



Federal Ministry
of Education
and Research

2015 Report on the Recognition Act



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The Federal Government adopts the '2015 Report on the Recognition Act' submitted by the Federal Minister of Education.

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<u>Abbreviation</u>	<u>Meaning</u>
AA	Auswärtiges Amt – Federal Foreign Office
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 ended on 30/09/2013]
AufenthG	Aufenthaltsgesetz – German Residency Act
ASMK	Arbeits- und Sozialministerkonferenz – Conference of the Ministers of Labour and Social Affairs
AsylVfG	Asylverfahrensgesetz – Asylum Procedure Law
BA	Bundesagentur für Arbeit – Federal Employment Agency
BAFA	Bundesamt für Wirtschaft und Ausfuhrkontrolle – Federal Office for Economic Affairs and Export Control
BAföG	Bundesausbildungsförderungsgesetz – Federal Education and Training Assistance Act
BAFzA	Bundesamt für Familie und zivilgesellschaftliche Aufgaben– Federal Office for the Family and Civil Society Tasks
BÄO	Bundesärzteordnung – Federal Medical Code
BAMF	Bundesamt für Migration und Flüchtlinge – Federal Office for Migration and Refugees
BBiG	Berufsbildungsgesetz – Vocational Training Act
BDA	Bundesvereinigung der Deutschen Arbeitgeberverbände – Federal Association of German Employer Associations
BeschV	Verordnung über die Beschäftigung von Ausländerinnen und Ausländern (Beschäftigungsverordnung) – Ordinance on the Employment of Foreigners
BeschVerfV	Beschäftigungsverfahrensverordnung – Employment Procedure Ordinance
BIBB	Bundesinstitut für Berufsbildung – Federal Institute for Vocational Education and Training (BIBB)
BMAS	Bundesministerium für Arbeit und Soziales – Federal Ministry of Labour and Social Affairs
BMBF	Bundesministerium für Bildung und Forschung – Federal Ministry of Education and Research
BMFSFJ	Bundesministerium für Familie, Senioren, Frauen und Jugend – Federal Ministry of the Family, Senior Citizens, Women and Young People
BMG	Bundesministerium für Gesundheit – Federal Ministry of Health
BMI	Bundesministerium des Innern – Federal Ministry of the Interior
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) - <i>see also Glossary (Annex A1) -</i>

<u>Abbreviation</u>	<u>Meaning</u>
BQPGEbVO	Berufsqualifikationsprüfungsgebührenverordnung – Professional Qualifications Assessment Fees Ordinance
BVFG	Bundesvertriebenengesetz – Federal Expellees Act - <i>see also Glossary (Annex A1)</i> -
CEFR	Common European Framework of Reference for Languages
DIHK	Deutscher Industrie- und Handelskammertag – Association of German Chambers of Commerce and Industry
EA	Einheitlicher Ansprechpartner – national contact point
EGovG	Gesetz zur Förderung der elektronischen Verwaltung – Act for the Promotion of Electronic Government Administration
ESF	Europäischer Sozialfond – European Social Fund
EWR	Europäischer Wirtschaftsraum – European Economic Area - <i>siehe auch Glossar (Anhang A1)</i> -
FMK	Finanzministerkonferenz – Conference of the Ministers of Finance
GMK	Gesundheitsministerkonferenz der Länder – Conference of the Ministers of Health
HEGA	Handlungsempfehlung/Geschäftsanweisung der Bundesagentur für Arbeit – Recommendations and Instructions of the Federal Employment Agency
HWK	Handwerkskammer – chamber of crafts and trades
HwO	Handwerksordnung – Crafts and Trades Regulation Code
IAB	Institut für Arbeitsmarkt- und Berufsforschung – Institute for Employment Research
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 – <i>see also Glossary (Annex A1)</i> -
IQ	Integration durch Qualifizierung – Integration through Training - <i>see also Glossary (Annex A1)</i> -
IW Köln	Institut der deutschen Wirtschaft Köln – German Institute for Business Research, Cologne
JMD	Jugendmigrationsdienst – Youth Migration Service
KMK	Ständige Konferenz der Kultusminister der Länder in der Bundesrepublik Deutschland (Kultusministerkonferenz) – Standing Conference of the Ministers of Education and Cultural Affairs of the Länder in the Federal Republic of Germany (Conference of the Ministers of Education and Cultural Affairs)
KrPflG	Krankenpflegegesetz – Nursing Act
MBE	Migrationsberatung für erwachsene Zuwanderer – Guidance services for adult migrants <i>The abbreviation is also used in the report to mean ‘adult migrant guidance centres’ – see also Glossary (Annex A1)</i> -
MPK	Ministerpräsidentenkonferenz – Prime Ministers’ Conference
PKT	Patientenkommunikationstest – Patient Communication Test
RL	Richtlinie - Directive???
RVO	Rechtsverordnung – Legal ordinance

<u>Abbreviation</u>	<u>Meaning</u>
SenBJW	Senatsverwaltung für Bildung, Jugend und Wissenschaft (Berlin) – Senate Department of Education, Science and Research (Berlin)
SGB	Sozialgesetzbuch – German Social Security Code
SME's	Small and medium-sized enterprises
VLK	Verband der Landwirtschaftskammern – Association of the Chambers of Agriculture
VwVfG	Verwaltungsverfahrensgesetz – Administrative Procedure Act
WeGebAU	Weiterbildung Geringqualifizierter und beschäftigter älterer Arbeitnehmerinnen und Arbeitnehmer in Unternehmen – Continuing Training of Low Skilled Workers and Employed Older Persons in Companies
WHKT	Westdeutscher Handwerkskammertag – West German Association of Chambers of Crafts and Trades
ZAA	Zentrale Anlaufstelle Anerkennung – (Hamburg) Counselling Centre for Recognition of Qualifications
ZAB	Zentralstelle für ausländisches Bildungswesen – Central Office for Foreign Education (housed at the Secretariat of the KMK) - <i>see also Glossary (Annex A1)</i> -
ZAV	Zentrale Auslands- und Fachvermittlung der Bundesagentur für Arbeit – Central Foreign and Specialist Placement Agency of the Federal Employment Agency - <i>see also Glossary (Annex A1)</i> -
ZDH	Zentralverband des Deutschen Handwerks – German Confederation of Skilled Crafts

Preface

Three years after the Recognition Act entered into force, the attractiveness of its recognition procedures still remains intact. Demand for information and guidance services is constantly rising, and the number of recognition procedures continues to move in a positive direction. Against the background of growing numbers of immigrants and refugees, the opportunities provided by recognition of foreign professional and vocational qualifications makes an important contribution towards tapping into the areas of labour market potential offered by people coming to Germany and helping them to improve their life prospects.

The aim of the Recognition Act, which entered into force on 1 April 2012, is to open up, simplify and improve structures and procedures for the evaluation and use of qualifications acquired abroad. The law and its application enjoy broad political and societal consensus and are bringing about a paradigm shift away from a deficit and problem-oriented view towards a position which emphasises the opportunities open to immigrants and the potential they offer. The recognition of foreign professional and vocational qualifications is a central element in terms of securing a supply of skilled workers. The Recognition Act has also attracted international interest and attention since its introduction in 2012. The OECD, for example, takes a positive view of the new legal recognition framework in Germany because it enhances the chances of finding skilled workers abroad, including those who are in possession of much sought-after competences at the medium qualifications level. Over recent years, the Federal Government has also taken an active approach towards improving immigration and work opportunities for foreign skilled workers and is committed to the establishment of a welcoming culture and a culture of recognition in Germany.

In order to continue to observe recognition activities and application of the statutory regulations, the Federal Government has, in line with an assurance given to the federal states during the legislative procedure, charged the Federal Institute for Vocational Education and Training (BIBB) with carrying out the task of monitoring. Its new results are presented in this report. The first Report on the Recognition Act was published at the start of April 2014 and contained initial conclusions. At a special conference staged on 28 April 2014, its results were discussed on a wide-ranging basis by the stakeholders involved. These comprised the federal states, trade and industry, labour administration agencies, guidance institutions, the social partners and recognition bodies. The conference delivered important impetuses for the further development of recognition practice. This second report once again arrives at interim conclusions regarding the regulations and implementation of the Federal Recognition Act. It also presents results from the evaluation research conducted by the Specialist Reporting Agency for the Recognition of Foreign Professional Qualifications at BIBB as well as providing a forecast of future tasks.

The current report shows that the opportunities created by the Recognition Act for better utilisation of professional and vocational qualifications acquired abroad are taking hold in Germany and that implementation and application of the regulations are essentially working well. This is backed up both by the official statistics and the monitoring process. As well as illustrating the successes achieved thus far, the report also looks at the areas in which action will be needed in the short, medium and long term. These mainly concern the further improvement and standardisation of administrative implementation in the federal state authorities, better interlinking of immigration and recognition regulations and the enforcement of these for skilled workers arriving from third

countries, expansion of provision for compensation measures and the strengthening of the role played by the companies within the recognition procedure.

The purpose of the evaluation research and monitoring carried out by BIBB and of a reassessment of the law scheduled to take place in four years' time is to gain ongoing and detailed knowledge of the integrative effect of the recognition rules and of their implementation on the labour market for the target group concerned. On the basis of these findings, all those involved in the recognition system will be in pursuit of the objective of defining the existing and future challenges and of tackling these in a robust manner.

Prof. Dr. Johanna Wanka,

Federal Minister of Education and Research

Part I

**Three years of the Federal
Recognition Act – conclusions and
perspectives**

1. Recognition as a contribution towards securing the supply of skilled workers

There has been a pleasingly positive development in the attractiveness of Germany as an employment location for foreign skilled workers. In 2013, net immigration rose for the fourth year in a row to reach a figure of 429,000,¹ and across the whole of the OECD Germany has for several years been the second most popular destination for permanent immigration behind only the USA. The OECD International Migration Outlook 2014² shows that the large numbers of persons migrating to Germany primarily come from the EU, in particular because of the highly varying economic developments in the member states. Immigration from so-called third countries is, however, also becoming more significant.

The challenges relating to the availability of skilled workers in Germany remain high due to the fact that the labour supply is shrinking despite high levels of immigration.³ In addition to this, worldwide competition for qualified skilled workers will intensify in future as OECD countries, developing countries and emerging economies all vie to secure their talent and services. Numerous states are also taking advantage of easier international mobility to tap into foreign labour markets.

Germany is dependent on the immigration of skilled workers

Depending on how the economic situation in the other members states of the EU continues to develop, the immigration of qualified skilled workers from third countries in particular will take on an increasingly significant role in terms of covering the skilled worker requirements of domestic companies. A current IAB study⁴ indicates that an annual average of 491,000 persons would need to arrive from third countries until 2050 in order to maintain the potential labour supply at the same constant level (for the purpose of comparison, the average number of new arrivals over the past ten years was about 100,000). Alongside a rising demand for persons with academic qualifications, the predicted requirement for qualified skilled workers who have completed vocational education and training is especially high. By 2030, more than half of the latter will have retired from working life for age reasons and will need to be replaced. Even if an increase in the potential domestic labour supply is achieved via such vehicles as a rise in employment participation by women or by raising the retirement age, net immigration from abroad will still be required in order to cover the requirement for skilled workers. According to the IAB study, easier recognition of vocational qualifications is therefore of particular importance for persons in possession of a medium-level qualification.

Germany has reacted to these developments and needs both by relaxing immigration requirements and by reforming the regulations relating to the recognition of foreign professional and vocational qualifications in order to facilitate or ease labour market integration for those immigrants already in the country and for new arrivals in a way which relates as closely as possible to the skills they are able to offer. A modern and transparent law for the recognition of foreign professional and vocational qualifications is a necessary prerequisite and represents a considerable location benefit in

¹ 2013 Migration Report from the Federal Office for Migration and Refugees (BAMF) commissioned by the Federal Government (2015).

² OECD International Migration Outlook (2014), pp. 17ff.

³ 2014 Progress Report on the Federal Government Skilled Worker Concept (BMAS 2015).

⁴ IAB study, Immigration requirements from third countries to Germany until 2050 (Bertelsmann Foundation 2015).

terms of securing a basis of skilled workers within the international environment. The Recognition Act facilitates the immigration and labour market integration both of highly qualified workers and in particular of skilled workers with vocational qualifications. It is increasingly establishing itself as a successful instrument for the labour market integration of foreign skilled workers.⁵ This means that it provides a good basis for the integration of immigrants newly arrived during recent years, who in many cases are well qualified and of working age. Almost 80 percent of those who emigrated to Germany in 2013 were between 18 and 49 years of age, and more than half of these were in possession of a vocational training qualification or a higher education qualification from abroad.⁶ Of those aged between 25 and 64, about two thirds of immigrants had a vocational training qualification or a higher education qualification. Those from the countries of origin which produce most immigrants (in particular Poland, Romania and Hungary) are more likely on average to be in possession of a non-academic vocational training qualification for which the Recognition Act has introduced a new statutory opportunity for assessment of equivalence.⁷

Positive effect of professional and vocational recognition

There are now several studies which indicate the individual and overall economic benefits of improved labour market integration or recognition of foreign qualifications.

According to a study carried out by the ZEW in 2014,⁸ the significantly lower age structure of foreign nationals living in Germany compared to the average age of the indigenous population means that the former are able to assist national finances by helping to relieve the costs of demographic change. They are already contributing more to public finances than they receive in transfer benefits. The study suggests that a constant influx of skilled workers with at least a medium-level qualification could significantly reduce the future fiscal burden placed on Germany's ageing population. This effect could be enhanced as the labour market position of the immigrants improves, and there is no doubt that better transfer of education via recognition of qualifications acquired abroad contributes to this process. The 2014 Management Report of the Integration Representatives also arrives at the conclusion that facilitating recognition is a more cost-effective approach for the host state than financing new training within the country itself.⁹ Other studies provide indications of the benefit of legal recognition for the individual both with regard to participation in employment and in respect of the probability of not being over qualified for the job performed and the amount of earnings.¹⁰ The overall societal significance of better labour market integration and an improvement in the subjective sense of integration experienced by the target group, in particular as a result of the enactment of the Recognition Act, is also emphasised by the 2014 Annual Survey produced by the Research Council of German Foundations for Integration and Migration (SVR).¹¹

⁵ Annual Economic Report of the Federal Ministry for Economic Affairs and Technology (BMWi) (2015), p. 40.

⁶ The group of younger immigrants (aged from 18 to 24) presumably includes many foreign students who come to study at German universities.

⁷ For target group development overall, cf. IV-1.2.

⁸ ZEW study, Contribution made by foreign nationals and future immigration to German national finances (Bonin 2014).

⁹ Cf. 10th Report of the Federal Government Commissioners for Migration, Refugees and Integration on the position of foreign nationals in Germany (2014) – also: Management Report, p. 215.

¹⁰ IAB Brief Report, Recognised qualifications and knowledge of German bring benefits (Brücker et al. 2014).

¹¹ Research Council of German Foundations for Integration and Migration, Germany's shift to a modern country of immigration (2014), p. 19.

The legal framework for the immigration of skilled workers is being modernised and made more flexible

In order to take better advantage of the possibilities of the immigration of skilled workers to Germany from third countries, the legal framework has been crucially improved over recent years.

For those with high-level academic qualifications and their family members, an attractive form of residence permit has been created in the form of the EU Blue Card. Between August 2012 and December 2014, around 25,000 highly qualified persons availed themselves of this opportunity. An investigation will need to take place as to whether it would be useful to adapt this instrument with regard to persons with many years of occupational experience.

The new Employment Ordinance of 1 July 2013 has for the first time opened up the market for labour-market oriented immigration, including for nationals of third countries in possession of a foreign vocational education and training qualification.¹² It is now possible for persons with a notice of equivalence to emigrate to Germany if there is a definite job in prospect and if the occupation is one in which there are shortages in Germany. It is now also possible to carry out compensation measures in Germany in cases where deficits have been ascertained in training or language knowledge. This creates a close link between residency, employment and recognition law and sends out a strong signal to skilled workers from third countries. Although the number of persons actually employed on the basis of this regulation has remained relatively small thus far¹³, such a provision represents a significant improvement in the legal framework, not least because of the fact that the need is so high, and it also provides good preparation for foreseeable developments leading to a shortage of skilled workers which goes beyond individual bottlenecks.

A draft law on the redetermination of right and termination of residence (AufenthG) adopted by the Federal Government on 3 December 2014 is expected to bring about further improvements.¹⁴ The new draft resident permit regulations included in § 17a AufenthG allow foreign skilled workers to remain in the country for 18 months in order to complete all education and training measures that arise within the context of a recognition procedure, such as adaptation periods, preparatory courses for examinations, language courses or company-based continuing training. The planned new residency regulations will also include a right to enter Germany for the purpose of completing a knowledge test and to gain experience of employment. This will lead to further improvements in the long-term care occupations in particular. The new resident permit provisions included in § 17a will therefore be an important building block in the acquisition of foreign skilled workers.¹⁵

Focus on refugees and asylum seekers

A further topic that has become an increasing object of focus during the reporting year is the rising number of refugees from the world's crisis regions. The aim of the Federal Government is to offer this group of persons employment prospects by providing an effective combination of recognition

¹² §§ 6 and 8 of the Employment Ordinance of 6 June 2013 (Federal Law Gazette, BGBl. I p. 1499).

¹³ In 2014, the Federal Employment Agency issued 482 approvals pursuant to § 6 Paragraph 2 Clause 2 and § 8 BeschV.

¹⁴ Federal Government draft law, BTag-Drs. 18/4097.

¹⁵ An opinion also echoed by the Bundesrat in its official response to the draft law on 6 February 2015, BRat- Drs. 642/14 (Resolution).

and immigration rules. One important step in this direction undertaken in November 2014 was facilitation of access to the labour market for asylum seekers and persons with leave-to-remain.¹⁶

The pilot project ‘Every person has potential – labour market integration of asylum seekers’, which was carried out by the Federal Employment Agency (BA) and the Federal Office for Migration and Refugees (BAMF) in several cities, investigated the extent to which areas of labour market potential can be identified in a timely manner.

For refugees and other persons who through no fault of their own no longer have any documentation or evidence to hand, the BQFG offers a specific and very good recognition instrument in the form of skills analyses¹⁷, which make it possible to assess professional and vocational skills. The Federal Ministry of Education and Research (BMBF) is supporting the competent bodies via a funding project to help with the time-consuming establishment of knowledge and work routines and with the development of standard materials, both of which processes are sometimes particularly required during the initial execution of the procedure. Applicants can also receive financial assistance with procedural costs via this project.¹⁸ The aim is to enable even more people, and refugees in particular, to benefit from the opportunities created by the Recognition Act.

In light of the fact that at least 450,000 refugee applications are expected in 2015,¹⁹ one central and overall societal task is to support refugees who have good prospects of remaining in the country to integrate into training and work at the earliest possible stage. Important cornerstones for successful and rapid integration include securing residency during training, providing early support in the recognition of foreign qualifications and fostering acquisition of language skills as quickly as possible.

2. Further improvement of the general conditions of recognition during the reporting period

Since the last report, a series of amendments to the recognition regulations have entered into force. These have helped bring about further improvement and standardisation of recognition opportunities in Germany.

All federal state recognition laws are in force

Comprehensive legal foundations for the execution of recognition procedures for occupations regulated under federal state law have entered into force in all sixteen federal states since mid-2014. The BQFG Model Law, which was agreed upon by the federal states and drawn up with the involvement of the BMBF, is driven by the spirit of achieving the greatest possible harmony between the recognition rules of the Federal Government and of the federal states. For the first time, the Federal Government and the federal states have created a uniform legal right to the assessment of the equivalence of professional and vocational qualifications acquired abroad and introduced a

¹⁶ ‘Law for the categorisation of further states as safe states of origin and for the facilitation of access to the labour market for asylum seekers and persons with leave-to-remain’ (in force since November 2014).

¹⁷ § 14 of the BQFG and § 50b Paragraph 4 of the HwO stipulate the use of ‘other suitable procedures’ if no or only insufficient documentation can be presented.

¹⁸ Projekt ‘Prototyping transfer – recognition via qualifications analyses’, cf. II-2.2.

¹⁹ Prognosis communication by the BAMF of 7 May 2015, www.bamf.de.

national and standardised recognition procedure with transparent processes and deadlines. Nevertheless, the federal state laws passed vary with regard to their specific implementation, particularly in respect of the important issue of the inclusion or exclusion of individual legislative provisions in the respective federal state BQFG. Some individual professions have not been systematically incorporated into the BQFG in the federal states. It is, for example, a matter of regret for the Federal Government that some federal states have in particular excluded engineering and teaching qualifications from their field of application.

As a result of varying regulations and inconsistent application of Federal Government regulations between the federal states, there are now signs of an emerging recognition tourism.²⁰ People are already exchanging information in Internet forums on where the hurdles are lowest and in which federal states procedures can be most easily concluded. This can lead to a shift of the burden of dealing with applications in the respective federal state authorities and in turn result in direct effects on the processing and duration of the applications. It should act as an incentive for further standardisation of the regulations and procedures. For this reason, the Federal Government welcomes the endeavours of the federal states to use future law amendment procedures to investigate further potential for standardisation with regard to simplifying the legal and procedural aspects of recognition procedures and in terms of expanding the application of the federal states' Professional Qualifications Assessment Acts.

At the statutory level of the Federal Government, there have also been various amendments, which have led to further simplifications of the legal process and to standardisations.

Amendments in the BQFG

One of the first amendments to the **BQFG** was the introduction of easier technical arrangements for the application process on the basis of the implementation of the Federal Government 'e-Government Law' in 2013. Since 1 August 2013, it has been possible to submit applications by e-mail. Previously, the written form was required.

The ***Law for the Amendment of the Professional Qualifications Assessment Act and other laws***, which was adopted by the Federal Cabinet on 1 April 2015, implements the amended **EU Directive 2005/36/EG on the recognition of professional qualifications ('EU Recognition Directive')**, which falls within the material field of application of the BQFG and of German Industrial Code. The aim of amending the Directive is to continue to modernise and simplify procedures for the recognition of qualifications in regulated professions and to facilitate mobility between the EU member states. The amendment of the BQFG mainly makes it easier to transmit applications and documentation electronically within the EU and EEA and introduces the deployment of a standard contact partner for the acceptance and forwarding of applications in the recognition procedure. The adaptation of the BQFG was developed in conjunction with the federal states within the scope of a joint model law. It is the first statutory regulation for the implementation of the amended EU Directive and thus serves as a model and as guidance for the adaptations which are also required in the law governing the professions and in specific legislation. The amended BQFG is scheduled to enter into force following the conclusion of the legislative procedure at the beginning of 2016.

²⁰ Cf. III-3.

The model law drawn up in conjunction with the BMBF and the federal states is also the foundation for adaptations in the BQFG's of the federal states. The endeavour here once again is to achieve wide-ranging harmony between Federal Government and federal state regulations in the interest of arriving at procedures and criteria which are as uniform as possible.

The model law also contains provisions for the inclusion in the federal state BQFG's of data protection law prerequisites for the establishment of coordinated federal state statistics. A synopsis of all statistics produced by the Federal Government and the federal states would make it possible to map the whole of the recognition system in Germany. The Federal Government also welcomes the fact that the federal states are using the Working Group of the federal state departments responsible for coordinating the recognition of professional and vocational qualifications acquired abroad ('Coordinating Departments') to address the issue of the establishment of a recognition monitoring system in the federal states with regard to recognition practice in the case of occupations governed by federal state law. This could provide the prospect of achieving harmony in the consideration and evaluation of recognition procedures and is not the least of the reasons why the Federal Government views the 'Coordinating Departments' of the federal states as an important and central contact partner, the work of which should be continued.

The Federal Government draft BQFG amendment law also contains a provision which permits BIBB access to the official statistical data pursuant to § 17 BQFG. The regulations of the Vocational Education and Training statistics served as a model in this regard. The purpose of the intended supplement to the law is improved implementation of the assurance given to the Bundesrat within the legislative process for the passing of the Recognition Act that ongoing monitoring of the enforcement of the law and timely assessment and evaluation would be ensured.

Standardisations with regard to the healthcare professions

Significant amendments to the professional regulations relating to the administrative implementation of the healthcare professions were also introduced via the Federal Ministry of Health (BMG) **Legal Ordinance** for the 'Implementation and content of updating measures for the issuing of authorisation to practise in healthcare professions governed by the Federal Government', which entered into force on 1 January 2014. From the point of view of the competent bodies responsible, this has contributed to a significant standardisation in the highly varying approaches adopted, particularly in the case of compensation measures. The results of the relevant survey conducted are presented individually in the report.²¹

The new regulations for recognition under federal state law of **specialist doctor training** for graduates from third countries, which were universally adopted via a model continuing regulations issued by the German Medical Council in June 2013 and are being successively implemented in the continuing training regulations of the federal states, are also of considerable practical relevance.²² The competent bodies are now mainly being called upon to avail themselves of the leeway opened up to them in extending authorisation to practise in cases of hardship.

²¹ Cf. III-3.7.

²² Cf. III-3.10.

3. Official Federal Government statistics for 2013 – number of instances of recognition of foreign qualifications rises, high recognition rates and many procedures conducted in the healthcare professions which are in such demand

The application figures for 2013, the first full calendar year in which statistics were recorded, show that interest in the recognition of qualifications acquired abroad continued to be high. Between 1 April 2012 and 31 December 2013, a total of 26,466 applications were made pursuant to the Federal Government Recognition Act for recognition of a professional or vocational qualification acquired abroad²³, a considerable amount for a relatively new law. This is revealed by the latest statistics from the Federal Statistical Office, which were published on 12 December 2014.²⁴

The statistics once again show – the recognition procedures are working

Almost 96 percent of all completed procedures ended with the identification of full or partial equivalence of the foreign professional or vocational qualification. A total of 9,969 qualifications were recognised as fully equivalent. This corresponds to around 75 percent of all procedures in which a decision was reached. The rejection rate is at the extremely low level of 4 percent.

The ratio between procedures for regulated professions and non-regulated occupations has undergone a slight shift towards non-regulated occupations compared to the previous year. Of the new applications made in 2013, most (78 percent) continued to relate to recognition procedures for regulated professions. In these cases, a notice of equivalence opens up initial access to the labour market. As in the previous year, demand was high in the case of the medical healthcare professions, in particular doctors and registered general nurses. 9,900 notices of full equivalence or of compensation measures via which full recognition can be achieved were issued within this occupational group alone. The figure included 6,030 doctors. This shows that the law is taking effect in precisely those areas where there is evidence of a high prevailing shortage of skilled workers.

Around 22 percent of applications in 2013 (approximately 3,600) related to non-regulated technical, commercial and craft trade training occupations in the dual system. About 63 percent of applications in which a decision was reached ended with full equivalence. Partial equivalence was awarded in around 33 percent of cases. This represents a significant increase compared to the previous year. The proportion of negative notices also fell from over 24 percent in 2012 to 4 percent in 2013. These high rates of recognition show that those who decide to pursue the procedure have a high likelihood of success.

The high proportion of procedures in which the professional and occupational experience of applicants played a crucial role is also noticeable. This opportunity was introduced as a new feature

²³ Only procedures for reference occupations governed by Federal Government law are mapped. The recognition procedures conducted in respect of occupations governed by federal state law are not an object of the statistics pursuant to the Professional Qualifications Assessment Act of the Federal Government. For the reference occupations governed by federal state law (for example nursery school teacher, teacher, social services occupations), some of the statistical offices of the federal states (such as Rhineland-Palatinate) have also published figures for 2013. These show that a high number of applications were processed for occupations governed by federal state law.

²⁴ The BMBF and the Federal Statistical Office are working in conjunction to enable future figures to be published in a timely manner in the September of the respective subsequent year.

of the BQFG against the background of the high proportion of practical content contained within the German dual system of training and has attracted international attention. Over 95 percent of procedures in the non-regulated occupations in which occupational experience was used to inform the assessment of equivalence led to full equivalence. This underlines the significance of this new regulation.

Another positive aspect was the significant reduction in the duration of the procedure to an average of 59 days. This can be ascribed to a growth in the experience of the competent bodies and the guidance institutions whilst also showing that expectations are being managed effectively and that those interested in seeking recognition are preparing their application in a better manner.

Further increases are expected

Despite this pleasing development, a further rise in the number of recognition procedures in all occupations both regulated and non-regulated is an effective way of securing the supply of skilled workers and of facilitating the labour market integration of immigrants arriving in Germany. In the light of immigrant and refugee movements, increasing interest in recognition procedures should be expected. The Federal Government supports the provision of target-group specific and tailored information at home and abroad, and in particular in companies, workers' councils and employee representative bodies, for the purpose of making better use of the opportunities afforded by recognition.²⁵

Although the procedures registered in 2013 should be viewed as a lower limit, it proved possible to increase the quality of official statistics in comparison to the data for 2012. For the purpose of bringing about further improvement in the quality of reporting and collection of statistics, a constructive process of harmonisation between the competent bodies, the statistical offices of the federal states and the Federal Statistical Office has been established. This process also includes the Specialist Reporting Agency for the Recognition of Foreign Professional Qualifications at BIBB. One initial result of this approach will be the introduction of a new statistical structure from 2015 onwards. Characteristics recorded will also include the category of 'other outcomes' to cover aspects such as withdrawn applications. This will enable the administrative and guidance costs incurred by the competent bodies to be presented, even if a procedure does not result in a notice of equivalence.

4. Good information and guidance, networking of stakeholders – the key to recognition and to employment which is closely related to qualifications and skills

Interest in recognition of professional and vocational qualifications acquired abroad and in taking advantage of guidance services continues unabated, even three years after the Recognition Act entered into force. The law and its support structures are perceived by the target group as a significant improvement to labour market integration. This is certainly documented by a continuous growth in the use of the initial guidance services provided by the competent bodies, of the

²⁵ Cf. III-6.4.

counselling centres of the 'Integration through Training' Network (IQ), of the 'Working and Living in Germany' telephone hotline and of the information available on the Internet.

This report also confirms that tailored information and guidance provision is an essential key to the recognition of foreign professional and vocational qualifications and to employment which is closely related to qualifications and skills. Such an assertion is based on a full evaluation of visitor numbers to the 'Recognition in Germany' Internet portal, to the anabin database operated by the Office for Foreign Education (ZAB) at the KMK and to the BQ Portal and on use of the telephone hotline, consultations provided via the chambers and the IQ initial counselling centres.²⁶

Comprehensive provision of information on the Internet

Federal Government provision has been expanded on an ongoing basis, and there has been further development in the cooperation and networking of stakeholders in areas where their work intersects.

In 2014, the number of users of Internet provision relating to the recognition of foreign professional and vocational qualifications rose sharply once again. In future, the target-group specific portals 'Recognition in Germany', the BQ Portal and anabin will take steps to achieve even better coordination and interlinking of communications regarding their own provision and partner portals. This continues the development perspective for information provision set out in the first Report on the Recognition Act and is in line with the request made by the federal states in their 2013 Prime Ministers' Conference to harmonise the databases use in connection with recognition decisions and to adopt a uniform system of quality assurance in the operation of such databases. A cooperation agreement between the 'Recognition in Germany' portal and the standard contact partners is currently being piloted and developed. This agreement also encompasses a requirement to provide specific information in accordance with the updated EU Directive on the Recognition of Professional Qualifications. For this purpose, the aim is to make use of the extensive information provision within the Recognition Portal including the underlying updating and quality assurance processes and to supplement this with additional detailed information as required. These supplementary steps will also benefit the users of the portal.

With regard to the development of visitor numbers, the 'Recognition in Germany' portal alone recorded a virtual doubling in visits compared to the previous year to reach a figure of more than one million. In future, the newly established Service and Information Agency for the Recognition Act at BIBB will guarantee permanent quality assurance of the relevant information relating to the recognition procedures and competent bodies and of extensive references to support structures ranging from first consultation to continuing training. The international campaign to promote the Recognition Portal, which was launched in 2014, has led to a significant increase in visitor numbers. Visitors can now find information on the opportunities for recognition of their professional and vocational qualifications in Germany in eight languages. Nearly half of visitors are from abroad. This shows that the aim of contacting and informing the target group of the law in as timely a way as possible is being achieved.²⁷ Additional local guidance structures in the most important target countries would help lead to greater use of the opportunities provided by the Recognition Act to

²⁶ For more details, cf. II-2.1.

²⁷ Cf. II-2.1.

submit applications from abroad. According to the official statistics, the proportion of applications made from abroad in 2013 was around 9 percent. Up until now, these procedures have taken more time on average than applications from those based in Germany.²⁸ This is an area in which initial points of contact abroad could provide support which, in circumstances where emigration to Germany was already planned, would make it easier to check the prerequisites of and benefits of recognition of professional and vocational qualifications or even completely execute the process whilst the applicant was still abroad. This reduces the threshold for migration of skilled workers and minimises the time needed for integration into the labour market.

Visitor numbers to the *anabin* database also display significantly increased interest in information on foreign educational systems and in the assessment of foreign qualifications. Around 1.4 million visits were registered last year. This is also having an effect on the assessment activities carried out by the ZAB and on the volume of applications for certificate evaluations of higher education qualifications in accordance with the Lisbon Recognition Agreement. This is a field within which the federal states urgently need to consolidate their human resources capacities and to continue to expand these in line with requirements. Not the least of the results would be an acceleration in the immigration procedure carried out by Germany's missions abroad and based on assessments by the ZAB (certificate evaluation and entries in *anabin*).

