a uniform approach which also takes account of knowledge of specialist medical language has been agreed across the whole of the federal state. Since August 2012, foreign doctors have been required successfully to complete a test situation in the form of a simulated dialogue between a doctor and a patient. Candidates must take a medical history, explain the case to the patient and propose a treatment. The test is held at the Federal State Medical Council. According to an article published in the journal “Gesundheitswirtschaft”, about 40 percent of candidates are currently failing this test despite the fact that many are already in possession of language diplomas at level B2 or C1 (ibid.). Insofar as the requirements in other federal states are not as high and if word of the differing test hurdles gets around amongst those interested in seeking recognition, this could fuel so-called “recognition tourism” between the federal states.

In North-Rhine Westphalia, responsibility for conducting the language tests was transferred to the federal state medical councils as of 1 January 2014. The test process is comparable to that in Rhineland Palatinate.

telc GmbH¹¹⁵ has joined forces with medical and nursing experts to develop language certificates for

¹¹⁴ Cf. the journal “Gesundheitswirtschaft”, Issue 3/Volume 7 June/July 2013.

¹¹⁵ telc GmbH is a subsidiary of the German Association of Adult Education Centres and has been developing standardised

professional practice¹¹⁶ and promotes its own certificates to the competent bodies: *telc German B1/B2 Nursing* and *telc German B2/ CI Medicine*. The content requirements of both tests are aligned to practically related examples from everyday medical and nursing life. Darmstadt Regional Council has supported the development of these certificates and is in favour of using them as evidence for the recognition of necessary language knowledge. The “Occupationally related German” specialist agency at the IQ Network takes a fundamentally positive view of the B1/B2 Nursing format, although it remains critical of the current format of the Medicine test.

The Conference of Ministers of Health (GMK) is currently looking at this problem. The GMK believes that the best way forward in terms of ensuring a monitoring procedure that is as uniform as possible is to develop and apply language knowledge benchmarks in the federal states. For this reason, it has commissioned the Working Group of the Supreme Healthcare Authorities of the Federal States (AOLG) to present the outlines for a standardised testing procedure for the required language knowledge by the time of the 87th GMK and in so doing to take account of the official statement made by the German Medical Council on 28 February 2013 and of the experiences of examination procedures already gained by several federal states¹¹⁷. In order to standardise language requirements in the nursing professions, the Conference of the Ministers of Labour and Social Affairs (ASMK) has set up a federal states working group entitled “Necessary knowledge of the German language for professions in nursing and geriatric nursing” and operating under the lead management of the Ministry of Social Affairs of the State of Lower Saxony. Specific results are not yet available.

The training regulations for the *training occupations in the dual system* do not contain any specific requirements regarding the language level necessary for the exercising of an occupation. This means that investigation of the language level cannot form part of the equivalence assessment. Although the competent body may undertake an evaluation of language knowledge in circumstances where it considers such a step to be useful or even indispensable with a view to the further exercising of the occupation, such an investigation being aligned to the benchmarks of Directive 2005/36/EC, which forms the basis of the BQFG, this process must take place separately from the evaluation of the vocational qualification. Pursuant to the BQFG, assessment of language knowledge does not form an object of the establishment of equivalence and therefore does not constitute a separate fee area (cf. Maier und Rupprecht 2012).

The evaluation of the interviews shows that persons interested in recognition of non-regulated occupations tend to have fewer language problems in the guidance phases or else any language problems are not perceived as being serious on the part of the competent bodies (cf. III-3.2).

The competent bodies agree on the importance of language knowledge for the issuing of authorisation to practise or a licence to practise to doctors and general registered nurses with a foreign professional qualification. No nationally uniform approach is yet in place with regard to the language knowledge specifically required and the provision of mandatory evidence of such knowledge. Endeavours to achieve standardisation, particularly within the individual federal states, are ongoing.

In the case of the non-regulated occupations, evaluation of language knowledge is not part of the procedure. Language problems do not seem to play a major role within the scope of the recognition procedures in this area.

3.3.2 Equivalence assessment

Equivalence assessment means that a foreign professional or vocational qualification is compared with a

language tests for over 40 years. It offers over 70 language certificates in ten languages. These are aligned to the Common European Framework of Reference for Languages (CEFR) and are recognised by educational institutions, employers and official bodies all over the world.

¹¹⁶ Cooperation partners include Darmstadt Regional Council, whose responsibilities include recognition of healthcare and nursing professions.

¹¹⁷ Cf. resolutions of the 86th GMK in Potsdam on 26 and 27 June 2013, agenda item 7.3. www.gmkonline.de/?&nav=beschluesse_86&id=86_07.03 (accessed: 14 November 2013).

German professional or vocational qualification on the basis of stipulated formal criteria such as training content and duration. Whereas in the case of the non-regulated occupations the **equivalence assessment procedure** is regulated by the BQFG, the procedure for the regulated professions is governed by the respective specific legislation even if such legislation does not contain any regulations or makes reference to the BQFG.

The central issue is whether there are substantial differences between the foreign professional qualification and the German reference occupation and, secondly, whether any such differences could possibly be offset by professional or occupational experience obtained in Germany or abroad. Substantial differences exist pursuant to § 4 Paragraph 2 BQFG, § 3 Paragraph 2, Clause 3 BÄO and § 2 Paragraph 3, Clause 3 KrPflG if the skills, knowledge and competence gained abroad exhibit substantial differences compared to those of the German reference qualification. The main relevant criteria are the duration and content of the training and the question of whether the different knowledge is material to the exercising of the profession in Germany. Equivalence does not mean equality. Full correlation with the German reference occupation is not required.

Differences between the BQFG procedure and the regulations contained within the specific legislation governing the professions mainly exist with regard to the application and decision and the deadlines and in respect of compensation measures, i.e. when there are substantial differences that cannot be offset by professional experience¹¹⁸.

In the case of the regulated professions, establishment of equivalence takes place incidentally within the procedure leading to authorisation to practise (entitlement to exercise the profession and use the professional title). Establishment of equivalence is not in itself sufficient for authorisation to practise on the part of the applicants. All prerequisites, some of which are contained within the specific legislation governing the professions, need to be fulfilled. Alongside proof of actual qualification, for example, § 3 of BÄO and § 2 of the KrPflG require the demonstration of suitable health and fitness and language knowledge¹¹⁹.

The main focus below is on the recognition of the qualification of doctors and registered general nurses.

Comparison of training

Full equivalence is established if the foreign training certificate attests the competence to perform professional tasks that are comparable to the tasks performed under the German professional qualification and there are no substantial differences between the professional qualification acquired abroad and the German professional qualification.

The point of reference for the establishment of recognition is always the current German occupational profile¹²⁰.

In comparing a foreign qualification as a doctor, there are different curricula¹²¹ at the various German universities which can be used as a comparison document. There are no uniform stipulations as to which curriculum should be used as the basis of the equivalence assessment. One federal state has, for example, taken a decision to provide more standardisation and therefore greater transparency in this regard. In the interests of uniformity, the three agencies responsible for the recognition of doctors have agreed to use the current curriculum of a single university.

¹¹⁸ These differences are mostly based in professionally specific or certain statutory requirements, such as restrictions for professions in which it is particularly important to have a knowledge of the legal situation in Germany. Cf. also Maier/Rupprecht (2012).

¹¹⁹ Until the entry into force of the Recognition Act, German or EU nationality was a prerequisite for authorisation to practise (§ 3 Paragraph 1, Clause 1, No. 1 BÄO previous version).

¹²⁰ In contrast to this, comparison with the German reference occupation which was in force at the time when the foreign qualification was acquired is also possible in the case of recognition procedures for "late resettlers" pursuant to the Federal Expellees Act (BVFG).

¹²¹ § 27 of the German Medical Licensing Ordinance (ÄApprO) stipulates the subjects which must be studied as part of every medical training course in Germany. The study ordinances of the universities set out the teaching of cross-sectional areas in more detail. The means that differences in curricula should be categorised as low.

According to the statements given by the interviewees, when undertaking a **comparison of the training certificates**, a fundamental attempt is made to present the requirements of the German qualification in a systematic way (such as in tabular form) so that both contents and the time dimension can be matched with those of the foreign qualification in as straightforward a manner as possible. Darmstadt Regional Council, for example, publishes such summaries of German or Hessen training courses on its website. Contents of both the theoretical and practical part of the training and minimum hours of study required are presented alongside one another. A further aim here is to create transparency for potential applicants and enable them to check in advance whether their own training approximately corresponds to the German training in terms of content and duration.

In the case of the equivalence assessments, insofar as external experts are not involved, the main focus is placed on the hours of study completed in the individual subjects. In the interviews, the staff of the competent body themselves described such an approach as a quantitative test.

“Without carrying out any actual analysis of the nature of the contents, the focus is simply on the number of hours. These are then crossed off before saying: ‘That’s not enough’. This is the problem. The content benchmark is never applied qualitatively, generally the judgement is made only quantitatively.”

“I have details of the training, the German training content, the subjects and the hours of study, and then I have to work my way through the various curricula and somehow align them.”

“And this curriculum contains [...] hours per subject, divided up into the individual years of study, and this forms a basis [...] in tabular form. And the training which the foreign doctor is able to demonstrate, his or her own curriculum from the country of origin is then, so to say, placed alongside. A comparison then takes place, and we look to see how many hours of study there are for each subject and how that can be superimposed. [In our federal state], we have reached an agreement to the extent that plus or minus 1.5 percent is deemed to be acceptable. So, if 48 hours of study are stipulated for urology and an applicant has 40, for example, then that’s not any problem.”¹²²

In order to be able to conduct a comparison of training certificates both in terms of content (qualitatively) and in terms of time (quantitatively), the competent bodies require detailed information. However, even if additional documents providing information on the content and time of foreign training are available, comparing the German and foreign professional qualification often remains difficult and constitutes a major challenge for the competent bodies.

Subject titles frequently also deviate from those usually applied in Germany, meaning that only limited comparison is possible. It is often the case that the titles of both training courses and individual subjects seem to suggest contents which, upon further inspection, are not part of the training.

“[...] if it says physiotherapy on the label, physiotherapy is not always in the tin.”¹²³

Material comparisons between qualifications ideally also require similar structuring, which usually is not the case. Normally, the structuring of foreign regulatory instruments (such as training regulations or curricula) does not correspond to national regulatory structures, thus rendering comparison of qualification more difficult. In addition to this, both German and foreign training regulations are mostly too generally formulated to allow what a person can or cannot do to be highlighted in detail.

“Another major problem with these professional recognition procedures is that some other states have completely different subject titles. This means that you need to look really closely and gain experience. [...] Community medicine, for example, may include [...] general and family practice, social medicine or occupational medicine. [...] I can’t always recognise this and need to make enquiries. [...] I also have to wait until I receive official documents. Or in surgery [...] for example, it is often the case with third countries that many hours of study are recorded, far more than here. But surgery can also include urology and orthopaedics.”

¹²² Statements from interviewees from competent bodies for the recognition of medical and specialist healthcare professions.

¹²³ Ibid.

“Or let’s say, for example, that a nurse has no hours spent studying anatomy throughout the entire course of training. That would be noticeable immediately. But comparability is otherwise also very difficult, because the terminology is usually quite different.”¹²⁴

The interviewees agree, and this is also something which is stipulated by the law, that complete correspondence with the German reference occupation does not need to be demonstrated. The competent bodies, however, continue to experience difficulties in determining which differences should be designated as substantial differences, particularly in the case of doctors but also with regard to registered general nurses. In some instances, internal federal state agreements are in place which have set out a certain leeway in respect of time proportions completed¹²⁵.

For the staff interviewed from the federal state authorities responsible for the recognition of doctors and registered general nurses, most of whom are not medical experts, content comparison remains a major challenge.

Some interviewees state that university professors are often used by the individual competent bodies to act as **external experts** for the equivalence assessment of doctors with third country qualifications. Staff from the federal state authorities responsible give two reasons for this. Firstly, the (non-specialist) case workers simply find it impossible in terms of content and theory to decide whether medical qualifications acquired abroad are actually sufficient for the establishment of equivalence. Secondly, the involvement of university professors enhances the procedure and makes it more credible for applicants. The costs of such a survey normally need to be borne as an additional expense by the applicants (cf. III-3.5.1).

There are reports from the field of nursing that the case workers at the competent bodies are not in possession of the specialist knowledge required for assessment of equivalence in terms of content, particularly in the case of training qualifications from third countries. For this reason, various cooperation agreements are concluded in this area, such as with schools of nursing, which then act as external experts.

One interviewee from a competent body for the recognition of registered general nurses describes this in the following terms.

“We do not carry out the assessment ourselves. This is done by the school of nursing or by other schools depending on the profession. We have a cooperation agreement in place for this purpose [...]. In purely theoretical terms, any school of nursing should be able to fulfil this function. We, however, have a major school which conducts the process for us [...]. One of us, either myself, my colleague, my line manager or someone else attends and we look at what happens, [...] we ourselves are not qualified nurses. I can’t do the equivalence assessment. It needs to be carried out by a nursing lecturer.”

No findings emerge from the interviews with regard to the specific approaches adopted by the external experts. The aim is generally to carry out a **target-actual comparison** which takes both content and time aspects into account.

In their relations inter se, the 53 chambers of crafts and trades have, as described above, agreed on a “lead chamber system” (cf. II-2). At the request of the local chambers of crafts and trades, the lead chambers assess difficult applications from countries of origin in respect of which they have built up specific expertise. According to the German Confederation of Skilled Crafts, the involvement of the lead chambers does not occasion any separate costs for the applicants affected (cf. Witt 2012, p.104).

The IHK FOSA largely conducts research into vocational education and training systems and occupational profiles within the scope of the specific recognition procedures themselves.

¹²⁴ Ibid.

¹²⁵ For example, +/- 15 percent time proportion in a certain subject.

In the view of the interviewees, the consortium of 77 chambers of commerce and industry comprising a central competent body and the internal lead chamber system of the chambers of crafts and trades are increasingly resulting in standardised decision-making practice which is helping to create transparency regarding the processes and decisions for persons interested in seeking recognition.

The aim is to carry out a target-actual comparison that examines the qualification both in terms of content and time for those responsible for equivalence assessment. The comparison between the German reference qualification and the foreign qualification remains a challenge even if there is additional documentation available which provides information on the content and duration of training. The reasons for this include a lack of correspondence between the structure of foreign regulatory instruments and German occupational profiles and the fact that training regulations frequently tend to be couched in general terms.

For the staff interviewed from the federal state authorities responsible for the recognition of doctors and registered general nurses, most of whom are not medical experts, content comparison in particular remains a major challenge. For this reason, external experts are often involved in the equivalence assessment process in these professions, and this is associated with additional costs for applicants.

Professional and occupational experience

In an ideal case scenario, the first step is to compare the foreign and German professional or vocational qualification. If substantial differences are identified, the competent body assesses whether these may be offset by demonstrated **relevant professional or occupational experience**¹²⁶ **or by other evidence of competence** (such as further training)¹²⁷. Professional or occupational experience should especially be taken into account if there are substantial differences between a qualification acquired abroad and the German reference occupation and if the focus is on offsetting these differences within the scope of the Recognition Act. This applies in particular to deficits in respect of the practical elements of training, which in contrast to other countries play such an important role within the German dual system¹²⁸.