Telephone hotline service has been extended

A bundling or expansion of the telephone guidance service offered by the Federal Government on the topic of recognition took place on 1 December 2014, when the central *skilled worker hotline* 'Working and Living in Germany' was launched. Under the existing telephone number, interested parties from Germany and abroad can now receive German and English language guidance relating to every aspect of the topic of recognition of foreign professional and vocational qualifications. Information is also available on the topics of looking for a job, work and careers, immigration and residency and learning German. In the first two months of 2015, 2,675 persons sought guidance on the topic of recognition. This means that recognition has formed the object of the largest overall proportion of consultations thus far (around 62 percent). The central information hotline forms part of the demographic strategy of the Federal Government. It is jointly operated by the BAMF and the Federal Employment Agency (BA) within the scope of a cross-departmental cooperation agreement between the Federal Ministry for Economic Affairs and Energy (BMWi), the Federal Ministry of the Interior (BMI), the BMBF and the BA.

Rising number of recognition consultations

The **Employment Agencies** and the **Job Centres** have also established themselves as important stakeholders in the provision of guidance to those who are interested in obtaining recognition. Within the framework of a four-phase integration work model, questions and problems from the field of 'recognition of qualifications acquired abroad' are discussed with customers, insofar as such questions and problems are of relevance to integration into training and employment.²⁹ A survey of guidance specialists in Job Centres carried out by BIBB in 2014 showed that, at least in the regulated

²⁸ Cf. III-2.

²⁹ Regulation for Employment Agencies and Job Centres (joint institutions) pursuant to HEGA 03/2012 - 17 – Recognition Act and IV-2.2.

sector, it is not easy to place customers who have not obtained recognition into employment. This provides evidence of the significance of recognition notices for labour market integration. Respective clarification of acceptance of costs of recognition procedures is also a central element of the consultations provided by the labour administration bodies.³⁰ As the BIBB survey shows, the degree of networking with other guidance stakeholders is capable of improvement in some regions. In the case of the Job Centres, the survey finds that half of respondents believe that support is still required in the field of knowledge management and that training such as that conducted within the scope of the 'Integration through Training – IQ' funding programme is needed on topics including residency, labour market access and recognition.

The counselling network of the '**Integration through Training – IQ**' funding programme offers recognition guidance free of charge right across the country. Initial points of contacts are recording a constantly high level of requirement for personal and telephone consultations. In 2014, the volume of consultations rose compared to the previous year. Between August 2012 and the end of 2014, guidance was provided to almost 38,000 persons.³¹ On 1 January 2015, a new funding period commenced for the 16 federal state networks, five specialist agencies and numerous sub-projects. The new funding period that has been in force since the beginning of 2015 has led to the further development of recognition guidance into a system which also encompasses procedural support and advice on training and which is available free of charge to those interested in seeking recognition. The IQ counselling centres have particularly shown themselves to be important in terms of the good way in which they manage the expectations of those interested in seeking recognition prior to an application and with regard to the assistance and follow-up support they provide.

In the area of the **chambers of crafts and trades and chambers of commerce and industry**, which provide initial consultations prior to submission of application as a stand-alone service, the number of consultations is continuously rising. Around 40,000 consultations were conducted between April 2012 and 31 December 2014. The report includes a detailed study³² to investigate why no application ultimately ensues in many cases, despite extensive guidance. Of those who receive advice in the field of craft trade occupations and in trade and industry, only one in five and one in two respectively go on to pursue a procedure. A BIBB survey reveals that the reasons for this are highly heterogeneous. One cause, for example, is the fact that the chambers pursue a comprehensive advisory approach. This also encompasses alternatives to the recognition procedure, such as second-chance training, retraining or an external examination. Equivalence is not always the sole productive route in terms of achieving labour market integration that reflects a person's qualifications and interests in the closest possible way.

Role of the missions abroad

The German missions abroad also provide information on issues relating to recognition in connection with the issuing of visas. So that the new linking of immigration and recognition rules can exert an even better effect on the migration of skilled workers in practice, knowledge and use of these opportunities need to be even further established in the missions abroad, with the potential economic migrants and in the form of a real-life culture of welcome and recognition. This also

³⁰ Cf. III-5.

³¹ Cf. III-1.2.

³² Part IV-3 (detailed study 'From guidance to the application').

depends on clear and transparent implementation of the recognition regulations. The Internet sites of German missions abroad must contain comprehensive, standardised and clear information for skilled workers interested in migrating to Germany regarding which questions need to be answered prior to recognition of professional and vocational qualifications acquired abroad.³³ For this reason, the missions abroad are also included within the framework of BIBB's international campaign in order to offer uniform and consistent information provision.

5. Recognition procedures – progress made along the pathway to uniform implementation, further simplifications to the procedures needed

Three years after the Federal Recognition Act entered into force, we can identify that procedural processes have become further established at the competent bodies and that routines and valuable experience have been built up. The high recognition rates in virtually all occupations show that the recognition procedures are working and that the objectives of the Recognition Act are being achieved.

As the 'Coordinating Departments' working group of the federal states has, however, repeatedly ascertained, considerable endeavours still need to be undertaken in order to structure the recognition processes in a more standardised way across the federal states. The main contributory factor in this regard would be a further bundling of knowledge and of competences and areas of responsibility. Nationally standardised processes and recognition standards simplify and accelerate the recognition procedures. The bundling of competences and expert knowledge particularly reduces the burden on administrative bodies which only deal with recognition issues on an isolated basis. The central competent body IHK FOSA (Foreign Skills Approval Competence Centre of the Chambers of Commerce and Industry) for occupations regulated by the chambers of commerce and industry is a positive example of such a structural concentration of knowledge and procedural know-how.

A welcome development is the fact that Berlin federal state legislation clarified the legal status of the Secretariat of the Standing Conference of the Ministers of Education and Cultural Affairs (KMK) as a federal state authority in February 2014, thus creating the prerequisite for the federal states to be able to transfer areas of responsibility for non-regulated school-based vocational qualifications governed by federal state law directly to the Central Office for Foreign Education (ZAB) at the KMK. Only three federal states have done this so far (Baden-Württemberg, Berlin and Lower Saxony). Further transfers would be desirable.

Stronger bundling and standardisation required in the healthcare professions

With regard to aspects of bundling and standardisation, the establishment of a central assessment agency for the healthcare professions, something which was resolved as long ago as 2012 by the Health Ministers' Conference and by the Conference of the Ministers of Education and Cultural Affairs, is urgently necessary and must be finally be financially realised and equipped with an appropriate number of staff positions by the federal states. The expected acceleration and standardisation associated with the establishment of such a body is an important step towards

³³ 10. Management Report (2014), p. 221.

improving recognition procedures. For this reason, all parties involved should urgently commit to rapid implementation. The surveys conducted as part of the monitoring process show that the competent bodies believe that the support of a central assessment body is useful and necessary for the evaluation of both formal qualifications and of professional experience and that they are positively disposed towards the creation of such an assessment body.³⁴

Especially within the important area of recognition of healthcare professions, the new BMG legal ordinances, which entered into force on 1 January 2014, represent an important step towards standardisation of the procedures. These contain stipulations for compensation measures and the preconditions for the issuing of authorisation to practise. Against this background, they have received a thoroughly positive response from the competent bodies, which assess them as being helpful for their work.³⁵ Nevertheless, understandable initial difficulties in specific implementation are emerging, particularly with regard to designing the notice of equivalence in a way that complies with the regulations and fosters transparency.

Features from the administrative implementation of the regulations

During this reporting period, the monitoring process also makes clear a number of particular aspects of implementation.

- One positive aspect which has emerged is that virtually no **additional requests** for follow-up documentation are made on the basis of doubts as to the genuineness or correctness of contents of the documents submitted. Although the problem of falsified evidence of qualifications still exists at the competent bodies, there are no signs of the mass phenomenon that was expected in some quarters.
- Within the scope of the surveys, however, reports of the continued adoption of non-uniform approaches remain. Particularly the level of **language knowledge** required and the point in time at which this needs to be demonstrated within the healthcare professions still vary greatly in practice between the federal states despite endeavours to achieve standardisation. The use of **assessors** for equivalence assessment is also handled very differently. In the case of the regulated professions in the healthcare sector, for example, some competent bodies avail themselves of the services of such assessors at all times, whereas others do so only in complicated circumstances. For the applicants, this can certainly mean a difference within the procedure and from a costs point of view. Job offers or certifications of place of reference are also still being demanded in isolated cases when **applications are made from abroad**, something which is in breach of the legal stipulations. There is an urgent need for the federal states to act to change this unlawful practice.
- Differences are also revealed in the consideration of **professional experience**. Whereas in 2013 occupational experience was used as a (co)determinant criterion for recognition in over 40 percent of procedures in which a notice was issued in the case of training occupations within the dual system in particular, this has seldom been the case thus far in most regulated professions. A central assessment body could provide a remedy in this regard by bundling knowledge of the evaluation of practical experience and by developing criteria for evidential

³⁴ Cf. III-3.2.

³⁵ Cf. III-3.7.

requirements. Another conceivable example of provision for the bundling of knowledge and transfer to the competent bodies responsible for regulated professions would be IT-aided collection and documentation of earlier evaluation results and documents such as foreign curricula in a similar way to which the BQ Portal is used by the chambers of crafts and trades in particular. This would also provide good assistance with regard to applicants, who depending on the country in which training took place and the qualifications acquired there, experience considerable difficulty in procuring documentation, particularly with regard to matters concerning foreign curricula such as detailed listings of subjects.

- In the case of regulated professions from third countries, some competent bodies impose **compensation measures** (such as a knowledge test for doctors) without any preceding equivalence assessment. This does not comply with the intention and design of the underlying statutory regulations. This gives rise to the supposition that such a decision is solely made against the background of a qualification from a third country. Such an administrative practice, which exists in some cases, urgently needs to be changed.
- It is also difficult to comprehend that individual authorities continue to act contrary to the provisions contained within the new legal ordinances of the BMG by waiving the requirement for a **formal notice** and sending applicants from third countries a simple e-mail detailing the missing equivalence together with a general indication of the necessary compensation measure. This shows that the legal ordinances need to be better embraced in practice and that they must be applied. The Federal Government and the federal states continue to network closely on this matter.
- There is a desire for better **comprehensibility and transparency of notices** on the part of guidance specialists at the labour administration bodies, recognition advisory centres, migration counselling centres and visa issuing authorities, particularly in the case of instances of partial recognition and the selection of second-chance qualification measures associated with these. Although there is a requirement for the competent bodies to fulfil the requirements statutorily stipulated in respect of the notices, there are also good examples where they have provided assistance, especially concerning the use of further training. These instances should be passed on as best practice and be actively communicated.
- The official statistics show that in 2013 standardised **skills analyses** were only conducted in 60 cases. Both the competent bodies and those interested in seeking recognition should avail themselves more of this opportunity. In the cooperative BMBF project 'Prototyping', which ran until January 2014, standards were developed and piloted to lead to a simplification of the procedures. The supposition is that a certain reluctance displayed by the competent bodies to offer these procedures is due to a comparatively high expense of implementation. With regard to the endeavour to integrate the above group of persons more easily into the labour market, national transfer of procedures has been supported via the BMF project 'Prototyping Transfer – professional recognition with skills analyses' since January 2015.
- In **old age care**, the possibilities offered by the recognition procedures are not being sufficiently exploited despite the high requirement for skilled workers and the strong demand for information. Particularly when relevant professional experience is in place, the competent bodies should make greater use of old age care as a reference occupation in the recognition procedure, and compensation measures in this area should be facilitated.

Further standardisations in administrative implementation could be achieved in some areas via more extensive cooperation between the competence bodies in networks or forums. The existing cooperation agreements with the IQ Network could be used for this purpose, or the provision offered by the Recognition Portal could be expanded. In addition, BIBB will this year carry out various target group-specific workshops, particularly in conjunction with the competent bodies in the healthcare sector, with the aim of exchanging best-practice examples, identifying information requirements and entering into networks.

6. Fees and costs for the procedure should be further standardised and financing opportunities secured

The amount of fees for the recognition procedures is governed by the fee regulations of the federal states or of the chambers and depends on the individual expense of conducting the procedure. In the area of chamber responsibility, standardised fee frameworks (€100 to €600) have become established for non-regulated occupations. In the federal state authorities, the variance is larger and less uniform. Further costs may be incurred for the procurement of individual evidence, for further documentation including certifications and translations and for preparation for examinations or adaptation periods.³⁶

Effects of costs on the submission of applications

The monitoring surveys carried out show that, although the reasons for not submitting an application depend heavily on individual employment history and the current life situation of those seeking recognition, it is not infrequently the case that, following a consideration of the costs and benefits involved, the costs of executing a recognition procedure may deter interested parties from applying for recognition. This is likely to apply in particular to persons with low incomes, who expect significantly lower educational returns than those enjoyed by professionals such as doctors and who do not benefit from the numerous funding opportunities offered by the BA in particular. For this reason, from the point of view of the Federal Government, it would be desirable to standardise the costs in a more area-specific way in the interests of achieving the greatest possible transparency or to introduce a uniform fee range and structure the fees in a socially compatible manner. In the case of non-individual evidence, such as the translation of foreign curricula, the costs in individual areas could also be minimised by setting up cross-cutting knowledge management at the competent bodies.

Existing financing opportunities

With regard to acceptance of costs, the main financing instrument consists of the basic social security benefits and employment support provided within the scope of German Social Security Code II and III (SGB II and III). As well as having established themselves as important sources of advice with regard to recognition issues, the local Job Centres and joint Federal Government and local government institutions also often bear the costs of the procedures. In addition to this, they fund continuing and compensation measures in many cases. Nevertheless, the investigations undertaken for the report show that implementation still varies in practice. Central labour administration activities would be

³⁶ A detailed list was given in the first Report on the Recognition Act, BMBF (2014), pp. 121 ff.

helpful in this regard (for example recognition tools and professional networking via such vehicles as workshops on the topic of migration). The report presents these and other opportunities for state assumption of costs.³⁷ Particularly against the background of the initial experience with the financing of training measures launched in the IQ funding programme, the Federal Government will investigate whether there is any medium-term need for the establishment of a state scholarship scheme. On the part of the federal states, relevant scholarship provision was in place only in Hamburg during the reporting period. The investigation and development of relevant support provision in this field would also be desirable. In addition, employers should be more strongly motivated in terms of offering support in the recognition procedure.

7. Provision for compensation measures is being extended in line with requirements

Demand for and provision of compensation measures are rising.³⁸ The surveys of the chambers of crafts and trades and chambers of commerce and industry conducted for the report show increasing demand for the possibilities of adaptation training from persons who have received a notice of partial equivalence. According to the chambers, it is already possible to make regional provision available.³⁹

Additional support provision from the Federal Government

The Federal Government is also creating additional opportunities for second-chance training. In 2015, a new main action focus for the 'Training of migrants within the context of the Recognition Act' was introduced to the '**Integration through Training – IQ' funding programme**. This develops and provides compensation measures for regulated professions and non-regulated occupations, bridging measures for those holding academic qualifications and language courses and thus improves the chances of full recognition. Together with the European Social Fund (ESF), the BMAS is making around €188 million available for this programme between 2015 and 2018. Development of provision is being funded nationwide in 146 IQ sub-projects. About 40 percent of these relate to regulated professions and 25 percent to non-regulated occupations. It remains to be seen whether and how the development of provision will cover the requirement for compensation measures in future.⁴⁰

Continuing training providers are offering more provision

More than 2,000 continuing training providers active on the market were also surveyed for the report. These also seem to be further adapting to the new target group of persons interested in seeking recognition, which in some cases is highly heterogeneous and approaches them with specific training needs, by increasingly aligning their provision accordingly.⁴¹ Cooperation between continuing

³⁷ Cf. III-5.3.

³⁸ In 2013, the proportion of procedures that concluded in partial equivalence rose to just under 33 percent (the corresponding figure for the previous year was around 9 percent).

³⁹ Cf. III-4.1.

⁴⁰ Cf. in this regard, Development of the statistics, III-2.

⁴¹ Cf. the chapter on 'Further training', III-4.

training providers and the competent bodies has also been expanded. The development of marketable provision will need to be kept under observation.

In Germany, the KURSNET Portal operated by the BA is a central Internet service for continuing vocational training. It publishes a large number of education and training courses as well as training measures within the context of 'recognition of foreign professional and vocational qualifications', in particular new provision developed within the scope of the IQ Funding Programme. In order to reach those seeking recognition in a targeted way, the aim is also to make the information provision offered by KURSNET accessible via the 'Recognition in Germany' Portal.

8. Company recognition culture – strengthening the role of the employers and companies

Various statements are made by employers and companies regarding the level of awareness of statutory recognition opportunities for foreign professional and vocational qualifications.

Representative company survey

In a representative survey of around 5,300 companies carried out by BIBB in 2014, more than 40 percent stated that they had heard of the Recognition Act.⁴² Given the fact that the regulations are still relatively new, this is a very considerable figure. Nevertheless, only 6 percent of these have looked at the topic more closely or had experience of recognition procedures themselves. Employers or human resources managers are not only the parties to whom recognition notices, which form the basis for a decision on the recruitment of persons with foreign qualifications, are addressed. They are also provided with an additional instrument to arrive at a correct assessment of the potential of their staff with regard to transfer of additional task areas, areas of responsibility and possibilities of advancement and to secure long-term loyalty from their employees.

According to the BIBB company survey, large companies in particular are in a better position in terms of personnel and structure to be able to deal with recruitment processes which under certain circumstances require consideration of the recognition of a qualification. Such processes are in some cases complicated, especially from abroad. Notwithstanding this, as was indicated in the first report in 2014, the recognition of qualifications acquired abroad particularly provides small and medium-sized enterprises without professionalised staff recruitment and development concepts with a good opportunity to use a recognition procedure as a means of covering their requirement for skilled workers when taking on new staff or of tapping into existing employee potential via formal recognition.

Support via the companies

For the employers, this opens up a further field of conceivable theoretical, organisational and material assistance. The willingness to provide support expressed by the companies surveyed is pleasingly high. Almost 80 percent have no reservations about employing persons with a foreign professional or vocational qualification, and around of two thirds of respondents were prepared to support the recognition procedure. This existing willingness should be translated into concrete

⁴² Evaluation of the BIBB company survey (2014), III-6.

measures in order further to increase the chances that staff will be employed in a way that is closely related to their qualifications and skills and to enhance the integration of foreign skilled workers.

There is, therefore, much to indicate that precisely tailored information on the benefits of a recognition procedure, particularly for SME's, produces an advantage for the firm and ultimately also leads to greater commitment on the part of companies. This would provide a vehicle for discovering and exploiting the potential of employees with regard to their formal qualifications and for strengthening a true culture of recognition as part of an active approach towards diversity management in the companies. A prerequisite is, however, that small companies in particular receive professional guidance and support within this process. This is something which they often cannot deliver themselves because of their company structures.

For this reason, the BMBF is supporting projects aimed at raising awareness and providing assistance to employers and workers' councils.⁴³ In 2015, it will continue to expand and intensify these activities. The BQ Portal fulfils a supplementary function by offering companies a good initial summary of the aims and benefits of recognition and information on best practice examples from a company point of view.

These measures to increase the activity of companies within the context of the Recognition Act are viewed as providing considerable potential for addressing qualified skilled workers, and this will bring great advantages for both employers and employees.

Further activities at Federal Government level aimed at supporting companies in securing a supply of skilled workers and assisting them in the recruitment of staff from abroad include the Centre of Excellence for Securing Skilled Workers (KOFA), an Internet platform operated by the Federal Ministry for Economic Affairs and Energy, and the 'Training Guidance' provided by the BA.

9. Conclusion

Although the Federal Recognition Act has only been in force for three years, it has already proved its worth in practice in many regards. According to the official statistics, around 26,500 applications were submitted between April 2012 and December 2013. Almost all of these led to the identification of full or partial equivalence of the foreign professional or vocational qualification.

The Federal Government is undertaking considerable endeavours to ensure that even more people with foreign qualifications are able to benefit from the opportunities offered by recognition. Very extensive multilingual information and guidance provision has been put in place and is publicised both in Germany and abroad. Existing data shows that there is a very high demand for this provision, that the requirement for information and guidance is constantly growing and that therefore the foundations for successful recognition have been established. For this reason, the Federal Government will continue to provide information and guidance and will develop this provision further.

The legal framework and conditions governing immigration are also being improved on an ongoing basis. The unanimous view is that Germany needs foreign skilled workers. One central element for

⁴³ See III-6.4.

successful integration into the labour market is the recognition of foreign professional and vocational qualifications. Many immigrants and refugees entering Germany are in possession of a higher education or vocational training qualification. In order to continue to improve this immigration of skilled workers from third countries, the linking of recognition and immigration rules needs to be more strongly established in the practice of the missions abroad, the aliens departments, the labour administration agencies and the relevant recognition bodies, and a genuine culture of recognition and welcome must be instigated.

The report also shows that not every consultation results in an application. The reasons for this vary. Some do not need formal recognition in order to enter the labour market, whilst others need further information on their opportunities and chances or may require different forms of encouragement or financial assistance. Sometimes, however, alternative routes may be more useful. Professional guidance as already provided is crucial in this regard. Nevertheless, companies in particular can play a greater role in the recognition system if they are provided with better information and addressed in a targeted way and if a true culture of recognition is in place. For this purpose, the Federal Government will support the process of providing more employers with specific information regarding the opportunities of recognition for their companies.

The greatest challenge remains the standardisation of administrative implementation in a number of areas. Further bundlings of competences and areas of responsibility are required for this purpose. In particular, a central assessment body for healthcare professions should be rapidly established by the federal states. Improvement of provision for applicants whose qualifications are only accorded partial equivalence has already commenced. Provision of compensation measures is being expanded for such applicants. For this purpose, the Federal Government will act in conjunction with the European Social Fund to make a total of approximately €188 available over the next few years within the IQ Funding Programme.

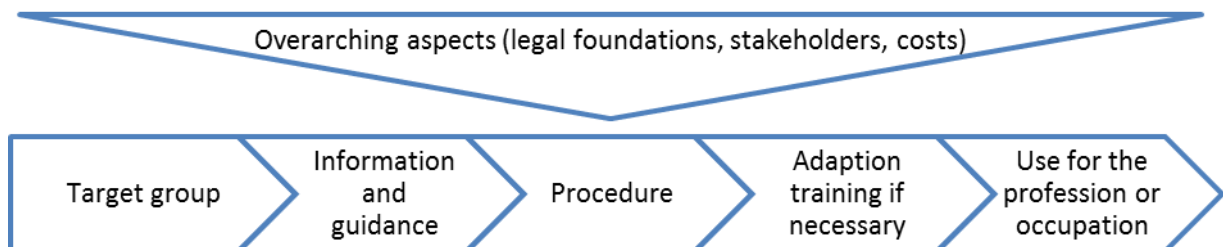
Notwithstanding the successes achieved thus far, the Federal Government continues to face up to the existing challenges and will continue to commit to improving the recognition of foreign professional and vocational qualifications in order to secure a basis of skilled workers in Germany.

Introduction to Parts II to IV

1. Introduction

Three years after the entry into force of the Federal Recognition Act, BIBB presents its second specialist report on the results of its investigations into the implementation of the law conducted on behalf of the Federal Ministry of Education and Research (BMBF) in the form of Parts II to IV below. The assignment and investigative approach in accordance with which the perspectives of the various participants are collated to form an overall picture and the methodological procedure adopted have already been set out in detail in the first report (see Erbe et al. 2014, pp. 38ff.). A series of further empirical investigations has been carried out for this second report. These are detailed in the respective chapters and in the dataset description in Annex A2. The report once again predominantly focuses on a consideration of occupations governed by federal law. The emphasis in this reporting period is also placed on skilled workers living in Germany who have a qualification acquired abroad. In addition to this, we report on initial findings regarding the submission of applications from abroad. The main focus of the investigations in this reporting period is once more on the perspective of the competent bodies and the guidance institutions, although additional stakeholders are also included in the case of both of these. New aspects included are the perspective of the companies and, in individual cases, the perspective of those interested in recognition.

Parts II to IV are structured as follows. Parts II and III update the information contained in the first report and thus constitute regular annual factual reports on core aspects of the recognition system. Part IV contains detailed analyses of selected issues relating to recognition practice and concomitant developments that alter each year.



This figure provides a highly condensed representation of the various stages that make up the recognition process. The detailed consideration of these is also an object of the present report. The figure is reproduced at the head of each chapter to indicate which of the stages is covered in that particular chapter.

Part II traces the development of the legal foundations of professional and vocational recognition since the first report (Chapter 1) and updates the summary of the stakeholders involved in the implementation of the laws (Chapter 2).

Part III highlights current developments in the recognition system and is aligned towards the processes people undergo in acquiring recognition of their qualifications obtained abroad. These encompass the obtaining of initial information via the guidance services, application to the competent body, the notice of equivalence and any compensation measures that may be useful and finally extend to include utilisation of the notice of equivalence on the labour market.

Chapter 1 *'Information and guidance'* provides a summary of which information and guidance opportunities are used by which groups of persons. It considers the guidance data from the 'Recognition in Germany' portal, the recognition hotline operated by the Federal Office for Migration and Refugees (BAMF), the new 'Working and Living in Germany' Hotline, the IQ initial counselling centres and, of course, the chambers of commerce and industry and the chambers of crafts and trades. In addition, this chapter also provides information on the use of the BQ Portal, the ZAB and anabin.

Chapter 2 *'The official statistics for occupations governed by federal law'* presents selected results of data for the years 2012 and 2013 collected on the basis of § 17 of the Professional Qualifications Assessment Act, BQFG, (and pursuant to provisions contained within specific legislation which make reference to § 17).

Chapter 3 *'Is the Recognition Act being implemented in a nationally standardised way? – A look at selected areas'* addresses the question posed in its title. It undertakes a more detailed consideration of the practical execution of the statutory regulations within the process of administrative implementation. This chapter supplements the results of the official statistics by also presenting the outcomes of BIBB's own qualitative and quantitative surveys.

Chapter 4 *'Further training'* focuses on the opportunities available for applicants in non-regulated occupations if partial equivalence is identified. It also presents the results of the 2014 Continuing Training Survey (wbmonitor). These give information on the extent to which continuing training within the scope of the recognition of foreign professional and vocational qualifications plays a role in the continuing training offered by the continuing training providers surveyed.

Chapter 5 *'Costs and financing'* provides a summary of the costs incurred within the scope of a recognition procedure and of the development and use of financing instruments.

Chapter 6 *'Companies'* presents the results of a representative telephone survey of 5,286 companies conducted by BIBB. The focus here is on issues relating to level of awareness, company experience with possibilities of recognition, employment of persons with a professional or vocational qualification acquired abroad and employment opportunities for this target group.

Part IV uses detailed studies to undertake a more thorough investigation of individual issues. Data from various sources is collated for this purpose.

Chapter 1 *'Development of the target group'* looks at how the migration to Germany of foreign nationals with professional and vocational qualifications has changed over the past years and at the implications which arise for the target group of the Recognition Act as a result of this.

Chapter 2 *'Guidance on the topic of recognition via adult migrant guidance centres and Job Centres'* highlights the recognition counselling services provided by these bodies.

Chapter 3 *'From guidance to the application'* investigates the reasons for the discrepancy between the numbers seeking guidance and the numbers submitting applications.

2. Acknowledgements

The BIBB Recognition Monitoring Team would like to offer our warmest thanks to all those who have supported or continue to support our surveys and further investigations. They have assisted in the acquisition of comprehensive findings regarding the implementation of the Federal Recognition Act and in identifying areas where further help and adaptation is required.

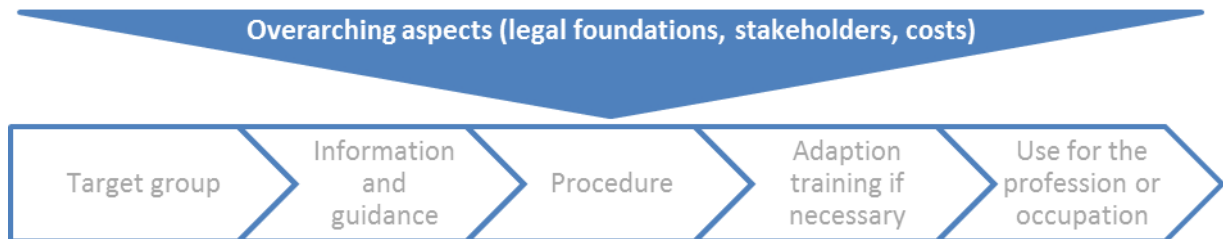
Our particular thanks go to the following:

- the umbrella chamber associations ZDH and DIHK, the local chambers in the regions and the IHK FOSA, all of which have supported or participated in our survey;
- the federal state authorities responsible for the healthcare professions, which took part in our survey;
- the welfare associations which run the adult migrant guidance centres (MBE) (General Secretariat of the German Red Cross, DRK, the German Confederation of Workers' Welfare Associations, Caritas Germany, the Social Welfare Organisation of the Protestant Churches in Germany, the Association of Social Movements, the Central Welfare Office of the Jews in Germany, the Federation of Expellees) and which have requested the MBE's they sponsor to respond to our survey, and in particular all MBE's which have taken part in our survey;
- the BA Migration Coordinating Agency, the Job Centres and the Employment Agencies, which took part in the survey;
- the Research Institute for Vocational Education and Training (f-bb) and the BAMF for making guidance data available to us for further evaluations;
- the specialist agencies 'Guidance and training' and 'Work-related German', part of the IQ Funding Programme and representing all the various stakeholders in the IQ Network, for the good level of cooperation across so many areas.

We would also like to thank the members of our Project Advisory Council for guidance on the surveys and survey evaluations conducted.

Part II
**Development of the legal foundations
and stakeholders in the recognition
process**

1. Recognition legislation of the Federal Government and federal states and related legal fields



This chapter provides a summary of the development of the legal framework for the recognition of foreign professional and vocational qualifications. It presents the Federal Recognition Act and its most recent amendments, the status of federal state legislation and the development of EU law together with the consequences for the German legal framework. The role played by the topic of recognition within the scope of residence and employment law is also explained.

1.1 Federal Recognition Act

The ‘Law to improve the assessment and recognition of professional and vocational education and training qualifications acquired abroad’ (referred to in abbreviated form as the Federal Recognition Act) has been in force since 1 April 2012. It creates a general legal right to the assessment of the equivalence of professional and vocational qualifications for around 600 occupations governed by federal law and stipulates the procedures for such assessment.

The Recognition Act is a so-called composite act. Alongside the ‘Act concerning the Assessment of Equivalence of Professional Qualifications’ (Professional Qualifications Assessment Act – BQFG) introduced in Article 1, the following Articles 2 to 61 encompass amendments or adjustments to laws and ordinances governing the professions such as the Federal Medical Code (BÄO) and the Nursing Act (KrPflG) (specific legislation). The aims are to achieve labour market integration and secure a supply of skilled workers. These objectives are explained in the first Report on the Recognition Act alongside the contents of the law, its structure and delineation to other legal foundations for professional and vocational recognition (see Erbe et al. 2014, pp. 22 ff.).

The first amendment to the Federal BQFG took place on 1 August 2013, when the Federal e-Government Act (EGovG) entered into force. In the procedural regulation requiring applications to be made in writing (§ 6 Paragraph 1 Clause 2 BQFG), the term ‘in writing’ was deleted. This means that application for recognition procedures can now be made by e-mail. A corresponding amendment was made to the Administrative Procedure Act (cf. § 3a VwVfG Electronic communication). This amendment to § 6 Paragraph 1 Clause 2 BQFG applies only to submission of the application. The form of documentation to be submitted continues to be governed by §§ 5 and 12 Paragraph 2 und 3, which state that originals or certified copies must be provided unless the competent body permits simple copies. The EGovG also adds the place of residence of the applicant to the list of

characteristics that must be reported to the official statistics by the competent bodies (§ 17 Paragraph 2 Clause 1 BQFG). This means that, from the reporting year 2013 onwards, evaluations may be made of aspects such as regional distributions or the proportion of applications received from abroad.

Within the field of specific legislation, the Federal Government has also enacted supplementary ordinances to take account of the clear need for regulation that has emerged. Two ordinances from the Federal Ministry of Health, for example, entered into force on 1 January 2014 with the aim of establishing nationally standardised procedures (for further details, see III-3.7).

- Ordinance of 2 August 2013 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 (Federal Law Gazette, BGBl., I, p. 3005)
- Ordinance of 16 December 2013 on training and examination regulations for emergency paramedics (Federal Law Gazette, BGBl., I, p. 4280).

At the end of this year's reporting period on 31 December 2014, further amendments to the Federal Recognition Act were being prepared. The objective of these is to implement the ongoing development of EU law (see II-1.3).

1.2 Recognition acts of the federal states

During the period from 1 August 2012 to 1 July 2014, **federal state recognition acts** for occupations governed by federal state law entered into force in all sixteen German states (cf. summary of dates of entry into force in Figure 1 and the list of designations and references for the laws in Table 15 in the Annex). In order to achieve a wide degree of harmonisation with the Federal Recognition Act and with the aim of standardising procedures, Article 1 of each of the federal state laws contains the same general conditions which also apply to the Federal BQFG.