With regard to the “credit transfer” of professional or occupational experience as compensation for substantial differences identified, there are very few specific stipulations with regard to how long an applicant should have been working in a profession or in respect of how long ago the experience may have been gained in order for it to be taken into account in the procedure. Some indications are provided in the Explanatory memorandum to accompany the Federal Government Recognition Act (Federal Ministry of Education and Research 2012, p. 47). The competent bodies are accorded some room for discretion. Some interviewees view this as positive, whereas others would wish to have more specific stipulations for their own assessment practice¹²⁹.

In order to be able to use existing professional or occupational experience for the procedure, such experience needs to be presented in a clearly comprehensible form and above all must be demonstrated in detail. This frequently produces a problem, since specific professional activities and experiences often cannot be demonstrated via documents. In many countries, the culture of documentary recording is less marked than in Germany. Testimonials, particularly in the form usual in Germany, are frequently absent. If such documents exist, they may simply provide an indication that a person has spent a certain period of time with a company without going into detail regarding the contents and duration of the activities performed or providing any information on the quality of work.

“The job references with which we are familiar in Germany do not exist abroad. In many countries, all you get,

¹²⁶ This is one of the main USP's of the German BQFG in international comparative terms.

¹²⁷ § 4 Paragraph 2, § 9 Paragraph 2 BQFG and comparable provisions in the specific laws governing the professions (e.g. § 3 BÄO).

¹²⁸ No consideration is accorded to professional or occupational experience in procedures for late resettlers pursuant to § 10 BVFG.

¹²⁹ The DHKT “Guidance for the conducting of equivalence assessment procedures”, for example, provides some specific advice on the evaluation of professional or occupational experience.

if you get anything, is a document which states the dates between which a person worked there.”¹³⁰

According to the interview statements, it is difficult for the applicants and guidance institutions to evaluate prior to a procedure whether any account at all will be taken of existing professional or occupational experience, which may extend over many years in some cases. This particularly applies to the regulated professions. The guidance institutions interviewed exercise particular criticism that it often remains unclear to applicants which type of substantial differences have been identified and by what sort of professional experience these could be offset.

In overall terms compared to the non-regulated occupations, the competent bodies for the recognition of doctors and registered general nurses ascribe a low level of significance to professional experience in terms of the outcome of the procedure. Although professional experience is taken into account, it rarely has an impact on the ultimate result of the process. The competent bodies for doctors interviewed were in relative agreement that equivalence assessments for qualifications from third countries do not tend to end positively unless a knowledge test is completed. They point out that it is frequently the case that only a short period of professional experience is available, of which very little account can be taken. Even though professional experience enables individual subjects to be designated as equivalent, too many substantial differences usually remain.

The guidance institutions also report that, in some cases, no account is taken of professional experience from the outset of the procedure. The reasons for this include the fact that such experience played no part in the process until the Recognition Act entered into force on 1 April 2012 and the competent bodies have not yet adjusted. The competent bodies were also of the view that it was “not worth the effort” to undertake a detailed consideration of professional experience if applicants would have to take part in a knowledge test anyway.

Research on the websites of the competent bodies for the recognition of doctors and registered general nurses produced the following information. Of the 25 federal authorities responsible for the recognition of registered nurses, 14 require the submission of “testimonials from previous employers” when an application for recognition is made. In the case of the competent bodies for the recognition of doctors, eight out of 23 bodies expect certification of prior professional experience. This does not, however, automatically imply that the competent bodies which do not directly demand evidence of professional experience on their websites do not take this into account. Under certain circumstances, such evidence needs to be submitted at a later stage.

Geriatric nursing is mentioned in some interviews as a special case in connection with the inclusion of professional experience. Unlike in Germany, there are no courses of higher education courses or training courses specifically aligned to geriatric nursing within the international environment. This means that no comparability exists to the German requirements profile of “qualified geriatric nurse”. Even if they have professional experience of geriatric nursing, registered general nurses from abroad are unable to obtain recognition in this profession (cf. III-3.3.4).

In the case of the non-regulated training occupations, occupational experience often plays an important role prior to submission of the application, i.e. during guidance for the final stipulation of the reference occupation for the application for recognition. Particularly in training occupations with various specialisms (for example electronics technician), the nature of occupational experience has a significant part to play in finding the reference occupation which offers the best prospects of recognition. This does not apply in the case of stipulating the reference occupations for doctors or registered general nurses. Alignment of the reference occupation in this regard is usually clear.

Even though the chambers have not yet been explicitly interviewed on equivalence assessment, the high significance of occupational experience for the identification of the reference occupation and also for

¹³⁰ Statement of an interviewee from a competent body.

the equivalence assessment procedure itself emerges from the previous interviews.

In the equivalence assessment procedure in the non-regulated occupations, occupational experience plays an important role and frequently influences the outcome of the assessment. In contrast to this, staff from the competent bodies responsible for the recognition of doctors and registered general nurses state that professional experience has a lesser significance for the result of the procedure. The period of professional experience is often too short to be able to permit substantial differences to be offset. Insofar as professional or vocational experience is not documented in a clearly comprehensible way, it cannot be used for the procedure either in the regulated or non-regulated sectors. Although evidence of a period of employment may be available, this often does not provide any information on the field or level of difficulty of the activity.

According to the guidance institutions, the competent bodies frequently accord a subordinate role to professional experience in practice, especially in the case of recognition of doctors from third countries, because applicants would anyway have to complete a compensation measure.

Skills analysis (other suitable procedures pursuant to § 14 BQFG)

In the case of absence or inadequacy of documentation, if the documents submitted are insufficient or if there are doubts as to content and correctness, § 14 BQFG and § 50b Paragraph 4 HwO provide for identification of the professional skills and knowledge of the applicant via “other procedures”¹³¹. These “skills analyses” are conducted for the purpose of identifying the essential occupational skills, knowledge and competences in order to enable a comparison with the German vocational education and training to take place. Pursuant to § 14 Paragraph 2 BQFG, they may in particular comprise work samples, interviews or practical and theoretical tests. The inability to submit the required documentation must not be the fault of the applicant.

Only a few statements regarding the skills analysis are made in the interviews with the competent bodies. The reason for this is that the competent bodies surveyed have had little experience with “other procedures” thus far, and statements relate to a small number of cases only.

There are reports that it is difficult to stipulate the correct point in time for a decision regarding a skills analysis. If the applicant and the competent body have already been endeavouring to obtain various additional documents for a considerable time, the question will arise at some point whether these attempts should be abandoned and a skills analysis performed instead. However, because expected costs are high, applicants usually continue to try to procure the missing documents.

All interviewees agree that there are currently difficulties with the application of “other procedures” and that it is unclear which contents should be tested using which methods and what a useful sequence would be. All also mention the high costs which are difficult to assess in advance and the associated financing problems for the applicants. These costs, which are also incurred if the skills analysis is not passed, are estimated at up to €2,000 in some cases. This creates an enormous hurdle for the applicants. Costs of the skills analysis could, however, be paid by the Job Centres and employment agencies as procedural costs if conditions are met.

The interviewees also agree that a skills analysis requires a higher organisational expense for the competent bodies because it involves an individual test of the knowledge, skills and competences of a single person. Depending on the method used, workshops, materials, experts to conduct the analyses on site and good content preparation would all also be needed.

“To develop tasks for persons individually is [...] a major challenge for the experts. Up until now within our system, it has been the case that the whole of a training course has been tested. Now, part of the course is to be assessed. And specific main activities need to be taken into account, or which situation-oriented tasks are to be developed. This first step already involves a relatively large expenditure of time on the part of the experts,

¹³¹ According to the explanations accompanying the law (Parliament Printed Paper 17/6260), § 14 BQFG is oriented towards the regulations contained in the EU Qualifications Directive and thus serves the purpose of its implementation (Directive 2011/95/EC).

because they are not familiar with it. And secondly because an attempt is also made to define this essential activity as extensively as possible. Then a date needs to be agreed, meaning that the organisational hurdle is relatively high. A cost estimate needs to be obtained from the experts. Then the chamber needs to inform the candidate of the proposal. He or she has to make a decision. [...] ‘Do I want to undergo a skills analysis or not?’ Then a date has to be found. The expert, the second observer and the candidate all need to attend on the day. Rooms and materials also have to be organised. The organisational expense is relatively high.”

Initial experiences of chambers of crafts and trades which have carried out skills analyses in various trades show that costs are especially high on the first occasion a skills analysis is conducted. The reasons for this are that experts need to be inducted into the procedure and the fact that preliminary work is extensive. The implementation of the skills analysis is described as easily feasible, particularly for repeat cases.

In order to support the competent bodies, the BMBF has launched the Prototype Project,¹³² to foster the development of a prototypical procedure for the establishment of professional and vocational skills pursuant to § 14 BQFG. Within the scope of the piloting process, the main methods chosen were the “work sample” and the “interview”.

The skills analysis pursuant to § 14 BQFG is an opportunity to seek assessment of existing qualifications despite the absence of paperwork.

Because there has been very little experience with § 14 BQFG, the interviews conducted on this occasion have not produced much feedback. If there are acceptable reasons why applicants are unable to produce documentation to demonstrate their knowledge, skills and competences, the interviewees are of the view that the application of other procedures is certainly a useful approach. Because this involves individually designed tests, there is agreement that a so-called skills analysis puts the competent bodies at a greater organisational expense. Another topic addressed is that of costs, which depending on the time required for the procedure may be relatively high. For those in receipt of benefits pursuant to SGB II/III, however, such costs may be paid by the labour administration organisations.

The standards developed via the Prototyping Project will further simplify the skills analysis procedure. The effects of this in practice will be considered in more detail in the next report.

Notice

Pursuant to § 7 BQFG, the procedure concludes with a notice which is appealable in law¹³³.

In the case of the regulated professions, notification of equivalence usually takes place at the same time as notification regarding authorisation to practise¹³⁴. An overall decision is then taken regarding authorisation to practise, in respect of which equivalent qualification is one of several prerequisites. Only in the case of a few professional groups, such as the healthcare professions where academic qualifications are required, is there provision for a separate notice contestable in law regarding establishment of substantial differences.¹³⁵ If the outcome of the equivalence assessment is that there are substantial differences which cannot be offset by professional or occupational experience, the competent body is further required to identify which compensation measures can balance out such substantial differences.

¹³² See information box in Part II Section 2.2.

¹³³ Comparable provisions are in place in the specific legislation governing the professions.

¹³⁴ A particular circumstance exists in the craft trades sector whereby if a person intends to enter self-employment in an occupation where a licence and possession of a master craftsman qualification are required (pursuant to Annex A of the Crafts and Trades Regulations Code, HwO), the equivalence assessment may be limited to one of more essential activities. Establishment of partial equivalence is possible on this basis (cf. the reference in § 50 b Paragraph 6 to § 8 Paragraph 3 HwO, meaning that registration with the Register of Crafts and Trades can take place via § 7 Paragraph 3 HwO on the basis of establishment of partial equivalence and with a restriction to the essential activities of a trade for which there is positive establishment of equivalence for partial activities).

¹³⁵ Conditional notice imposing “compensation measures” (e.g. § 3 Paragraph 2, Clause 8 BÄO).

The guidance institutions and the competent bodies report irritation on the part of a number of applicants because the word “recognition” does not usually appear in the notice. Despite the fact that full equivalence has been accorded, the assumption in some cases is that a rejection has been received. The competent bodies are required to take account of formal requirements by issuing a notice which constitutes an administrative act. From their point of view, the use of statutory terminology is customary. Notwithstanding this, the comprehensibility of the notices remains an important objective in terms of practical use.

In the case of the non-regulated occupations, both full and so-called partial equivalence may be accorded. The latter occurs when substantial differences are identified. In the explanation included with the notice, existing professional qualifications are described together with the substantial differences¹³⁶. According to some interviewees, it is important for applicants to know the training needs that arise from the substantial differences identified. Because the competent bodies do not have any statutory remit to “translate” these differences into training requirements, it may be the task of the institutions providing follow-up guidance to take on this role. This is particularly important for applicants seeking to achieve full equivalence. In order to standardise implementation in the field of the non-regulated occupations, the “BQFG Implementation” Working Group (cf. Part II-2.2) has developed a sample notice which has been made available to the competent bodies in the internal section of the BQ Portal and to the Working Group of the “Coordinating Departments” of the federal states. The IHK FOSA and the chambers of crafts and trades have simplified and adapted the form of the notices with a view to further improving comprehensibility.

A further aim is for the notices issued within the recognition procedure to doctors to describe substantial differences to contain as much detailed information as possible on which contents are to be offset by compensation measures. This does not seem always to happen in practice.

In its report (status 13 September 2013), the Working Group of the “Coordinating Departments” of the federal states called for a nationally standardised layout for notices and an appropriately agreed structure for the recognition notices. It argued that this would help improve acceptance of the notices. A uniform cover used by all competent bodies would create a consistent umbrella brand which would gain validity at a glance in the same way as a final certificate.

Within the scope of the procedures for the recognition of doctors with foreign professional qualifications, there are indications that the notices including a list of substantial differences identified are not always issued. Instead of this, the equivalence assessment is followed by an official meeting, at which applicants are told that no equivalence can be established because of substantial differences. Temporary authorisation to practise¹³⁷ is then issued, which doctors usually accept in order to be able to complete the knowledge test – something which is stated to be a “must” – as quickly as possible. This means that doctors are unable to appeal against the notice.

The view of the guidance institutions and of the competent bodies is that it is important for both applicants and companies that notices are formulated in a comprehensible way and make it clear where there are commonalities and differences in training. Insofar as partial equivalence is accorded in the non-regulated sector, both the substantial differences and training requirements should be made clear. Notices which indicate substantial differences in the field of the regulated professions should contain as much detailed information as possible on which contents can be offset by which compensation measures.

Interim conclusion – equivalence assessment in the field of the medical and healthcare professions

In April 2013, the “Coordinating Departments” Working Group ascertained that, in order to ensure standardised recognition practice, it would be necessary to define essential terms, such as substantial

¹³⁶ § 7 Paragraph 2 BQFG.

¹³⁷ Temporary authorisation to practise is issued in conjunction with the opening of the process leading to a licence to practise medicine. For nationals of third countries, the maximum period has been reduced from four years to two, and temporary authorisation can be issued under certain conditions. The issuing of a licence to practise medicine indicates permanent registration as a doctor and also confers the right to use the professional title.

differences, in an occupationally specific and uniform manner across the federal states. If this did not take place, it saw inherent risks, particularly if recognition procedures and areas of responsibility were not regulated in a centralised or cross-federal state manner.

The interviews with the federal state authorities responsible for recognition and with the guidance institutions provide indications that, at least with regard to the recognition of doctors from third countries, practice remains very inconsistent. The supposition is that this is also the case in other regulated professions, particularly with regard to professional qualifications from third countries.

On 1 January 2014, the “Ordinance on the implementation and content of compensation measures and on the issuing and extension of authorisations to practise in medical professions governed by federal law”, issued by the Federal Ministry of Health, entered into force. This stipulates nationally standardised criteria for the structuring and implementation of adaptation courses and tests and for the issuing of authorisation to practise. No experience is available as yet. The implementation of the new regulations will form an object of the next specialist report.

In the interviews, widely differing procedures for the issuing of authorisation to practise and licences to practise for doctors with qualifications from third countries were described. The following approaches were identified.

- Applicants are regularly referred on to a knowledge test without an equivalence assessment within the meaning of § 3 BÄO because the assumption is, without having conducted an individual evaluation, that there is no equivalence with the German training.
- Applicants are issued with authorisation to practise for the period in which they are able to demonstrate that they have a job, the maximum period being two years. After having exercised the profession for two years, doctors may apply for a licence to practise. The licence to practise is usually issued after two years without a further compensation measure.

There are various other approaches which lie between these two extremes. Some examples of these are listed below.

- After having received guidance from the competent body, doctors submit an application for authorisation to practise (pursuant to § 10 Paragraph 1 BÄO) rather than an application for a licence to practise. Within the following two years, they are able to complete the knowledge test and then submit an application for a licence to practise¹³⁸.
- Applicants receive authorisation to practise for a limited internship period (mostly of approximately six months) during which time certain specific content needs to be covered. The aim is to provide preparation for the knowledge test. Applicants may not be employed as assistant doctors during this time. In such cases, it is often unclear to the hospitals whether and how the doctor should be remunerated (outside the pay scale).
- Applicants are informed that they need to begin by applying for a licence to practise. Authorisation to practise is only issued following identification of no equivalence and establishment of the fact that a knowledge test needs to be completed. The aim in this case is that the authorisation to practise serves as preparation for the knowledge test.
- Applicants initially receive authorisation to practise for the duration of one year. This gives the competent body plenty of time to assess equivalence, involving external experts if necessary.
- Applicants may choose whether they wish to undergo an equivalence assessment or take part in a knowledge test. If they select the latter, they are offered preparation in the form of authorisation to practise for a six-month internship. The prerequisites are possession of a suitable job offer and sufficient knowledge of German.

In view of the clear formulation of § 3 BÄO, it is obvious that there is no legal basis for conducting any knowledge tests before the equivalence assessment provided for in § 3 BÄO has taken place. At least in

¹³⁸ This means that these cases are not statistically recorded in accordance with § 17 during the two-year period of work with the authorisation to practise because this process enables the establishment of equivalence to be “circumvented”. According to the interviewees, this brings benefits to the applicants, particularly in the form of cost savings. No experts need to be involved, and no fee is incurred for the issuing of a notice.

one federal state, however, it seems to be the case that doctors with a third country qualification are very likely to be referred to a knowledge test without the reasons for substantial differences having been explained in a notice beforehand.

The interviews with the competent bodies also show the following.

- There is an absence of nationally standardised benchmarks for equivalence assessment.
- In some cases, external experts are involved in the equivalence assessment, and in others the case workers at the authorities carry out the equivalence assessment procedure themselves. This has implications for costs incurred and for the outcome or quality of the process and national comparability of the assessment.
- The prerequisites for the issuing of authorisation to practise pursuant to § 10 Paragraph 1 BÄO are also interpreted differently.
- In some cases, evidence of a contract of employment in the federal state in which the application is made needs to be presented. This is also the case if applicants are already resident in Germany.

These various approaches result in a guidance problem, which is constantly addressed in the interviews. Those interested in seeking recognition can only be informed to a very limited extent of how the procedure is progressing and what the outcomes will be.

“All we can say to everyone is: ‘We just cannot calculate the probability of whether you will need to do a test or not!’”

The majority of the interviewees fundamentally welcomes measures leading to greater standardisation in the procedures and approaches adopted. Reservations are only expressed with regard to feasibility and in respect of who could set out the necessary stipulations within a federal system.

There is support for the idea of establishing a central assessment body for the healthcare professions in particular, which would at least be able to secure uniform standards for the comparison of documents. In order to facilitate further assessment for the competent bodies including consideration of professional experience, the expert report should be formulated in sufficiently meaningful terms. We may conclude that, in addition to stipulations that vary very widely in some cases, room for discretion is always left to the persons responsible to the assessment of equivalence in each instance. Nevertheless, there is agreement that standards and benchmarks are important in order to structure the procedures in as uniform and therefore in as comparable a way as possible.

3.3.3 Compensation measure (= adaptation measure)

Compensation measures are only statutorily regulated for regulated professions on the basis of the stipulations set out in Directive 2005/36/ EC¹³⁹. The Recognition Act extends these regulations insofar as possible to holders of third country qualifications. Compensation measures can balance out substantial differences identified. Depending on the profession and original qualification, this may involve an adaptation course (with or without a final examination which relates to the contents of the course) or a test (knowledge or aptitude test)¹⁴⁰.

For both the applicants themselves and providers of the various training measures (including hospitals and schools of nursing), it is important that the differences that need to be offset are listed in as much detail as possible so as to facilitate a targeted measure.

¹³⁹ On the basis of the regulatory objective of the EU Directive 2005/36/EC on the recognition of professional qualifications to guarantee freedom of movement of labour/free provision of services and in the light of the compulsory facilitation of access to professions this entails, European Law provides for compulsory compensation measures (aptitude tests or adaptation periods) in the event of substantial differences between qualifications.

¹⁴⁰ This formalised compensation of skills deficits via adaptation measures does not take place in the case of non-regulated occupations. The BQFG does not provide for any statutory adaptation measures in this regard. If substantial differences are identified, § 7 Paragraph 2 BQFG states that the explanation provided in the notice rejecting the application must document existing qualifications and deficits (identification of partial equivalence), so that those affected can use this official documentation to contact companies directly or else are able to seek targeted subsequent training (for more information, see III-3.4).

In the case of the medical professions for which an academic qualification is required, there is no possibility of choosing between a test and an adaptation course. For qualifications from the EU, EEA and Switzerland or for third country qualifications already recognised in the EU, the mandatory provisions contained in European law stipulate that a test must be restricted to substantial differences identified (aptitude test). This restriction does not apply to third country qualifications. A knowledge test relating to the content of the state final examination is required. The legislation¹⁴¹ makes it clear that the knowledge test does not comprise a full final examination of the training. The aim of the knowledge test is to ensure that applicants are in a position to exercise the profession in a comprehensive way.

Authorisation to practise may also initially be issued for a limited term. In connection with the opening up of the licence to practise procedure to nationals of third countries, the period of the temporary authorisation was reduced from four years to two. The aim is to enable applicants to fulfil the prerequisite for the issuing of a licence to practise during this time (e.g. to act as an opportunity to prepare for the knowledge or aptitude test).

According to the statements made by the interviewees, applicants from third countries which are not yet recognised within the EU/EEA/Switzerland are in practice likely to have to complete a compensation measure in the area of the medical professions for which an academic qualification is required. Doctors with a qualification from a so-called third country are therefore likely to need to take part in a knowledge test.

In accordance with the law and the statements made by the interviewees, registered general nurses with qualifications from third countries are able to choose between an adaptation course with a final examination and a knowledge test.

One possible explanation as to why a high number of notices attesting full equivalence was issued to doctors and dentists compared to registered general nurses (cf. Part III-2.2, Figure 9) is the fact that, during the reporting period, the training certificates of many applicants for a licence to practise as a doctor/dentist fell under the Directive on professional recognition (Directive 2005/36/EC), thus making it possible to gain automatic recognition or recognition via so-called acquired rights.

Also, in contrast to doctors and dentists, registered general nurses are also more likely to exhibit substantial differences in their occupational profile. Many applicants who worked in the field of nursing in their country of origin are in possession of qualifications which differ substantially in terms of content and duration from German training in the profession of registered general nurse. This means that recognition cannot take place until an adaptation course or knowledge/aptitude test has been completed. However, they are permitted to work in the nursing sector (e.g. as a healthcare assistant) without this authorisation.

The interviews demonstrate that very different federal state approaches and provision are in place across the country with regard to the implementation of compensation measures. Although the different ways in which these matters are handled is presented below as described in the interviews, no overall national summary can be provided.

The interviewees agree that a knowledge test is difficult to pass without prior preparation. Depending on the federal state and/or existing contacts, the route to a relevant preparation measure is not easy. A total of three hurdles need to be overcome, and these often bring about the failure of the following stages. Firstly, appropriate provision needs to be selected from the services available. Depending on whether a person is employed or has, for example, family commitments, in-service provision will be needed. In addition, applicants are frequently deterred by the costs of the courses, which are often high. Participation in a preparatory course also usually requires language knowledge at level B1 or B2 of the Common European Framework of Reference for Languages, something which could also represent a hurdle.

¹⁴¹ BÄO and KrPflG.

One competent body points out that there are good providers of preparatory courses for the knowledge test within the region, to which applicants are referred. Other competent bodies make it clear that it cannot and must not be their decision to refer applicants to a certain measure at a certain institution. They point out that the Recognition Act has created a kind of gold-digging mentality, in the wake of which many providers of preparation courses for the knowledge test, language course providers (including specialist language training) and so forth have sprung up. It is difficult to assess which provision is of good quality and suitable for the respective applicants. For this reason, the applicants need to obtain information on further training courses themselves.

We can certainly conclude that the different preparatory provision for the knowledge test varies significantly in terms of duration and cost. Duration ranges from a few days of training to 18-month courses, some of which can be completed on a part-time basis. For those who pay the course fees themselves, costs can be up to €5,000 (cf. III-3.5).

Results for the two professions of doctor and registered general nurse and associated practice with regard to compensation measures are presented separately below.

Doctor

Preparation for and implementation of the knowledge test

- The aim is that foreign doctors will prepare for the knowledge test within the scope of their work having been issued with authorisation to practise.
- Courses leading to the knowledge test are offered by hospitals in some cases.
- Various training providers offer preparatory courses for the knowledge test. According to information provided by the interviewees, there are in Germany approximately five training providers which offer overall packages in the form of a doctor's integration course and which are certified by the Federal Employment Agency.
- Numerous providers from the language school sector offer a range of preparatory courses for the knowledge test, the main focus of which is the improvement of language knowledge. According to statements made by guidance institutions, applicants who take part in a German course only have far lower chances of passing the knowledge test.
- In some cases, applicants are tested together with medical students at local universities within the framework of the state oral examinations.
- Some examination boards at medical councils also conduct the knowledge test.

A majority of interviewees welcomes the new legal ordinance for the standardisation of adaptation measures issued by the Federal Ministry of Health in June 2013 (see above). Under the ordinance, "Internal medicine" and "Surgery" remain key test subjects. New additions are cross-sectional areas such as emergency medicine and/or pharmacology. Communicative competence is more strictly tested as part of the procedure, for example patient-doctor interaction.

Registered general nurse

In the case of registered general nurses, an adaptation course is usually understood to comprise a practical placement in general nursing rather than the sort of school-based measure implied by the word "course". In some cases, training contracts offering appropriate remuneration are concluded at the schools of nursing. A majority of interviewees agrees that the adaptation courses usually involve exercising professional activity under the supervision of a qualified nurse rather than being conventional "courses" with several participants. Courses with theoretical elements are also offered in individual cases. In the case of third country nationals, the completion of a test is stipulated at the end of the adaptation period. This sometimes takes the form of a reflective or oral examination which relates to the content of the adaptation course.

Article 15 of the new Ordinance on adaptation measures (see above) stipulates that adaptation periods

may comprise theoretical and practical teaching, may take the form of practical training with theoretical instruction or may be conducted as a mixture of these¹⁴². Courses may be completed at a school¹⁴³, at a hospital or at an institution recognised as comparable.

One competent body makes express reference to a problem associated with this regulation. The schools also need to offer relevant measures, courses and tests, and universal provision is not currently in place for this.

There is also mention of the problem that, depending on the federal state, the schools of nursing cannot be forced to offer certain courses or measures. In Hessen, for example, full-time vocational schools are private sector-run, meaning that the federal state authorities do not have any power to direct. In Bavaria, on the other hand, schools are state-run, and the specialist healthcare professions fall within the remit of the Ministry of Education and Cultural Affairs. The prerequisites for the implementation of the stipulations contained within the Ordinance thus vary according to federal state. When the new Ordinance enters into force on 1 January 2014, observation will need to take place as to whether the organisational options for the adaptation courses introduced or stated offer sufficient leeway for the federal states.

The interviews make it clear that very different approaches are currently being adopted across the country with regard to the imposition and execution of compensation measures. There is also a large amount of preparatory provision for the tests (knowledge of aptitude test). This provision also varies with regard to content, duration and costs.

The new Ordinance of 2 August 2013 on the implementation and content of compensation measures and on the issuing of authorisations to practise issued by the Ministry of Health is mainly viewed as an instrument that will bring further standardisation to the implementation process.

Digression – geriatric nursing

The area of geriatric nursing has a special status in various regards and will therefore be presented separately.

In the case of third country qualifications, a difference exists between the procedures for nursing and for geriatric nursing. With regard to the compensation measures, the Nursing and Long-Term Care Act is more closely aligned to the regulations for EU qualifications. This means that, in the design of the knowledge test, there is the opportunity to take applicants' status of knowledge into account, whereas in nursing applicants with non-equivalent third country qualifications are always required to complete a knowledge test which relates to the content of the state examination. This does not, however, alter the outcome. Both applicants in geriatric nursing and applicants for general nursing must complete a test in order to demonstrate equivalent knowledge before authorisation to use the professional title is issued. In the case of geriatric nurses, the authority merely has the discretion of restricting the test to the areas in which training differences have been identified or else of deciding to proceed with the more general knowledge test. If the authority avails itself of the possibility of limiting the knowledge test to the substantial differences ascertained, the knowledge test is then comparable with the aptitude test that needs to be completed by applicants with non-equivalent EU training. However, applicants with third country qualifications in the field of geriatric nursing do not have the right to choose between an adaptation course and a test. The authority acts at its own discretion in deciding whether the applicant must complete an adaptation course or a test (cf. Federal Ministry of Education and Research 2012).

Although geriatric nursing was not a focus of the interviews, it was for the following reasons a topic that

¹⁴² § 20b KrPflAPrV (new).

¹⁴³ State-recognised schools at hospitals or state-recognised schools that are connected to hospitals (cf. § 4 Paragraph 2 KrPflG) or an institute recognised as comparable by the competent body (cf. Ordinance).

was always addressed by competent bodies for the recognition of healthcare professions.

Firstly, there is a relatively high requirement for information on the profession of geriatric nurse on the part of those interested in seeking recognition (cf. III-3.1.2). At the same time, indications are that the need for skilled workers in this field is high.

An equivalence assessment with the German reference occupation of geriatric nurse is not usually undertaken. Courses of higher education study or training occupations specifically aligned to the profession of geriatric nurse simply do not exist internationally. In the view of the competent bodies, this means that no comparability exists to the German requirements profile of “qualified geriatric nurse”. However, because there is an urgent need in Germany for skilled workers in the field of geriatric nursing, particularly due to demographic change, enquiries are often received from companies (especially from old people’s care homes) as well as from persons interested in seeking recognition. The usual reference occupation for foreign nurses undergoing a recognition procedure is currently registered general nurse. For this reason, employers in the geriatric nursing sector are faced with the unfavourable situation that the necessary adaptation courses normally take place in a general nursing environment, i.e. in a hospital, rather than at their own institutions. Authorisation to practise is also issued in the profession of registered general nurse.