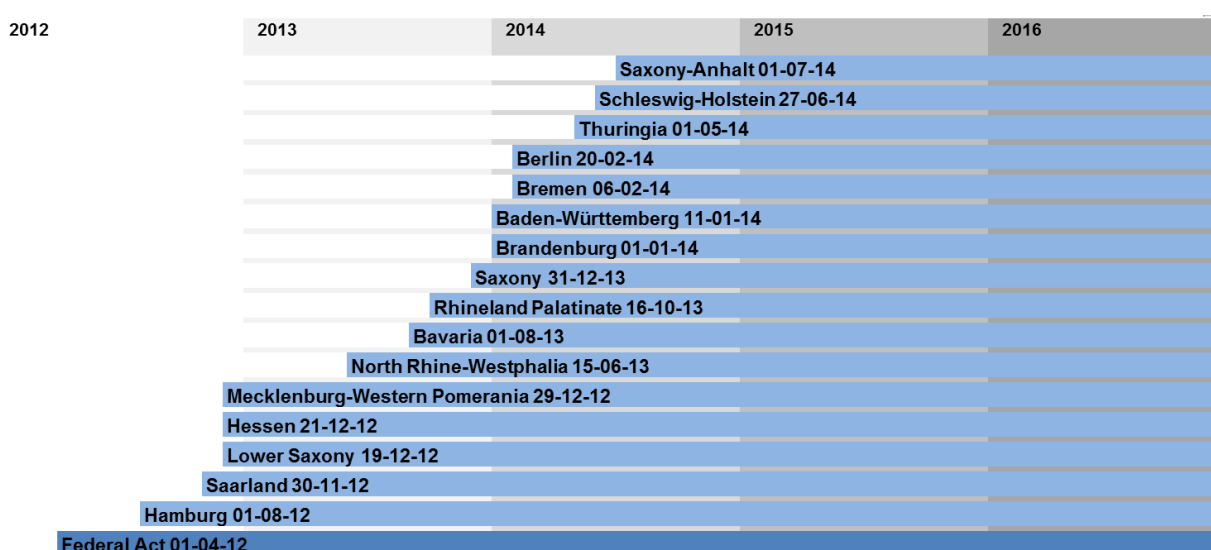
The scope of application of the federal state recognition acts varies due to the fact that the states have opted for different degrees of scope (so-called inclusion and exclusion of occupations in the respective federal state BQFG). In their BQFG's, all federal states have included uniform provision that the BQFG's of the federal states take precedence in each case. Non-application of the federal state BQFG requires a relevant amendment to the specific law governing the profession to the effect that the BQFG is not to be applied (restricted subsidiarity via necessary exclusion). However, even if application of the BQFG is excluded, it is still possible for analogous recognition provisions to take place within the respective specific legislation. Taking as an example the occupations which have been in strong demand in terms of guidance, inclusion or exclusion was regulated in the following manner.⁴⁴ In the case of the occupation of nursery school teacher, recognition largely took place in a standardised way in accordance with the BQFG's of the federal states. As far as the profession of teacher is concerned, seven federal states adopt the federal recognition procedures whereas nine federal states deviate from these (Baden-Württemberg, Bavaria, Hessen, Lower Saxony, North Rhine-

⁴⁴ Information from a presentation made by the BMBF at the Dialogue Panel of the IQ 'Training Agency' in Berlin on 8 October 2014.

Westphalia, Rhineland Palatinate, Saarland, Saxony-Anhalt and Schleswig-Holstein). Bavaria, for example, does not provide any opportunity for recognition on the part of third country nationals and North Rhine-Westphalia only allows such persons to undertake teaching practice. With regard to the professional title of engineer, seven federal states adopt the federal recognition procedures and nine deviate.

As is also the case with the Federal Recognition Act, the necessary implementation of EU Directive 2013/55/EU will require adaptations in all federal state recognition acts by January 2016 (see II-1.3).

Figure 1 Summary of recognition legislation in Germany (dates of entry into force of federal and federal state laws)



Source: Information in accordance with Table 15 in the Annex, representation by BIBB.

1.3 Developments in EU law and consequences for the German legal framework

Directive 2005/36/EC on the recognition of professional qualifications (EU Recognition Directive) has been in force in the European Union for around ten years. The Recognition Directive consolidates previous regulations relating to mutual recognition and creates the prerequisite for citizens of the European Union to exercise their rights to freedom of movement of labour, freedom of establishment and free provision of services in all EU member states. In order to implement the Directive, the member states have enacted or amended laws to accord the relevant rights to this group of persons. In Germany, the recognition laws enacted by the Federal Government and the federal states between 2011 and 2014 have extended this legal right to all foreign professional and vocational qualifications in some areas.

In 2013, the EU undertook a comprehensive updating of the rules with the aim of fostering economic growth and by dint of having identified obstacles with regard to the practical utilisation of the rights accorded. This entered into force on 17 January 2014 in the form of Directive 2013/55/EU amending

the Directive of 2005.⁴⁵ In order to implement this updated Directive, amendments to national law are once again required, and these need to have entered into force by 18 January 2016. In Germany, this results in a need for amendment of the BQFG's of the Federal Government and of the federal states and for amendments to all laws and ordinances governing the professions which regulate the recognition of foreign qualifications. During the course of 2014, various committees⁴⁶ consulted on the necessary changes with the aim of establishing an agreed approach from the Federal Government and the federal states. In February 2015, the BMBF presented a draft BQFG Amendment Act, which was adopted by the Federal Cabinet on 1 April 2015.⁴⁷ This represents implementation of the Directive, which falls within the remit of the BQFG and German Industrial Code. The aim is for parliamentary proceedings to have been completed by the end of 2015 in order to allow entry into force to take place prior to the expiry of the deadline for implementation.

⁴⁵ Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation'), Official Journal of the European Union L 354 of 28 December 2012. For non-regulated occupations, the Directive also stipulates a staged model with an inventory and an action plan from each member state ('Transparency Initiative').

⁴⁶ These included the 'Regulation' sub-working group (UAG 1) from the 'Coordinating Departments' Working Group, and a working group entitled 'Implementation', which was convened by the BMBF in its capacity as lead institution and involves participation by a number of stakeholders from implementation practice. For information on both committees, cf. Erbe et al. (2014, p. 34).

⁴⁷ Draft of an Act for the Amendment of the Professional Qualifications Assessment Act and of other laws.

Figure 2 Amendments needed as a consequence of the updating of the EU Professional Recognition Directive

Contents of the updated Directive 2005/36/EC	Necessary adaptations in the German legal framework
A European Professional Card is to be introduced for some professions (initially nurse, dispensing chemist, physiotherapist, mountain guide and estate agent)	Implementation in the BQFG or in the laws governing the professions***, in some cases via power of ordinance
Partial access to a profession is to be facilitated*	Implementation in the laws governing the professions
Necessary knowledge of German may not be tested until <i>after</i> identification of equivalence	Implementation in the laws governing the professions (cf. III-3.8 Procedures), BQFG does not include any such regulations
Competent bodies must facilitate an aptitude test within 6 months of the decision	Implementation in the BQFG or in the laws governing the professions***
On request, applications may also be accepted by the national contact points from the Service Directive and forwarded to the competent bodies	National contact points have already been introduced within the administrative process, their area of responsibility needs to be mandated in the BQFG or in the laws governing the professions***
Recognition procedures need to be “easily completed, remotely and by electronic means ”**	Implementation in the BQFG or in the laws governing the professions*** (beyond the eGovG amendment)
Introduction of a preliminary warning mechanism for the use of forged evidence of professional or vocational qualifications in the recognition procedure	Implementation in the BQFG or in the laws governing the professions***

* In the case of the regulated professions, no partial recognition has been possible thus far. If substantial differences are identified, these need to be eliminated via a compensation measure in order to enable full recognition to be accorded.

** In the event of justified doubts as to the authenticity of documents, certified copies may also be required.

*** Insofar as the BQFG is not applicable.

Source: Representation by BIBB of the Draft of an Act for the Amendment of the Professional Qualifications Assessment Act and of other laws of 1 April 2015 and representation by the BMBF of ‘Important overarching amendments to Directive 2005/36/EC which do not need to be implemented in the BQFG’, prepared for the ‘Implementation’ working group on 22 September 2014.

Figure 2 provides a summary of the changes contained within the updated Directive which require national law to be amended. Against the background of the field of application of the EU Directive, the changes predominantly relate to provisions regarding regulated professions and qualifications from the EU, the European Economic Area (EEA) and Switzerland. With the aim of facilitating standardised procedures and rights in a way analogous to the Recognition Act, discussions took place regarding relevant expansion to cover all foreign professional and vocational qualifications. However, and particularly for technical reasons (no participation by third countries in the Internal Market Information System, IMI), extension is unlikely to take place in most cases.

The draft law for the amendment of the BQFG and German Industrial Code includes the option of electronic transmission of applications and documentation within the EU and the EEA and the

introduction of a six-month deadline for the completion of aptitude tests necessary in order to achieve full equivalence of the foreign professional or vocational qualification.

One essential objective of the updated Directive is simplification of the procurement of information and of the submission of applications from abroad. The national contact points⁴⁸ can now also be used for recognition procedures. Within the scope of the implementation of the Directive on services in the internal market (Services Directive), they were established by the federal states responsible for all administrative procedures falling within the remit of the Services Directive. For this purpose, the 'Procedure via a single point of contact' was introduced into the administrative procedure laws of the Federal Government and federal states. Federal state-specific structure is governed by laws relating to the national contact points. This is without prejudice to distribution of areas of responsibility and the powers between the authorities involved. The national contact points are accorded only the role of 'procedural intermediaries', which are required to work together with the competent bodies and must make the necessary information available online.

In order to continue the standardisation of the legal framework pursued by the Federal Government and the federal states, a model BQFG Amendment Act was also jointly drawn up in accordance with a resolution adopted by the MPK on 15 December 2010 to cover the requirement to implement the EU Directive on the Recognition of Professional Qualifications. Because of the various areas of responsibility in basic federal regulations and the different areas of application of the BQFG, the amendment laws of the Federal Government and federal states will be structured differently with regard to individual provisions.

1.4 Recognition and residency and employment law

In order for the Recognition Act to be effective and make it possible to enter employment which is closely related to qualifications and skills, the linking of the recognition regulations with residency and employment law is highly relevant. Persons who apply for recognition of foreign professional and vocational qualifications are those who wish to work in Germany (in employment which is commensurate with their qualifications). Although applications for recognition can be submitted regardless of a residence permit, nationality and place of residence (cf. above), there is a reciprocal dependency between residency or employment law and the recognition of a foreign professional or vocational qualification. Persons from a so-called third country are fundamentally only allowed to work in Germany if this is expressly noted in their residence permit.⁴⁹ At the same time, a decision regarding the issuing of a residence permit may be dependent upon successful recognition of the professional or vocational qualification (cf. below). The aim below is to provide a summary of the relevant regulations within this context. Due consideration will be accorded to the legal changes over the past three years (2012 to 2014), which have been introduced into legislation in order to facilitate the immigration of skilled workers from third countries.

⁴⁸ Cf. <http://einheitlicher-ansprechpartner.info> (consulted 18 March 2015).

⁴⁹ Free movement of labour applies in the case of EU and EEA citizens and Swiss nationals.

1.4.1 Implementation of the EU Directive on the Entry and residence of highly qualified workers with effect from 1 August 2012

The law to implement the EU Directive on the Entry and residence of highly qualified workers⁵⁰, the aim of which is to make Germany a more attractive location for well trained skilled workers, has led to changes in the field of labour market access for nationals of third countries.

In August 2012, the *EU Blue Card* (§ 19a German Residency Act, *AufenthG*) introduced a new residence permit for nationals of third countries with an academic qualification and a specific job offer. The prerequisite is completion of a course of higher education study that is recognised in Germany⁵¹ and a contract of employment or binding job offer with a certain gross annual salary.⁵² Holders of the *EU Blue Card* may be issued with an unlimited residence permit (settlement permit) after 33 months of highly qualified employment. If such persons have sufficient language skills⁵³, the period is reduced to 21 months. Entry for family members of *EU Blue Card* holders is made easier by dint of the fact that the former are not required to demonstrate knowledge of German prior to entry to the country.⁵⁴ The privileged opportunity accorded to family members of *EU Blue Card* holders to seek employment immediately and without restrictions⁵⁵ now applies to all family members with a residence permit for family unification purposes.

§ 18c *AufenthG* introduced a residence permit that enables the holder to seek work. This amendment rescinded the link that previously usually existed between a job and a residence permit and introduced a limited residence permit for job seekers that does not require evidence of an existing offer of employment. The regulation allows persons with academic qualifications to receive a six-month residence permit if they are able to show that they are in possession of sufficient financial means to meet their own living costs. As is the case when applying for the *EU Blue Card*, the foreign higher education qualification must be recognised or comparable with a German qualification. The residence permit does not give the right to work.

For both residence permits pursuant to § 19a und § 18c *AufenthG*, the legal prerequisite is a recognised foreign higher education qualification or a foreign higher education qualification that is comparable with a German higher education qualification. When it comes to the issuing of visas, the usual administrative practice of the visa agencies is to identify comparability by matching the qualification against the anabin database⁵⁶ or, if no match is found, by referring the applicant on an individual case basis for a certificate evaluation by the Central Office for Foreign Education (ZAB) in accordance with the so-called Lisbon Convention. Checks are also made as to the extent to which the

⁵⁰ Federal Law Gazette, BGBl., I 2012, p. 1224. The Implementation Law for the EU Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (Directive 2009/50/EC) entered into force on 1 August 2012. The aspects introduced under this law included a new residence permit in the form of the EU Blue Card in accordance with § 19a *AufenthG*.

⁵¹ If the higher education qualification has not been acquired in Germany, the qualification needs to be recognised or be comparable with a German higher education qualification (§ 19a Paragraph 1 Clause 1a *AufenthG*).

⁵² The amount of gross salary required is governed by § 2 *BeschV*. In 2014, the annual gross salary needed to be at least €47,600.

⁵³ Level B1 of the 'Common European Framework of Reference for Languages (CEFR)'.

⁵⁴ Cf. § 30 I 2 Clause 5 *AufenthG*.

⁵⁵ Cf. § 29 V Clause 2 *AufenthG* previous version.

⁵⁶ Cf. <http://anabin.kmk.org> (accessed: 18 March 2015).

local German mission abroad has existing knowledge of individual courses of study and qualifications which could be of interest and which may already have been categorised as comparable by OECD partner states and could also serve as a basis for the assessment of comparability by the visa agency.

With regard to regulated professions, a differentiation needs to be made between access to the profession and the underlying higher education qualification. In cases where those holding academic qualifications wish to work in the regulated profession (for example doctors or teachers), recognition of the qualification is necessary in order to be able to obtain the EU Blue Card. In such cases, application for recognition must be made to the competent body in Germany. In other cases (for instance a position in medical research or with an insurance company or with regard to the issuing of temporary authorisation to practise in healthcare professions where academic qualifications are required), classification of equivalence according to the ZAB anabin database is, like in non-regulated occupations, sufficient.

‘Employment appropriate to the qualification’ within the meaning of § 19a AufenthG refers firstly to employment which can usually only be exercised with a higher education qualification and which secondly exhibits a correlation between the knowledge acquired in the higher education or with knowledge that is at least partially or directly required rather than necessarily meaning employment in the particular regulated profession (such as doctor). To this extent, a doctor may also, for example, be employed in the pharmaceutical sector.

A total of 15,308 EU Blue Cards (pursuant to § 19a Paragraph 1 AufenthG)⁵⁷ were issued in Germany between the entry into force of the law on 1 August 2012 and 31 December 2013 (BAMF 2015a, p. 78). The figure for the period up until 31 December 2014 was 25,165. At the same cut-off date, 20,421 of these persons remained in possession of the EU Blue Card.⁵⁸ They included 14,577 skilled workers (71.4 percent) who had commenced (highly qualified) employment in Germany for the first time, including 9,665 new immigrants and 4,912 third country nationals who had completed a course of higher education study or initial and continuing training in Germany. The main countries of origin are India (21.2 percent), China (8.5 percent) and the Russian Federation (7.8 percent) (BAMF 2015b). This makes Germany the EU’s leading issuer of the EU Blue Card. According to the Research Council of German Foundations for Integration and Migration (SVR), the potential of the EU Card to act as an instrument for making Europe more attractive as a continent of immigration has, in overall European terms, not nearly been exhausted (cf. SVR 2014a).

1.4.2 Immigration in occupations with a shortage of skilled workers – the new Employment Ordinance

With effect from 1 July 2013, a new version of the Employment Ordinance (BeschV)⁵⁹ entered into force. This replaces the previous BeschV and the Employment Procedure Ordinance (BeschVerfV) and

⁵⁷ This figure is of a similar magnitude to the number of procedures which led to a positive decision within the scope of the Federal Recognition Act.

⁵⁸ 3,714 foreign nationals, who previously held an EU Blue Card, took advantage of the favourable regulations regarding receipt of permanent right to remain and now hold a settlement permit.

⁵⁹ Federal Law Gazette, BGBl., I 2013, p. 1499.

regulates admission of all migrants to the labour market.⁶⁰ The aim of the ordinance is to structure foreigner employment law in a clearer way and thus secure a basis of skilled workers.

Primarily, however, the regulations open up the labour market for the first time in general terms for third country nationals who have completed vocational education and training abroad (§ 6 BeschV). Until this point, skilled workers not in possession of an academic qualification were only afforded the opportunity to gain access to the labour market within the scope of existing placement agreements between Germany and a third country. The new BeschV now makes also immigration in line with labour market requirements possible within the training occupations. The prerequisite in this regard is identification of equivalence of the foreign training qualification pursuant to the BQFG⁶¹, the prospect of a definite job and a shortage on the German labour market within the relevant occupation.⁶² If the Federal Employment Agency (BA) has ascertained such a shortage, it issues consent for employment in Germany without prior investigation of priority.⁶³ If a fixed-term practical activity is required for the identification of equivalence (for example a practical placement or an adaptation period), the BA may issue consent for this period pursuant to § 8 BeschV.

This provides applicants from abroad with the opportunity to apply for a residence permit for the purpose of continuing training pursuant to § 17 AufenthG. One planned legal change is the introduction of a new residence permit (§ 17a AufenthG) to cover all training measures within the context of recognition procedures whilst also providing the opportunity to gain experience of employment in an area related to the planned occupation⁶⁴ (see III-3.1). A special regulation is in place for certain occupations with the aim of preventing a so-called ‘brain drain’ in sensitive areas of public services. Healthcare staff from the 57 countries which the World Health Organisation deems to be suffering from shortages in the sector may, for example, only work in Germany if the skilled workers involved have themselves sought a job.⁶⁵

1.4.3 Labour market access for refugees

The new version of the BeschV also contains fundamental provisions to ease labour market access for asylum seekers with a temporary residence permit and for migrants with a residence permit issued under international law or for humanitarian or political reasons. Persons who have been issued a residence permit for humanitarian reasons (§§ 22 to 25 AufenthG) may now obtain an unlimited work permit granted by the Aliens Departments. Consent from the BA and the associated investigation of priority are no longer required.

⁶⁰ These two ordinances previously regulated access to the labour market for newly arrived immigrants and for foreign nationals already living in the country. Ordinance on the admission of newly arrived foreign nationals for the purpose of exercising employment (Employment Ordinance – BeschV) of 22 November 2004 (BGBl. I, S. 2937); Ordinance on the procedure and admission of foreign nationals living in Germany for the purpose of exercising employment (Employment Procedure Ordinance – BeschVerfV) of 22 November 2004 (BGBl. I, p. 2934).

⁶¹ Foreign skilled workers are required to show evidence of a training qualification which is comparable to German training of at least two years’ duration.

⁶² Occupations with shortages are stated in the BA White List: <http://www.arbeitsagentur.de/web/wcm/idc/web/wcm/idc/groups/public/documents/webdatei/mdaw/mta4/~edisp/16019022dstbai447048.pdf> (accessed: 18 March 2015).

⁶³ Identification that no German or no otherwise prioritised worker or no prioritised worker from the EU/EEA or from Switzerland is available for the job in question.

⁶⁴ Draft Law of the Federal Government of 3 December 2014, BRat-Drs 642/14.

⁶⁵ The Ordinance for the Amendment of the BeschV of 7 November 2013 excludes the recruitment and private sector placement of healthcare staff from these countries.

Access to the labour market has also been made easier for asylum seekers with a temporary residence permit. The waiting period stipulated in § 61 Paragraph 2 of the Asylum Procedure Law (AsylVfG) was shortened from nine months to three months with effect from 6 November 2014 by Article 1 Clause 1 of the *Law for the categorisation of further states as safe states of origin and for facilitation of labour market access for asylum seekers and migrants with leave to remain*.

After the end of the three-month waiting period, consent from the BA and further prerequisites are usually required.⁶⁶ Nevertheless, asylum seekers also have access to vocational education and training and those with higher education qualifications enjoy access to employment in accordance with the regulations of the EU Blue Card without the need for such consent. For skilled workers pursuant to § 2 BeschV (with a higher education qualification) or skilled workers in shortage occupations (§§ 6 and 8 BeschV), investigation of priority is no longer required at the point of access to the labour market. For all others, investigation of priority is no longer required after a period of 15 months of lawful residence in Germany.

Irrespective of nationality and residence permit, refugees may seek assessment of equivalence with the relevant German qualification of a professional or vocational qualification acquired abroad pursuant to the Federal Recognition Act.

The express legislative intention in also according the opportunity of recognition of foreign professional and vocational qualifications to refugees was to increase prospects of success on the labour market or, in the case of regulated professions governed by federal law (such as registered general nurse) to allow access to the labour market in the relevant occupation in the first place. In its 'Explanatory memorandum to accompany the Recognition Act', the BMBF states:

'The new provisions of § 18a AufenthG, introduced as a result of the Law on the Regulation of Labour Migration of 2009, [make it possible] to grant a residence permit to persons with leave to remain if they find employment that is appropriate to their qualification. The opening up of the recognition procedure to those with leave to remain enhances the effectiveness of this provision, which was introduced in the interests of securing a supply of skilled workers.' (BMBF 2012, p. 16).

Timely labour market-related support for refugees is also the objective of the pilot project 'Every person has potential – labour market integration of asylum seekers', which was initiated by the BA, the BAMF and the ESF-financed federal programme 'XENOS – Employment law support for persons with leave to remain and refugees' and has been extended until the end of 2015. The project pursues the objectives of identifying areas of labour market potential at an early stage and of making placement services available in a targeted manner. In accordance with the principle of 'early intervention', this enables asylum seekers to be included in labour market integration processes and measures quickly and in a way that is tailored towards their qualifications profile (see II-2.2 and III-5.2.2). Support provision within the project also includes referral guidance on issues relating to the recognition of qualifications acquired abroad. Asylum seekers and persons with leave to remain have the right to access the labour market and therefore also an entitlement to placement following the

⁶⁶ The investigation of priority ascertains, for example, whether a certain worker is available for the specific job. Those who are accorded such priority in particular comprise Germans, EU citizens and other foreign nationals entitled to work on the basis of their residence permit (§ 39 Paragraph 2 Clause 1b AufenthG).

expiry of a waiting period of three months.⁶⁷ Wide-ranging support opportunities are also available to them via the labour market funding instruments that form part of the unemployment insurance system. In order to be able to reach this group of people, this 'early intervention' pilot project will need to be supplemented by approaches for less qualified asylum seekers who are highly likely to remain. It will also be important to facilitate labour market access to as many persons as possible via charity initiatives.

In order to support refugees who are not able to submit any documentation or whose documentation is insufficient for the implementation of recognition procedures, skills analyses may be used to demonstrate existing competences (cf. III-3.5).

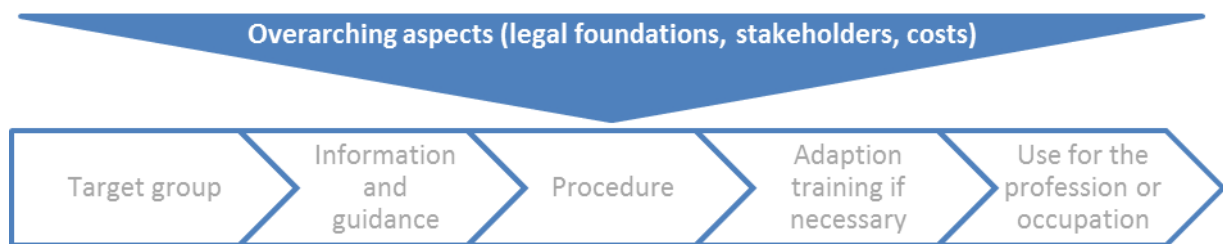
1.5 Conclusion

The recognition acts passed by the Federal Government and federal states since mid-2014 have created the legal foundations for recognition and established these in practice. At the same time, initial legal provisions have been developed or adapted in federal and federal state law. Not least because of the new requirements arising as a result of the updated EU Directive on the Recognition of Professional Qualifications of 2013, further development of the legal foundations are either being prepared or have already been implemented in legislation. Even if adaptation to the stipulations of the EU Directive do not bring any fundamental amendments to the recognition regulations in their wake, it remains to be observed how the new provisions are accepted in practice and which impact they will have. Practice will in particular show how the competent bodies will deal with the discontinuation of the requirement for the written form when accepting applications whilst also meeting their need to ascertain the genuineness of certificates. The new role played by the national contact points within the recognition system and the question of whether and to which extent they will fulfil the tasks assigned to them also need to be monitored on an ongoing basis.

Over the past three years, legislation has extended the policy of facilitating the migration of skilled workers commenced as long as 15 years ago with the introduction of the 'Green Card' (cf. SVR 2014b, pp. 72f.) to include skilled workers at the medium qualifications level and has linked this with the new opportunities afforded by the Recognition Act. Recognition of a foreign professional or vocational qualification is, therefore, in certain circumstances the prerequisite for an entry visa or residence permit. In this case, entitlement to make an application needs to be triggered by residency status. As has become clear from empirical investigations and feedback from practice, however, significant deficits in implementation can still be observed, particularly with regard to applications from abroad (see III-3.1) and in respect of the point in time when language knowledge is identified (see III-3.8). The joint task of all involved, especially including against the background of the need to secure a supply of skilled workers, should be to eliminate deficits in implementation and thus increase the attractiveness of Germany for foreign skilled workers.

⁶⁷ There is already a right to receive guidance during the three-month waiting period.

2. Stakeholders in the recognition process



The first Report on the Recognition Act presented the stakeholders who are of relevance at the various places within the recognition process on the basis of the three phases of orientation, implementation and utilisation as well as outlining their tasks and functions. The present report mainly focuses on the stakeholders and on their task areas, some of which are new or have been expanded. Specific contents and processes involving information, guidance and procedures are highlighted in greater detail in Part III of the report.

As already stated in the first report, some stakeholders take on tasks in more than one phase. The chambers of crafts and trades, for example, offer consultations as well as executing the procedures and providing support for any compensation measures required. In comparison to the first year of the implementation of the Recognition Act, it is revealed that the provision offered by various stakeholders is structured in a more holistic manner. The IQ initial counselling centres, for example, have also been conducting training consultations since 1 January 2015 instead of merely providing initial recognition guidance.

2.1 Bundlings of areas of responsibility for equivalence assessment

Responsibility in the area of trade and industry

The IHK FOSA (Foreign Skills Approval Competence Centre of the Chambers of Commerce and industry) acts as an independent body under public law in conducting equivalence assessment on behalf of 77 out of 80 chambers of commerce and industry for occupations which are governed by the Vocational Training Act (BBiG). Only the chambers in Wuppertal-Solingen-Remscheid, Hanover and Braunschweig do not take part. Of these, the Braunschweig Chamber of Commerce and Industry has transferred these tasks to the Hanover Chamber of Commerce and Industry in accordance with the BQFG (cf. Erbe et al. 2014, p. 32).

All chambers of commerce and industry offer those interested in making an application initial guidance at a local level. The IHK FOSA processes applications for 77 chambers of commerce and industry. Pursuant to § 14 BQFG, the regional chambers of commerce and industry are responsible for consultations on possible compensation measures or for the implementation of skills analyses.

Responsibility in the area of crafts and trades

In the crafts and trades sector, the local chambers are responsible for all tasks connected with the Recognition Act. They provide prior guidance and assess equivalence. They also conduct skills analyses pursuant to § 14 BQFG and support the organisation and execution of adaptation periods. In

order to achieve implementation that is as uniform as possible despite the decentralised procedure, the ‘designated chamber’ system was introduced, an approach adopted on a voluntary and shared basis by the chambers. The designated 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. The local chamber remains responsible for the final evaluation and therefore also for the issuing of the notice (cf. Erbe et al. 2014, p. 32).

Bundlings of responsibility at the chambers representing the liberal professions

Since the first Report on the Recognition Act, the Chamber of Tax Consultants of the Federal State of Thuringia has transferred its responsibility pursuant to the BQFG for the occupational profile of *tax clerk* to the Chamber of Tax Consultants of the State of Lower Saxony. The latter now carries out the equivalence assessment for a total of eleven chambers of tax consultants.

The Dental Council of Westfalen-Lippe continues to carry out the equivalence assessment for the occupational profile of *qualified dental employee* for 14 other dental councils.

Recognition procedures for the occupation of medical assistant are bundled at the Medical Council of Westfalen-Lippe, which conducts the procedures on behalf of eleven federal state medical councils.

14 chambers of dispensing chemists have transferred their responsibility pursuant to the BQFG for the occupational profile of *commercial employee in the pharmaceutical sector* to the Brandenburg Chamber of Dispensing Chemists.

In the area of **agriculture**, there have thus far been no nationally relevant recommendations or decisions by the competent bodies since the passing of the BQFG. Equivalence assessments are undertaken by the individual competent bodies, and there are no procedures governed at a supraregional level.

2.2 Information and guidance provision⁶⁸

‘Recognition in Germany’ – the Federal Government portal for the recognition of foreign professional and vocational qualifications⁶⁹

The multilingual website ‘Recognition in Germany’ is operated on behalf of the BMBF. It has been in place since April 2012 and provides information on the recognition of foreign professional and vocational qualifications.⁷⁰ The main service offered is the ‘Recognition Finder’, an online tool which makes it possible to research the German reference occupation and to obtain occupationally specific information on the recognition procedure. It also states the relevant legal foundations and displays which competent body is responsible for recognition depending on the preferred place of work. This service is the USP of the Recognition Finder, the database of which currently encompasses over 700 occupational profiles and around of 1,500 address datasets for the competent bodies. A so-called

⁶⁸ Although the chapter aims to present the complete range of information and guidance provision, this cannot be guaranteed.

⁶⁹ Cf. Erbe et al. 2014, p. 28.

⁷⁰ The BMBF has commissioned BIBB with the publication of this official information portal for the Federal Recognition Act. During the first phase of the project from 2011 to 2014, the website was financed within the scope of the ‘Integration through Training – IQ’ funding programme. During the second project phase from 2015 to 2018, the BMBF is the sole funding provider.

'updating routine', in which all relevant stakeholders are involved, ensures the quality of the address database and correct information regarding responsibilities for occupations.⁷¹

The (main) target group of the portal comprises skilled workers with a foreign professional or vocational qualification who are interested in seeking recognition. It also, however, supports staff at recognition advisory centres, job centres and employment agencies in their daily work. It bundles together all information regarding the legal foundations of the recognition procedures. Specialist advisory staff can use the 'Advanced Filter' to search for competent bodies and occupations. The portal offers a recognition guidance forum for staff of the 'Integration through Training (IQ)' funding programme.

The portal went live in English in July 2012. Since mid-2014, the most important information pages have been available in Italian, Polish, Romanian, Spanish and Turkish. A Greek portal version was added in March 2015. This means that information is available in a total of eight languages (for the development of the numbers of visitors to the site see III-1.1.1).

The portal has been publicised in Germany on an ongoing basis to those interested in seeking recognition. In 2014, targeted measures were undertaken for the first time to raise awareness of the site abroad. These activities are taking place in the pilot countries of Italy, Poland, Romania, Spain and Turkey. There has also been a general international launch, (albeit only online). The main focus is on working with multipliers, who advise emigrants at a local level. With regard to its foreign activities, the project cooperates with the welcome portal 'Make it in Germany', which provides information on working and living in the country.

➔ Further information – www.anerkennung-in-deutschland.de

BQ Portal

The BQ Portal (information portal for foreign professional qualifications) is financed by the Federal Ministry of Economics and Technology (BMWi). It supports competent bodies and employers with the evaluation of qualifications from abroad by providing comprehensive information on foreign professional and vocational qualifications and systems with the aim of helping to create transparency and uniformity. Federal state and occupational profiles (for recognised training occupations pursuant to the Vocational Training Act (BbIG) 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) and uploaded to the public area of the BQ Portal.⁷² The chambers are able to add occupational profiles to this section of the site and upload the results of their equivalence assessments to the internal area of the portal themselves. To this extent, the latter serves as a work tool for the chamber staff responsible. The BQ Portal is being further developed on an ongoing basis. Since February 2014, for example, users have been automatically notified as soon as any new content is created in the portal. Navigation to a preferred company profile has been facilitated by the

⁷¹ A reporting procedure for the updating of data for recognition by the competent bodies was agreed between the federal states, in particular via a resolution adopted by the Working Group of the Coordinating Departments of the federal states on 19 April 2012 to secure the current validity and correctness of the database which is the basis for the collection of statistics pursuant to § 17 BQFG, of the corresponding regulations contained in federal state laws and of the indications of areas of responsibility included in the ZAB anabin database and on the Federal Government Recognition Portal www.anerkennung-in-deutschland.de. The task of managing and implementing the update was transferred to BIBB on 15 September 2012.

⁷² BIBB supported the development of the federal state and occupational profiles from September 2012 to May 2014.

integration of a world map. Further support provision for companies has also been added since 2014, such as guidance on the assessment of foreign professional and vocational qualifications and the opportunity to download the contents of foreign qualifications directly in the form of a PDF document. The BQ Portal is currently being evaluated by the Federal Office for Economic Affairs and Export Control (BAFA) on behalf of the BMWi (period of evaluation March 2012 to December 2014). Further stages of the survey are planned to take place until May 2015. The final report is scheduled to be available by September 2015 at the latest.