If the adaptation course is completed in a hospital rather than in an old people’s care home or in outpatient nursing, this means that employers in the field of geriatric nursing will have to expect to continue to pay salaries whilst their skilled worker is unavailable for a longer period of time. There is also the risk that the (recognised) skilled worker may decide to work at the hospital because, for example, of the prospects of better payment and of particular opportunities for advance training.

3.4 Further training

As well as conducting interviews with chamber representatives on further training for persons interested in seeking recognition within the scope of a recognition procedure, questions were also included in the 2013 Continuing Training Survey¹⁴⁴ of continuing training providers with a view to investigating possible effects on this group and the expansion of training courses within the scope of the Recognition Act. Aims include the establishment of a time series in order to gain an understanding of developments.

Adaptation training (chamber area)

If substantial differences are identified between the foreign qualification and the German reference qualification during the procedure and these differences cannot be offset by occupational experience, the competent bodies are required to present both the existing qualifications and the substantial differences.

In the field of the regulated professions, compensation measures are indicated (see III-3.3). Full equivalence cannot be accorded until these measures have been completed.

In the non-regulated area, the purpose of presenting the existing qualifications and substantial differences is to allow applicants to try to enter the labour market or else undertake targeted training in order perhaps to aim for a new procedure for the establishment of equivalence (cf. Federal Ministry of Education and Research 2012, p. 11).

Against this background, the chambers were asked which adaptation training opportunities existed in their region. Two of the ten chambers interviewed have specific adaptation training projects in place locally which have arisen within the scope of the Recognition Act and are targeted towards the substantial differences identified in the procedures (see above III-3.3.2, on notices).

¹⁴⁴ For more detailed information on the Continuing Training Survey, see the dataset description in Annex A1.

Several advisors involved in providing initial guidance view the topic of adaptation training as important, although in most regions there is no specific provision for persons who have gone through the recognition procedure. Particular reference is also made to the fact that, in the case of adaptation training, the language knowledge of persons interested in seeking recognition needed to be sufficiently good in order to be able to complete the training courses and practical elements.

With regard to the notices, the advisors point to the difficulty of describing the deficits in such a way so as to make it clear which type of measure would be necessary for full equivalence. The feeling is that the notices are often too unspecific for this purpose.

Several chambers in the craft trades sector point to the training provision made available by the Hamburg IQ Network NOBI, which is explicitly aligned to those interested in seeking recognition subsequent to an equivalence assessment. NOBI pursues the goals of informing skilled workers and employers about the Recognition Act, networking the guidance provision of various stakeholders and developing adaptation training within the scope of the act. Alongside the craft trade occupations, training provision encompasses the profession of registered general nurse and the engineering professions.

Especially in the craft trades, the strategy of the NOBI projects is to tie in with the existing structures of training and state training institutes, to open these up for persons with partial recognition and to offer adaptation training on the basis of individual training plans. Existing training structures, such as attendance at vocational school, company placements and inter-company apprentice instruction, are also used for adaptation training. The project also translates deficits identified into specific learning objectives that relate to the respective training regulations of the reference occupation, which in turn form part of the notice. Implementation is currently being piloted via the Hamburg ESF project "Adaptation training in the craft trades", which offers a supporting language tutorial¹⁴⁵.

In the interviews, the competent bodies draw attention to an essential problem which occurs in the case of partial equivalence. The substantial differences are always individual deficits. The individual presentation of the substantial differences (i.e. the missing training components) in the notices could be expected to lead to differentiated demand for relevant training provision. This means that the challenge is to relate the adaptation training measure to the differences that have been individually identified. In other words, standardised follow-up training of the type that is, for example, used for second-chance VET qualifications, would not be a match in terms of approach for the knowledge, skills and competences which still need to be acquired by persons interested in seeking recognition. This results in the practical problem that either measures which fit the individual deficits need to be designed (individual measures) or else persons interested in seeking recognition do not need to complete certain contents within the framework of standardised adaptation training measures which they have already acquired in accordance with the partial equivalence of their qualification.

A more extensive solution to this dilemma could be adaptation training which initially follows on from the qualifications already individually available and uses these as a basis to generate training measures. This form of training is already being practised in pilot form in the case of second chance training measures within the scope of admission to the external examination in the Quali-ADAPT¹⁴⁶ project.

Continuing training providers

Within the scope of the 2013 Continuing Training Survey, the thematic areas on which participants¹⁴⁷ were surveyed included "Further training guidance as part of training for the recognition of foreign professional

¹⁴⁵ Further information is available at www.nobi-nord.de/fileadmin/redaktion_nobi-nord/PDFs/Publikationen/NOB-Aktuell_1-2013_Final.pdf (accessed: 18 November 2013).

¹⁴⁶ More information at www.hwk-oberfranken.de/72,0,484.html (accessed: 18 November 2013).

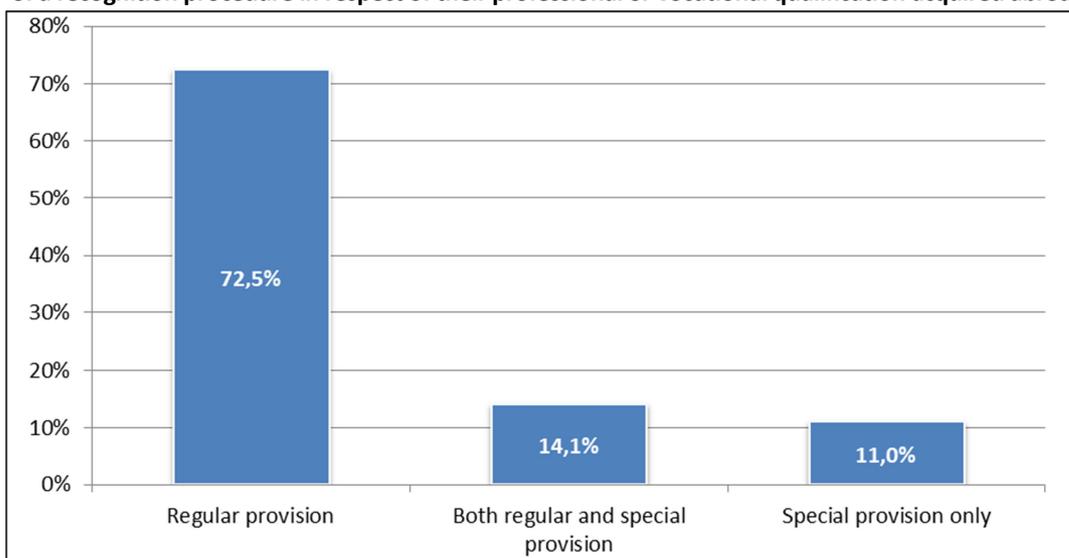
¹⁴⁷ Data is available for a total of 1,419 companies.

and vocational qualifications” and “Further training for the recognition of foreign professional and vocational qualifications”. The following evaluations comprise weighted responses in each case.

More than twelve percent of the continuing training providers who responded have given guidance on the stated topic, and more than six percent have provided further training to persons requiring such training because of a recognition procedure.

The rising significance of the topic of recognition of professional and vocational qualifications acquired abroad is also revealed in the case of the continuing training providers. More than 60 percent of providers who have conducted consultations in this thematic area state that the number of such consultations has increased over the past five years. The number has fallen only in the case of just under four percent. For just over one percent of providers, this topic is even one of the three most important guidance topics.

Figure 27: Which provision covers the training requirements of persons who need further training because of a recognition procedure in respect of their professional or vocational qualification acquired abroad?



Not included = “don’t know”.

Basis: Continuing training providers 2013 (weighted results, unweighted sample size: n = 90).

Source: 2013 Continuing Training Survey, presentation by BIBB.

If we consider the type of institutions¹⁴⁸ offering further training (courses) within this framework, it is revealed that private bodies operating on a not-for-profit basis are disproportionately more likely to conduct such further training provision compared to their share of the continuing training provider market. Church, political party or trade union institutions and foundations set up by an association or society are less likely to offer relevant training courses compared with their overall share of the market.

It is revealed that almost three quarters of institutions whose customers include persons who need to undergo further training because of a recognition procedure in respect of their professional or vocational qualification acquired abroad are able to cover such qualifications requirements via their regular provision. A quarter of providers (also) reserve special courses for this target group (cf. Figure 27). If this special provision is defined in more detail, it usually turns out to be occupationally related language provision.

¹⁴⁸ The type of institution was surveyed using the following categories: “private sector institution operating commercially”, “private sector institution operating on a not-for-profit basis”, “company-based training institution”, “vocational school”, “adult education centre”, “University of Applied Sciences/institute of higher education, academy”, “trade and industry related institution” (such as chamber, guild, professional association or an offshoot of these, “church, political party or trade union foundation, foundation set up by an association or society” and “other”.

The continuing training providers were also asked whether a cooperation agreement was in place with the competent bodies responsible for the recognition of foreign professional and vocational qualifications and what was the nature of any such agreement. More than four percent of all providers state that they work in conjunction with competent bodies or plan to do so. It is mostly the case that persons with training needs are referred to the institutions by the competent bodies. This requires the competent bodies to be aware of what provision the institutions have in place. Respondents state that training provision is conducted in conjunction with competent bodies and that a mutual exchange of information takes place.

3.5 Costs and financing

3.5.1 Costs

The decision as to whether to submit an application depends on an individual assessment of costs and benefits undertaken by those affected. For this reason, the ratio of consultations to applications is also influenced by the individual costs of acquiring recognition (cf. III-3.2.4).

The following section presents the fees and further costs that may be associated with the submission of an application on the basis of the interviews described (see III-1.2), a web analysis (see Annex A1), information provided by stakeholders (such as fees regulations) and secondary sources (for example minutes of committees and papers given at events). As already explained, the interviews represent feedback from practice obtained via a sampling procedure rather than a comprehensive survey. The focus is on the material costs¹⁴⁹.

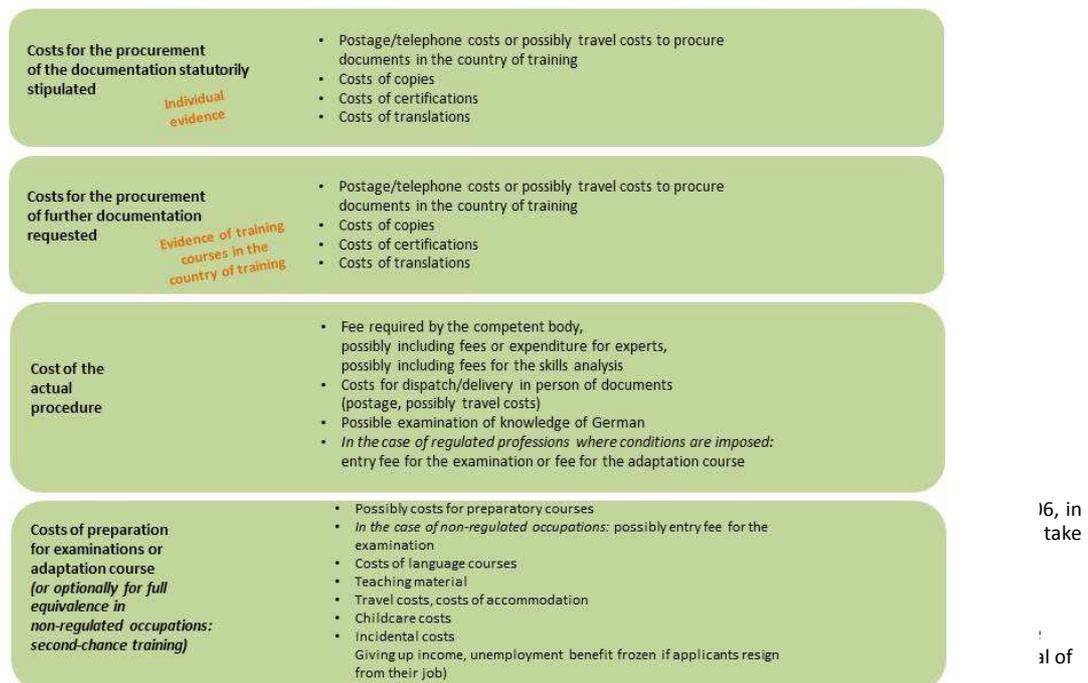
¹⁴⁹ Expenditure of time is only addressed with regard to costs incurred in connection with compensation measures. This section does not look at overall costs. This means that costs arising for the competent bodies or which occur within the scope of measures to support the law are not taken into consideration.

The overall costs incurred in connection with the submission of an application depend on the respective occupation, on the individual prior training of the applicants, in particular on the country of training, and not least on the local competent body. The types of costs systematised in Figure 28 in every case include the fees for the actual procedure and costs for the documentation that is statutorily prescribed. Depending on each individual case, costs may also be incurred for further documentation requested by the competent body and in some cases for the preparation for aptitude or knowledge tests or other compensation measures (for regulated professions). Applicants seeking full equivalence in a non-regulated occupation who decide to pursue any adaptation training that may be required also need to bear the costs of the training measure.

Fees for the procedure

Recognition procedures are subject to a fee. The amount of fees and expenditure involved is governed by the fee regulations of the federal states or of the chambers and depends on the individual expense of conducting the procedure. It is virtually impossible to make generalised statements. The Federal Recognition Act does not contain any stipulation as to the amount of the fees to be charged because the fees laws of the federal states apply to official acts enacted by the federal states pursuant to federal law regulations¹⁵⁰. The fee regulations set out by the chambers also apply in the areas governed by the chambers of commerce and industry and the chambers of crafts and trades. For this reason, no regulation is required in the BQFG. Because the chambers form part of the indirect federal state administration system, federal state law governing costs applies¹⁵¹. The IHK FOSA states that the fees for their procedures are between €100 and €600 and that the average level is €420¹⁵². In the case of chambers of commerce and industry which do not participate in the IHK FOSA, the fees range in Wuppertal-Solingen-Remscheid¹⁵³ is identical. In Hanover and therefore also in Braunschweig, however, the fee is

Figure 28: Possible types of costs associated with the acquisition of a notice of (full) equivalence for applicants



Source: Representation by BIBB.

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for the recognition or training occupations and approximately €550 for advanced training occupations, according to information provided by the IHK FOSA at the BQ Portal Expert Workshop staged at the German Institute for Business Research in Cologne on 22 May 2013.