➔ Further information – www.bq-portal.de

Internet portal ‘Make it in Germany’

‘Make it in Germany’ is a multilingual welcome portal for international skilled workers implemented by the BMWi. The portal provides information on the topic of the recognition of foreign professional and vocational qualifications as well as showing all skilled workers interested in immigration how they can structure their route to Germany successfully and why it is worthwhile to work and live in this country. The welcome portal contains job offers in shortage occupations and information on the branches in which skilled workers are sought. International skilled workers who have already carved out a successful career in Germany present their own experiences. Employers in German receive tips on the recruitment of international skilled workers. Continuation and further development of the welcome portal are currently being implemented. Alongside the German and English versions, information will shortly also be downloadable in Spanish. Information summaries are presently already available in the relevant national languages for Vietnam, India, Indonesia, Russia, Serbia and Italy and for Spanish and Portuguese speaking countries. The portal supports the measures undertaken by the Federal Government to foster a welcoming culture and the targeted migration of skilled workers.

➔ Further information – <http://www.make-it-in-germany.com>

‘Working and Living in Germany’ telephone hotline

On 1 December 2014, the Recognition Hotline operated by the Federal Office for Migration and Refugees (BAMF) was extended to become the ‘Working and Living in Germany’ telephone hotline. This new German and English language service offers comprehensive provision on issues relating to immigration and integration. Skilled workers who have migrated to Germany or who are interested in doing so, students and trainees receive personal guidance on the topics of looking for work, recognition of foreign professional and vocational qualifications, entry to the country and learning German. It is one of the measures provided within the scope of the Demography Strategy of the Federal Government. The BAMF and the Central Foreign and Specialist Placement Agency (ZAV) of the BA have consolidated their existing hotlines as part of a cross-departmental cooperation agreement between the BMBF, the Federal Ministry of the Interior (BMI), the BMWi and the BA. The telephone hotline supports the existing information provision available on www.make-it-in-germany.com, www.anererkennung-in-deutschland.de, www.bamf.de, www.arbeitsagentur.de and www.zav.de.

➔ Further information – www.make-it-in-germany.com/hotline

Central Office for Foreign Education (ZAB)

The ZAB is housed at the Standing Conference of the Ministers of Education and Cultural Affairs and

is the Centre of Excellence of the federal states for the recognition of foreign professional and vocational qualifications. Its core tasks are the monitoring, analysis and evaluation of foreign educational systems and the documentation and publication of this information on the Internet portal anabin (<http://anabin.kmk.org>)⁷³ for the use of government authorities and private persons. At the request of the competent authorities, the ZAB will draw up reports on foreign educational qualifications. At the request of private persons, it issues diploma supplements for foreign higher education qualifications in accordance with the Lisbon Agreement. The ZAB also acts as the national information agency for the EU Recognition Directive 2005/36/EC (information on areas of responsibility and procedures, recommendations for the application of the Directive by federal state authorities). Since the recognition laws have entered into effect, the ZAB has taken on new tasks which have resulted from the recognition acts passed by the Federal Government and the federal states. These include assessment of third-country qualifications for the relevant recognition agencies of the federal states and the issuing of notices of equivalence for a number of non-regulated school-based occupations governed by federal state law, responsibility for which has been passed to the ZAB by the states of Baden-Württemberg, Berlin and Lower Saxony.

On the basis of a resolution adopted by the Health Ministers' Conference, the aim is to act in conjunction with the Conference of the Ministers of Education and Cultural Affairs to set up a cross-federal state assessment body for healthcare professions (medical professions for which academic qualifications are required and specialist healthcare occupations). Consultations on the concept drawn up for this purpose will take place within the specialist minister conferences involved.

➔ Further information – <http://www.kmk.org/zab/unsere-aufgaben.html>

'Integration through Training (IQ)' funding programme

Since the last funding phase (2011 to 2014) of the **'Integration through Training (IQ)' funding programme**, there have been around 70 IQ initial counselling centres across the country for the recognition of foreign professional and vocational qualifications. The target group is formed of persons with foreign professional and vocational qualifications and multipliers and companies requesting services (cf. Erbe et al. 2014, p. 29). The IQ Funding Programme undergoes ongoing development and expansion under the lead management of the Federal Ministry of Labour and Social Affairs (BMAS), which acts in close conjunction with the BMBF and the BA. On 1 January 2015, a new main focus was introduced in the form of 'Training measures in the context of the Recognition Act'. The expansion of the nationwide IQ Funding Programme is taking place within the scope of the new ESF Funding Phase (2014 to 2020). Financing of the programme for main action focuses 1 (Recognition and training guidance) and 2 (Development of training measures) takes place via funding provided by the BMAS and the ESF. Main action focus 3 (Raising intercultural awareness) is solely financed via national funding from the BMAS.

The aim of the new funding guideline is to help persons from a migrant background to complete the training necessary for full recognition of their foreign professional or vocational qualification or to facilitate employment activity by participants that is appropriate to the professional or vocational training they have undergone. Particular tasks include expansion of recognition and training guidance, development of training measures for regulated professions and compensation measures

⁷³ The anabin database (<http://anabin.kmk.org/>) provides information for the evaluation of education and training certificates from over 180 countries and of their educational institutions and qualifications.

within the area of the dual system, bridging measures for those with academic qualifications and measures to prepare for the external examination in the case of a negative outcome or negative prognosis of the recognition procedure. Two main focuses are of particular relevance to the recognition process. These are main action focus 1 'Recognition and training guidance', which encompasses 95 active IQ sub-projects⁷⁴, and main action focus 2 'Development of training measures', within the scope of which 146 IQ sub-projects are being funded nationwide (see III-5.2.2).⁷⁵

➔ Further information – <http://www.netzwerk-iq.de>

Prototyping Transfer – professional recognition with skills analyses

From August 2011 to January 2014 and within the scope of a BMBF-funded cooperative project for the development of skills analyses (Prototyping Project), standards and materials for suitable assessment of employability skills pursuant to § 14 BQFG were drawn up (cf. Erbe et al., p. 30).⁷⁶

A very important need for action and transfer is arising in the wake of the end of the project due to the fact that virtually no competent bodies have previously offered the skills analyses in a systematic manner and only a few people use them. One important target group is refugees, who in the absence of documents are able to demonstrate their qualifications via this route. For this reason, the aim is to make the pilot instruments and procedures developed available nationwide within the framework of a transfer project and to support chambers in the implementation of the processes if required. The project does not end with the provision and further development of the necessary tools. The plan is also that funding will be available to fund skills analyses in particular cases of hardship. The transfer project launched on 1 January 2015 for a term of three years. Chambers of commerce and industry and chambers of crafts and trades are involved in the project. Coordination takes place via the Federal Institute for Vocational Education and Training (BIBB).

➔ Further information – www.anerkennung-in-deutschland.de/qualifikationsanalyse

⁷⁴ 23 of these projects provide recognition guidance only, and 29 focus exclusively on training guidance. 46 projects are responsible for both recognition and training guidance.

Note: the total figures stated (98) exceeds the figure 'n' (95) given in the text by three sub-projects. This can be explained by the fact that a dual response was possible. Such a response was made by three sub-projects in the Bavaria State Network, which offer both recognition and training guidance but as two separate services.

⁷⁵ The IQ Multiplier Project Transfer (MUT) organises the IQ Funding programme at a national level, cf. <http://www.netzwerk-iq.de/netzwerk-iq.html> (accessed: 10. April 2015).

⁷⁶ The project results encompass the presentation of sample procedures, recommendations to the competent bodies including work materials such as checklists, information sheets and sample tasks and a training concept. Further information on the results of the project is available at: <http://www.handwerk-nrw.de/aus-und-weiterbildung/initiativen-des-whkt/prototyping.html> (accessed: 18 March 2015).

Labour administration (Employment Agencies and Job Centres)

The Employment Agencies and Job Centres⁷⁷ offer labour market and vocational guidance for young people and adults. At Employment Agencies and Job Centres established as joint institutions, customers with qualifications acquired abroad are profiled within the scope of the four-phase integration work model. Of particular interest here is the extent to which a qualification acquired abroad can be utilised on the German labour market. In the language used by the Employment Agencies and Job Centres established as joint institutions, this is termed labour market guidance with regard to the recognition of foreign qualifications (cf. Erbe et al. 2014, p. 29). In specific terms, 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).

➔ Further information –

<http://www.anerkennung-in-deutschland.de/html/de/arbeitsvermittler.php>

Guidance services for adult migrants (MBE)

Over 700 adult migrant guidance centres (MBE's) funded by the BMI and operated by the BMBF offer advice to (newly arrived) migrants. The aim is to foster and support the process of integration in order to enable migrants to act autonomously in all affairs of everyday life.⁷⁸ Persons are referred to existing thematically specific support and guidance provision. Implementation of the MBE's is secured by the umbrella associations of the independent welfare care trusts (German Confederation of Workers' Welfare Associations, Caritas Germany, Association of Social Movements, German Red Cross, Social Welfare Organisation of the Protestant Churches in Germany, Central Welfare Office of the Jews in Germany) and the Federation of Expellees. The provision on offer comprises time-limited, requirements oriented and individual basic advice. Migrants may avail themselves of the services of the MBE's for a maximum period of three years.

➔ Further information –

<http://www.bamf.de/DE/Willkommen/InformationBeratung/ErwachseneBeratung/erwachseneberatung-node.html>

Project 'Anerkannt – fostering the recognition of qualifications acquired abroad in the world of work by employee representative bodies' conducted by the Educational Institute of the German Confederation of Trade Unions (project term: 1 January 2014 to 31 December 2015)

The objective of the BMBF-funded project 'Anerkannt' ('Recognised') is to disseminate the opportunities provided by formal recognition of professional and vocational qualifications, particularly amongst works and employee councils, young people and trainee representative bodies and other such representatives. It aims to create and support a culture of recognition in companies. In order to achieve these targets, the project is taking on the following tasks in particular.

⁷⁷ Alongside 303 Job Centres in the form of joint institutions set up by local Employment Agencies and municipal or district government authorities and 156 Employment Agencies, a further 106 local government authorities perform the function of the Job Centres (authorised local government providers).

⁷⁸ The provision of the MBE's is directed at those aged over 27. Migration guidance for young migrants and young adult migrants aged under 27 is provided via 420 Youth Migration Services (JMD).

- Development of training for ‘company-based recognition specialists’
 - Training employee representative bodies to act as mediators between employees and recognition bodies
 - Provision of specialist meetings to enable networking to take place between multipliers and experts from the fields of policymaking, academic research and practice
 - Execution of employability-oriented workshops for company-based stakeholders and interested parties from various networks and institutions.
- ➔ Further information and project results –
www.migration-online.de/dossier_anerkannt

BA pilot project – ‘Every person has potential – labour market integration of asylum seekers’

The BA, the BAMF and the BMAS (in particular the ESF-funded network of the federal programme ‘XENOS – Employment law support for persons with leave to remain and refugees’) have jointly initiated a pilot project for the labour market integration of asylum seekers in Germany. The project pursues the objectives of identifying areas of labour market potential at an early stage and of making placement services available in a targeted manner. In accordance with the principle of ‘early intervention’, this enables asylum seekers to be included in labour market integration processes and measures quickly and in a way that is tailored towards their qualifications profile (see III-5.2.2). Further project goals are to gain initial experience with early provision of support to asylum seekers, to gather knowledge of possible hurdles to successful labour market access and to develop strategies for sustainable participation in the labour market.

The pilot project initially operated during the period from January to December 2014 at the six locations of Augsburg, Bremen, Dresden, Freiburg, Hamburg and Cologne. Evaluation research was carried out by the Institute for Employment Research (IAB). On 26 September 2014, the Administrative Council of the BA decided to continue the pilot project until the end of 2015. The project is also being extended to cover three new locations (Berlin, Ludwigshafen and Hanover).

- ➔ Further information –
www.bamf.de/SharedDocs/Meldungen/DE/2014/20140403-mensch-potenzial.html und
www.arbeitsagentur.de/web/content/DE/Presse/Presseinformationen/Sonstiges/Detail/index.htm?dfContentId=L6019022DSTBAI686796

2.3 Networking between stakeholders

Effective and targeted networking between the various stakeholders is a fundamental prerequisite for rapid and successful implementation of the Recognition Act and for the subsequent successful integration of the target group into the labour market. This includes communication between the stakeholders as well as coordination of information and guidance provision.

As was reinforced at a workshop that took place at the end of 2014, the ‘Recognition in Germany’ portal, the ‘BQ Portal’ and ‘anabin’ will align their contents in an even better way in future. The aim is to emphasise the different profiles of the portals more strongly in order to avoid possible confusions, especially on the part of multipliers. The intention is that the functions of ‘Recognition in Germany’

should include acting as a general introduction and guide to the topic, whereas in their capacity as specialist portals the BQ Portal and anabin should provide specific support for the relevant recognition bodies and authorities and offer information to certain target groups.

The IQ Funding Programme has 16 federal state networks and is active across all 16 federal states. A further central task of IQ is the interlinking of regional support services aimed at the labour market integration of migrants for the purpose of creating a 'process chain of professional and vocational integration'.⁷⁹ This model stipulates specialised cooperation between various local stakeholders in the regions. The aim is to provide people from a migrant background with the necessary tailored support required for their successful occupational integration into the labour market. For this reason, the federal state networks offer specific focused training provision for specialist staff working for labour administration bodies and guidance institutions (such as MBE's). The standardised survey⁸⁰ of Job Centres and MBE's shows that 48 percent of Job Centres and 53 percent of MBE's have already taken part in a training on the topic of recognition offered by the IQ Network.⁸¹ Evaluation of the IQ Funding Programme⁸² also concludes that the recognition guidance provided by the IQ counselling centres is of considerable assistance to the integration workers and thus serves a need in many departments (Univation 2014, p. 12). In accordance with the division of tasks agreed between the institutions involved and the ministries, Employment Agencies refer customers as and when required to the regional IQ counselling centre for more detailed recognition guidance. The counselling centre then issues an evaluation of the outcome of a recognition procedure. The BA has collated all relevant information on the Recognition Act for work placement agencies, including networking opportunities and interfaces, in 'BA Recommendations and Instructions' (HEGA), BA HEGA 03/2012 – 17.⁸³ Many MBE's also follow this pattern within the scope of their case management and refer customers to the IQ counselling centres for recognition guidance.⁸⁴ In overall terms, the results of the evaluation of IQ reveal that the regional networking opportunities offered (including training courses on the topics of recognition/diversity/intercultural awareness) exert a positive effect on the integration of migrants into society and the labour market (Univation 2014, p. 20).

In December 2014, the 'Guidance and Training' agency⁸⁵ carried out a survey on cooperation with the competent bodies at federal state level which shows that good cooperation between the IQ federal state networks and the competent bodies in the federal states constitutes an important objective within the IQ Funding Programme. Cooperation has steadily increased in recent years and largely

⁷⁹ Cf. <http://www.iq-netzwerk-sh.de/das-iq-modell-beruflicher-integration/vernetzung-der-angebote-die-iq-prozesskette> (accessed: 18 March 2015).

⁸⁰ Cf. dataset description in Annex A2.

⁸¹ Multiple responses possible. The percentage figures relate only to the Job Centres (n=136) or to the MBE's (n=200) which answered this question.

⁸² Evaluation research for the IQ Funding Programme was carried out by Univation – Institut for Evaluation during the summer and autumn of 2014.

⁸³ Cf. HEGA 03/2012 - 17 - Anerkennungsgesetz; Auswirkungen auf die Arbeitsmarktberatung [*Recognition Act – effects on labour market guidance*] (<http://www.arbeitsagentur.de/web/content/DE/Veroeffentlichungen/Weisungen/Arbeitgeber/Detail/index.htm?dfContentId=L6019022DSTBAI431814>, accessed: 19.05.15). Only applies to Employment Agencies and Job Centres which are joint institutions.

⁸⁴ Result of the qualitative interviews with the MBE's.

⁸⁵ The five action areas in the IQ Funding Programme are each processed and (further) developed by a separate specialist agency. Alongside the provision of specialist guidance and support to the federal state networks, the main role of the specialist agencies is quality assurance of provision and measures within the respective thematic area. Cf. <http://www.netzwerk-iq.de/fachstellen.html> (accessed: 18 March 2015).

functions well, although there are some regional differences. Intensification of cooperation is viewed as being particularly useful for the labour market integration of migrants.

The written BIBB surveys⁸⁶ of the Job Centres and MBE's on the topic of 'Recognition' provide indications of the regional networking of these bodies. Of the Job Centres surveyed which were not responsible for supporting the recognition procedure, around 47 percent still state that they contact the competent body themselves if necessary. MBE's also often (67 percent) seek direct contact with the competent body for purposes such as to clarify the reference occupation or to obtain an assessment of the prospects of success for recognition procedures. Regular networking with advisors, case workers and administration staff from other institutions plays a lesser role. Around 29 percent of Job Centres surveyed state that they network with other institutions on the topic of recognition. Approximately 39 percent of MBE's also regularly take part in networking meetings. Around 62 percent of the MBE's and of the Job Centres surveyed distribute information material from other institutions to those interested in seeking recognition.

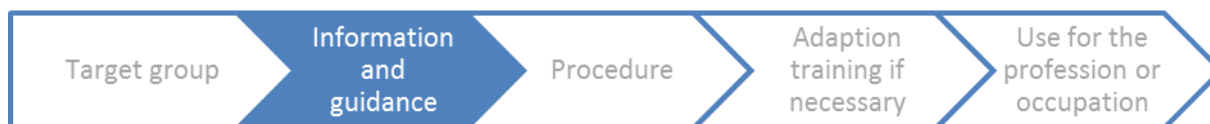
The federal state authorities, which are responsible for the recognition of doctors, pharmacists and registered general nurses, were asked about the relevance of networking or cooperation between authorities. Of the 38 bodies surveyed, 13 believe such contacts are important and 17 consider them quite important. Eight federal state authorities find such cooperation to be quite unimportant. Investigation of existing contacts of this type shows that 27 competent authorities state that they have such arrangements in place, whereas eleven do not as yet.

Networks and (supra)regional cooperation agreements fundamentally help avoid double structures and assist the bundling of resources. Particularly in the federal state area, workshops should be staged during the further course of the project in order to investigate the extent to which it is useful to generate and manage resources such as a common pool of knowledge (for example on previous evaluation results).

⁸⁶ Cf. dataset description in Annex A2. Job Centres – n=181, MBE's n=248. Multiple responses possible.

Part III
**Current developments in the
recognition system**

1. Information and guidance



A brief summary of the key points:

- ✓ Interest in topics related to the recognition of vocational qualifications obtained abroad and in the take-up of advisory services remains high.
- ✓ The number of visits to the 'Recognition in Germany' portal have risen from approximately 257,000 in 2012 to around 1,117,000 in 2014 (5,341,793 page views).⁸⁷
- ✓ Between 2012 and 2014, there was an increase in the number of visits to the anabin database from around 907,000 (2012) to about 1,360,000 (2014).
- ✓ An average of approximately 7,300 persons a month from Germany and abroad visit the BQ Portal (which provides information on foreign vocational training systems and qualifications).
- ✓ Between August 2012 and December 2014, the 'Integration through Qualification (IQ)' initial counselling centres offered advice to almost 38,000 persons.
- ✓ The Recognition Hotline operated by the Federal Office for Migration and Refugees (BAMF) provided initial guidance on a total of almost 27,000 occasions between April 2012 and December 2014.⁸⁸
- ✓ In the case of initial guidance provided by the IQ counselling centres and the Recognition Hotline, there is a high qualification level on the part of persons seeking advice. Around two thirds hold a higher education qualification or have completed both training and a higher education qualification.
- ✓ More than half of persons seeking initial advice are aged under 35.
- ✓ The number of instances in which advice is provided by the chambers is also constantly rising. Between the entry into force of the Recognition Act and December 2014, they have offered initial guidance on at least 40,000 occasions.

⁸⁷ Data from the 'Recognition in Germany' portal is recorded using the PIWIK analytical tool. The 'anabin' database uses the CMS extension 'Statistic' to measure the number of hits it receives. Because the methods deployed by web analysis tools are inconsistent and variable in some cases, the numbers of hits stated here are not fully comparable. In particular, the process is made more difficult by the positioning of and differences in the tracking code, by different definitions of certain key indicators (in this case 'visits'), by divergent filter rules and by different cookies. The figures given originate from the analytical tools of the respective portals and are mainly suitable for analyses that are intrinsic to the portals.

⁸⁸ The advisory services of the BAMF presented in this part of the report relate only to guidance on professional and vocational qualifications. Advice on school leaving qualifications, use of academic titles etc. is not considered.

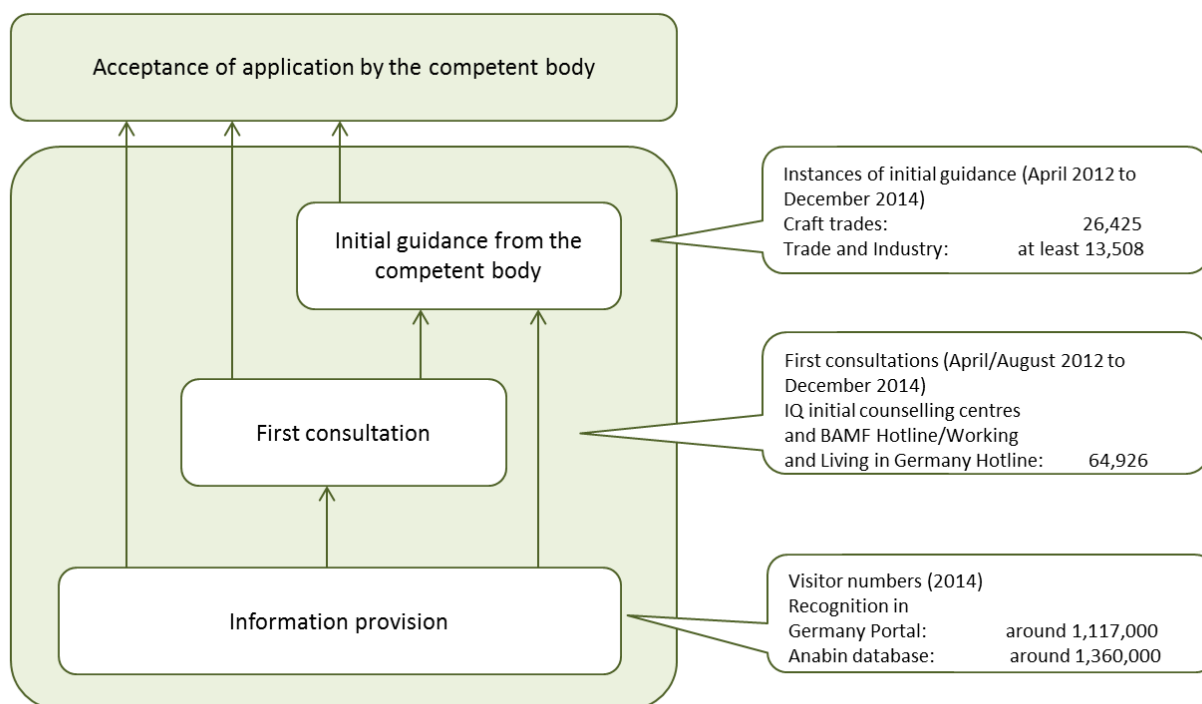
Alongside the number and outcomes of applications, take-up of guidance from the relevant institutions is an important indicator in terms of evaluating the implementation of the Recognition Act. The target group of the information and guidance provision presented here does not exclusively comprise private individuals with an interest in recognition. The 'Advanced Filter' on the 'Recognition in Germany' portal is, for example, directed at the target group of specialists (such as advisors at the chambers or other institutions). As described in II-2.2 above, the ZAB also makes information and services available both to private persons and to competent bodies, employers and institutes of higher education. The provision of the BQ Portals is primarily directed at competent bodies and employers.

A summary of the quantitative development of the information and guidance services provided by the main stakeholders within the context of the Recognition Act is given below. Consultations at the Job Centres/Employment Agencies and at the MBE's are not addressed, because no overall figures are available on the numbers of consultations relating to recognition. The guidance they provide is, however, dealt with in other parts of the report on the basis of the survey results (see III-4, III-5 and IV-2).

Order of presentation is based on Figure 3. Information provision is presented first, followed by data from first consultations and then figures relating to the initial consultations at the chambers. Although the federal state authorities for regulated professions were also surveyed as to volume of consultations, the responses did not provide a robust database due to the fact that too few competent bodies took part. Because of the strongly varying figures from the individual bodies, no extrapolation of existing values was possible.⁸⁹

⁸⁹ In Section IV-3, other survey results can be used to show that practically every consultation leads to an application. In these areas, as is also indicated by the responses to the interviews with the relevant competent bodies, there seems to be a relatively strong correlation between volume of consultations and the application behaviour of those interested in seeking recognition.

Figure 3 Volume of information and consultations for selected institutions – a summary⁹⁰



Source: information see following sections, representation by BIBB.

1.1 Information

1.1.1 'Recognition in Germany' portal

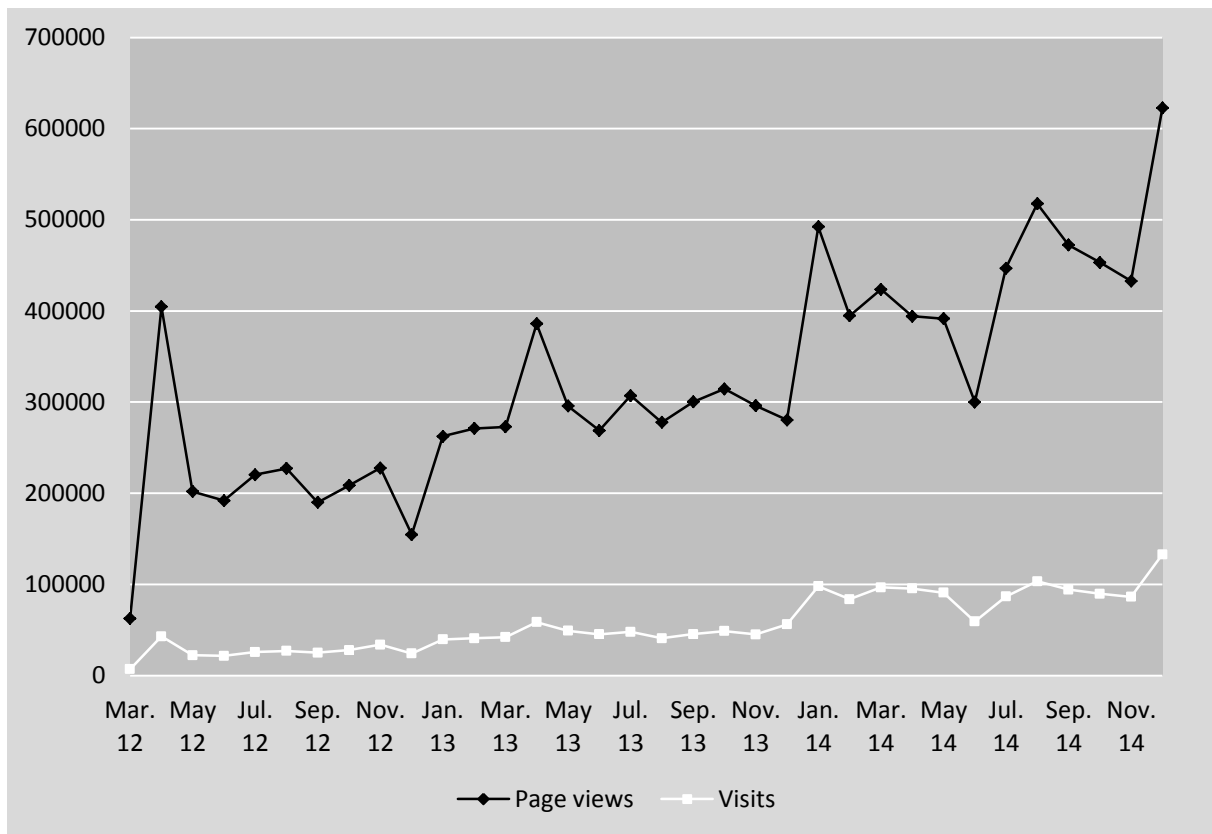
'Recognition in Germany' is the official Internet portal of the Federal Government. Since 2012, it has been providing information relating to the topic of recognition of qualifications acquired abroad (see II-2.2). BIBB developed the portal in 2011 and operates it on behalf of the BMBF. It is aimed at those interested in seeking recognition and at persons providing advice from Germany and from abroad.

Figure 4 shows the development in the number of hits (page views and visits⁹¹) the site has received since April 2012. The portal is recording a continuous increase in number of visits. These rose from a total of approximately 257,000 and around 560,000 visits in 2012 and 2013 respectively to reach about 1,117,000 in the year 2014. This development roughly represents a doubling per year. The number of page views also displays an increasing tendency. Figures for use reached the highest level since the site went live in December 2014, when there were around 133,000 visits and approximately 623,000 pages accessed. The portal has been visited a total of almost two million times since its launch in April 2012, and there have been over ten million pages viewed.

⁹⁰ See footnote 87 regarding information on the 'Recognition in Germany' portal and the 'anabin' database.

⁹¹ A visit means that the visitor visits the website and accesses pages or carries out actions. The analysis tool PIWIK counts a new visit when a visitor revisits the website once more following 30 minutes of inactivity.

Figure 4 Visits and page views for anerkennung-in-deutschland.de from 2012 to 2014 (in absolute terms)



Source: anerkennung-in-deutschland.de. All figures relating to the use of the portal were calculated via the web statistics tool PIWIK. Representation by BIBB.

The large amount of interest in the topic of recognition is also reflected in the high proportion of visits from abroad. In 2014, an average of **47 percent** of visits to ‘Recognition in Germany’ came from outside the country. Table 1 shows the most frequent countries of origin. Most visits were from Italy and the Russian Federation.

Table 1 Top ten countries of origin of visits to anerkennung-in-deutschland.de in 2014 (in absolute terms)

Federal state	Visits
Germany	589,856
Italy	47,767
Russian Federation	42,609
USA	34,171
Egypt	28,625
Poland	22,722
Spain	20,714
United Kingdom	20,492
India,	15,677
Romania	13,908

Source: anerkennung-in-deutschland.de. All figures relating to the use of the portal were calculated via the web statistics tool PIWIK.

Since July 2014, the portal has been available in five further languages (besides German and English)⁹². Table 2 shows the page views in the respective language versions. The Italian version of the portal is the most popular, having attracted over 130,000 page views. This figure is in line with the development of the number of visits from abroad. The Spanish and Polish versions of the site follow some way behind. The Romanian and Turkish versions of the portal are visited comparatively less frequently.

Table 2 Use of the multilingual provision on anerkennung-in-deutschland.de from July to December 2014 (in absolute terms)

Language version:	Page views
German	1,623,792
English	470,857
Italian	132,162
Spanish	83,338
Polish	27,362
Romanian	14,620
Turkish	14,362

Source: anerkennung-in-deutschland.de. All figures relating to the use of the portal were calculated via the web statistics tool PIWIK.

There is also a contact form, which is **primarily used by private individuals to direct enquiries relating to the topic of recognition** to the 'Recognition in Germany' portal. In 2014, the portal received approximately 3,380 enquiries from Germany and abroad, some of which were answered in cooperation with the BAMF hotline.

Since the autumn of 2013, users have had the opportunity to take part in **thematically specific surveys** whilst visiting the site.⁹³ They have been questioned on the topics of interest in recognition, duration of stay and current work situation. The questions do not form a full survey. Visitors with a specific interest, such as job search or professional recognition, are asked about their personal

⁹² Since 2015, the site has also been available in Greek.

⁹³ The questions are shown to every person visiting selected pages. Results up until December 2014 are presented below.

situation on the respective pages. The thematically specific access to the questions means that individual persons may only respond to one question.

Table 3 Reasons for an interest in recognition by visitors to anerkennung-in-deutschland.de (in percent)

Why are you interested in recognition of your qualification?	
Because I would like to earn more.	8 %
Because I want to apply for a job, and recognition will increase my chances.	40 %
Because I must obtain recognition (my profession is regulated).	33 %
I would like to obtain more qualifications.	18 %

Source: anerkennung-in-deutschland.de. n=2,619. Not included = open response. Values are rounded to full percentages, meaning that the total may add up to more or less than 100 percent. All figures relating to the use of the portal were calculated via the web statistics tool PIWIK.

The main motive (no multiple responses) of the visitors to the portal surveyed is to use recognition to improve their chances when applying for a (new) job (40 percent). One third of respondents state that they require recognition in order to be able to exercise their profession in a regulated field. 18 percent would like to obtain further qualifications once their prior qualification has been recognised. The desire to earn more money is the main factor for eight percent of visitors surveyed.

Table 4 Duration of stay in Germany of visitors to anerkennung-in-deutschland.de (in percent)

Do you live in Germany?	
No.	29 %
Yes, for less than 1 year.	24 %
Yes, for more than 2 years.	19 %
Yes, for more than 5 years.	10 %
Yes, for more than 10 years.	18 %

Source: anerkennung-in-deutschland.de. n=4,017. Values are rounded to full percentages, meaning that the total may add up to more or less than 100 percent. All figures relating to the use of the portal were calculated via the web statistics tool PIWIK.

The majority of visitors to the portal lives in Germany. About a quarter have been in the country for less than one year. 19 percent of respondents have been in Germany for more than two years. 10 percent have been here for more than five years. Almost a fifth of respondents have been resident in Germany for more than ten years. Just under 30 percent do not live in Germany.

Table 5 Work situation of visitors to anerkennung-in-deutschland.de (in percent)

What is your current work situation?	
Working in the profession or occupation in which I trained	34 %
Working in another profession or occupation	17 %
Unemployed	36 %
In continuing training	4 %
Other	10 %

Source: anerkennung-in-deutschland.de. n=5,597. Values are rounded to full percentages, meaning that the total may add up to more or less than 100 percent. All figures relating to the use of the portal were calculated via the web statistics tool PIWIK.