¹⁵³ Cf. the fees schedule of the Wuppertal-Solingen-Remscheid Chamber of Commerce and Industry of 15 December 1999, last amended on 17 December 2012, http://www.wuppertal.ihk24.de/servicemarken/wir_ueber_uns/finanzen/gebuehren/905892/gebuehrentarif.html (accessed: 9. November 2013).

only €300¹⁵⁴. For a notice of objection, the IHK FOSA charges “half of the fee for the decision contested”¹⁵⁵. Craft trade occupations are governed by the fee regulations and schedules of the individual chambers of crafts and trades. The chambers of crafts and trades have also reached national agreement on a fee range of between €100 and €600¹⁵⁶. Medical assistants may be stated as one example of the liberal professions. The Medical Council of Westfalen-Lippe, which is responsible for most of the federal states, charges a fee of €125 for examination of the documentation¹⁵⁷.

According to information provided by a guidance institution in South Germany, procedural fees are frequently under €100 in some occupations governed by the federal state government. The members of the “Coordinating Departments Working Group” are of the unanimous view that the initial experiences of the federal states show that “fees charged thus far have not generally exceeded the amount of €600”¹⁵⁸. The “Coordinating Departments Working Group” is a committee for cooperation between the federal states that was set up in 2012. It has been debating a uniform maximum fee to apply across all federal states in respect of procedures for the recognition of foreign professional and vocational qualifications. No agreement has, however, been reached on the proposed limit of €600 (ibid.). The procedural fees for the regulated professions of doctor and registered general nurse, which together accounted for just under two thirds of all applications in 2012, will be investigated in more detail below.

Procedural fees vary not only between occupations but also *between various competent bodies* within an occupation. An analysis of the websites of the competent bodies for the issuing of a licence to practice to doctors conducted for this report in the autumn of 2013 showed that fees for the administrative costs involved ranged from €80 to €1,000 (cf. Table 15 in Annex A2). Of the bodies which provide information about costs on their website, some individual organisations state a certain amount whilst most make mention of a fees range. In some cases, there are indications of additional costs for testing knowledge of German. There are instances where different fees are stated for persons who have trained in EU/EEA states as opposed to third countries and one example of different levels of fees for persons with third country qualifications who already have a work permit for Germany and for persons with third country qualifications not in possession of such a work permit. In one case, the websites provide information on fee regulations for another group of persons. So-called late resettlers (immigrants of German ethnic origin from Russia and Eastern Europe) do not need to pay a fee if the licence to practise is issued no more than two years after place of residence was established in Germany. Another website explicitly shows the price for the issuing of the formal notice.

We know that in some federal states the costs incurred for the commissioning of an expert report for the recognition of doctors need to be borne by the applicants themselves. Pursuant to the Justice Remuneration and Compensation Act (JVEG)¹⁵⁹, expert costs are remunerated at an hourly rate of €60, a figure which increased to €75 with effect from 1 August 2013 (cf. § 9 JVEG, fees level 3). According to

¹⁵⁴ Cf. the fees schedule of the Hanover Chamber of Commerce and Industry of 3 September 2001 as amended on 3 December 2012 (valid in this form from 1 January 2012), www.hannover.ihk.de/fileadmin/data/Dokumente/Satzungen_Beitraege_Gebuehren/Gebuehrentarif_aktuell.pdf (accessed: 9 November 2013).

¹⁵⁵ Fees schedule (Annex to the fees regulations) of the IHK FOSA of 21 April 2012 with fees (ranges) for certain processes, www.ihk-fosa.de/fileadmin/ihk-fosa/Dateien/Gesetze_und_Offizielles/IHK_FOSA_Gebuehrentarif.pdf (accessed: 11 October 2013).

¹⁵⁶ Cf. the explanations given in an unpublished circular from the Association of German Chambers of Crafts and Trades, DHKT, to the chambers of crafts and trades from 15 May 2011. The intention is that the fees framework should apply to evaluations and decisions. By way of contrast, no fees should be charged in the information, guidance and preliminary examination phase.

¹⁵⁷ The Medical Council of Westfalen-Lippe is the competent body for this occupation in all federal states except for Bavaria, Brandenburg, Saxony and Saxony-Anhalt. The amount of fees charged is set out in its administrative fee regulations, see the information provided in the information sheet www.aekwl.de/fileadmin/arztshelferinnen/doc/Merkblatt_zum_BQFG_11-2012.pdf (accessed: 18 November 2013).

¹⁵⁸ Cf. Item 3.4 of the available but unpublished minutes of the 5th meeting of the Working Group of the federal state departments responsible for coordinating the recognition of professional and vocational qualifications acquired abroad (“Coordinating Departments Working Group”) of 23 April 2013.

¹⁵⁹ Cf. <http://www.gesetze-im-internet.de/jveg/index.html> (accessed: 7 October 2013).

the competent bodies, the amount depends on the respective cost of evaluation. This is not the least of the reasons why fees *are incurred at different levels on an individual case basis*. In one region, fees are usually between €400 and €600, whilst in another comparative region the average level is €500. If subsequent documentation is submitted, which needs to be considered separately by the expert assessor, such a follow-up evaluation causes fees to rise¹⁶⁰. As one body interviewed reports, some applicants submit subsequent documentation following receipt of the first expert assessment stating deficits in certain subjects, a process which could, for example, require one to two additional hours of work by an expert assessor.

Fees incurred are lower than the average levels stated if someone has only completed higher education and no evidence of professional practice needs to be tested. In such cases, an expert assessment could cost €280 or €320. Expense is also significantly lower in the case of persons who have already worked in various hospitals and health areas for a period of five to seven years. If, however, documentation is not conclusive and this results in research work for the expert assessor, the expert fees increase. In one exceptional case, new certifications were constantly subsequently submitted after each expert assessment had been drawn up. This ultimately resulted in a fee of approximately €800.

As is shown by the analysis of the websites of competent bodies responsible for the recognition of registered general nurses, also conducted in the autumn of 2013 (cf. Table 16 in Annex A2), the amount of fees also varies greatly in this area. Where information was provided, fee levels ranged between €80 and €1,000. The websites thus indicate that fees for the recognition of registered general nurses are on average somewhat lower than those charged for procedures for the issuing of a licence to practice to doctors.

From which point are administrative fees incurred? Fees may be charged retrospectively at the conclusion of the procedure or else be required in advance¹⁶¹. In the field of the licensing of doctors, applicants who have trained in a third country and who are ordinarily resident outside of Germany may in some cases be required to transfer a deposit of €500 *before documents are sent to an expert assessor*¹⁶².

There are instances where the fee regulations of the federal states and the chambers may stipulate lower fees in the case of rejection or withdrawal of the application. According to the fees schedule of the IHK FOSA¹⁶³, for example, the cost of a procedure which has been commenced when an applicant withdraws before a decision has been reached is charged at between €0 and €300.

Special regulations apply to late resettlers in some cases, particularly within the federal state fee regulations. There are instances where they incur either no or very low fees¹⁶⁴.

Fees for participation in tests

In the case of regulated professions, a fee for participation in any test imposed as a condition is payable in addition to the administrative fees. This involves either a knowledge test for graduates from a third country or an aptitude test for EU graduates. According to the information provided by one competent body for the licensing of doctors, the fees structure in their particular region is as follows. Fees for the

¹⁶⁰ Cf., for example, the information sheet issued by Düsseldorf District Government on 6 February 2013, http://www.brd.nrw.de/gesundheitssoziales/medizinische_angelegenheiten/Merkblatt_Approbation_von_rzten_Studium_Nicht-EU_.html (accessed: 31 March 2014).

¹⁶¹ Pursuant to § 16 of the Administrative Costs Act, VwKostG, (and equivalent federal state regulations), advance payments or deposits may be charged.

¹⁶² Cf. the information sheet referred to above, http://www.brd.nrw.de/gesundheitssoziales/medizinische_angelegenheiten/Merkblatt_Approbation_von_rzten_Studium_Nicht-EU_.html (accessed: 31 March 2014).

¹⁶³ See the IHK FOSA fees schedule as stated above.

¹⁶⁴ This basic philosophy is derived from § 7 Paragraph 1 of the Federal Expellees Act (BVFG) in conjunction with § 15 Paragraph 1 of the same Act. These provisions state that the integration of late resettlers into the professional, cultural and social life of the Federal Republic of Germany should be facilitated.

aptitude test (which they refer to as a deficits test) are between €120 and €270. The fee for the knowledge test is €360. The sum payable is aligned to the general administrative fees of the JVEG. The duration of the test is stipulated in the regulations for implementation. Because a test usually lasts for 90 minutes, the test fee is calculated on the basis of an hourly rate of €60 for three examiners or three professors. The total fee is therefore €270. This figure has not yet been adjusted to take account of the new rate that applies from 1 August 2013, when there would be a corresponding increase to €337.50. Applicants are required to transfer the fee one to two months in advance. No date is set for the test until payment has been received. The examination board dates available for such procedures are limited and waiting times are relatively long. Three candidates are usually tested at the same time. If a candidate cancels, the competent body need to try to find a replacement, sometimes at short notice. The test boards normally insist upon full remuneration. This means that the competent bodies constantly face difficulties in organising the procedures. If a candidate fails to appear for the test without a good excuse, the test fee is retained by the examination board and not returned.

Regional differences with regard to costs and the requirements of the procedures may have consequences for applications. One body in East Germany reported in the interview of their experiences of such a cost differential. Applicants had arrived in their federal state and lived there for a brief period before submitting an application, for which the fee was two and a half times lower than in Bavaria. After passing the test and obtaining a licence to practise, they had then once again departed from the federal state in question.

Costs of alternative procedures

Other costs are incurred in the case of a skills analysis pursuant to § 14 BQFG (cf. III-3.3.2). Applicants are invoiced for reimbursement of the expense involved. Because expenditure varies considerably depending on occupation and individual prior learning, practice has shown that costs are difficult to define in advance. Expense may also be incurred for the hire of rooms if such facilities are not made available free of charge. Cost estimates are obtained for the deployment of expert assessors. These may range from tens of euros (such as in one case involving office management clerks) to four-figure sums (e.g. in metal working). The guidance institutions interviewed report that their initial experience is that a skills analysis can cost between €1,000 and €2,000 and that this sum can even rise to several thousands in some cases if more than one master craftsman is involved. The Medical Council of Westfalen-Lippe, which is responsible for most equivalence assessments of medical assistants in Germany, stipulates a fixed-rate fee (€175 plus €125 for the checking of documents)¹⁶⁵.

Costs for documents to be submitted

As described in Part III Section 3.3.1, certain documents are statutorily prescribed. The competent bodies may also require the submission of further documentation within the scope of the applicants' duty to cooperate. The form of the documents is regulated in law in § 5 and 12 BQFG. The provisions state that the competent bodies may require certified copies or originals, but may also judge simple copies to be sufficient. In the interviews, it became clear that specific practice at the respective competent bodies exerts an influence on the amount of costs actually incurred (cf. the paragraph on areas of leeway below). Costs arise as a result of procurement of documents for correspondence, postage and copies (in individual cases travel even costs are incurred), certification and translation into German. The amount of the costs depends upon the scope of the documents. If training regulations or curricula need to be submitted, these may be extensive documents.

The procurement of copies, certifications and translations may take place via various institutions and is thus dependent on market prices and fee regulations. In its fees schedule mentioned above, the IHK FOSA, for example, states that its fees for "other administrative actions" are as follows. €1.50 is charged for each copy, €5.50 per document for certifications and €20 for a second copy of the notice. No valid

¹⁶⁵ See the information sheet from the Medical Council of Westfalen-Lippe referred to above.

average values are as yet available for the amount of procurement costs. However, as feedback from practice indicates that such costs may add up to three-figure sums in individual cases, they need to be taken into account in future investigations.

Costs of preparing for tests or adaptation courses (in the regulated sector) and costs of adaptation training

Applicants normally need to prepare themselves for participation in a compensation measure that has been imposed as a condition in regulated professions, either within the scope of an individual learning process or by taking part in a group learning process in the form of courses. They incur further costs in preparing for such aptitude or knowledge tests or by participating in a (mostly individual) so-called adaptation period. The official statistics for 2012 reveal that compensation measures imposed were still outstanding with regard to 7.3 percent of notices for licence to practise as a doctor and 29.8 percent of notices for registered general nurses¹⁶⁶. In the case of non-regulated occupations, applicants who have received certification of partial equivalence may voluntarily complete a training measure in order to achieve full equivalence. Such applicants also incur training costs.

There are several accredited course providers in Germany which assist with preparation for the knowledge test or aptitude test for the licensing of doctors. One provider, for example,¹⁶⁷ conducts full-time taught preparatory courses with a maximum duration of ten months which cost between €3,000 and €5,000 depending on their scope and, alongside the imparting of specialist medical knowledge, may also encompass guidance, placement, training for job applications, individual discussions and networking.

The duration of preparatory courses for the knowledge test in the profession of registered general nurse exhibits considerable differences between various federal states (cf. III-3.3.3). In the interviews, durations of up to 15 months are stated, although shorter preparatory periods of four to five months were considered in some cases depending on which knowledge was already in place. Some of the adaptation measures in the profession of psychotherapy, which are conducted at private schools, may also last up to 18 months. In at least one federal state, the schools in which the knowledge test for the profession of registered general nurse takes place also conduct the preparatory courses for such knowledge tests. A twelve-month preparatory measure for the nursing knowledge test, for example, costs €3,500. Alongside the school fees, applicants also need to meet their living costs. Several competent bodies point out that there are considerable hurdles in financing preparation for the knowledge test in healthcare occupations for which academic qualifications are not required.

Costs against the background of the prospects of success

Individual cost-benefits evaluations are directly connected with the prospect that a procedure will result in success. Even before the actual benefit of the notice is utilised on the labour market, the factor which initially counts is the probability that full recognition (in the regulated sector) or at least partial recognition (in the non-regulated area) will be achieved.

Guidance bodies interviewed report that the administrative fees for healthcare professions in which academic qualifications are required do not have any deterrent effect because costs are amortised by expected income. To the extent that a knowledge test or aptitude test needs to be completed, the expense of preparing for the test needs to be weighed up against the prospect of passing such a test¹⁶⁸. According to information provided by one competent body, it was not possible to say that those who choose the knowledge test generally go on to pass it. Some weaker applicants possibly do not proceed to take the test at all. This could also be a reason why they do not get in touch again. Perhaps they

¹⁶⁶ The available figures do not, however, permit us to identify the *total* number of applicants from these two professions affected by costs of compensation measures since reported figures for notices according full equivalence do not plausibly show the proportion of such applicants who had previously completed a compensation measure (cf. III-2.2).

¹⁶⁷ Telephone information from the provider, 24 September 2013.

¹⁶⁸ Registered general nurses from third countries are able to choose between an adaptation period and a knowledge test.

“realise themselves ‘I’m not going to make it’”. Because of the limited opportunities to resit the test¹⁶⁹, the competent bodies report that applicants carefully consider any decision on repeating if the first attempt is not successful. “Many do not then try for a second time or else come again in a later year.” According to the experience of the same competent body, however, applicants who took part in a preparatory measure for the knowledge test had good prospects of success.

Successful recognition can be expected to lead to not inconsiderable individual and societal returns in the form of more employment, higher incomes and more social contributions. These will be highlighted in more detail in the next stages of the investigation (cf. III-4).

Examples of areas of leeway via which the competent bodies can reduce the burden on applicants

Fee regulations generally provide for the possibility of payment in instalments. Only partial use is, however, made of this¹⁷⁰.

Particularly in the case of the request for documentation within the scope of the duty to cooperate, the interviews have made it clear that there are areas of leeway at the competent bodies which enable applicants to avoid at least part of the costs connected with the procurement of documentation. Firstly, individual bodies in the chamber area do not request the translation of certain non-compulsory documents if they have the language expertise to be able to understand such documentation on an individual case basis. This possibility is provided for in the BQFG. On its website, the IHK FOSA recommends that applicants should contact it in advance to check whether certain translations can be waived. This is facilitated by an appropriately multilingual composition of the team processing applications. Individual interviewees at competent bodies also endeavour to use relevant databases, enquiries to institutions which manage portals, documentation which is available at their own institution or other research (cf. III-3.3.1) to obtain certain documents on the foreign training presented. Compared to the routine requiring of these documents from the applicants, the result is that the latter incur lower costs of procurement and the period of time until all documentation has been completely submitted can be shortened. Although such a practice is highly desirable on the part of the applicants practice, it is, of course, only possible in cases in which an identical qualification from the same foreign educational establishment from the same year (or with the same validity) has actually already been the object of an earlier procedure. In light of the heterogeneity of the countries of training and occupations for which applications were submitted in 2012 (well over 100 countries of training and far in excess of 200 different reference occupation), it is clear that, even given central documentation and a functioning system of knowledge management, this type of cost reduction will only be possible in some cases. For the other cases, only systematic research and provision of information, such as via the BQ Portal or anabin, can help to avoid costs.

A further planned development could have the effect of reducing the burden on applicants by ensuring that certain costs do not arise in the first place. According to a concept drawn up by the Health Ministers’ Conference and the Chiefs of Staff of the Conference of the Ministers of Education and Cultural Affairs, the intention is to establish a cross-federal state central assessment body for healthcare professions at the Central Office for Foreign Education (ZAB). The Health Ministers’ Conference currently expects that even assessments produced via such a system will involve costs that will need to be borne by the applicants. The bundling of expert competence within a central body would, however, mean that these costs could be lower than previously. In order to put authorities in a position to be able to assess and evaluate the equivalence of training, applicants have until now been required to provide extensive

¹⁶⁹ Since 1 January 2014, after the entry into force of the “Ordinance on the implementation and content of compensation measures and on the issuing and extension of authorisations to practise in medical professions governed by federal law”, uniform regulations state that the knowledge test may be repeated on two occasions in healthcare professions in which academic qualifications are required and on one occasion in healthcare professions in which academic qualifications are not required. This is aligned towards relevant regulations governing the final examination. Until this time, different federal state regulations applied, some of which permitted one resit and some two resits.

¹⁷⁰ According to verbal reports given at the BQ Portal Expert Workshop on 22 May referred to above, some chambers of crafts and trades initially take a deposit whereas the IHK FOSA does not commence the procedure until the whole of the sum has been transferred.

information on the duration, content and structure of their training. As described, this leads to the incurring of costs in respect of the procurement and translation of suitable evidence. In individual cases, costs also arise for the involvement of external experts. By dint of the larger number of cases alone, a central assessment body would be in a better position to have recourse to existing findings and to its own specialist expertise, something which would minimise expenditure for the applicants.

In summary, no uniform fee structure exists as yet in implementation practice. Whereas certain fee ranges (€100 to €600) prevail in the chamber area, there is, particularly in the regulated sector, an absence of standardisation in the field of federal state implementation under federal law, even within the same profession. Such differences in cost structure and recognition practice may have consequences for applicant decisions and therefore also for the companies in terms of securing a supply of skilled workers. They may also lead to regional disparities in the volume of applications.

Although the actual administrative fees are usually transparently presented to applicants, at least in the form of a range of fees, the additional overall costs and the time required to acquire a notice of full equivalence or admission to a profession are in many cases impossible to estimate in advance. This makes it harder for those interested in seeking recognition to weigh up the costs and benefits of making an application or to request the assumption of the costs of such an application by their company or by the labour administration organisations. It also makes it more difficult for the latter to reach a decision in this regard.

3.5.2 Financing and support

What possibilities are there for financing the costs presented in the previous section, which applicants incur within the scope of the procedure and which may also arise as a result of any adaptation and second chance training that may be necessary? What opportunities for the assumption of costs by third parties existed during the reporting period or are currently in the planning phase? As is summarised in Figure 29 and described in more detail in this section, various stakeholders offer possibilities for the financing of costs. The report once again focuses only on the costs for applicants, and not on overall costs for measures to back up the law such as information and guidance structures. The basis of the information is formed by the interviews described above and by secondary sources (in particular information provided by stakeholders such as funding guidelines and also including committee minutes and presentations given at events).

Financing pathways in the reporting period

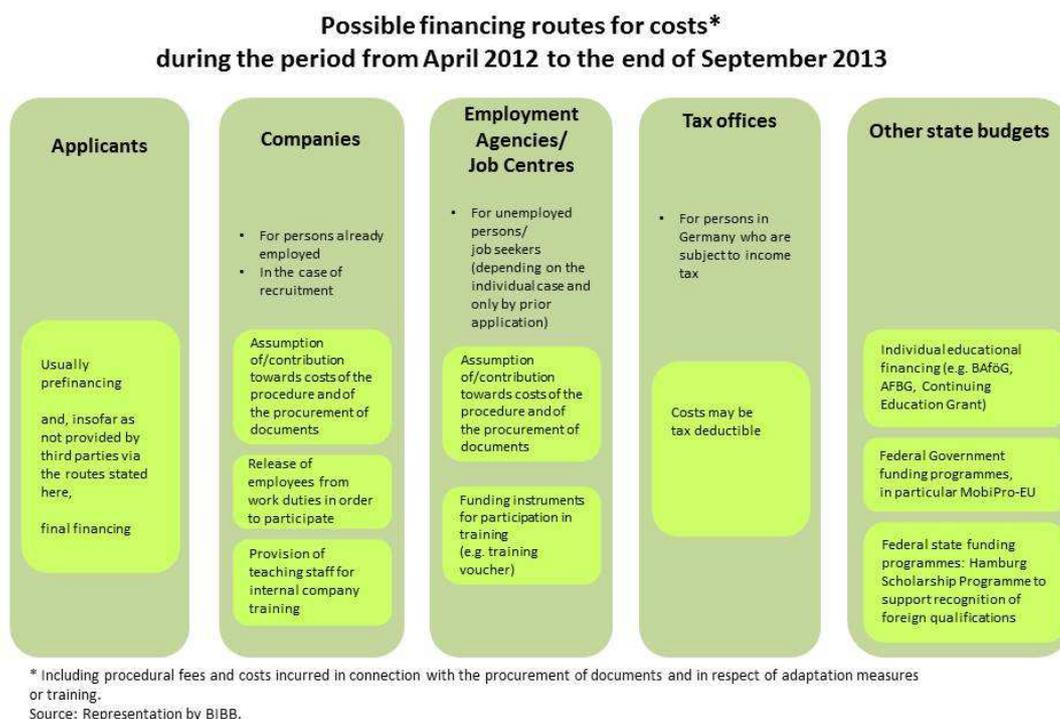
Almost all interviewees at competent bodies and guidance institutions state that the financing of the recognition procedure is an important aspect of the practical implementation of the law. Different challenges and financing possibilities arise for the law's various target groups (unemployed persons, those employed below their skills level or in a manner not related to qualifications, new migrants).

The Federal Government has put a series of funding possibilities for professional and vocational adaptation training in place via labour promotion further training instruments (German Social Security Code, SGB III/II), via educational funding instruments and, since the beginning of 2013, via the new "Special Programme for the promotion of occupational mobility of young people from Europe who are interested in training" (MobiPro-EU). This includes the following opportunities.¹⁷¹

The labour market policy instruments that are in place stipulate that further training should be funded within the scope of the Federal Employment Agency "Integration Fund" (for information on practice, see below). The prerequisites for the funding for unemployed persons or job seekers include the necessity of further training to integration in employment. Continuing training providers and the measures they offer must be accredited as further training in accordance with the Continuing Training Recognition and Admission Ordinance in order for funding to take place. Costs of a recognition procedure may also be

¹⁷¹ Cf. also the guide of the IQ Specialist Training Agency "Funding instruments for the financing of further professional and vocational training for those seeking recognition", status July 2013, www.fachstelle-qualifizierung.de/materialien/handlungshilfen.html (accessed: 18 November 2013).

Figure 29: Possible financing routes for the costs of acquiring recognition in the reporting period



funded via the “Placement Budget” (§ 44 SGB III).

- The “WeGebAU” programme (a German acronym for Continuing Training of Low Skilled Workers and Employed Older Persons in Companies) is operated by the Federal Employment Agency and aims to provide funding for in-service further training for the low-skilled and for older employees.
- The individual educational financing instruments provided by the Federal Ministry of Education and Research (BMBF) include the Federal Education and Training Assistance Act, BAföG, (which is only applicable to adaptation measures if certain circumstances are in place, e.g. training abroad was shorter than three years), the Continuing Education Grant (which is directed at low earners and pays 50 percent of further training costs up to a maximum of €500, although it cannot be used in conjunction with SGB measures) and the Upgrading Training Assistance Act – AFBG (“Meister-BAföG”), which funds further training for professional advancement in the non-academic sector, such as master craftsman courses in the craft trades).

Since 2 January 2013, the Federal Government’s “Special Programme for the promotion of occupational mobility of young people from Europe who are interested in training” (MobiPro-EU), which operates under the lead management of the Federal Ministry of Labour and Social Affairs (BMAS), has offered funding opportunities to young European skilled workers in shortage occupations. The financing provided to young unemployed skilled workers encompasses the costs of a recognition procedure (up to €1,000 procedural costs including translations and certifications) and funding for German language courses both in the country of origin and in Germany. Applications must be made prior to the commencement of the recognition procedure, and the foreign qualification needs to be submitted. A positive reference from specialist placement staff at the Federal Employment Agency (BA) or the Central Foreign and Specialist Placement Agency (ZAV) or a written offer of employment in Germany must also be included with the application. Provision of evidence takes place via submission of the cost notice of the competent body, of the translations and certifications and of the record of payment. Persons from

an EU member state and aged between 18 and 35 are eligible to apply. Where an exceptional case can be demonstrated (such as in the specialist healthcare professions), the age limit is extended to 40¹⁷².

Since the beginning of 2013, around 50 regional pilot projects supporting the development of adaptation training courses arising from recognition procedures have resulted in the federal state networks within the scope of the IQ Funding Programme (BMAS, BMBF and BA). The IQ Project usually assumes the cost of the measures for participants. Upon agreement in individual cases, the living costs of registered applicants who are unemployed or job seekers may be financed by the Job Centres or unemployment agencies via ongoing payment of basic benefits pursuant to SGB II/III.

During the reporting period from April 2012 to September 2013, there was a further national programme which was restricted to one certain target group and another regional programme for persons interested in seeking recognition relating to other target groups.

Until 30 September 2013, job seekers from a migrant background in possession of an academic qualification were able to receive federal funding via the AQUA Programme upon acquisition of full recognition of their foreign professional qualification¹⁷³. AQUA was financed by the BMBF and implemented by the Otto Benecke Foundation. The BMAS is currently preparing a federal programme for the training of migrants within the context of the Recognition Act for the next ESF funding period from 2014. The main funding focuses are planned to be similar to those in the AQUA Programme (for the future of the financing, see below)¹⁷⁴.

The State of Hamburg used federal state funding to set up a "Scholarship programme to fund the recognition of foreign qualifications". These funding guidelines were in force from 1 November 2012 to 31 December 2013 and were implemented via the Social Welfare Organisation of the Protestant Churches in Hamburg and the Hamburg Investment and Funding Bank¹⁷⁵. According to information provided by the Government Department, total funding in the first half of 2013 was €240,000 (cf. Department of Schools and Vocational Education and Training, p. 83). The Hamburg Counselling Centre for Recognition of Qualifications (ZAA) is also housed at the Social Welfare Organisation of the Protestant Churches, meaning that guidance and funding are closely interlinked. The financing is part of the overall concept in Hamburg aimed at improving recognition. If needed, the scholarships and grants permit comprehensive support in financing the various types of costs that may be incurred in a recognition procedure, ranging from translation costs and administrative fees to fees for compensation measures and training courses and also extending to encompass living costs including travel expenses and childcare during participation in such measures. The scholarship facilitates participation in adaptation measures for physiotherapists, for example, which in Hamburg are available at private schools only. The conditions for the subsequent granting of scholarships include the fact that they must significantly improve the employment and income chances of applicants.

How are central funding opportunities structured in practice? No representative information is currently available on practice regarding the assumption of costs and use of further funding instruments of the employment agencies and Job Centres for persons interested in seeking recognition. This is an area in which further investigations could be worthwhile.

In order to foster the integration of their customers into the labour market, employment agencies and

¹⁷² See publication of the guidelines for the Federal Government Special Programme in the Federal Gazette of 31 October 2013, www.thejobofmylife.de/fileadmin/user_upload/Downloads/PDFs/Foerderrichtlinie_MobiPro_EU_Novellierung_31102013.pdf (accessed: 7 November 2013) and Section II Number 3 of the funding catalogue contained within the guidelines. The total funding volume for the whole of the Special Programme from the period from 2013 to 2016 is €139 million. By the end of March 2013, 457 applications for the "MobiPro-EU" funding programme had been submitted to the ZAV. Information pursuant to Document No. 11828 in www.foerderdatenbank.de (accessed: 7 November 2013).

¹⁷³ Item 3.1.1. of the funding announcement for the programme "Training graduates for the labour market" programme (AQUA) of 20 February 2013, see Document No. 7713 in www.foerderdatenbank.de (accessed: 8 November 2013).

¹⁷⁴ See the information pages on financial assistance in the Recognition Portal www.anererkennung-in-deutschland.de/html/de/finanzielle_hilfen.php (accessed: 18 November 2013).

¹⁷⁵ See the guidelines issued by the Hamburg Government Department for Labour, Social Affairs, the Family and Integration on the granting of scholarships and grants to fund recognition of professional and vocational qualifications acquired abroad (Scholarship Programme), including funding conditions, Document No. 11240 in www.foerderdatenbank.de (accessed: 8 November 2013).

Job Centres can decide that they will assume the costs of acquiring recognition either in full or in part. This includes practically all kinds of costs, including expense incurred within the scope of a compensation measure or adaptation training. The issue of assumption of costs should be clarified prior to submission of an application. Assumption of costs is a discretionary decision that depends on the evaluation of the individual case.

The experiences which the competent bodies and guidance institutions interviewed have had with the actual application of this possibility exhibit considerable regional differences. The breadth of the experiences ranges from one region in which unemployed persons interested in seeking recognition are already in possession of a declaration of assumption of costs by the labour administration organisations when they arrive for guidance at the competent body to regions in which cost estimates for test fees and adaptation training measures submitted by the competent body are rejected by the labour administration organisations and in which no funding is even provided for participation by an applicant in a training pilot project.