More than one third respectively of visitors surveyed are either unemployed or working in the profession or occupation in which they trained. 17 percent are working in another profession or occupation, and four percent are in continuing training.

In overall terms, the individual results show that the online Recognition Portal is used by very heterogeneous groups with regard to motives, stay in Germany and employment situation.

The **Recognition Finder** is the main service offered by the portal. This online tool has been developed for the main target group of the site, i.e. persons who have no or virtually no prior knowledge of the field of recognition and of the German educational system. The Recognition Finder provides those interested in seeking recognition with an opportunity to identify a relevant German **reference occupation** that corresponds to their foreign qualification. The database currently contains over 700 occupational profiles. There are full-text and keyword search functions. In the second half of 2014, occupational titles in 23 languages were added for regulated professions governed by federal and federal state law. The aim of this search function is to include the target group which has particular difficulty in identifying the German or English occupational title. The Recognition Finder also enables users to access a comprehensive information page on the modalities of recognition in their preferred occupation (occupationally specific procedures, evaluation criteria, documentation required, relevant legislation, nearest advisory body etc.) via a few clicks of the mouse. Depending on the place of work desired, this page also displays the competent body responsible for recognition. The accompanying database presently stores over 1,500 address datasets, which are checked and managed to ensure current validity and correctness. The instruments for ensuring this include an updating and quality assurance procedure, which is implemented by the portal in conjunction with the federal states, professional associations and competent bodies.

On average during 2014, the Recognition Finder accounted for about half of page views activated. This shows that there is a strong demand for the content included. The occupational profiles most frequently accessed in German and English are listed in Table 6 below.

Table 6 Use of German and English occupational profiles on anerkennung-in-deutschland.de (in each case the numbers of hits on the home pages of the occupational profile) in 2014 (in absolute terms)

German occupational profiles	Page views	English professional and occupational profiles	Page views
Teacher	19,843	Engineer	14,353
Registered general nurse	17,877	Doctor (issuing of licence to practise)	5,496
Engineer	15,522	General practitioner	4,410
Doctor (issuing of licence to practise)	14,521	Dentist (issuing of licence to practise)	3,923
Nursery school teacher	11,035	Dispensing chemist (issuing of licence to practise)	3,475
Social education worker, social worker	6,053	Teacher	3,375
Geriatric nurse	5,368	Registered general nurse	2,920
Business economist	4,807	Information technology specialist	2,607
Dentist (issuing of licence to practise)	4,782	Consulting engineer	2,060
Psychologist	4,320	Architect	1,928

Source: anerkennung-in-deutschland.de. All figures relating to the use of the portal were calculated via the web statistics tool PIWIK.

The strongest focus of interest in the Recognition Finder is in the regulated sector in Germany, i.e. in professions in which equivalence assessment is an indispensable prerequisite for entry (Table 6). The most popular German occupational profiles viewed are primarily professions governed by federal state law (teacher in first position), engineer (in third position) and nursery school teacher (in fifth position). Regulated professions governed by federal law are also often accessed, in this case especially registered general nurse (in second position), doctor (in fourth position) and geriatric nurse (in seventh position). In the case of the English occupational profiles, there is a particular interest in the profession of engineer, followed by various doctor's professions and dispensing chemist. In both the German and English versions, non-regulated training occupations and master craftsman qualifications play a subordinate role.

An **Advanced Filter** was added to the Recognition Finder in March 2013. The Advanced Filter provides various expert search functions for competent bodies and occupations. It encompasses, for example, the opportunity to filter by regulations (such as federal state or Federal Government) or by occupational groups. The search function by occupational groups is based on the standardised National Classification of Occupations 2010 (KldB 2010). This filter is a special feature in the area of recognition. It permits an initial evaluation of possible reference occupations within a certain field of employment. There were approximately 290,000 page views in 2014, indicating that the filter is being well used by its expert target group (for example specialist advisory staff).

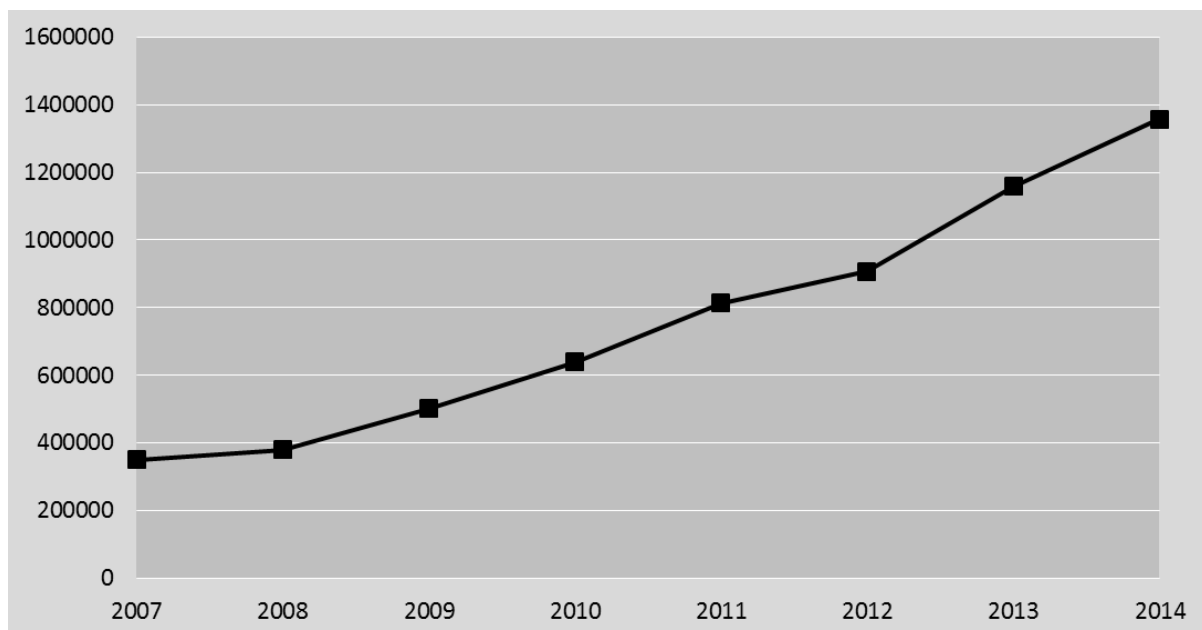
1.1.2 Central Office for Foreign Education

The Central Office for Foreign Education (ZAB) acts as a central assessment body in Germany by providing information on the recognition of foreign educational qualifications from all nation states. For more information on this and on further tasks performed by the ZAB, see II-2.2.

The ZAB uses the anabin database (<http://anabin.kmk.org>) to provide government authorities, employers, educational institutions (especially institutes of higher education) and those interested in seeking recognition with information on national educational systems and for the evaluation of foreign educational certificates. The database contains over 100,000 entries on educational institutions, qualifications and individual cases evaluated from more than 180 countries. Those searching anabin for the competent bodies within the field of professional and vocational recognition use the Recognition Finder on the 'Recognition in Germany' portal.

As the development in the number of hits to the anabin database shows, interest in information on foreign educational systems and in the evaluation of foreign educational qualifications has increased significantly over recent years. Whereas just under 350,000 visits to the database were recorded in 2007, the corresponding figure for 2014 was around 1,360,000, an increase of over one million (Figure 5).

Figure 5 Development in visitor numbers to the anabin database from 2007 to the end of 2014 (in absolute terms)⁹⁴



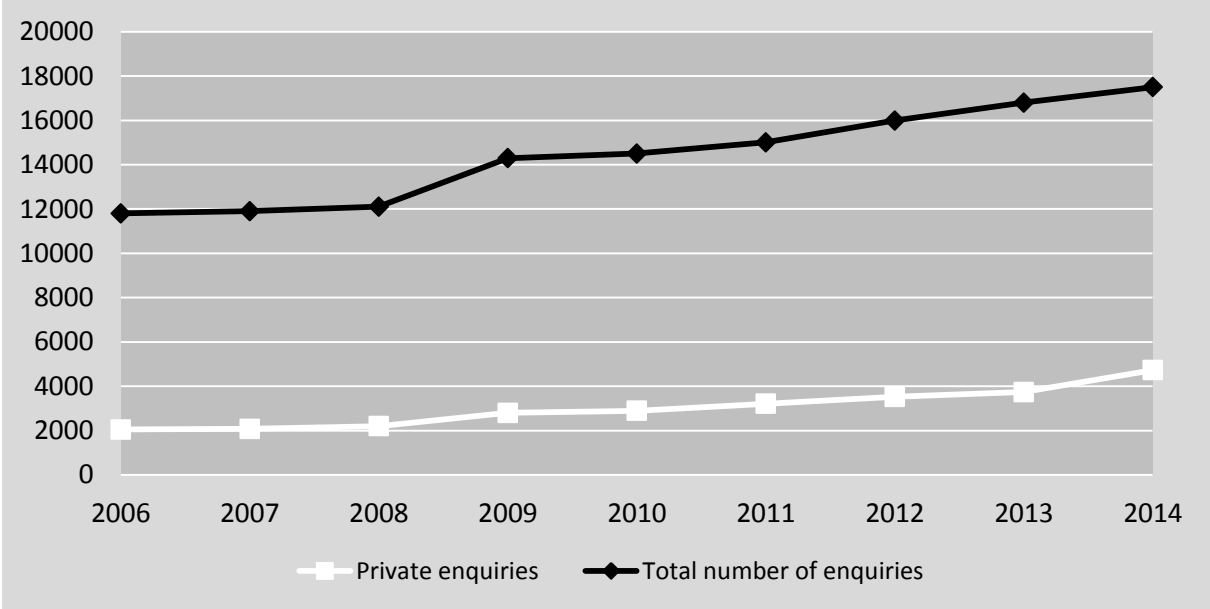
Source: ZAB 2015.

The number of enquiries processed within the field of assessor activities has also continuously increased. Whereas approximately 12,000 enquiries were processed in 2006, by 2014 the number of assessments drawn up had reached around 17,500 per year. During the same period, enquiries received from private individuals even increased by about 130 percent from 2,050 to around 4,700

⁹⁴ Number of visits to the site within a month. Any number of pages may be accessed in a visit. A visit ends after 30 - 120 minutes. Any further pages accessed then count as a new visit. A visitor may make 1 - n visits in a month.

enquiries (see Figure 6). Alongside written submissions, a further 13,800 telephone enquiries were dealt with in 2014. Private individuals accounted for around 6,000 of these.

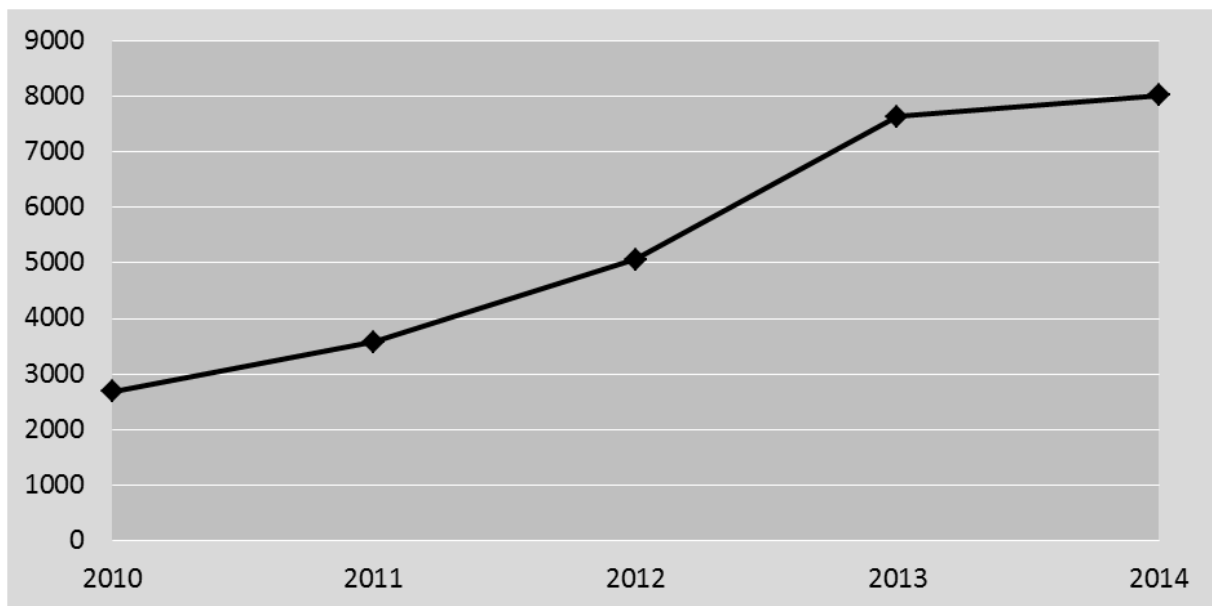
Figure 6 Development of the number of written enquiries in the field of assessment at the ZAB from 2006 until the end of 2014 and proportion of written enquiries from private individuals (in absolute terms)



Source: ZAB 2015.

Evaluation of higher education qualifications on the basis of the ‘Lisbon Convention’, something which is particularly important for foreign skilled workers, has also been in strong demand in the last few years. The number of applications received by the ZAB for the issuing of a Diploma Supplement has increased by about 300 percent since 2010, from just under 2,700 to over 8,000 in 2014 (see Figure 7).

Figure 7 Development in the number of applications to the ZAB for a Diploma Supplement from 2010 to 2014 (in absolute terms)



Source: ZAB 2015.

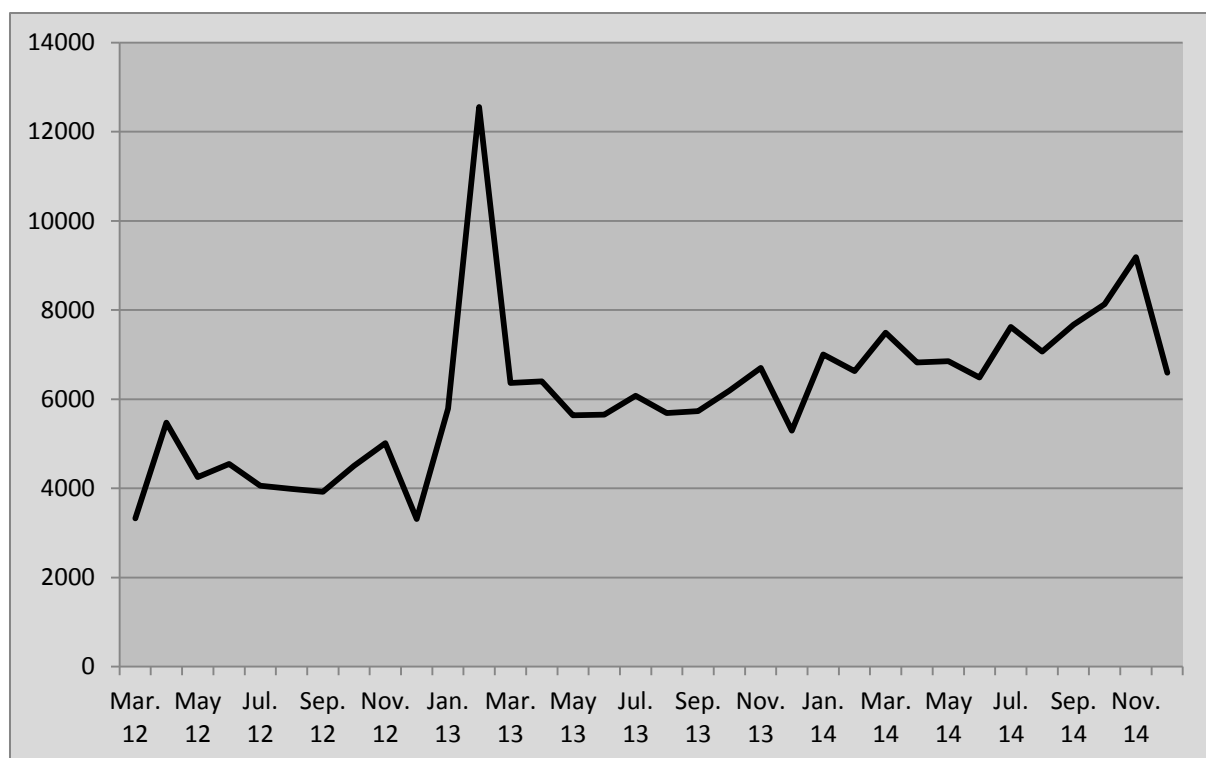
Both the ZAB and the anabin database are financed by the federal states in accordance with the Königstein Funding Formula. The database was modernised in 2009 and 2010 with financial support from the Federal Foreign Office.

1.1.3 BQ Portal

The BQ Portal is an information site on foreign professional and vocational qualifications. It is primarily aimed at the competent bodies for the recognition of occupations which are predominantly not regulated and of certain regulated occupations such as master craftsman in the craft trades. It supports chambers, particularly the chambers of crafts and trades, and employers in the evaluation of foreign vocational qualifications. For more information on this and on further tasks performed by the BQ Portal, see II-2.2.

As of 31 December 2014, the BQ Portal had published a total of 69 country profiles, 958 foreign occupational profiles from 60 countries in its public area and 386 evaluation results in its internal section. 24 new country profiles and 326 new occupational profiles were drawn up in the year 2014. This means that around 96 percent of the countries from which applicants come are covered. There has also been a significant increase in the number of evaluation results uploaded compared to the first Report on the Recognition Act (cf. Erbe et al. 2014, p. 31). The BQ Portal receives an average of around 6,100 visits a month from Germany and abroad.

Figure 8 Visits to bq-portal.de from 2012 to 2014 (in absolute terms)⁹⁵



Source: IW Cologne.

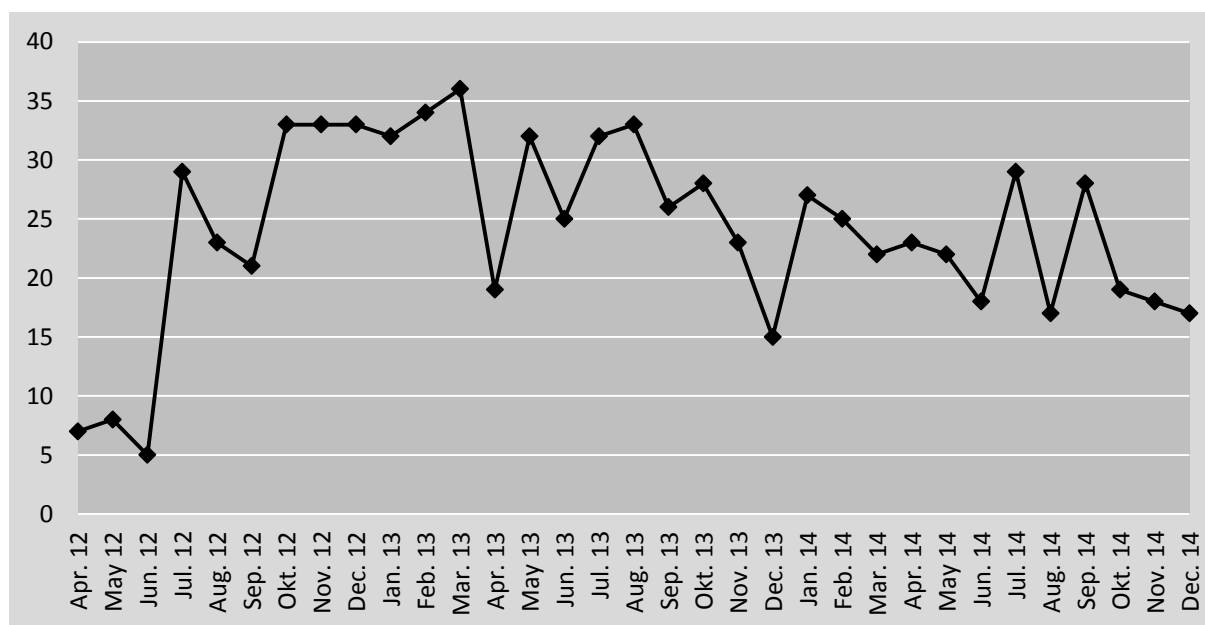
Figure 8 presents the development of numbers of visits. The portal is recording an ongoing rise in visitor numbers. The average monthly figures for visits to the site rose from around 4,200 in the year 2012 to approximately 7,300 in 2014. In 2014, the average number of page views per month was 36,400. The highest level recorded for a single month was 40,400 in February. During 2014, the project team also responded to over 1,200 substantive enquiries from chamber staff relating to research into foreign vocational qualifications and to issues regarding federal state and occupational profiles, registration and data entry. Three types of enquiry are differentiated below (period 1 April 2012 to 31 December 2014).

- Enquiries of a general nature (for example technical questions, questions on user access) – approximately 15 per month⁹⁶ (by e-mail or telephone)
- Specialist enquiries to federal state experts from the project team – approximately 65 per month (by e-mail or telephone)
- Enquiries from competent bodies, which involve extensive research and coordination activities by the project team in Germany and abroad in conjunction with the competent bodies themselves (with time requirements stretching from several days to several months) – approximately 22 per month

⁹⁵ A visit means that the visitor visits the website and accesses pages or carries out actions. The analysis tool etracker counts a new visit when a visitor revisits the website once more following 30 minutes of inactivity.

⁹⁶ The figures stated here and below are average numbers of enquiries per month relating to the calendar year 2014.

Figure 9 Development of enquiries involving extensive research and coordination activities by the BQ Portal per month (in absolute terms)



Source: IW Cologne.

The progression shown in Figure 9 relates to the period from 1 April 2012 until 31 December 2014 and only maps enquiries associated with extensive research and coordination work. In 2014, 265 such enquiries were directed to the BQ Portal by the chambers. The figure does not include the other types of enquiry stated above (enquiries of a general nature and specialist enquiries to federal state experts).

According to the German Institute for Business Research in Cologne (IW Köln), the slight decrease in the volume of enquiries last year is not connected with the number of applications. The latter has continued to rise, something that is reflected in the increased amount of documented evaluation results in the internal section of the BQ Portal. It is much more the consequence of further activities of the BQ Portal, such as support and activation measures, such as within the scope of training courses, and workshops which promote an autonomous approach on the part of the chambers responsible.

1.2 Guidance via the IQ initial counselling centres and BAMF Hotline/Working and Living in Germany Hotline

Initial counselling centres, especially the advisory bodies of the IQ Funding Programme and the BAMF Hotline⁹⁷, offer those interested in seeking recognition basic information in the form of a first

⁹⁷ The advisory services of the BAMF presented in this part of the report relate only to guidance on professional and vocational qualifications. Advice on school leaving qualifications, use of academic titles etc. is not considered.

consultation.⁹⁸ On 1 December 2014, the BAMF Recognition Hotline was expanded to become the ‘Working and Living in Germany Hotline’⁹⁹.

The object of the first consultation is to clarify the recognition objective and to ascertain whether the necessary prerequisites for embarking upon a recognition procedure are in place. Those seeking advice receive information on the procedure, and the corresponding German reference occupation is identified as part of the pre-clarification process. In the lead-up to the submission of an application, the first consultation provides support in procuring the necessary documents. ‘Referral guidance’ to the relevant competent body is also conducted.¹⁰⁰ For more information on this and further tasks carried out by the initial counselling centres, see II-2.2.

The available data from the IQ counselling centres and the hotlines (see dataset description in Annex A2) provides information on the volume of consultation at the initial counselling centres.

1.2.1 Volume of consultation

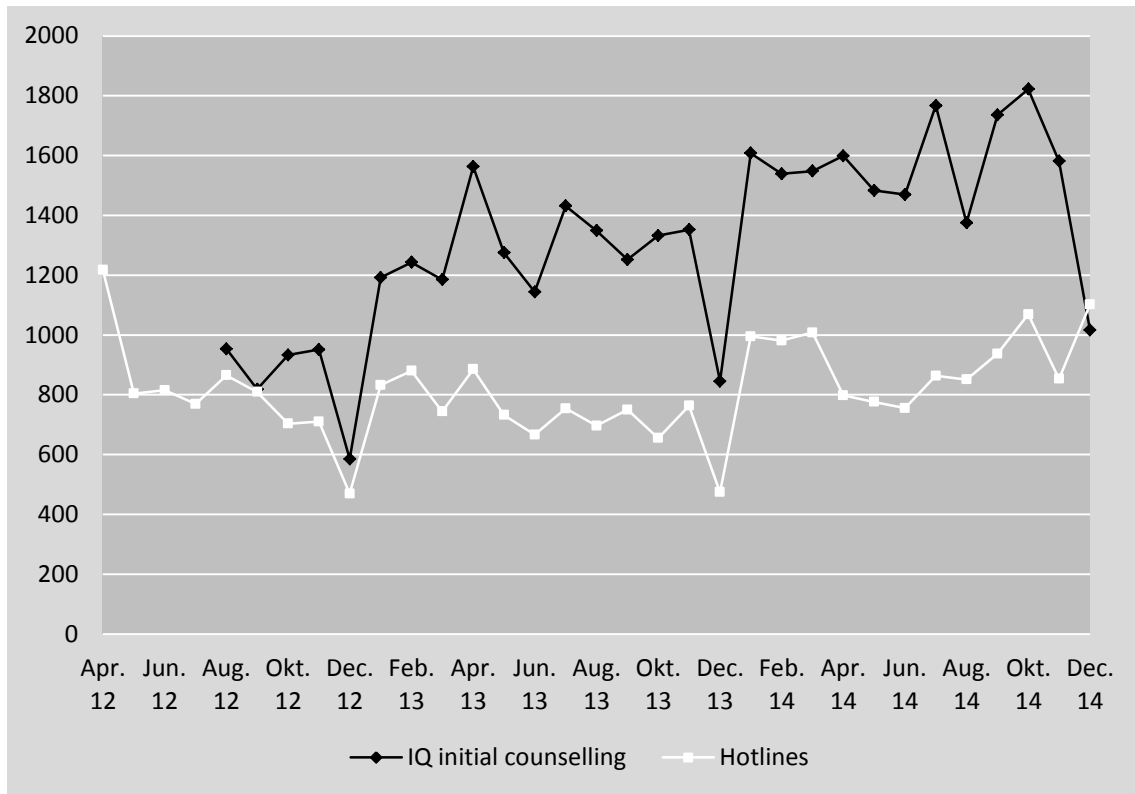
Since April 2012 and August 2012 respectively, the hotlines and IQ counselling centres have documented almost **65,000 consultations**. Figure 10 presents the volume of consultation given by the hotlines and IQ counselling centres over the course of time.

⁹⁸ Account needs to be taken of the fact that provision is of varying advisory detail and intensity. See II-2.2.

⁹⁹ For this reason, reference will be made to the ‘hotlines’ below. See also II-2.2.

¹⁰⁰ For a detailed description of the first consultation, see Erbe et al. 2014, pp. 68ff.

Figure 10 Volume of consultation given by the hotlines and IQ initial counselling centres over the course of time divided according to provision (in absolute terms)

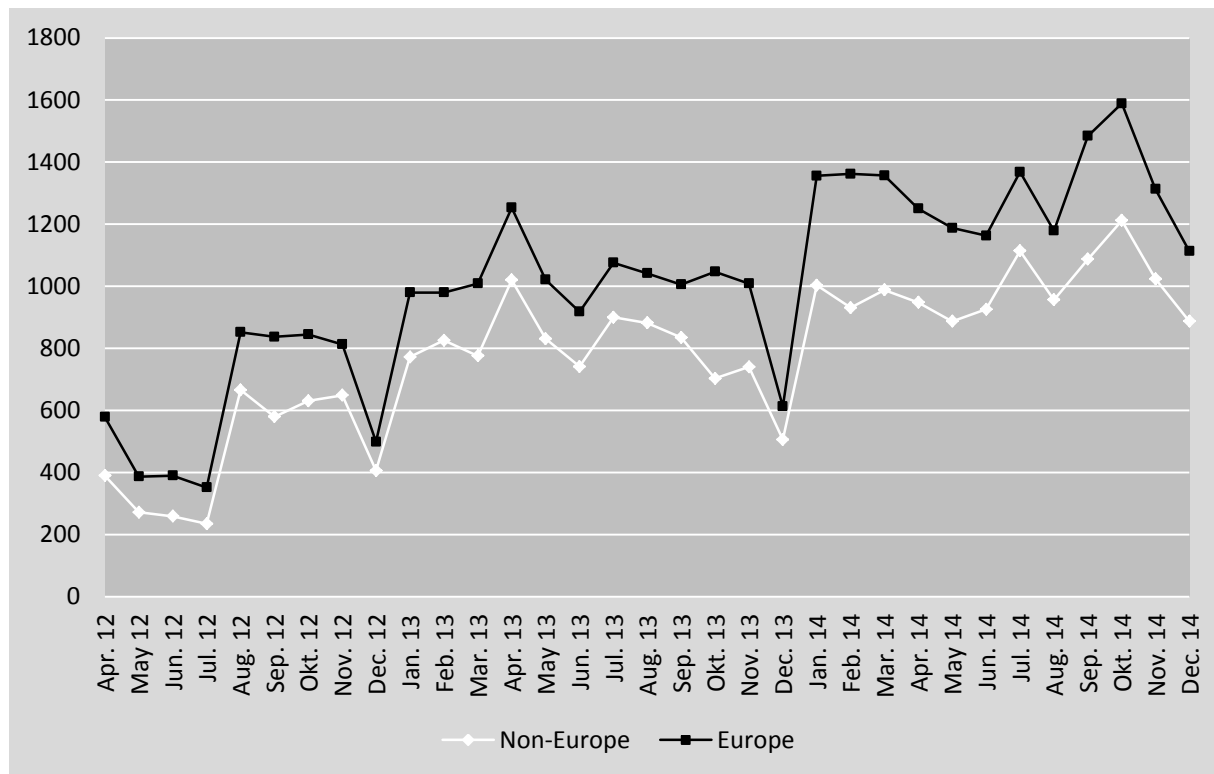


Source: Hotline consultation data (1 April 2012 to 31 December 2014, cut-off date 1 January 2015) and IQ consultation data (1 August 2012 to 31 December 2014, cut off date 24 February 2015), n=64,926, calculations and representation by BIBB.

As the course of time data on the volume of consultation clearly shows, in 2014 more people received guidance on issues relating to the recognition of professional and vocational qualifications acquired abroad from the IQ initial counselling centres and the hotlines than in previous years.

The BAMF Recognition Hotline (at this point, the ‘Working and Living in Germany Hotline’ did not yet exist so that the following refers to the BAMF Hotline only) also recorded an increase in the number of consultations conducted at the turn of the year from 2013 to 2014, although there were fewer enquiries between April and September 2014. In addition to this, as was the case in December 2012 and December 2013, an interim fall in the number of first consultations occurred because of holidays and public holidays. The increase in use of the hotline in December 2014 is probably due to its realignment and expansion and enhanced marketing activities (including the ‘Recognition in Germany’ Portal) (cf. Hoffmann and Tatarlieva 2014, pp. 12f. and 42 ff.).

Figure 11 Volume of consultation given by the hotlines and IQ initial counselling centres over the course of time divided according to nationality (European/non-European) (in absolute terms)



Source: Hotline consultation data (1 April 2012 to 31 December 2014, cut-off date 1 January 2015) and IQ consultation data (1 August 2012 to 31 December 2014, cut off date 24 February 2015), n=58,813, calculations and representation by BIBB.

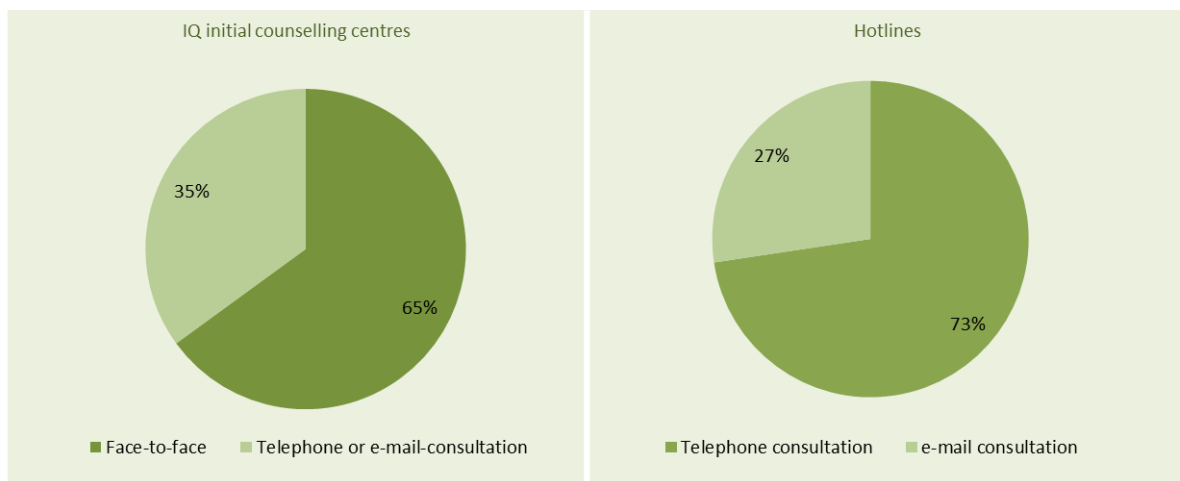
It is noticeable that the course of volume of consultation for European citizens and for nationals of states outside Europe is virtually parallel (see Figure 11). Although the consultation figures for non-Europeans are below those of Europeans at every point, the volume rises in a similar steady manner. An increase in enquiries occurred in the case of both nationality groups at the turn of the year from 2013 to 2014. This rise is, however, more intensive in the case of European nationals than the others.

In summary, we can say that volume of advice given within the scope of first consultations at the IQ initial counselling centres and via the hotlines has increased compared to the first Report on the Recognition Act.

In the case of the **nature of guidance**, significant differences are revealed between the two sorts of provision. This is mainly due to the differing types of guidance provision.¹⁰¹ Whereas the hotlines primarily conduct telephone-based guidance (73 percent of consultations), the IQ initial counselling centres focus on providing face-to-face discussions. These face-to-face consultations account for the larger share of guidance services by making up a proportion of almost two thirds. The other third is made up of telephone-based or e-mail guidance (see Figure 12). In comparison to the first Report on the Recognition Act, the proportion of guidance provided in person has increased slightly (cf. Erbe et al. 2014, p. 74).

¹⁰¹ The hotlines do not offer any face-to-face guidance.

Figure 12 Nature of guidance provided by the hotlines and the IQ initial counselling centres (in percent)



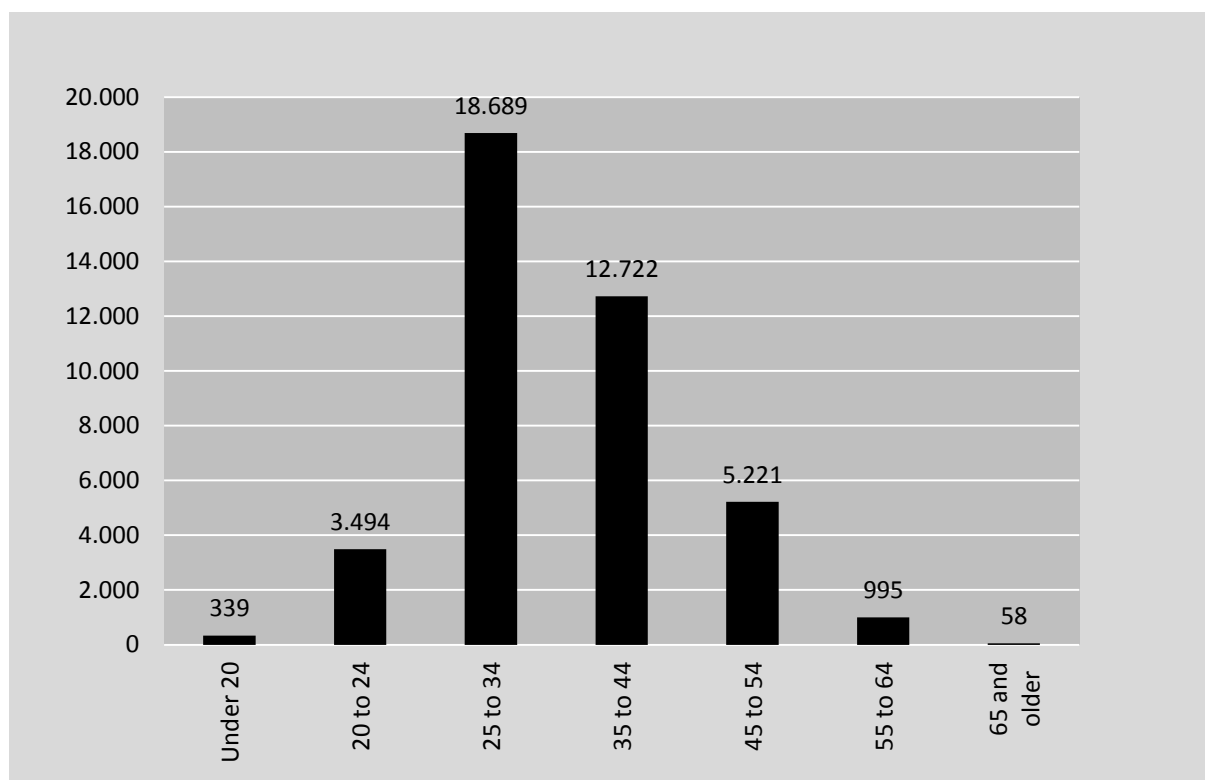
Source: Hotline consultation data (1 April 2012 to 31 December 2014, cut-off date 1 January 2015) and IQ consultation data (1 August 2012 to 31 December 2014, cut off date 24 February 2015), n=64,926, calculations and representation by BIBB.

1.2.2 Socio-demographic data of those interested in seeking guidance

With regard to the **gender** of those receiving advice, it is revealed that women (61 percent) are more likely to seek a first consultation from the IQ initial counselling centres than men (39 percent), who account for by far the smaller proportion of persons seeking guidance.

A look at the **age structure** (see Figure 13) shows that those aged between 25 and 34 make up the largest group of persons interested in seeking guidance (45 percent) followed by the 35 to 44 age group (31 percent). In overall terms, there are smaller differences between the two types of guidance provision. About 12 percent of those receiving advice from the hotlines are younger than 25, whilst the corresponding figure for the IQ initial counselling centres is around 9 percent. In total, 54 percent of those interested in obtaining recognition are aged 34 or younger at the time when initial contact is made. These are persons for whom recognition is particularly worthwhile, because they still have a long working life ahead of them (cf. Hoffmann 2014, p. 46). In the case of both forms of provision, the number of persons advised who are aged 55 and over is equally low (about 2.5 percent).

Figure 13 Age (categorised) at first contact with the hotlines and the IQ initial counselling centres (in absolute terms)



Source: Hotline consultation data (1 April 2012 to 31 December 2014, cut-off date 1 January 2015) and IQ consultation data (1 August 2012 to 31 December 2014, cut off date 24 February 2015), n=41,518, calculations and representation by BIBB.

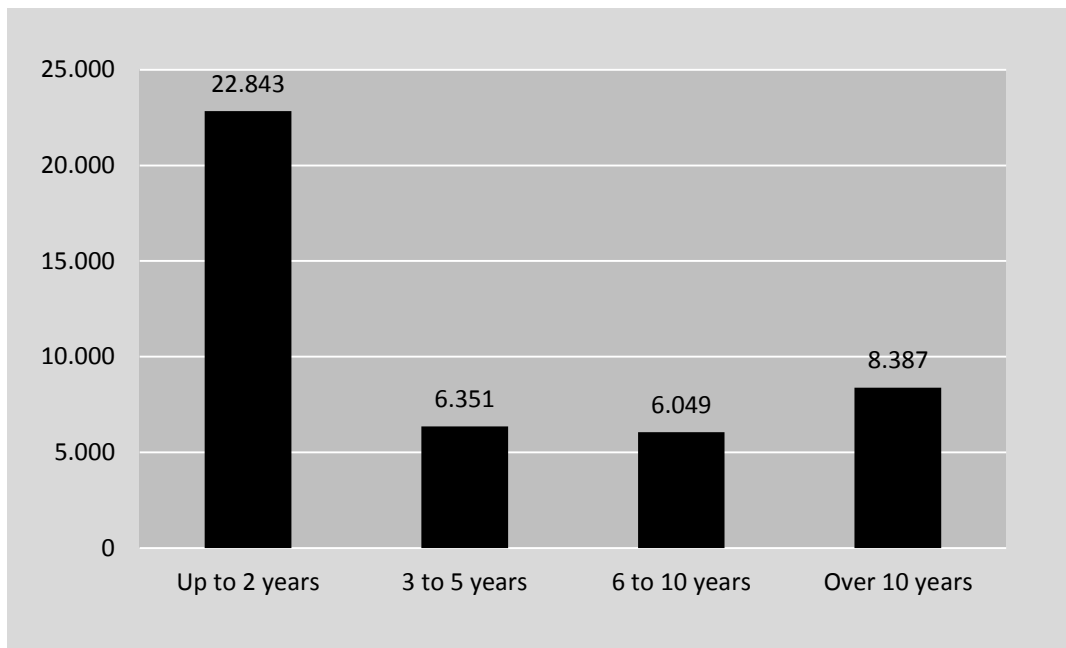
12 percent of those receiving guidance are **German nationals**, and these also form the largest group (this is similar to the distributions of applicants presented in Section III-2). They are followed by nationals of Poland at 9 percent, the Russian Federation at 8 percent and Romania and Turkey at 5 percent each. Fewer than half of those interested in obtaining guidance are nationals of one of the 28 EU states (about 46 percent). This means that there has been a relatively high increase within this group.¹⁰²

The **place of residence** of the majority of persons seeking advice is Germany (86 percent). Nevertheless, there are significant differences between the types of provision. Whereas the place of residence of a quarter of persons advised by the hotlines was Germany, the corresponding figure for the IQ initial counselling centres was less than 6 percent (cf. Hoffmann and Tatarlieva 2014, p. 50). Requests for guidance from abroad encompassed a further 148 states. Of those who state that their place of residence is abroad, most requests for guidance come from India (almost 6 percent), followed by Poland, Bosnia and Herzegovina and Turkey, all at 5 percent. The member states of the EU account for the largest proportion (about 36 percent).

Half of those seeking guidance have only been in Germany for a short period of time. 52 percent have been in the country for up to two years. 19 percent have been in Germany for longer than ten years (see Figure 14) (ibid, pp. 20 and 51).

¹⁰² In the first Report on the Recognition Act, nationals of the 27 EU countries accounted for 35 percent (Erbe et al. 2014). The accession of Croatia on 1 July 2013 means that its nationals fall within the group of member states of the European Union within the scope of the present report.

Figure 14 Duration of stay (categorised) of persons advised by the hotlines and IQ initial counselling centres in Germany (in absolute terms)



Source: Hotline consultation data (1 April 2012 to 31 December 2014, cut-off date 1 January 2015) and IQ consultation data (1 August 2012 to 31 December 2014, cut off date 24 February 2015), n=43,630, calculations and representation by BIBB.

When providing guidance, the IQ initial counselling centres also document employment status. The proportion of the persons interested in seeking guidance from the IQ initial counselling centres who are not in employment or who are looking for work is high (over two thirds, 67 percent). Of this group, almost a half (49 percent) is in receipt of social security benefits pursuant to German Social Security Code II. 11 percent are in receipt of unemployment benefits pursuant to German Social Security Code III. A third of those not in employment (31 percent) receive no benefits. Only about one in six (16 percent) of those interested in seeking guidance were in dependent employment subject to mandatory social insurance contributions at the time when guidance took place (ibid, pp. 40 ff.).

Those seeking guidance exhibit a high qualifications level. Around two thirds hold a higher education qualification (61 percent) or have completed both vocational education and training and a higher education qualification (5 percent). In the case of one third of persons (34 percent), vocational education and training has been documented as the highest professional qualification achieved (ibid, p. 24). Clear differences emerge between the types of provision. In the case of the hotlines, more than two thirds of those receiving guidance have a higher education qualification. About 1 percent have completed both a higher education qualification and vocational education and training¹⁰³ and less than a third have completed vocational education and training only. In the case of the IQ initial counselling centres, fewer than 60 percent are in possession of a higher education qualification only, just over seven percent have completed both a higher education qualification and vocational education and training and more than one third have completed vocational education and training only.

¹⁰³ The BAMF Hotline has only been able to record more than one qualification per person since 1 January 2014.

The high qualifications level is also reflected in the top ten reference occupations on which guidance was provided.

1.2.3 Top ten reference occupations

Persons interested in seeking guidance whose place of residence is in Germany and those resident abroad exhibit a different order of most frequently requested reference occupations.

Table 7 The ten most frequent professions and occupations for which guidance is provided via the hotlines and IQ initial counselling centres by place of residence (in absolute terms and in percent)

Place of residence in Germany			Place of residence abroad		
Teacher	5,824	28,0 %	Doctor	1,099	23,3 %
Engineer	3,708	17,9 %	Registered general nurse	924	19,5 %
Registered general nurse	2,494	12,0 %	Engineer	923	19,5 %
Nursery school teacher	1,979	9,5 %	Teacher	504	10,7 %
Business economist	1,674	8,1 %	Dentist	372	7,9 %
Doctor	1,395	6,7 %	Nursery school teacher	202	4,3 %
Social education worker	1,028	5,0 %	Physiotherapist	189	4,0 %
Economist	1,018	4,9 %	Business economist	187	4,0 %
Office management clerk	850	4,1 %	Information technologist	171	3,6 %
Psychologist	785	3,8 %	Dispensing chemist	155	3,3 %
	20,755	100 %		4,726	100 %

Source: Hotline consultation data (1 April 2012 to 31 December 2014, cut-off date 1 January 2015) and IQ consultation data (1 August 2012 to 31 December 2014, cut off date 24. February 2015); n=59,675, calculations by BIBB.

The distribution of the ten most popular professions and occupations¹⁰⁴ in initial guidance is evident from Table 7. The ‘top ten professions and occupations’ of persons whose place of residence is in Germany account for a total of 41 percent of all reference occupations identified for this group. This means that the professions and occupations from eleventh position downwards make up 59 percent. By way of contrast, the top ten professions and occupations’ of persons whose place of residence is abroad account for a total of 56 percent of all reference occupations identified for this group. In the guidance services provided by the IQ initial counselling centres and the hotlines, regulated professions predominate in overall terms – in this case especially professions that are governed by federal state law. However, consideration needs to be accorded to the fact that the chambers also conduct a large number of consultations in the field of non-regulated occupations (see III-1.3).

1.3 Initial guidance at the chambers

The chambers provide their own initial guidance to those interested in seeking recognition prior to submission of application. The aim of this initial guidance is to inform potential applicants in advance

¹⁰⁴ Both professions governed by federal state and by federal law are taken into account. The list of professions governed by federal state law in the database contains only professions which are regulated.

about the reference occupation, the recognition procedure, the legal foundations of the process and requirements regarding such matters as documentation to be submitted.

Initial guidance is provided on an individual basis in order to prepare for the procedure ahead. The starting point in both chamber sectors is preliminary clarification of the objective of those interested in seeking recognition. This includes identification of responsibility and clarification of the recognition aim and of the right to the procedure. In the sector of the chambers of commerce and industry, the decision regarding responsibility and the existence of a right to a procedure is determined in accordance with the BQFG by the IHK FOSA. Should it emerge that other procedures are more appropriate to the goals of the persons interested in seeking recognition, the chambers also advise on alternative processes (see IV-3.3 and IV-3.4).

Guidance related to the procedure itself is then given. This includes the passing on of basic information on the recognition procedure and the identification and stipulation of the reference occupation for the submission of the application. The final stipulation of the reference occupation takes place via IHK FOSA. Within the scope of the consultation, an initial examination is conducted of the completeness of documents to be submitted. 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.¹⁰⁵

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. Equivalence assessment is carried out for 77 of 80 chambers by the IHK FOSA (cf. II-2.1).

In the **chambers sector**, almost **40,000 consultations** have been registered since 1 April 2012. The craft trades sector accounts for 26,425 of these consultations. In the commerce and industry sector, the competent body is the IHK FOSA – except for the chambers in Wuppertal-Solingen-Remscheid, Hanover and Braunschweig. The local chambers are responsible for guidance prior to submission of application and also for any follow-up consultations that may be required. They have documented 13,508 consultations (see Table 8) In addition to initial consultations relating to the BQFG, the chambers of commerce and industry conducted more than 8,500 referral consultations to other bodies and about 600 consultations in connection with the Federal Expellees Act (BVFG).

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¹⁰⁵ For a detailed description of the first consultation, see Erbe et al. 2014, pp. 68ff.

Table 8 Consultations in the chamber sector since 1 April 2012¹⁰⁶ (in absolute terms)

	IHK	HWK
Baden-Württemberg	1,878	4,972
Bavaria	2,420	4,389
Brandenburg	8	310
Hessen	1,337	4,446
Mecklenburg-Western Pomerania	19	29
Lower Saxony	2,362	1,066
North Rhine-Westphalia	3,225	5,167
Rhineland Palatinate	110	1,552
Saarland*		443
Saxony	113	641
Saxony-Anhalt	42	203
City states**	1,926	2,461
Schleswig-Holstein	53	643
Thuringia	15	103
Total	13,508	26,425

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

** Berlin, Bremen and Hamburg.¹⁰⁷

Source: DIHK special evaluation of the archive and documentation system for recognition consultations (cut-off date 31 December 2014) and BIBB Survey (2014) of the chambers of commerce and industry, BIBB/ZDH survey (2014) of the chambers of crafts and trades (cut-off date 31 December 2014), calculations by BIBB.

In the case of the chambers of crafts and trades, no data was collected on referral guidance to other bodies. The data for the craft trades recorded here maps only consultations which are of longer than ten minutes' duration. According to the chambers of crafts and trades, referral consultations are under the 'ten-minute limit'.

Most guidance was conducted in North Rhine-Westphalia, where the craft trades sector accounts for over 5,000 consultations and the chamber of commerce and industry sector recorded well over 3,000 consultations. The federal states of Baden-Württemberg, Hessen and Bavaria are also regions where extensive guidance is provided in the craft trades sector. In the case of the chambers of commerce and industry, the main states in which a high demand for guidance is recorded are Bavaria, Baden-Württemberg and the city states.

¹⁰⁶ A total of 68 of 80 chambers of commerce and industry provided feedback on the volume of consultations. The data management tool of the Association of German Chambers of Commerce and Industry (DIHK) is currently used by 63 chambers of commerce and industry. In the case of five further chambers of commerce and industry, data relating to guidance provided was recorded via the BIBB survey (cut-off date 31.03.14). The Hanover Chamber of Commerce and Industry is a project holder within the scope of the IQ Funding Programme. For this reason, the data represented from the chamber of commerce and industry sector should be interpreted as a minimum figure in overall terms.

All 59 chambers of crafts and trades provided feedback on initial guidance. The chambers of crafts and trades were requested to act in conjunction with the German Confederation of Skilled Crafts (ZDH) in providing information on the frequency of initial guidance conducted.

¹⁰⁷ Because some guidance data was collected within the scope of more detailed surveys, these three states were instructed only to indicate 'city state' for the federal state in order to ensure anonymity.

2. Official statistics for occupations governed by Federal Law¹⁰⁸



A brief summary of the key points:

- ✓ Between the entry into force of the law on 1 April 2012 and 31 December 2013, as many as 26,466 applications were made for the recognition of a professional qualification acquired abroad.
 - In 2013, the competent bodies processed a total of 16,695 cases¹⁰⁹, of which 15,477 were new applications.
 - Of the new applications received in 2013, 77.9 percent related to a regulated occupation and 22.1 percent to a non-regulated reference occupation.
- ✓ In 2013, the competent bodies arrived at an assessment in 13,344 procedures.
 - A total of 9,969 qualifications were accorded full recognition (74.7 percent of the cases decided).
 - The rate of rejection in terms of assessment certificates issued (no equivalence or impossibility of clarification of the facts and circumstances) remains low at 4.0 percent.
 - Within the field of non-regulated occupations, the proportion of procedures with a negative outcome (no equivalence or impossibility of clarification of the facts and circumstances) fell from 24.9 percent in 2012 to 4.4 percent in 2013.
- ✓ Most procedures, 78.2 percent, were conducted in the regulated professions. No fewer than 62.9 percent of all cases related to the reference occupations of doctor (licence to practise medicine), healthcare worker and nurse.
- ✓ The most common states in which training has been completed are Poland, Rumania and the Russian Federation.
- ✓ In 9.4 percent of procedures, the applicant's place of residence was abroad.

¹⁰⁸ The absolute values referred to here are in each case rounded to a multiple of 3.

¹⁰⁹ These figures should be viewed as a lower limit, since not all competent bodies reported in full.

- ✓ The average duration of a recognition procedure from availability of full documentation to the issuing of an initial assessment appealable in law was 59 days.

Results from the official statistics are now available for the years 2012 (1 April to 31 December) and 2013 (1 January to 31 December).¹¹⁰ The legal basis for collection of data is provided by § 17 BQFG and the provisions in specific legislation which make reference to § 17 BQFG. Compared to 2012, no change has occurred with regard to the survey characteristics (cf. Erbe et al. 2014, p. 42). One of the consequences of this is that the statistics for 2013 do not contain any information on withdrawn applications. These will become part of the official statistics from the 2015 survey onwards, which takes place in 2016.

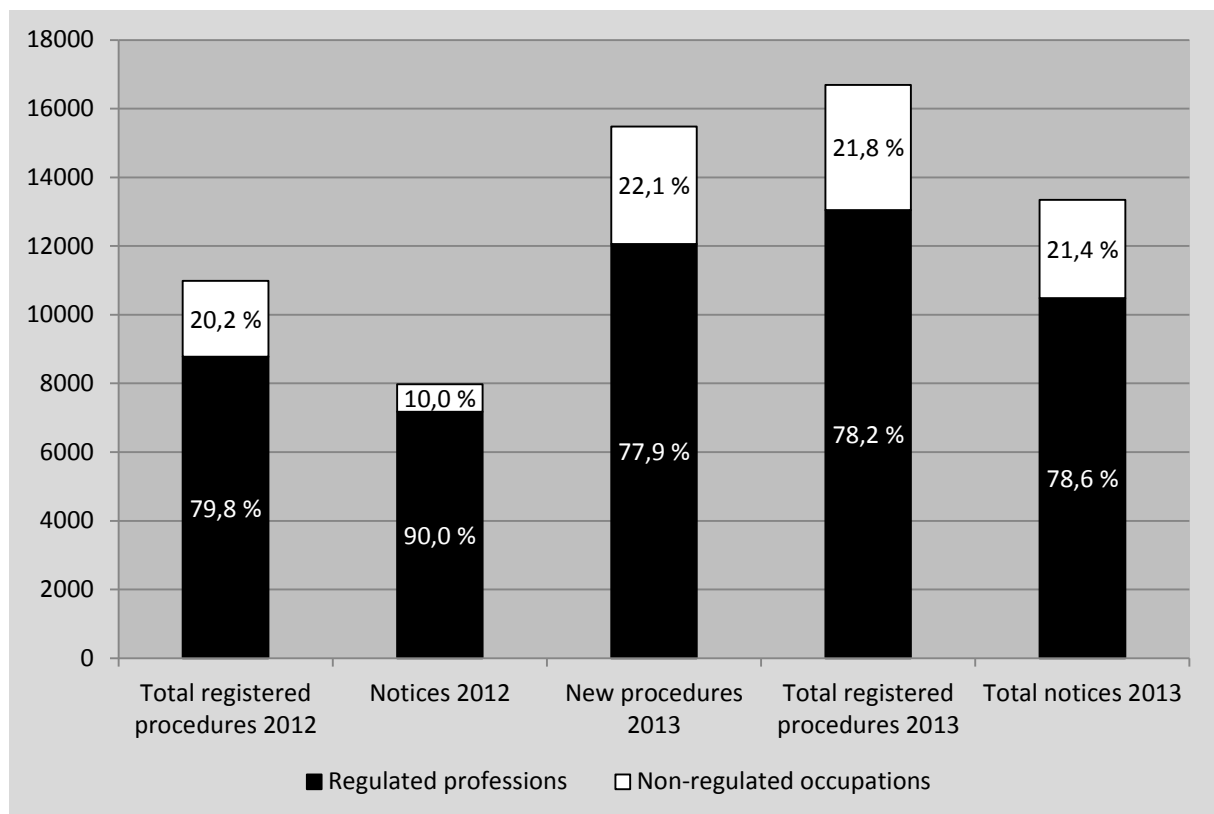
The results of the official statistics presented here relate exclusively to **professions and occupations governed by federal law**. No coordinated statistics are as yet in place for professions and occupations governed by federal state law, and a coherent mapping of the whole of the recognition system in Germany is therefore not currently possible. Endeavours are, however, being undertaken in this regard.

A total of **16,695** procedures for recognition of a professional or vocational qualification acquired abroad were reported to the Federal Statistical Office for the reporting year 2013. Of these, **15,477 notifications** were new applications submitted for the first time in 2013. The remaining 1,218 notifications for the year 2013 relate to applications made in 2012 and not finally processed during that year.

From 1 January to 31 December 2013, a total of **13,344 procedures were decided**. Figure 15 shows how the applications and notices are distributed across regulated professions and non-regulated occupations in the reporting years 2012 and 2013.

¹¹⁰ As was presented in the first 'Report on the Recognition Act' (Erbe et al. 2014, pp. 42 ff.), the data for 2012 still contained a number of implausibilities. The development of further plausibility filters and the adaptation of the 'Terms and explanations' for the statistics (cf. Federal statistical Office 2014) enabled the number of implausible indications to be reduced. Nevertheless, the data for 2013 also once again contains reports featuring combinations of characteristics which are not possible in terms of content. For example, 159 cases of regulated professions were reported in respect of which a decision was made that took professional experience into account whilst automatic recognition in the sectoral occupation took place at the same time. In such cases, the equivalence of the professional qualification and of the respective implementation in specific legislation is automatically recognised pursuant to the provisions of the Directive on the recognition of professional qualifications (Title III, Chapter III). For this reason, professional experience does not need to be taken into account. Therefore, such reports must be incorrect. Work is ongoing to exclude implausible reports to the greatest extent possible over the coming years. In addition to this, experience shows that comparatively new statistics can produce erroneous reports during the initial years of survey.

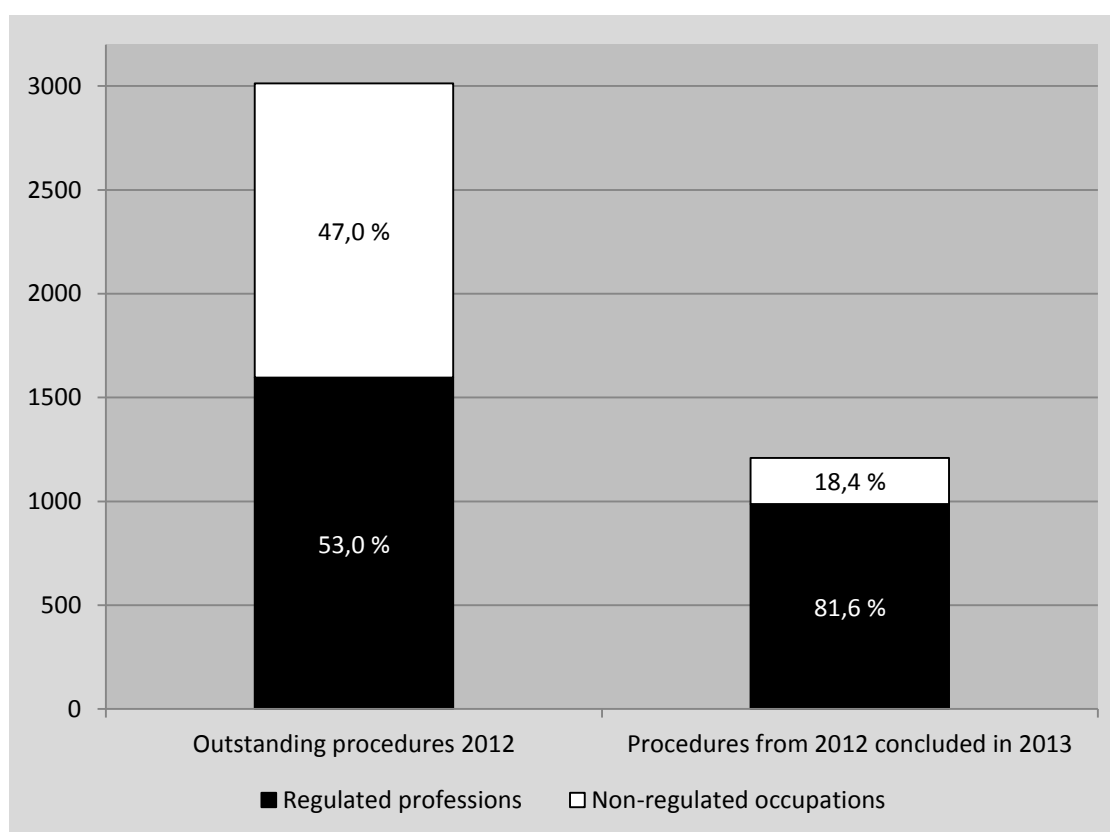
Figure 15 Distribution of procedures and notices across regulated professions and non-regulated occupations for 2012 and 2013 (in absolute terms and in percent)



Source: Federal Statistical Office, representation by BIBB, registered procedures 2012 and 2013. Procedures 2012 N=10,989, notices 2012 N=7,980, new procedures 2013 N=15,477, registered procedures 2013 N=16,695, notices 2013 N=13,344.

This clearly shows that in both 2012 and 2013 more than three quarters of all applications were submitted for the recognition of a regulated reference profession. The primary reason for this is that, in the case of recognised professions, successful recognition of the professional qualification is the prerequisite for the exercising of the occupation in Germany. Within the field of regulated professions, 80.3 percent of procedures in 2013 resulted in a notice (the corresponding figure for 2012 was 81.8 percent). In the area of non-regulated occupations, the proportion was 78.2 percent (compared to 36.1 percent in 2012). In the case of the other applications, a decision was still outstanding as of the cut-off date of 31 December 2013. We can see, therefore, that the proportion of concluded procedures within the area of non-regulated occupations has more than doubled. One possible explanation for this is that, following the initial phase and the instigation of new structures for the new procedures pursuant to the BQFG, processes at the competent bodies have become established and thus permit the provision of more rapid procedures.

Figure 16 Procedures extending across calendar years 2012/2013 (in absolute terms and in percent)



Source: Federal Statistical Office, representation by BIBB, registered procedures 2013.

Of a total of 3,009 applications not fully processed in 2012 (outstanding procedures), notices for 1,209 applications were issued in 2013 (cf. Figure 16). Applications with regulated reference professions are strongly over-represented in this figure. Almost two thirds of outstanding procedures from 2012 involving a regulated reference profession were decided in 2013, whereas the corresponding figure for applications with a non-regulated reference occupation was less than one sixth. Consequently, over 80 percent of procedures involving non-regulated reference occupations running over from 2012 to 2013 were not resolved in 2013 (the figure for regulated professions was less than 40 percent).

These procedures were either ended because the application was withdrawn or are still being processed. In neither of these cases are the statistical offices notified. Because statistics up until and including the reporting year 2014 do not document withdrawn applications (see III-3.9), no reliable statement can be made regarding the outcome of the other outstanding procedures from the reporting year 2012 (N=1,800). It is, however, noticeable that procedures involving regulated reference professions were significantly more likely to have been concluded than procedures with non-regulated reference occupations. This is possibly a further expression of the fact that recognition in regulated professions plays a key role in labour market access and thus may be of considerable significance to applicants. Figures will continue to be observed over the coming years.¹¹¹

¹¹¹ In the case of this comparatively young statistic, implausible reports must be expected in the initial survey years. It is possible that procedures which run over from one calendar year to the next may not appear as such in circumstances such as when the data of application is wrongly reported.

The procedures documented as running over from one calendar year to the next are characterised by a conspicuously long duration.¹¹² The average length of all procedures extending across calendar years is 232 days. By way of contrast, the average duration of all procedures in 2013 was 59 days. This is an indication of the fact that some of the applications which extend across calendar years are applications which require more processing or procedures which take up more time for other reasons. The place of residence of 16 percent of applicants in such cases was also significantly more likely to be abroad (compared to an overall average of nine percent). The proportion of applicants from third countries was also very high (55 percent as opposed to an overall average of 38 percent) as was the proportion who had completed training in such countries (60 percent in contrast to an overall average of 46 percent). In these circumstances, automatic recognition in accordance with the EU Directive on the Recognition of Professional Qualifications cannot normally be applied.

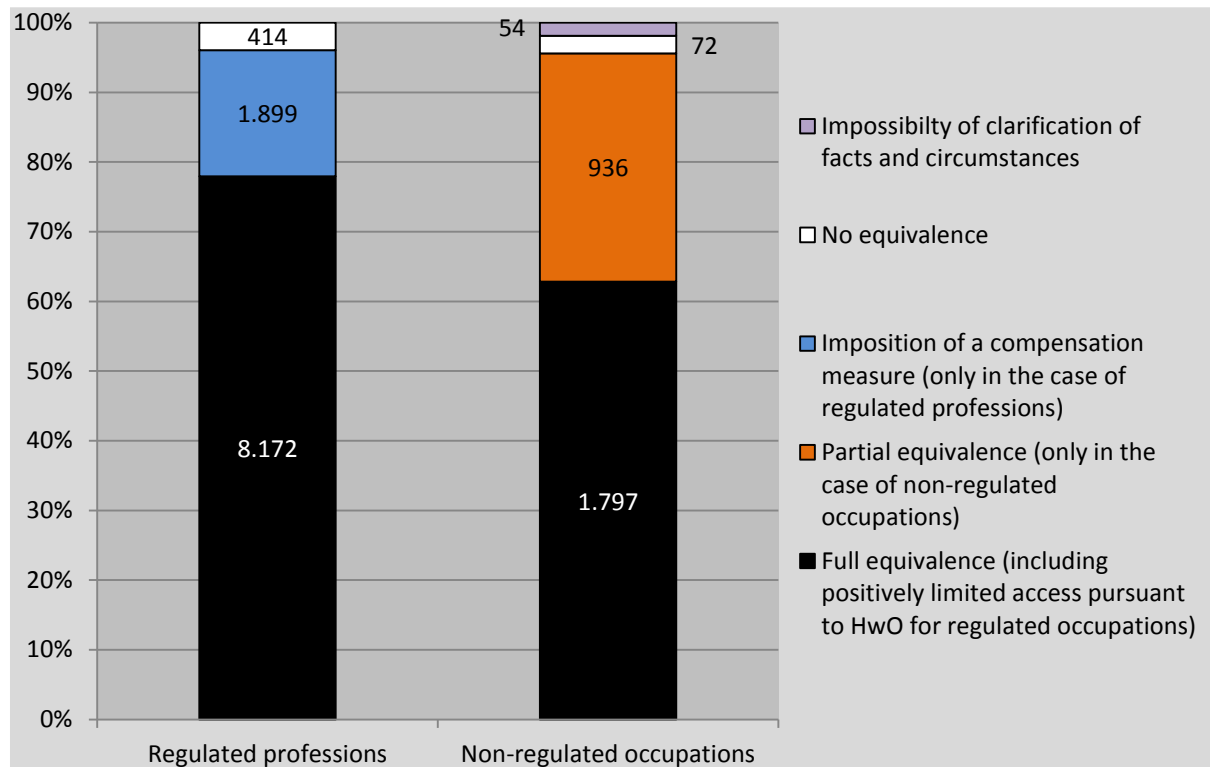
The duration of the procedure is on average longer for applications from abroad than for applicants whose place of residence is in Germany. Whereas in respect of applicants whose place of residence was Germany decisions were not reached for more than four months in 12.3 percent of cases and took more than seven months in 5.6 percent of procedures, the corresponding figures for applicants whose place of residence was abroad were 16.0 percent and 12.1 percent respectively. Those whose place of residence is outside the EU, the EEA or Switzerland are particularly badly affected. No decision was reached for up to four months in about half of these procedures. 45 percent remained outstanding after seven months.