From the point of view of the labour administration organisations, the justification for the various decisions is that costs must always be compared with specific usability for the placement of the person in question. Various personal factors such as age and placeability as well as economic aspects such as the local labour market play a role in the considerations.

Some of the guidance institutions and competent bodies interviewed confirm that assumption of costs is working well in the case of shortage occupations whilst some report considerable difficulties. The different way in which this issue is handled is a particular object of complaint. There are also reports that course participants with the same occupations experience situations in which some are reimbursed for all costs and others for none.

Several competent bodies which enjoy good working contact with the local labour administration organisations report particularly positive experiences with assumption of costs for recognition. These relations have either been created within the scope of a formal cooperation agreement or are based on the commitment of individual managers at the employment agencies or Job Centres. The strategy adopted by the respective agency or Job Centre, such as with regard to endeavouring to help as many migrants as possible to achieve a professional or vocational qualification, also has a role to play. A further highly positive experience with financing specifically for recipients of unemployment or basic benefits is reported by one chamber in whose region the IQ Agency trained staff from labour administration organisations in the problems associated with recognition. In some regions, placement staff contact the competent body by telephone or letter before making a decision on assumption of costs in order to gain a professional view of the individual benefit of the measure applied for and to understand the level of the estimated costs.

One practical problem for assumption of costs by the labour administration organisations is the fact that, as presented in the previous section, it is frequently not possible to put a clear figure on expected costs in advance. This applies both to equivalence assessments with regard to expert assessor costs that may be incurred and in the regulated sector in respect of possible cost of the knowledge test. The agencies are not usually willing to issue a blank cheque for assumption of costs, nor do they set a maximum amount which they will pay. To this extent, early involvement of the labour administration organisation is advisable.

In the interests of securing their own supply of skilled workers, companies may also assume costs of recognition either in part or in full for existing staff or for employees they intend to recruit. Also, as is otherwise the case with continuing professional and vocational training, they may contribute to the financing by releasing their employees to take part in compensation measures or adaptation training or provide teaching staff themselves to deliver company-based training. Very little information on the extent of company financing is, however, as yet available. In its Human Resources Development Forum,¹⁷⁶ the Bonn/Rhein-Sieg Chamber of Commerce and Industry explicitly advertised lower

¹⁷⁶ "Raw Diamonds" event staged by the Bonn/Rhein-Sieg Chamber of Commerce and Industry in Bonn on 17 October 2013.

procedural fees of €420 for a company to take advantage of its own employees' unused professional or vocational qualifications acquired abroad compared to the costs and risks of recruiting new workers. When it came to company involvement in submission of applications, the interviews reported almost exclusively on shortage occupations in the nursing and healthcare sector. In some cases, companies use human resources service providers in such instances.

All costs incurred that are not paid by the company, the labour administration organisations or another funding instrument are borne by the applicants themselves. The advisors interviewed were not in possession of any uniform information with regard to the subsequent setting off of these costs against income tax as work-related expenses. At one competent body, applicants asking for information about such costs are told that they can try to set them off but that there is no certainty regarding success. A definite prerequisite for tax consideration is that relevant income is in place. In order to enable persons interested in seeking recognition to include the possibility of tax deduction in their own individual cost-benefits calculation when deciding for or against an application, the recommendation should be that secure information in this regard should form part of the standard repertoire of the information media and recognition consultations.

Future of financing

As a support measure for skilled workers who are living in Germany or who are new to the country, the Federal Government is planning an "IQ Training Programme for migrants in the context of the Recognition Act" (referred to in abbreviated form as "ESF-Quali")¹⁷⁷. The aim of this programme, which is co-financed by the European Social Fund (ESF), is to facilitate access to the labour market for adults from a migrant background irrespective of residence permit status and in a way that is commensurate with their qualifications. In cases where no full equivalence of a foreign professional or vocational qualification has been ascertained, the intention is for respective skills needs to be identified on the basis of the recognition procedure. The programme comprises four modules (cf. Figure 30). The plan is for the implementation of the training modules, i.e. the identification of federal state-specific requirements, expressions of interest, the selection of training providers and the integration of these as sub-projects within the federal state networks and the acquisition of participants to take place via the coordinators of the federal state networks in the IQ Funding Programme. The programme is scheduled for launch from mid-2014, starting with the invitation to tender and project selection. Funding of the measures is expected to commence from 2015.

¹⁷⁷ Cf. also the presentation made by the BMAS on 15 March 2013, www.esf.de/portal/generator/19788/property=data/2013_03_21_konsultati-on_bmas_mk.pdf (accessed: 8 November 2013).

To summarise, during the reporting period there were various possibilities for the assumption of costs by third parties for persons who wished to undergo a recognition procedure. These possibilities were, however, each limited to certain groups of people, and there was no legal right to funding (discretionary benefits). The common feature of the most relevant funding instruments for the specific requirements of those interested in seeking recognition (SGB II/III, Mobi-Pro-EU Hamburg Scholarship Programme) is the proviso of usability of recognition on the labour market, an aspect which is in accordance with the purpose of the law (§ 1. BQFG).

In the regions surveyed, positive experiences predominated of the assumption of costs for unemployed persons by the employment agency or Job Centre. Nevertheless, there were also reports of instances where costs were not paid due to the fact that funding conditions (individual and labour market necessity) need to be fulfilled and funding of the group of persons in question does not take place automatically. Like refugees and skilled workers not employed in a manner related to their qualifications, skilled workers with a foreign qualification who do not have a

Figure 30: Planned ESF funding “Training of migrants in the context of the Recognition Act”



Source: BMAS, communication of 7 November 2013. (The title of Module 1a differs slightly from the terminology used in the BQFG.)

favourable prognosis for the utilisation of a positive notice because of their age, other personal reasons or the local labour market situation or in whose region the agency budget has been exhausted still face considerable hurdles with regard to the financing of recognition. This is an area in which support still needs to be provided.

In overall terms, funding opportunities in respect of procedural fees and living costs are essentially restricted to the instruments of the SGB and MobiPro-EU. Within the scope of the individual educational funding provided by the Federal Government, there is no programme which is specifically tailored to adaptation training. Existing funding instruments (Federal Education and Training Assistance Act, BAföG; Upgrading Training Assistance Act, AFBG) only apply in certain particular circumstances and mostly only match needs to a limited extent. A particular funding gap exists in respect of persons not in receipt of Class I/Class II unemployment benefits who need to complete full-time adaptation training in order to achieve recognition and are forced to go without income during this time. In the case of this group of persons, problems in securing living costs may arise during the training phase.

At specialist events and in the interviews, experts on the recognition system speak out in favour of various solutions to meet this need. These include further improvement in financing opportunities (perhaps involving a legal right), provision of a separate budget for the implementation of the law in place of the claiming of social insurance benefits and models

which involve trade and industry, such as sponsorships or concepts resembling dual higher education study.

4. Next investigative stages

The present specialist report for 2013 is based on the results of the first six-month empirical investigation phase of the Recognition Monitoring Project. Firstly, the implementation of the Recognition Act was described in accordance with an evaluation of the first official statistics relating to applications for recognition and the decisions taken by the competent bodies. Secondly, it was possible to present an initial empirical picture of practical implementation by identifying the perspectives of two of the stakeholders involved, namely the competent bodies responsible for the procedures and the guidance institutions specialising in the topic.

As already described in Part III Chapter 2, the results presented here cannot yet deliver a conclusive picture of the recognition system. On the basis of further empirical investigations, the specialist report for 2014 will enable the perspectives of other stakeholders involved in the recognition system to be added, in particular those of the persons interested in seeking recognition, of the skilled workers whose foreign professional or vocational qualifications have already been recognised and of the companies.

The following main individual investigative focuses are planned for the year 2014.

Evaluation of the official statistics

The official statistics will continue to play an important role in the monitoring of the law in 2014. They will encompass the recognition system in 2013. In order to simplify the reporting process for the competent bodies, the “Terms and explanations” provided to assist the recognition agencies will be revised. In addition to this, the aim is to put support and guidance provision in place for the statistical offices of the federal states.

Perspective of the competent bodies

In the present report, observations in the chamber area have mainly been concentrated on initial guidance. The intention next time is to enhance the picture by looking at further aspects of the recognition procedure.

In the course of the coming project year, workshops are planned with representatives of the competent bodies with the aim of instigating the transfer of good practice.

The findings thus far obtained from the qualitative investigation are based on a targeted selection of competent bodies with particularly large experience of the topic of recognition. In order to examine the extent to which the assessments and experiences of these bodies are representative of the competent bodies in Germany, voluntary quantitative surveys of all competent bodies are planned. The intention is to conduct these via an online tool with the aim of ensuring that the processing time for the competent bodies is minimised.

Because of the different general conditions that apply in the regulated and non-regulated sectors, individual and precisely tailored investigative stages or transfer provision are required for separate areas of responsibility.

In the craft trades sector, for example, data on initial guidance conducted will once again be collected. The extent to which similar surveys are useful for other areas also needs to be investigated alongside the point of time that is respectively suitable for surveys to take place.

On 1 January 2014, the “Ordinance on the implementation and content of compensation measures and on the issuing and extension of authorisations to practise in medical professions governed by federal law”, issued by the Federal Ministry of Health, entered into force. This provides uniform

criteria for the issuing of authorisation to practise. Initial experiences with the implementation of the new regulations will form an object of the next specialist report.

Perspective of the guidance institutions (outside the competent bodies)

As has already taken place for the present report, the aim is to continue with ongoing analysis of data from the guidance documentation of the BAMF Hotline and the IQ initial counselling centres. Alongside a presentation of the guidance system, the main aim here is to ascertain whether changes in the characteristics of persons receiving guidance occur over the course of time. We will continue to investigate whether guidance data in conjunction with the results of the official statistics can deliver information as to the nature of the international impact of the law (with regard to countries of origin and training of those receiving guidance and applicants) and as to where areas of potential can possibly still be exploited.

Quantitative surveys of guidance institutions are planned in order to be able to make statements on interviews already conducted and on the guidance data. The aim is for these to take place via an online survey instrument in a comparable way to the surveys of the competent bodies.

Against the background of the existing difference between take-up of (comprehensive) first consultations or initial guidance and the number of applications actually submitted, greater light needs to be shed on the guidance institutions in terms of which routes are pursued by persons interested in seeking recognition once they have obtained advice. For this reason, the destination of those interested in seeking recognition, especially in the non-regulated sector, should continue to be an object of focus.

Perspective of those interested in seeking recognition and of persons who have completed a recognition procedure

This perspective is of particular significance for two issues. Firstly, the aim is to investigate how guidance and the procedure are perceived by those affected. A particular objective is to survey which groups of persons use which guidance provision in order to identify whether certain target groups have a higher guidance need (for example with regard to financing or alternative procedures). Information provided by persons who have completed a procedure can also enable investigation of the usability of recognition notices on the labour market.

For this reason, following a qualitative implementation and process analysis, this group of persons will once again become the object of a quantitative investigation conducted via an online survey instrument. Because access to these persons is more difficult to organise compared to the previous perspectives, it will be necessary to commence these surveys at the beginning of 2014 in order to be able to present robust results in the report for 2014. The plan is to question persons who have completed a procedure about the guidance and process immediately after receipt of the equivalence notice. The aim is then to survey the same persons once more after a period of some months, this time in respect of the usability of the recognition notices on the labour market.

Perspective of the continuing training providers

Questions will once again be included in the Continuing Training Survey (wb-monitor) for 2014. The aim here is to facilitate the establishment of a time series which will permit analyses on changes in continuing training provision and on the conducting of specific further training related to the topic.

Perspective of the companies

The centres of interest regarding findings from this perspective are the relevance of qualifications acquired abroad in the (recruitment) practice of companies and the issue as to the experiences employers in Germany have already had with the recognition of foreign professional and vocational qualifications. In 2014, a quantitative survey of approximately 5,000 companies (net sample) will be conducted. A weighting of the data obtained will enable statements to be made for the whole of trade and industry. This questionnaire will be carried out as a CATI (computer-assisted telephone interview).

There will also be an Additional National Survey to accompany the Fourth European Continuing Vocational Training Survey (CVTS 4) containing questions on the Recognition Act. The evaluation of these results may also take place in 2014.

Collating the findings gained from the perspectives presented will enable the 2014 report to provide a significantly more comprehensive picture of the recognition system.

Annex

AI Dataset descriptions

Guidance data from the BAMF und IQ

As of the cut-off date of 30 September 2013, the datasets on guidance volume for persons in Germany interested in seeking recognition made available by the “Integration through training (IQ)” counselling centres and the “BAMF Recognition Hotline” contained 29,174 consultations. The BAMF Hotline accounted for 14,100 cases and the IQ counselling centres for 15,074. Data from the BAMF Hotline is available for the period from April 2012, and data from the IQ initial counselling centres began in August 2012. Because many persons interested in seeking guidance have follow-up contacts with the counselling centres, total volume of guidance is 34,512 contacts.

The documentation of the BAMF Recognition Hotline encompasses the following characteristics: nature of enquiry, date of enquiry, year of birth, country of birth, gender, first nationality and second nationality if relevant, year of entry, place of residence (Germany/abroad), certificate of knowledge of German, language in which the consultation was conducted (English/German), type of qualification, country in which qualification was acquired, duration of training, year of respective qualification, comparison to German reference occupation, frequency of occupational areas, type of regulation and route to the guidance service.

In addition to this, the IQ counselling centres collect the characteristics of: language in which the consultation was conducted (other languages are available besides English and German), information on vocational and higher education qualifications. In the IQ survey, information on the number of follow-up contacts, professional and occupational experience (Germany/abroad), period of experience, employment status and a previous application relating to the same or a different reference occupation were only collected for face-to-face consultations¹⁷⁸. If a person’s place of residence was Germany, the BAMF survey also collected information regarding the federal state in which the person was resident.

For the evaluations, the two documentation systems were collated and jointly evaluated. The consultation figure in the analyses is based on the number of initial contacts because only the IQ counselling centres state the number of follow-up contacts in the case of face-to-face meetings.

Continuing Training Monitor

The Continuing Training Survey (wbmonitor) is a cooperation project between the Federal Institute for Vocational Education and Training (BIBB) and the German Institute for Adult Education – Leibniz Centre for Lifelong Learning (DIE). It represents the largest survey of continuing training providers regularly conducted at a national level in Germany. Annual online surveys conducted in May aim to bring transparency to the heterogeneous range of providers of continuing training, to identify current developments and to track changes over the course of time. The surveys exhibit a longitudinal design and include questions on the profile and structures of institutions that are identical each year as well as changing main thematic focuses. In 2013, questions regarding further training in connection with the BQFG were additionally included at the end of the questionnaire.

Since 2007, the address base for the surveys has been a population of providers of openly accessible vocational and/or general continuing training in Germany specially identified for the purpose. In accordance with the company location concept of the wbmonitor, branches and subsidiaries with a permanent staff presence and their own training offering are surveyed as separate providers. Because

¹⁷⁸ For further information, see: Benzer et al. (2013).

of the high degree of dynamism within the field of continuing training, the address base is currently being updated.