This discrepancy is also revealed, albeit in less pronounced form, if we consider the states in which applicants completed their training. If these are outside the EU, EEA and Switzerland, more than one in six procedures (17.5 percent) lasts for more than four months, and almost one in ten (9.6 percent) is longer than seven months. By way of comparison, if the country of training is inside the EU, EEA and Switzerland, fewer than one in ten procedures (8.6 percent) lasts for more than four months, and only about one in thirty (3.4 percent) is longer than seven months.

Figure 17 shows the **nature and object of the decision** for 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 77.9 percent of cases. However, consideration needs to be accorded to the fact that in 1,287 cases this full recognition was preceded by completion of a compensation measure. In 18.1 percent of cases, this compensation measure still needs to be completed ('conditional' notices). Only 4.0 percent of notices are rejections, i.e. there is no equivalence. There has been a slight shift in overall terms compared to 2012. This primarily relates to 'conditional' notices (up from 12.7 percent in 2012 to 18.1 percent in 2013). Since in the case of these procedures full equivalence cannot be certified until an aptitude or knowledge test has been passed or an adaptation period has been conducted, this merely shows that there has been a rise in the proportion of persons failing to fulfil the condition by the end of the year rather than indicating a content shift. By way of contrast, there has been only a very small increase of 0.5 percentage points in the proportion of negative notices.

¹¹² The conspicuous features presented of procedures running from one calendar year into the next are not caused by the fact that they extend across years. The fact is that long-lasting procedures are simply more likely not to have been completed by the end of the year and are therefore categorised as running across calendar years.

Figure 17 Results of procedures in which a decision was reached in regulated professions and non-regulated occupations for 2013 (in absolute terms and in percent)



Source: Federal Statistical Office, representation by BIBB, procedures for which a notice was issued in 2013.

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 62.9 percent of cases. Partial equivalence was accorded in 32.8 percent of cases, i.e. substantial differences were ascertained between the professional 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). 2.5 percent of notices award no equivalence (either full or partial). In 1.9 percent of cases processed, the application is rejected because of impossibility of clarification of the facts and circumstances. This also represents a significant shift for this area. Whereas no (neither full nor partial) equivalence was ascertained in 21.0 percent of procedures in 2012, this figure had fallen to only 2.5 percent by 2013. By way of contrast, there has been a significant increase in the proportion of notices according partial equivalence (from 9.1 percent to 32.8 percent). Because, as presented above, existing qualifications and competences are documented for non-regulated occupations even if partial equivalence is accorded, such notices enables persons to pursue second chance qualification in a targeted manner, create transparency that increases opportunities with (potential) employers on the labour market or exert a positive influence on transfer of occupational activity currently exercised.

In 2013, the **main occupational group**¹¹³ in which most procedures were conducted was once again the medical healthcare professions¹¹⁴. These accounted for a proportion of 76.3 percent of all

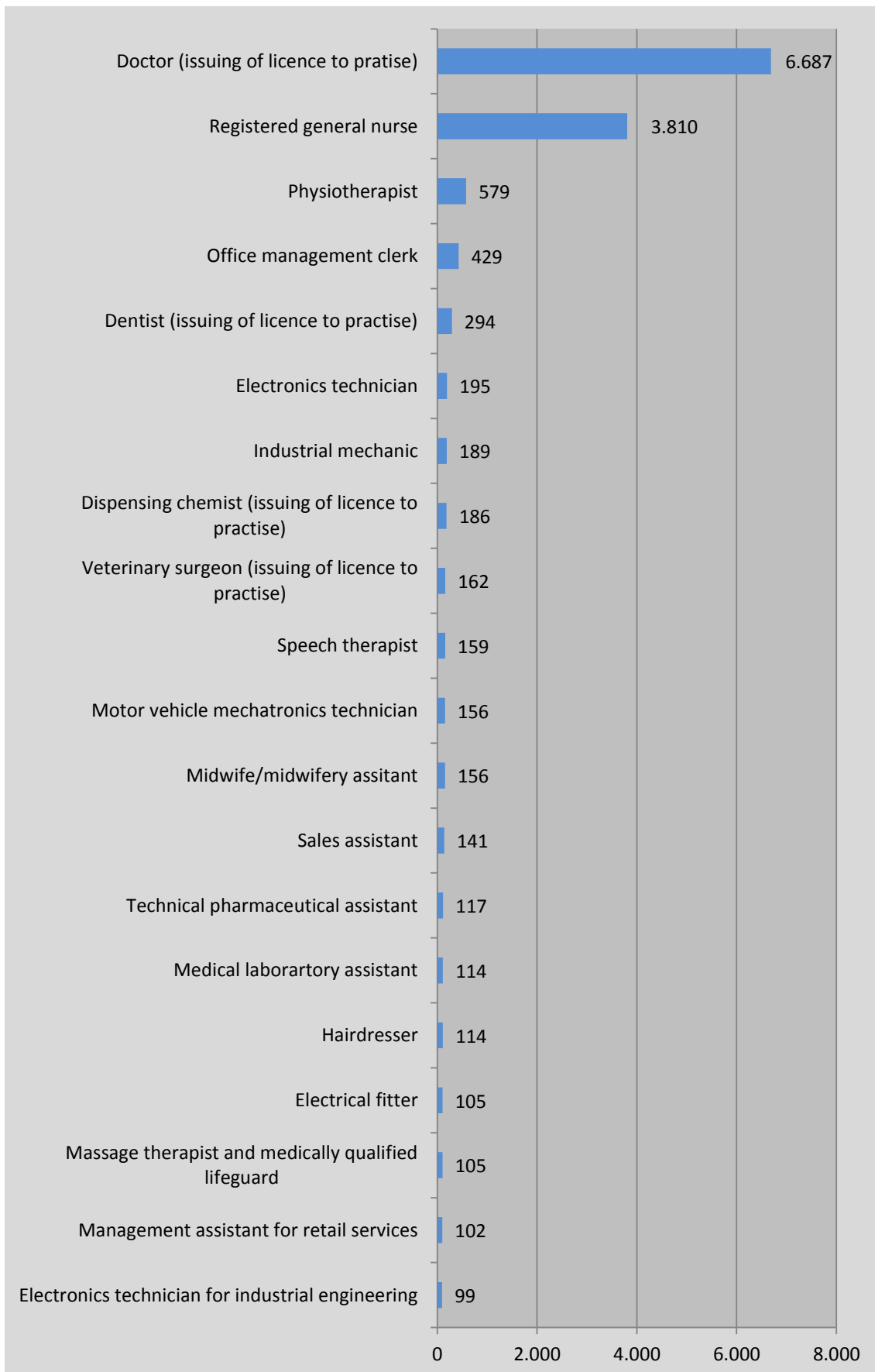
¹¹³ The 2010 Classification of Occupations includes five hierarchical category levels. There are 10 occupational areas, 37 main occupational groups, 144 occupational groups, 700 occupational sub-groups and 1,286 occupational categories.

procedures. This represents a slight fall compared to 2012, when the corresponding figure was 78.2 percent. The dominance of this main occupational group becomes particularly clear if consideration is given to the reference occupations in which most applications were submitted (see Figure 18). The first three occupations on the ranking list originate from this main occupational group and account for more than 11,000 procedures. This in itself makes up approximately two thirds of all procedures.

¹¹⁴ Medical healthcare professions for which recognition procedures have been registered are: medical assistant, qualified dental employee, podiatrist, specialist veterinary employee, medical and technical laboratory assistant, medical laboratory assistant in function diagnosis, medical laboratory assistant in radiology, veterinary laboratory technician, registered children's nurse, registered general nurse, paramedic, midwife/midwifery assistant, doctor (issuing of licence to practise), dentist (issuing of licence to practise), veterinary surgeon (issuing of licence to practise), psychotherapist (issuing of licence to practise), masseur, medically qualified lifeguard, physiotherapist, occupational therapist, speech therapist, dietary assistant, dispensing chemist (issuing of licence to practise), technical pharmaceutical assistant, certified pharmaceutical sales representative.

Figure 18

The 20 most frequent reference occupations in 2013 (in absolute terms)

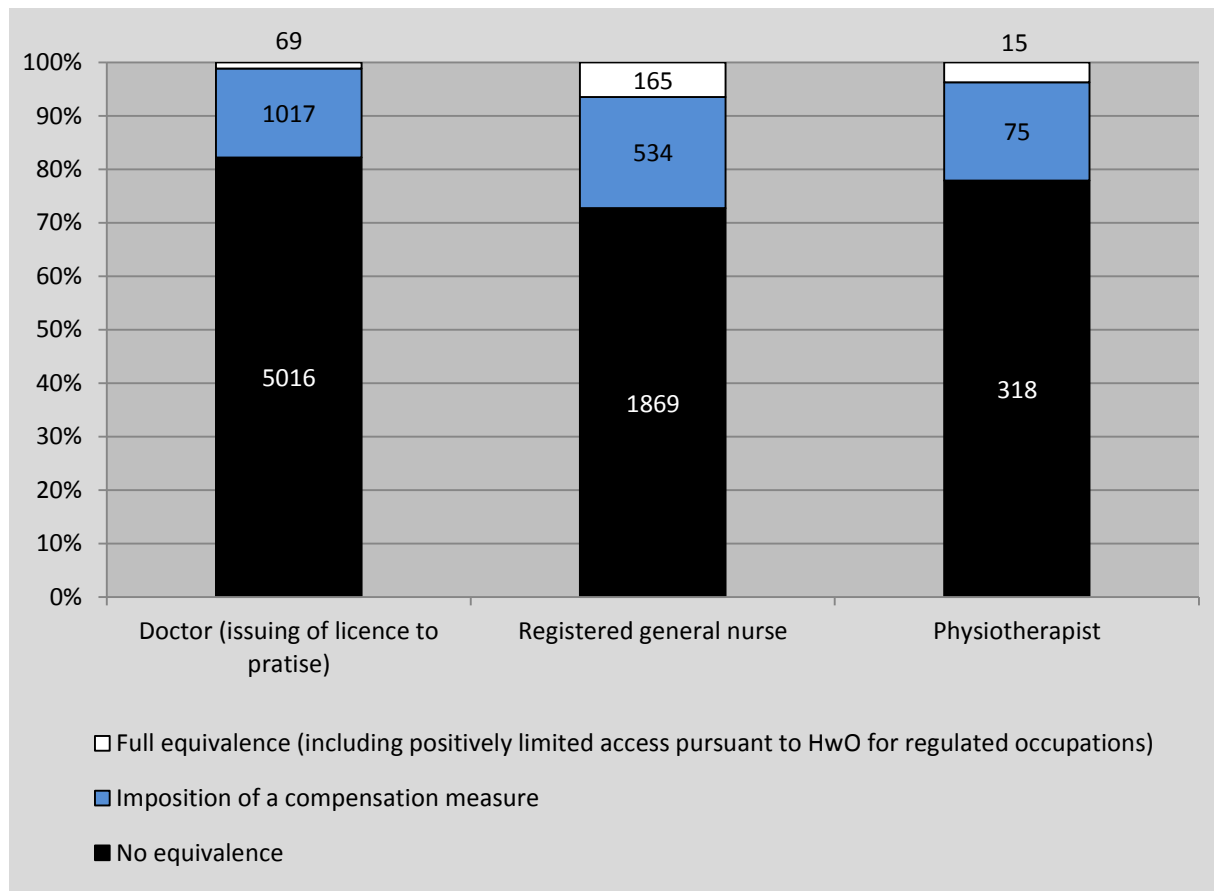


Source: Federal Statistical Office, representation by BIBB, registered procedures 2013.

6,687 procedures, by some distance the highest number, were registered for the reference profession of doctor. This corresponds to about 40 percent of all procedures. By way of contrast, the corresponding figure for the previous year was approximately one half. Alongside this, the profession of registered general nurse was also highly significant. In 2013, there were 3,810 procedures, almost 23 percent of the total. In the area of non-regulated occupations, office management clerk was the reference occupation that was in most demand, attracting 429 procedures.

With regard to the **nature and object of the decision**, moderate differences are revealed between regulated professions and non-regulated occupations (cf. Figure 19 and Figure 20). Whereas only just over one percent of notices were rejections in the case of applications for licence to practise as a doctor, the corresponding figure for registered general nurses was 6.4 percent. The proportion of notices imposing the 'condition' of a compensation measure is also slightly higher in the case of the profession of registered general nurse. Proportions are between these two levels for physiotherapists. In overall terms, the difference between the occupations is smaller than in the 2012 reporting year. This can be mainly attributed to a different distribution of decisions for general registered nurses. Whereas 11.5 percent of notices failed to accord equivalence for this reference occupation in 2012, the figure for 2013 was, as stated, only 6.4 percent. There was also a decrease in the number of persons whose compensation measure was still outstanding as of 31 December (20.8 percent as opposed to 29.8 percent in the 2012 reporting year).

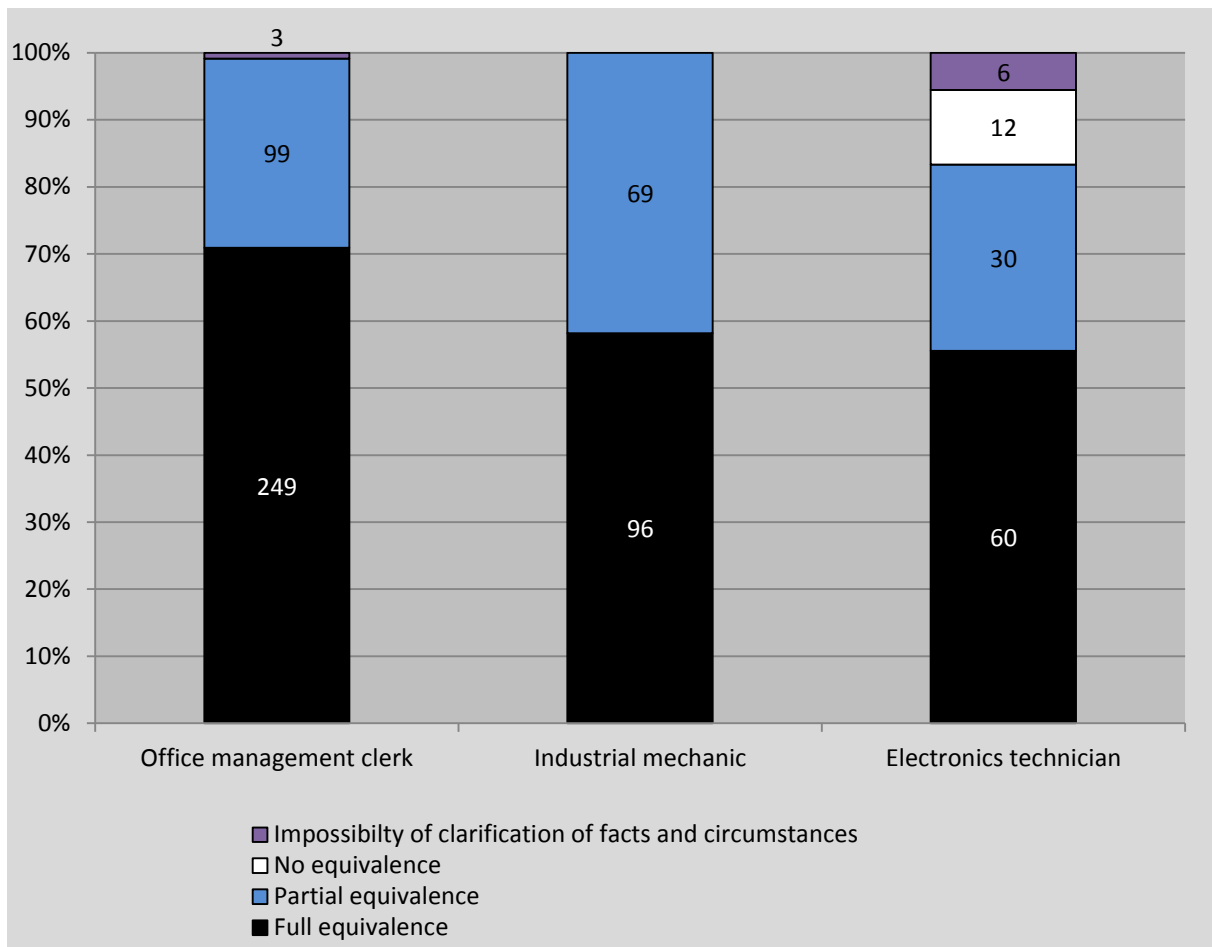
Figure 19 Results of procedures in which a decision was reached in the three most frequent regulated reference professions for 2013 (in absolute terms and in percent)



Source: Federal Statistical Office, representation by BIBB, procedures for which a notice was issued in 2013.

Slightly larger differences are discernible in the case of the three most frequent non-regulated occupations. Full equivalence was accorded in all three occupations in at least half of cases. The figure for office management clerks was, however, at the significantly higher level of over two thirds. The main conspicuous feature is that refusals (no equivalence or impossibility of clarification of facts and circumstances) are of virtually no significance in the occupations of office management clerk and industrial mechanic, whereas these categories account for approximately one sixth of notices in the occupation of electronics technician.

Figure 20 Results of procedures in which a decision was reached in the three most frequent non-regulated reference occupations for 2013 (in absolute terms and in percent)



Source: Federal Statistical Office, representation by BIBB, procedures for which a notice was issued in 2013.

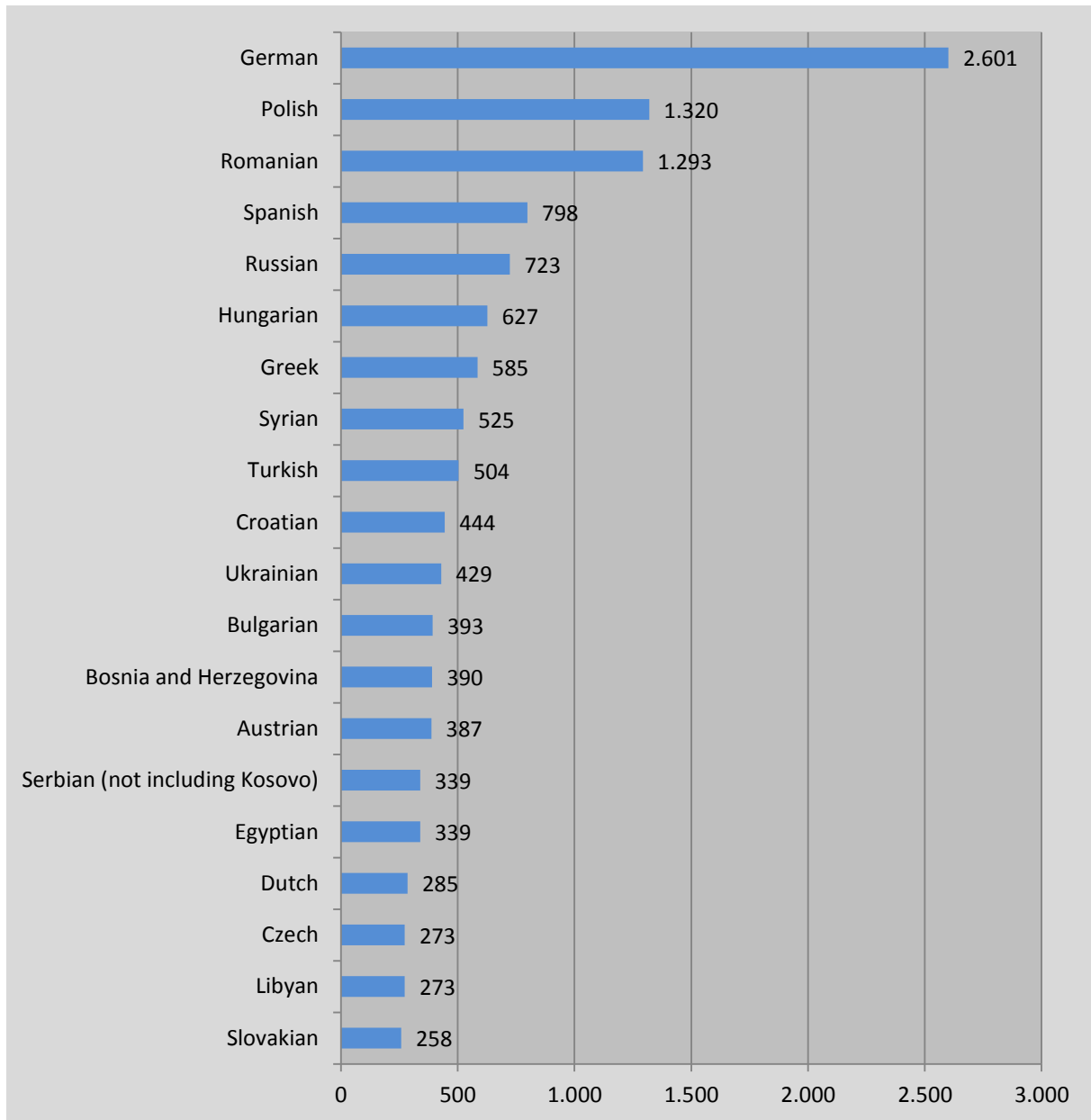
With regard to the nationality of persons whose procedures were conducted (Figure 21), it is revealed that in 2013 more than 60 percent were nationals of an EU/EEA state or of Switzerland and over 17 percent were nationals of one of the other European countries. One in eight applicants is a national of a state in Asia.¹¹⁵

As in 2012, the nationality most frequently represented in 2013 is German. The place of residence of large numbers of these persons is 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.

¹¹⁵ Russia is counted as part of Europe (cf. State and Regional System of the Federal Statistical Office: <https://www.destatis.de/DE/Methoden/Klassifikationen/Bevoelkerung/StaatsangehoerigkeitGebietsschlüssel.html> (accessed: 18 March 2015)).

Figure 21

The 20 most frequent nationalities of persons whose procedures were conducted in 2013 (in absolute terms)

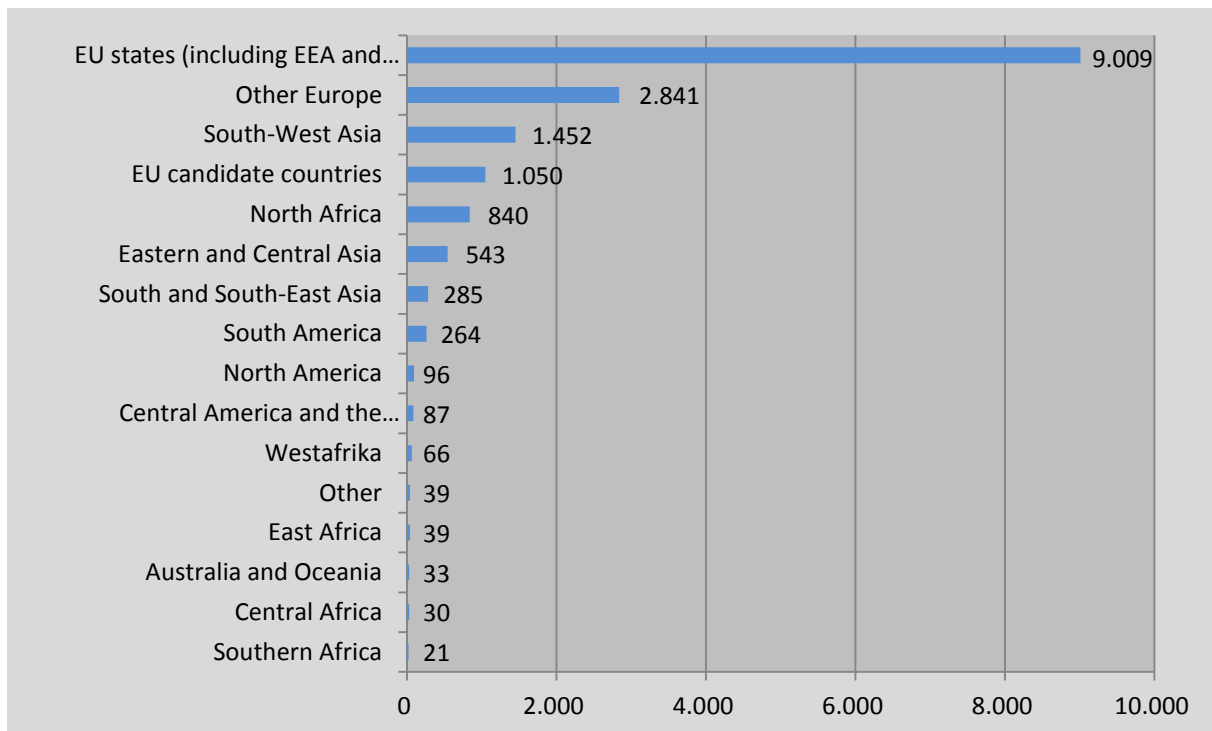


Source: Federal Statistical Office, representation by BIBB, registered procedures 2013.

A similar picture is also revealed in the case of the states in which persons for whom procedures were conducted in 2013 completed their training (Figure 22 and Figure 23).¹¹⁶ In this instance too, well over half of all procedures related to persons who had acquired their professional or vocational qualification in an EU or EEA state. Almost a quarter of professional and vocational qualifications were gained in other European countries.

¹¹⁶ Unlike the issue of nationality, Germany cannot be stated as a response since the Recognition Act only covers professional and vocational qualifications which have been acquired abroad.

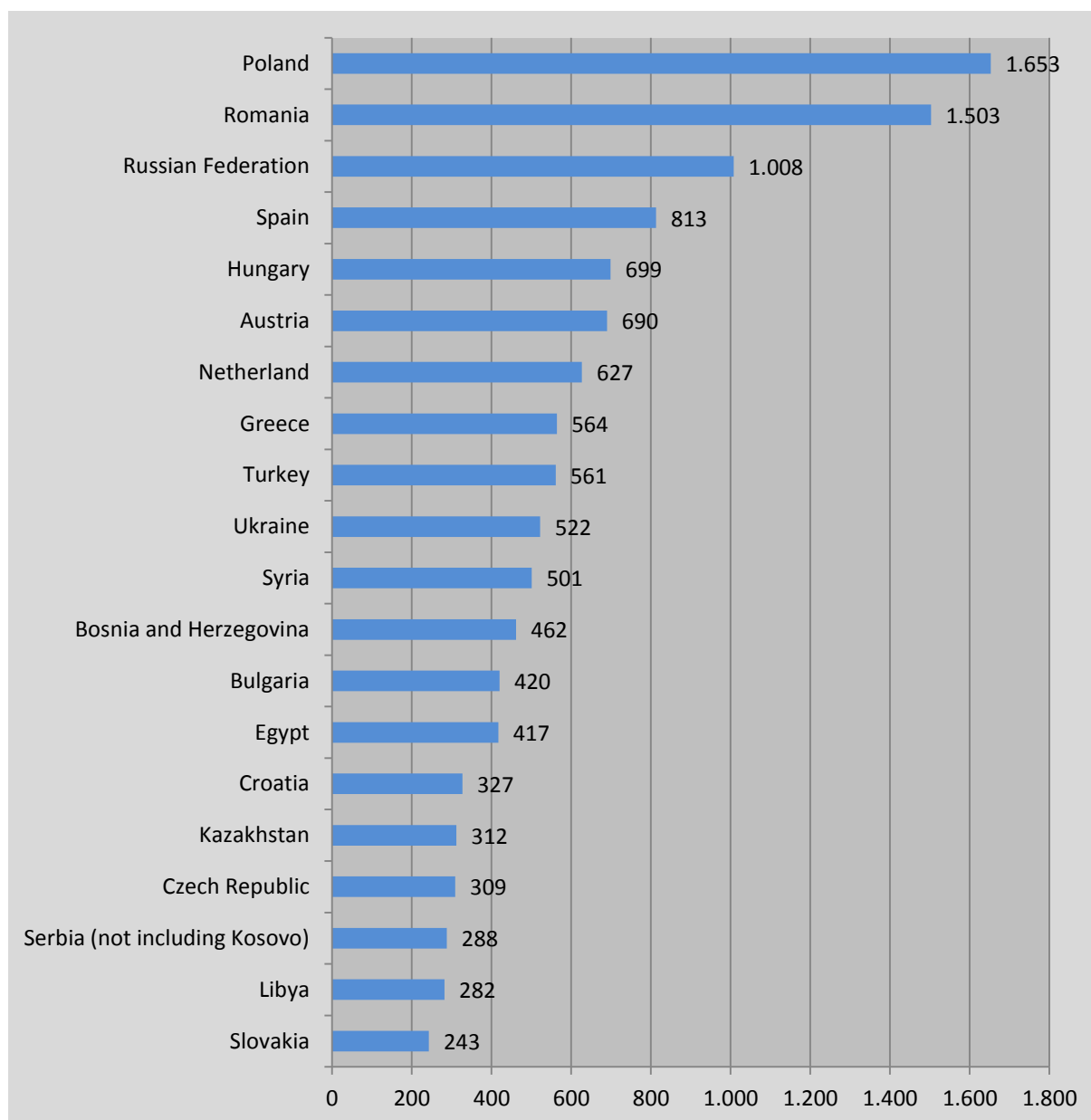
Figure 22 Countries of training of persons whose procedures were conducted in 2013 (in absolute terms)



Source: Federal Statistical Office, representation by BIBB, registered procedures 2013.

In 2013, Poland was the most frequent country of training with 1,653 procedures, closely followed by Romania in second place with 1,503 applications. This is possibly a reflection of the sharp increase in migrant numbers from Romania (see IV-1).

Figure 23 The 20 most frequent countries of training of persons whose procedures were conducted in 2013 (in absolute terms)



Source: Federal Statistical Office, representation by BIBB, registered procedures 2013.

One issue of great interest, particularly for the applicants, is the **duration of the procedure**. Since 1 December 2012, a regulation has been in force which usually requires the respective procedures to be completed within three months of **presentation of full documentation**.¹¹⁷ The expiry of the deadline may be extended 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.¹¹⁸ 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

¹¹⁷ Article 62 Paragraph 2 of the Recognition Act in conjunction with § 6 Paragraph 2 BQFG (Federal Law Gazette, BGBl., 2011, pp. 2515 ff.). In specific legislation, there is a procedural deadline of four months in some cases.

¹¹⁸ Cf. § 5 Paragraph 5 and § 12 Paragraph 5 BQFG and comparable provisions in specific legislation.

suspended if skills analyses need to be conducted in order to arrive at a decision.¹¹⁹ Consideration must be accorded to the fact that the duration of the procedure relates to the period between presentation of complete documentation and the issuing of the first notice appealable in law. This means, for example, that the time taken for the completion of a compensation measure is not included.

In 2013, over 80 percent of applications in which a decision was reached were fully processed within the three-month deadline. Just over half were even dealt with in under a month (cf. Figure 24). In 10 percent of applications in which a decision was reached the procedure took longer than five months. In certain circumstances, this may be due to individual case complexity or additional requests for follow-up documentation. As experience with the recognition procedures increases, particularly with regard to professional and vocational qualifications which are difficult to research or country information, the expectation is that the average duration of the procedure will shorten further.

There are differences in the average length of the procedure (significant differences in some cases) between the individual reference occupations.

The average duration of all procedures is 59.1 days. This shows that the overwhelming majority of procedures exhibit a moderate duration and that long procedures tend to be the exception. Average duration of procedure may, however, vary very widely in some cases depending on the reference occupation. In overall terms, the spectrum extends from an average of around 18 days to about 225 days.¹²⁰ Nevertheless, as Figure 24 shows, only a small number of the procedures are characterised by a very long duration of procedure. The duration of a procedure depends on various factors. In the so-called 'sectoral professions'¹²¹, procedures can be completed very rapidly if automatic recognition is possible. In such cases, no investigation of training contents needs to take place. If automatic recognition cannot be considered, various factors, such as additional requests for follow-up documentation, may delay the procedure.

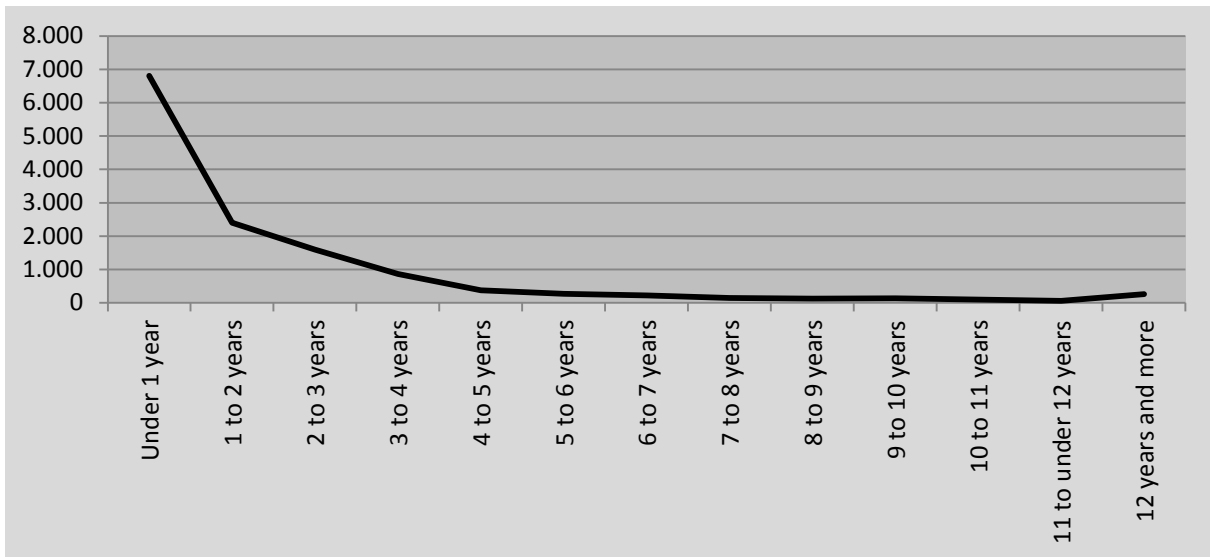
¹¹⁹ Cf. § 6 Paragraph 3 and § 13 Paragraph 3 BQFG and comparable provisions in specific legislation.