Around 15,500 continuing training providers known to be active on the market at this point in time were invited to participate in the 2013 survey. 1,419 continuing training providers took part, a net response rate of 9.3 percent. A weighting and extrapolation procedure enables data from survey participants to be projected to all continuing training providers known to the wbmonitor.

Web analysis

The Internet presences of 35 federal state authorities were analysed in accordance with stipulated criteria during the period from 16 September to 7 October 2013. The authorities concerned were the competent bodies responsible for the reference qualifications of doctor (D) and registered general nurse (RGN), cf. Table 12.

The criteria for the analysis in particular included the following.

- Access (how the website is found)
- Orientation (navigating the website and how easy it is to find the relevant information)
- Materials (which materials are available and in which form, e.g. in which languages)
- Documentation requested for the procedure (e.g. which language level, which evidence of professional experience is available)
- Information regarding the fees for the procedure (if yes, amount of fees)

Table 12: Competent bodies in Germany for the professions of doctor and registered general nurse

FEDERAL STATE	D	RGN
Baden-Württemberg		
Stuttgart Regional Council – State Examination Office for Medicine, Pharmacy and Licensing	x	x
Freiburg Regional Council – Department 2		x
Karlsruhe Regional Council		x
Tübingen Regional Council		x
Bavaria		
Government of Upper Bavaria	x	x
Government of Lower Franconia	x	x
Government of Central Franconia		x
Government of Upper Franconia		x
Government of Lower Bavaria		x
Government of Swabia		x
Government of the Upper Palatinate		x
Berlin		
Berlin Federal State Office for Health and Social Affairs	x	x
Brandenburg		
Brandenburg Federal State Office for the Environment, Health and Consumer Protection (LUGV)	x	x
Bremen		
Senator for Education, Science and Health (Health Department)	x	x
Hamburg		
Authority for Health and Consumer Protection	x	x
Hessen		
Hessen State Monitoring and Investigation Office for the Healthcare System	x	
Darmstadt Regional Council		x
Mecklenburg-Western Pomerania		
Federal State Office for Health and Social Affairs – State Monitoring Office for Healthcare Professions	x	x
Lower Saxony		
Lower Saxony Association for the Issuing of Licences to Practise (Department 1)	x	

Federal State Office for Social Affairs, Young People and the Family – Lüneburg Branch		x
North Rhine-Westphalia		
Düsseldorf District Government	x	x
Arnsberg District Government	x	
Detmold District Government	x	
Cologne District Government	x	
Münster District Government	x	
Rhineland Palatinate		
Federal State Office for Social Affairs, Young People and Pensions – Koblenz Branch	x	
Saarland		
Federal State Office for Social Affairs – Central Agency for Healthcare Professions	x	x
Saxony		
Saxony State Directorate – Chemnitz Office	x	
Saxony State Directorate – Dresden Office	x	
Saxony State Directorate – Leipzig Office	x	
Saxony Local Government Social Association (KSV), Specialist Division I		x
Saxony-Anhalt		
Saxony-Anhalt State Administrative Office – State Monitoring Office for Healthcare Professions	x	x
Schleswig-Holstein		
Federal State Office for Social Services, Healthcare Professions Department	x	x
Thuringia		
Thuringia State Administrative Office	x	x

Legend:
Responsible for both professions
Only responsible for doctors (D)
Only responsible for registered general nurses (RGN)

A2 Tables

Table 13: Summary of the status of recognition legislation in the federal states (as of 20 February 2014)

Federal state	Status	Reference	In force from	Federal State Parliament Printed Paper
BB	Brandenburg Law to improve the assessment and recognition of professional and vocational training qualifications acquired abroad	Brandenburg Law and Ordinance Gazette (GVBl.) Part I, No. 37	01.01.2014	5/7921 5/8175
BE	Law on the recognition of foreign professional and vocational qualifications, resolution adopted by the State Parliament on 07.02.2014	Berlin Law and Ordinance Gazette (GVBl.) p. 39	Expected approx. 20.02.2014	17/1220
BW	Law on the recognition of foreign professional and vocational qualifications in Baden-Württemberg of 19.12.13	Baden-Württemberg Law Gazette (GBl.) 2014, p.1	11.01.2014	15/4325
BY	Bavarian law on the assessment of the equivalence of foreign professional and vocational qualifications of 24.07.13	Bavarian Law and Ordinance Gazette (Bay GVBl.) 2013, p. 439	01.08.2013	16/16010
HB	Bremen Law on the recognition of foreign professional and vocational qualifications of 28.01.14	Bremen Law Gazette (GBl.) p. 74	06.02.2014	18/947
HE	Hessen law to improve the assessment and recognition of professional and vocational qualifications acquired abroad of 12.12.12	Hessen Law and Ordinance Gazette (GVBl.) p. 581	21.12.2012	18/6072
HH	Hamburg Law on the recognition of foreign professional and vocational qualifications of 19.06.12	Hamburg Law and Ordinance Gazette (HmbGVBl.) p. 254	01.08.2012	20/4106
MV	Act on the assessment and recognition in Mecklenburg-Western Pomerania of qualifications acquired abroad and on the amendment of other laws	Mecklenburg-Western Pomerania Law and Ordinance Gazette (GVOBl. M-V, p. 537	29.12.2012	6/1209 6/1383
NI	Law to improve the assessment and recognition in Lower Saxony of professional and vocational qualifications acquired abroad of	Lower Saxony Law and Ordinance	19.12.2012	16/5126

	12.12.12	Gazette (Nds. GVBl.) p. 591		
NW	North Rhine-Westphalia Recognition Act of 28 May 2013	North Rhine-Westphalia Law Gazette (GV NRW) p. 272	15.06.2013	16/1188 16/2903
RP	State Law for the assessment and recognition of professional and vocational qualifications acquired abroad	Rhineland Palatinate Law and Ordinance Gazette (GVBl. RP) p. 359	16.10.2013	16/2470 16/2733
SH	Draft Recognition Act for Schleswig-Holstein, first reading on 21.08.2013, second reading expected December 2013.			18/994
SL	Law to improve the assessment and recognition of vocational education and training qualifications acquired abroad of 16 October 2012	Official Gazette of the Saarland (Abl. SL) No. 28 of 29.11.2012	30.11.2012	15/118
SN	Saxony law to improve the assessment and recognition of professional and vocational qualifications acquired abroad of 17.12.13	Saxony Law and Ordinance Gazette (Sächs. GVBl.) No. 17, p. 874	31.12.2013	5/12266
ST	Draft of a law for the recognition in the State of Saxony-Anhalt of professional and vocational qualifications acquired abroad, first reading on 11.07.2013, committee stage on 16.01.2014			6/2220
TH	Draft of a Thuringia Law for the assessment and recognition of professional and vocational qualifications acquired abroad and for the implementation of the Agreement of the Recognition of Qualifications in the Higher Education Sector in the European Region (Thuringia Recognition Act – ThürAnerkG - 02.12.2013)			5/6963

Source: Information taken from "Summary of the status of recognition legislation of the federal states", drawn up by the "Coordinating Departments" Working Group on 20 February 2014, representation by BIBB.

Table 14: Survey periods for official statistics, the qualitative implementation analysis, own surveys and data provided by third parties

Data source	Chapter	Survey period
Official statistics pursuant to § 17 BQFG	Part III, 2	01.04.2012-31.12.2012
2013 Continuing Training Survey (wbmonitor)	Part III, 3.4	05.2013
BAMF Hotline guidance documentation	Part III, 3.1.2 Part III, 3.2	04.2012-09.2013
1Q counselling centres guidance documentation	Part III, 3.1.2 Part III, 3.2	08.2012-09.2013
User figures for the Recognition Portal	Part III, 3.1.2 Part III, 3.2	04.2012-09.2013
2011 Microcensus	Part III, 3.1.1	2011
DIHK guidance/application statistics	Part III, 3.2	01.04.2012-17.07.2013
ZDH guidance/application statistics	Part III, 3.2	01.04.2012-30.08.2013
Expert interviews	Part III, 3.1 bis 3.5	06.-09.2013
Web analysis	Part III, 3.3 Part III, 3.5	16.09.2013-07.10.2013

Table 15: Costs of fees of the recognition procedures for doctors (licence to practise) according to information provided on the websites of the respective competent bodies

FEDE RAL STAT E	Competent body	Is informat ion on costs provided ?	Comparative figures (1)
BW	Stuttgart Regional Council	Yes	<ul style="list-style-type: none"> - Licence to practise: €250 for EU nationals and nationals of third countries - Demonstration of language knowledge via participation in the "Patient Communication" Language Test approx. €95, offered by the FIA (Freiburg International Academy) or via a personal interview at the State Examination Office
BY	Government of Upper Bavaria	Yes	<ul style="list-style-type: none"> - Licence to practise: €150 for EU citizens, €220-30 for nationals of third countries - An expert assessor may need to be involved in the equivalence assessment process approx. €85 per hour plus VAT
BY	Government of Lower Franconia	Yes	<ul style="list-style-type: none"> - Licence to practise: €150 for EU citizens, the Government of Upper Bavaria is responsible for nationals of third countries - Evidence of language knowledge: the information given is that this may be completed at the Goethe Institute or at inlingua
BE	Berlin Federal State Office for Health and Social Affairs	Yes	<ul style="list-style-type: none"> - Licence to practise: €192 for persons who have trained in the EU, €271 for persons who have trained in third countries and €350 for persons who have trained in third countries and do not have authorisation to practise in Berlin - Certificate of medical examination €85 (range between €30-€110)
BB	Brandenburg Federal State Office for the Environment, Health and Consumer Protection	Yes (2)	
HB	Senator for Education, Science and Health	Yes (2)	
HH	Authority for Health and Consumer Protection	Yes	<ul style="list-style-type: none"> - Licence to practise: €80-850 (depending on expenditure incurred)
HE	Hessen State Monitoring and Investigation Office for the Healthcare System	Yes (2)	

MV	Federal State Office for Health and Social Affairs – State Monitoring Office for Healthcare Professions	Yes	- Licence to practise: €130-200
NI	Lower Saxony Association for the Issuing of Licences to Practise	Yes	- Licence to practise: €140-650 (depending on expenditure incurred) - Temporary authorisation to practise: €106-285
NW	Arnsberg District Government	Yes	- Licence to practise: €130 - Temporary authorisation to practise: €100 - Procedures with increased administrative expense up to €500 - Certificate of Good Standing: 80 €
NW	Detmold District Government	Yes	- Licence to practise: €130-1,000 - Temporary authorisation to practise: €100-500 - Costs for any expert reports that may be required and can cost several hundred euro
NW	Düsseldorf District Government	Yes	- Licence to practise: €130-1,000 - Certificate is sent cash on delivery. Costs of issuing the certificate are paid to the postal delivery worker.
NW	Cologne District Government	ja	- Licence to practise: €130-1,000, although no distinction is drawn between licence to practise and temporary authorisation to practise. The only indication given is that the administrative expense incurred may be higher. This means that no precise information on costs can be stated.
NW	Münster District Government	Yes	- Licence to practise: €130-1,000 - Indication that further expenses may cause possible costs, although these are not precisely delineated.
RP	Federal State Office for Social Affairs, Young People and Pensions – Koblenz Branch	Yes	- Licence to practise: €470.39 (= €409.03 € + €61.36 for the certificate) - Evidence of language knowledge: approx €160
SL	Federal State Office for Social Affairs – Central Agency for Healthcare Professions	Yes	- Licence to practise: €200
SN	Saxony State Directorate – Chemnitz Office	No	
SN	Saxony State Directorate – Dresden Office	No	
SN	Saxony State Directorate – Leipzig Office	No	
ST	State Monitoring Office for Healthcare Professions	Yes	- Licence to practise: €150-250
SH	Federal State Office for Social Services, Healthcare Professions Department	No	
TH	Thuringia State Administrative Office	Yes	- Licence to practise: €220 for EU citizens, €110 for nationals of third countries if the latter have completed training and a knowledge test for doctors at a cost of €300. - Demonstration of language knowledge via participation in the “Patient Communication” Language Test, offered by the FIA (Freiburg International Academy)

Source: Survey by BIBB, see description of the web analysis in Annex A1. (1) Pages visited in the period from 16 September 2013 to 7 October 2013. The table states costs as listed on the websites (with the exception of low-cost items such as postage). The information stated does not always make it clear whether all costs pursuant to § 3 Paragraphs 1 to 6 of the Federal Medical Code (BÄO). (2) The fact that the issuing of a licence to practise incurs a charge is indicated without stating the amount of the costs involved. In some cases, there is an explanation (e.g. whether costs are calculated upon application or on the basis of the expense of processing the application).

Table 16: Costs of fees of the recognition procedures for registered general nurses according to information provided on the websites of the respective competent bodies

FEDERAL STATE	Competent body	Is information on costs provided?	Comparative figures (1)			
			General information		Special information by group of persons	
			Fee	Additional fee for language test	EU	Non-EU
BW	Freiburg Regional Council – Department 2	No	:	:	:	:
BW	Karlsruhe Regional Council	Yes	€30-500	:	:	:
BW	Stuttgart Regional Council	No	:	:	:	:
BW	Tübingen Regional Council	No	:	:	:	:
BY	Government of Central Franconia	No	:	:	:	:
BY	Government of Lower Bavaria	No	:	:	:	:
BY	Government of Upper Bavaria	No	:	:	:	:
BY	Government of Upper Franconia	No	:	:	:	:
BY	Government of the Upper Palatinate	No	:	:	:	:
BY	Government of Swabia	No	:	:	:	:
BY	Government of Lower Franconia	No	:	:	:	:
BE	Berlin Federal State Office for Health and Social Affairs	Yes	:	:	115 €	164 €
BB	Brandenburg Federal State Office for the Environment, Health and Consumer Protection	Yes	€150 (3)	:	:	:
HB	Senator for Education, Science and Health	No	:	:	:	:
HH	Authority for Health and Consumer Protection	Yes	€45-350	:	:	:
HE	Darmstadt Regional Council	Yes	€150 (3)	:	:	:
MV	Federal State Office for Health and Social Affairs – State Monitoring Office for Healthcare Professions	Yes	€50-300	:	:	:
NI	Federal State Office for Social Affairs, Young People and the Family – Lüneburg Branch	Yes	€53-1,060 Depending on expense incurred	:	:	:
NW	Düsseldorf District Government	Yes	€200-350	:	:	:
RP	Federal State Office for Social Affairs, Young People and Pensions	Yes	€470.39 (= €409.03 + €61.36 for the certificate)	:	:	:
SL	Federal State Office for Social Affairs – Central Agency for Healthcare Professions	Yes (2)	:	:	:	:
SN	Saxony Local Government Social Association (KSV), Specialist Division I	No	:	:	:	:
ST	State Monitoring Office for Healthcare Professions	Yes	€90 (3)	:	:	:
SH	Federal State Office for Social Services, Healthcare Professions Department	No	:	:	:	:
TH	Thuringia State Administrative Office	No	:	:	:	:

Source: Survey by BIBB, see description of the web analysis in Annex A1. (1) Pages visited in the period from 16 September 2013 to 7 October 2013. (2) The fact that the issuing of a licence to practise incurs a charge is indicated without stating the amount of the costs involved.

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