¹²⁰ The selection contains only reference occupations with at least 30 concluded procedures.

¹²¹ In the case of the sector professions, automatic recognition takes place in accordance with the EU Directive on the recognition of professional qualifications. The sector professions include doctor, dentist, veterinary surgeon, dispensing chemist, registered general nurse, midwife/midwifery assistant and architect.

Figure 24

Duration of recognition procedures in which a decision was reached for the year 2013 in months (in absolute terms)



Source: Federal Statistical Office, representation by BIBB, procedures for which a notice was issued in 2013, N=13,344.

Naturally, the quality of the **documentation to be submitted** exerts an influence on the duration of the procedures. In a total of 35.5 percent of procedures, the competent bodies needed to 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 documents submitted, i.e. after the application made by the party interested in seeking recognition. By way of contrast, 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 only about 0.5 percent of procedures.

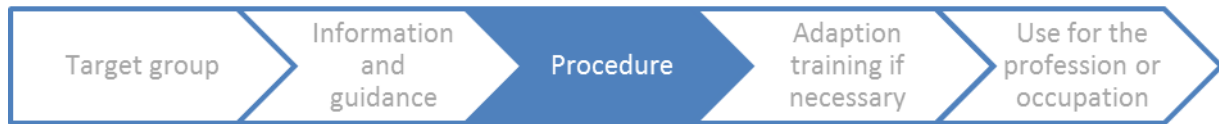
In procedures without any particular characteristics, the average duration of procedure is 51.4 days. If additional documentation was sought during the procedure, the average duration of procedure was 72.4 days. In cases where the deadline was extended, the procedures lasted for an average of 118.4 days. The average durations for procedures where decisions were made via other suitable processes and procedures where occupational experience was taken into account in the decision-making process were 78.0 days and 80.6 days respectively.

Significant differences are revealed in the application figures for the individual **federal states**. The four federal states with the most applications in absolute terms are North Rhine-Westphalia, Bavaria, Hessen and Baden-Württemberg. 69 percent of all applications were submitted in these four states.¹²²

Applicants seldom seek **legal recourse** (no separate figure). A legal challenge was instigated by the applicant against the decision of the competent body in respect of 2.9 percent of notices in which partial equivalence or no equivalence was accorded (0.3 percent of all notices). These proportions are in line with the levels in 2012.

¹²² Just under 70 percent of the population from a migrant background live in these four federal states.

3. Is the Recognition Act being implemented in a uniform administrative manner across Germany? A look at selected areas



A brief summary of the key points:

- ✓ The recognition procedures are largely working well. Since the last report, progress has been made towards achieving standardised implementation.
- ✓ In practice, possession of an offer of employment or certification of place of residence is being required in some cases where applications are made from abroad. This is not in line with the statutory stipulations. It is an explicit aim of the legislation to encourage applications from abroad in order to improve recognition for foreign skilled workers.
- ✓ In many cases, the documentation submitted with the application is not sufficient to carry out an equivalence assessment procedure. In 2013, for example, additional documents were subsequently requested in 35.5 percent of procedures. The difference in this regard between regulated and non-regulated occupations (request for additional documentation in 42.9 percent and 9.0 percent of procedures respectively) is considerable.
- ✓ Virtually no additional requests for follow-up documentation are made on the basis of doubts as to the genuineness or correctness of contents of the documents submitted.
- ✓ The need for support from external experts varies depending on the authority involved. In complicated cases, virtually all respondents seek assistance from the competent bodies responsible for the regulated professions. For this reason, the planned central evaluation agency for the healthcare occupations is welcomed. This could take on the tasks which are currently being processed by assessors from various institutions (for example higher education teachers from a wide range of institutes of higher education). This would be an important step in terms of the quality assurance of the procedures.
- ✓ Taking professional experience into account is of particularly high significance in the field of recognition of non-regulated occupations. In 2013, occupational experience was used to compensate for significant differences in 42.1 percent of completed procedures in such occupations. The corresponding figure for regulated occupations was 9.7 percent. If professional experience is applied, this is mostly able to compensate for any significant differences identified.

- ✓ In 2013, 1,287 applications for recognition in a regulated profession received a positive assessment following completion of a compensatory measure. In order to achieve targeted implementation of compensation measures, provision that is adequate in both qualitative and quantitative terms is required nationwide. National cooperation between competent bodies would possibly be a useful approach in terms of balancing out regional disparity in the number of participants.
- ✓ The Federal Ministry of Health (BMG) Ordinance on the 'Implementation and content of compensation measures for the issuing of authorisation to practise in healthcare occupations governed by the Federal Government' of 1 January 2014 is fundamentally viewed as a positive move by the competent bodies surveyed, because it has represented a further step towards standardised national procedures. Nevertheless, the costs of such a reorganisation are described as not inconsiderable.
- ✓ Particularly in the case of doctors, the issuing of a licence to practise assumes a high degree of importance with regard to the knowledge test. Notwithstanding this, prior counselling needs to take place in order to ensure that the opportunity to practise thus facilitated really can be used as examination preparation in conjunction with theoretical preparation.
- ✓ With regard to the language knowledge required and the question as to whether such knowledge should be demonstrated at the point when an application is submitted or during the course of the procedure, the approach adopted by the individual bodies towards medical occupations for which academic qualifications are needed is still revealed to be inconsistent. Further standardisations are required.
- ✓ The reasons why applications are withdrawn during the procedure are multifarious. In the case of non-regulated occupations, reasons stated include difficulties in obtaining the documentation requested and pursuit of alternative processes. The most common reasons given in respect of regulated professions are relocation of applicants to another federal state or lack of willingness to participate in a compensatory measure.
- ✓ In the case of the occupation of geriatric nurse, we see that it has not yet proved possible to make sufficient use of the opportunities afforded by the Recognition Act. The main reason for this is that the competent bodies are of the view that there is an absence of comparability between the foreign qualifications and the German requirements profile. Further endeavours need to be undertaken in this area (for example greater integration of professional experience) in order to counter the shortage of skilled workers.

The question posed in the title of this chapter as to whether the Recognition Act is being implemented in as uniform a way as possible cannot be answered using the results of the official statistics. For this reason, a supplementary survey of 22 members of staff at competent bodies and guidance institutions was conducted in 2014 with the assistance of guided interviews. Interviews were also carried out with five persons who themselves were involved in a recognition procedure. Information from selected competent bodies originating from standardised surveys on procedure-related thematic areas is also available (see dataset description in Annex A2).

The present report is based on more than three years of experience with the implementation of the provisions contained within the Recognition Act. This chapter of the report will present new developments and regulations and shed light on the implementation of the procedures, on existing standards and on the approaches adopted.

The structure of the chapter is based on the stages a recognition procedure comprises. It begins with the submission of the application (cf. III-3.1.) and the investigation as well as with additional requests for follow-up documentation if required (cf. III-3.2.). The competent bodies may also avail themselves of the services of external experts in order to assess equivalence (cf. III-3.3). Existing professional or occupational experience may serve to compensate for any substantial differences ascertained (cf. III-3.4). If persons are unable to provide evidence of their qualification, for example if they are refugees, 'other suitable' procedures (a so-called 'skills analysis') may be deployed in order to identify professional skills, knowledge and competences (cf. III-3.5). If substantial differences are identified in regulated professions, these may be offset by compensation measures imposed in a notice (cf. III-3.6). In order to create the foundations for implementation practice that is as uniform as possible, new regulations for healthcare occupations governed by federal law were drawn up¹²³. These provide the competent bodies with more specific stipulations regarding such matters as how compensation measures in the healthcare professions should be designed and implemented (cf. III-3.7). Current developments on the topic of the language requirements made of applicants, something which plays an overarching role in the healthcare professions in particular, are being debated by relevant committees, and possible solutions are being drawn up (cf. III-3.8). Procedures may also end without the issuing of a notice if applications are withdrawn by the applicants themselves (cf. III-3.9). In 2013, the German Medical Council issued new sample continuing training regulations to create a new basis for the recognition of foreign medical specialists from non-EU states (cf. III-3.10). Action is required with regard to the recognition of geriatric nurses, since this field currently appears only to offer restricted scope for the Recognition Act (cf. III-3.11).

All interviewees, regardless of whether they were representing a competent body, a guidance institution, a training provider or a company, agreed on the necessity of the Recognition Act and on the benefits it offers. Critical assessments generally relate to non-standardised implementation and application in some areas, especially in the regulated field, rather than to the statutory provisions themselves. Statements regarding non-standardisation in administrative implementation do not, however, apply to all occupational areas. Especially in the non-regulated occupations, bundlings of areas of responsibility and competences have created the prerequisites for uniform implementation of the regulations (cf. II-2.1).

¹²³ Ordinance of 2 August 2013 on the implementation and content of compensation measures and on the issuing of authorisations to practise in medical professions governed by federal law (Federal Law Gazette, BGBl., I, p. 3005).

3.1 Applications from abroad – irrespective of residence permit, place of residence and job?

Persons who wish to submit an application for recognition of a professional or vocational qualification acquired abroad may do so irrespective of whether they are already in Germany or not. Applications from abroad are explicitly provided for and welcomed under the terms of the legislation in order to improve the chances of recognition for foreign skilled workers (cf. BMBF 2012 and Bundesrat 2012). It is also not the intention of the legislation that a secure residence permit should be a prerequisite for a procedure. The aim of detaching the right to submit an application from residence status is to accord due consideration to the circumstance that recognition of the foreign professional or vocational qualification may under certain conditions be a requirement for an entry visa or residence permit (see II-1.4).

According to the official statistics, 9.4 percent of persons whose procedures were conducted in 2013 were not resident in Germany at the time when their application was submitted. Almost three quarters of these persons were living in a state in the European Union when they made their application. The proportion of applicants resident abroad is significantly higher in the case of regulated professions (10.6 percent) than in the case of non-regulated occupations (4.7 percent).

Nevertheless, advisory bodies and applicants¹²⁴ report cases subject to federal state jurisdiction in which the competent bodies have required applicants from abroad to provide certification of place of residence and/or evidence of possession of an offer of employment with the reasoning that this is the only way in which local responsibility can be identified. Without this evidence, the applications would not be accepted by the competent bodies.

Local responsibility for the recognition procedures is derived from § 3 VwVfG, i.e. in accordance with the place where an occupation is or will be exercised.¹²⁵ Local responsibility for healthcare professions is also based on § 3 Paragraph 1 Clause 2 VwVfG if applicants declare the intention to work in the federal state concerned. For this reason, applications from abroad still need to be processed in cases where no certification of place of residence or evidence of possession of an offer of employment is in place.

A further difficulty with applications from abroad arises when an application in a regulated profession is judged to be not equivalent and compensation measures are necessary in order to gain full equivalence. In such cases, the visa offices or Aliens Departments are faced with the question of whether a residence permit, and if so which residence permit, can be issued within the context of § 8 BeschV¹²⁶ for participation in a compensation measure. Uncertainties in respect of the residence permit to be issued particularly arise when applicants are required to complete a knowledge test and wish to participate in a preparatory course for this purpose.

¹²⁴ Interviews with guidance institutions and submissions to ministries by potential applicants.

¹²⁵ § 3 Paragraph 1 Clause 2 VwVfG: 'Local responsibility [...] in matters which [...] relate to the exercising of an occupation or other permanent job rests with the authority of the district in which [...] the occupation or job is exercised or is to be exercised.'

¹²⁶ § 8 BeschV: Practical activities as a prerequisite for the recognition of foreign professional qualifications.

On the initiative of the BMBF, the federal departments involved (BMBF, BMAS, BMI, Federal Ministry of Health, BMG, Federal Ministry of the Family, Senior Citizens, Women and Young People, BMFSFJ, the Federal Foreign Office, AA, and the BA) have developed a joint recommendation for the treatment of applications from abroad in order to ensure that administrative practice is as uniform and smooth as possible. Amongst other issues, this also addresses the problem of local responsibility and clarifies that evidence of possession of an offer of employment and certification of place of residence are not prerequisites for the submission of an application. This recommendation has been passed on to the executive bodies.

The joint recommendation further stipulates that § 17 AufenthG (company-based initial and continuing training) and § 16 Paragraph 5 AufenthG (school attendance) may be applicable in terms of the issuing of a residence permit for primarily practically aligned adaptation measures and predominantly theoretically oriented adaptation measures respectively. Difficulties are currently arising as a result of this, particularly in circumstances where applicants need to demonstrate the securing of living costs in the case of courses that are primarily theoretical in nature.

On 3 December 2014, the Federal Cabinet adopted a draft law on the redetermination of right and termination of residence.¹²⁷ This also contains improvements to residency law within the context of the recognition of foreign professional and vocational qualifications. § 17a AufenthGE creates a new possibility for foreign skilled workers (including those with non-academic qualifications) to complete an adaptation measure in Germany. The new regulation creates a residence permit for all training measures that might be required within the scope of a recognition procedure, such as adaptation periods, preparatory courses for examinations and language courses. § 17a AufenthGE also entitles applicants to enter the country for the purpose of completing a knowledge test (see II-1.4). The aim of this planned residence permit is to make it possible in future to supplement an adaptation measure by taking on employment connected with the desired occupation. This will lead to further improvements in the long-term care occupations in particular. If, for example, application is made for recognition as a registered general nurse and knowledge of German is absent, the foreign skilled worker will in future be able to work as a nursing assistant whilst completing a language course.¹²⁸

3.2 Equivalence assessment – necessary documentation for comparison with the German reference occupation

The Recognition Act provides for a recognition procedure that checks whether documentary evidence can demonstrate the equivalence of a foreign professional or vocational qualification with a current German professional or vocational qualification (the so-called ‘reference occupation’). The basis for the investigation of equivalence is evidence of a foreign professional or vocational qualification. This first stage of the procedure involves taking formal learning outcomes into account in assessing equivalence. The certificates presented by applicants demonstrating successful participation in the respective training course constitute a third-party assurance that the relevant

¹²⁷ Bundesrat Printed Paper 642/14. In a resolution of 6 February 2015 (BRat-Drs 642/14(Beschluss)), the Bundesrat explicitly welcomed this new provision as a positive addition for applicants from abroad.

¹²⁸ Cf. http://www.anerkennung-in-deutschland.de/html/de/news_1569.php (accessed: 18 March 2015).

qualification is held. The central issue is always whether there are substantial differences with regard to content and time between the foreign professional or vocational qualification and the German reference occupation (cf. Böse, Schreiber and Lewalder 2014). If substantial differences are identified, a second stage takes place to investigate whether these can be compensated for by occupational experience or by further qualifications (cf. III-3.4).

As well as evidence of formal qualifications, which is usually available in the form of an examination or qualification certificate, the competent bodies frequently require further documents (such as training regulations or training content lists of hours and subjects studied) in order to enable the foreign professional or vocational qualification to be compared with the German reference occupation with regard to content and time. This may occur prior to commencement of the procedure¹²⁹ or later during the procedure itself. § 15 BQFG stipulates that applicants have the obligation to cooperate in determining the facts and circumstances.

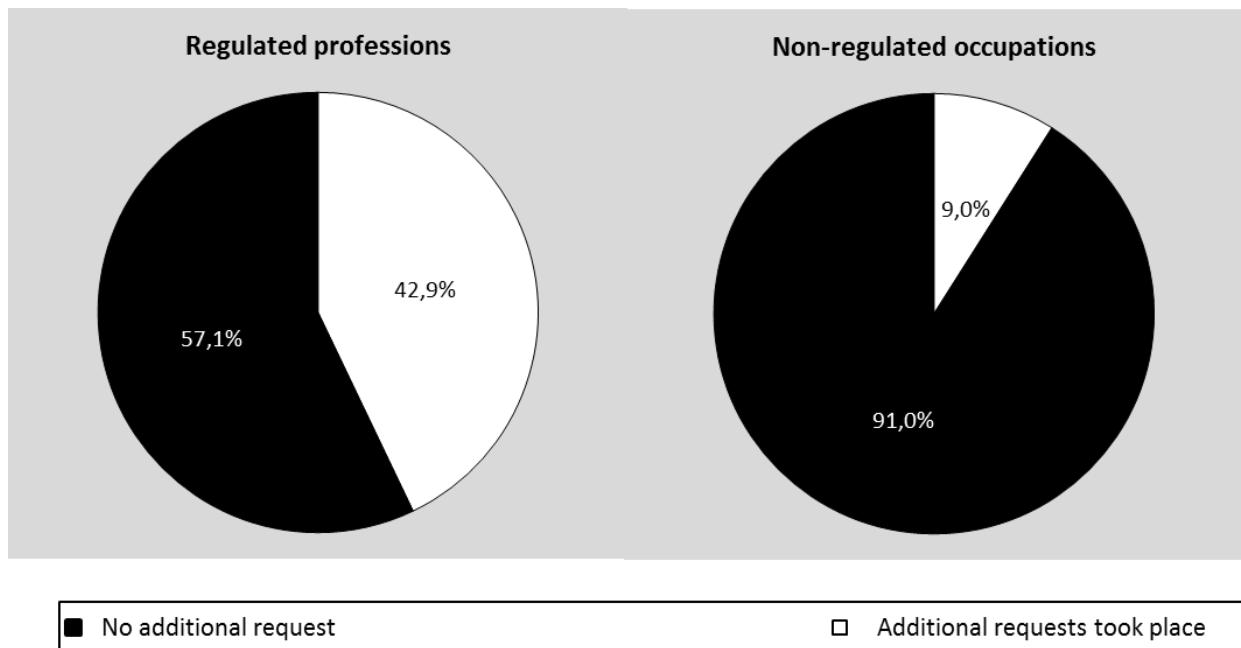
In the official statistics prepared in accordance with § 17 BQFG, records are made of cases in which additional requests for follow-up documentation are made within the scope of the administrative process.¹³⁰ The statistics also provide information on cases where additional requests for follow-up documentation are made on the basis of doubts as to the genuineness or correctness of contents of the documents submitted.

In respect of applications processed in 2013, the competent bodies requested the provision of follow-up documentation during the ongoing procedure in a total of 35.5 percent of cases. In the case of regulated professions, this figure was as high as 42.9 percent. Additional requests for follow-up documentation were less likely to be necessary in the field of non-regulated occupations. Only in 9.0 percent of applications processed were applicants requested to submit further evidence (see Figure 25).

¹²⁹ Pursuant to § 6 Paragraph 3 BQFG and § 13 Paragraph 3 BQFG, the deadline for the processing of documents submitted by applicants by the competent body begins at the point when full documentation is received. The deadline may be extended once.

¹³⁰ Cf. § 12 Paragraph 4 and § 13 Paragraph 4 BQFG or the specific legislation (for regulated professions) and § 5 Paragraph 4 and § 6 Paragraph 4 BQFG (for non-regulated occupations).

Figure 25 Additional requests for documentation in the non-regulated and regulated sectors (in percent)



Source: Federal Statistical Office, representation by BIBB, data for 2013, regulated professions N=3,642, non-regulated occupations N=13,050.

The comparatively small number of additional requests for follow-up documentation during the procedure in the field of non-regulated occupations is possibly due to the extensive initial guidance provided by the chambers of commerce and industry and chambers of crafts and trades (cf. III-1.3). Detailed clarification of which documents will be required takes place within the scope of the guidance given prior to submission of the application. This means that the documentation can be presented at the beginning of the procedure.

Both the data contained within the official statistics and the standardised survey of the competent bodies show that it is rare for requests for additional documentation to be made on the basis of doubts as to the genuineness and correctness of documentation submitted.¹³¹ This may be due to the fact that many competent bodies cover themselves by requesting documents in legalised form, i.e. certified by an embassy or consulate and/or by a sworn translator in Germany.

¹³¹ Additional requests for follow-up documentation made on the basis of doubts as to the genuineness or correctness of contents of the documents submitted occurred in a total of 90 procedures only (33 relating to non-regulated occupations and 57 to regulated professions). This represents approximately 0.5 percent of procedures.

As presented in detail in the first Report on the Recognition Act, in practice the procurement of documentation is frequently a major challenge for applicants (cf. Erbe et al. 2014, pp. 93 ff.). Detailed listings of subjects with accompanying information on the numbers of hours completed are extremely difficult to obtain at a later date. Such procurement involves considerable expenditure of time and money on the part of applicants, such as the costs incurred for translation or for necessary journeys to the country of origin (cf. III-5 on reimbursement of costs).¹³²

3.3 The role of external experts in the area of selected regulated healthcare professions

Competent bodies are able to draw upon the competence of external experts for the equivalence assessment. The costs of external experts are usually additionally charged to the applicants as procedural expenses (cf. III-5.1 and Erbe et al. 2014, pp. 122 ff.).

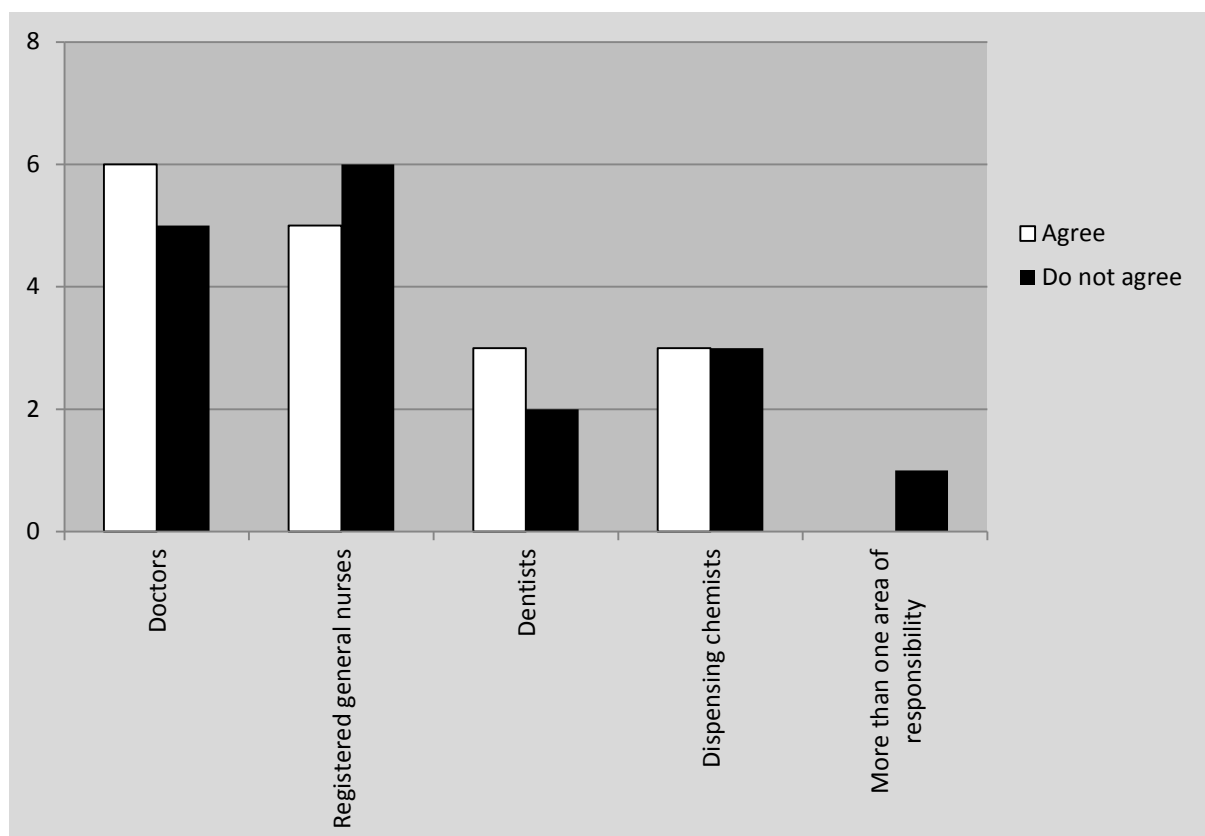
The official statistics do not contain any information on the take-up of this opportunity. For this reason, a standardised survey of the competent bodies for the selected healthcare professions¹³³ and interviews were conducted (see dataset description in Annex A2). The competent bodies surveyed have differing evaluations of the relevance of external experts in the equivalence assessment. Figure 26 shows that all professions have competent bodies which believe that the competences required mean that the equivalence assessment can only be conducted by external experts.

¹³² There were also cases where, after successful completion of a knowledge test, competent authority requested evidence of an existing offer of employment for the issuing of a licence to practise. The main effect of this is the almost inevitable creation of an impossible situation for the applicants if their temporary authorisation to practise issued for the purpose of preparation for the knowledge test has already expired (cf. III-3.7.3). In such a position, the applicant has virtually no prospect of finding an employer since for any potential employer evidence of a licence to practise is a prerequisite for employment.

¹³³ These professions were selected because of the high level of demand for recognition of foreign professional qualifications. 38 completed questionnaires are available.

Figure 26

Statement: Only external experts can conduct the equivalence assessment, because they are 'specialists' (in absolute terms)



Source: BIBB survey (2014) of competent bodies in the healthcare professions (n=38). The possible responses 'agree fully' and 'tend to agree' were collated into the category 'agree', the possible responses 'tend not to agree' and 'do not agree' were collated into the category 'do not agree', not included = no information provided.

An even clearer picture emerges if the specific question is posed as to how complicated cases are dealt with.¹³⁴ 25 of 34 competent bodies in the healthcare sector state that external experts are particularly important in such cases. This makes it clear that the competent bodies draw upon external expertise in certain instances in order to be able to conduct the investigation of equivalence in an adequate manner.

*'The only thing which I perceive to be a handicap is that I am an administrative officer. I am not qualified in any of the professions which I investigate. Of course, for an outsider not closely involved with the professions, it is always relatively difficult to make a comparison.'*¹³⁵

Almost all competent bodies state that they seek support from expert advisors at least occasionally. Four competent authorities responsible for the issuing of licences to practise to doctors state that they cooperate with university professors with a frequency ranging from always to relatively frequently. Three bodies involve the ZAB and two bodies the respective Medical Council with a frequency ranging from always to relatively frequently. By way of contrast, there are virtually no

¹³⁴ 'Complicated cases', for example, may comprise training acquired in countries in respect of which little information is available on vocational education and training systems and institutions.

¹³⁵ Statement from a staff member of a competent body for medical and healthcare professions.

instances of the engagement of more than one type of expert advisor with a frequency ranging from always to relatively frequently.

A somewhat different picture is revealed with regard to the competent bodies for registered general nurses. Four bodies state that they involve the full-time vocational schools for the non-academic healthcare occupations or the ZAB with a frequency ranging from always to relatively frequently. These include three which state this for both expert bodies. From the point of view of the competent bodies, therefore, it seems useful to select expert bodies on a case-by-case basis.

The competent bodies for registered general nurses also reported that the services of experts were occasionally sought spontaneously, e.g. by telephoning a known vocational school in the region for brief clarification of an issue. In such cases, no additional costs are incurred for applicants. This straightforward approach is, however, only appropriate on an individual case basis.

The standardised survey conducted clearly shows that a majority of competent bodies for the healthcare professions is in favour of a central assessment body. 32 bodies agree with the statement that there should be a central assessment body (at the ZAB). Only four do not agree. Particular importance is attached to the evaluation of the formal foreign qualification. 18 bodies also wish the evaluation of professional experience to be conducted by the planned central assessment body.

In interviews with competent bodies, the view was that, although there was a desire to involve the ZAB, the insufficient human resources in place up until now generally meant that processing the reports requested took so much time that it was not possible to comply with the statutorily prescribed deadline for the investigation of equivalence. For this reason, the competent bodies only availed themselves of this possibility in complicated cases.

The 'Marburg Association'¹³⁶ also expressly calls for the establishment of a central assessment body in order to ensure greater standardisation in the implementation of recognition procedures. It is of the view that an efficient, fair and above all transparent equivalence assessment process can only be established via the bundling of specialist knowledge and that such a step would also provide foreign doctors with greater legal security.¹³⁷ The Marburg Association also supports evaluation of professional experience via the central assessment body.

Despite strong advocacy by the Federal Government, federal state experts and the competent bodies, it has not up until been possible to set up the central assessment body for 'Healthcare Professions' at the Secretariat of the KMK due to the fact that no final decision has yet been made regarding funding. The Conference of the Ministers of Finance (FMK) has raised the prospect of addressing and specifying a financing concept at the beginning of 2015. In a letter dated 7 October 2014, the Administrative Council of the BA requested the prime ministers of the federal states to expedite the decision.¹³⁸

¹³⁶ The Marburg Association – Association of private sector and state-employed doctors in Germany – is a Berlin-based lobbying group and a specialist trade union representing medical practitioners in Germany.

¹³⁷ Cf. Resolution No. 1 adopted at the 123rd Annual General Meeting of the Marburg Association in Hanover on 25 and 26 June 2013.

¹³⁸ Cf. 3rd Report of the 'Coordinating Departments' Working Group containing the Resolution adopted by the 220th Chiefs of Staff Conference of the Conference of the Ministers of Education and Cultural Affairs in the Federal Republic of Germany of 6 November 2014, p. 9.

In summary, we can say that the need for support from external experts in the field of healthcare varies from authority to authority. There is unanimity that ‘specialist’ experts are indispensable for the processing of certain cases. The establishment of a central assessment body, something which is favoured by virtually all parties, could take on tasks which are currently performed by various types of expert depending on federal state and competent body. This would also be a further important step towards standardisation of the procedures and would offer applicants significantly greater transparency.

3.4 Professional and occupational experience as compensation for substantial differences

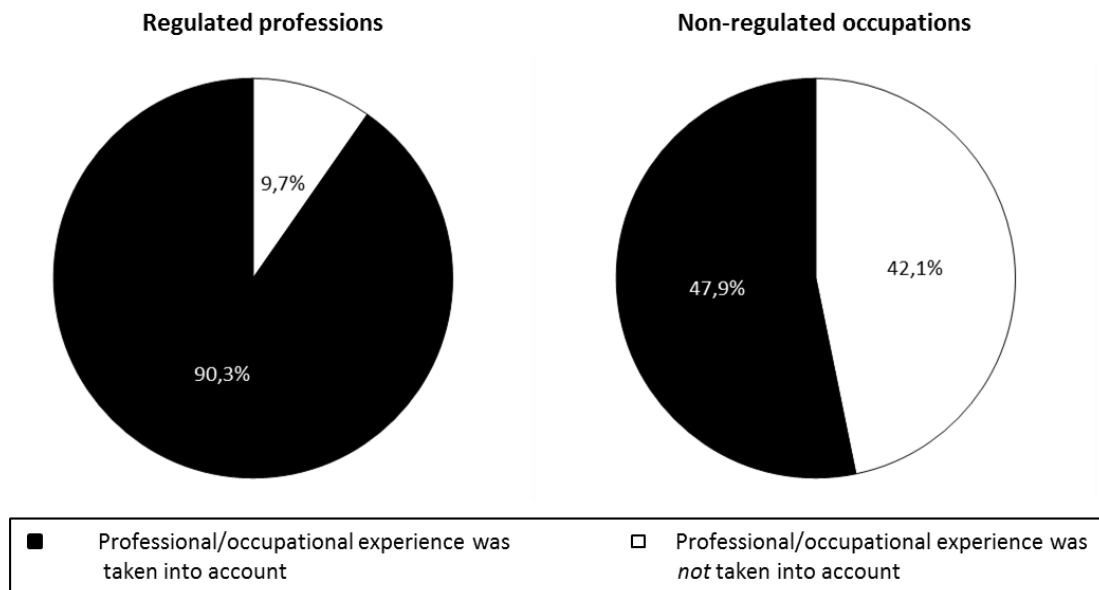
For the first time, the Recognition Act enables existing professional or occupational experience to be used to compensate for substantial differences identified in the formal investigation of equivalence. Many of those interested in obtaining recognition have both a professional or vocational qualification obtained in their home country and occupational experience in Germany and abroad. However, can professional or occupational experience be used to compensate for substantial differences?

A response to this question is provided by the official statistics. Whether professional or occupational experience can be considered for the compensation of substantial differences very much depends on the area of responsibility. In the case of the non-regulated occupations, occupational experience was taken into account in 42.1 percent of all concluded procedures in 2013 (see Figure 27). Full equivalence was accorded in 95.2 percent of procedures in which the decision was made to consider occupational experience in reaching a decision on non-regulated occupations. No equivalence and partial equivalence despite occupational experience were only certified in six and 51 procedures respectively.

In regulated professions, on the other hand, professional experience plays only a comparatively small role and was only taken into account in 9.7 percent¹³⁹ of cases in which a decision was reached within the scope of the investigation of equivalence. A similar picture is revealed with regard to the notices issued. Full equivalence without a compensation measure was identified in 75.2 percent of procedures in which consideration was accorded to professional experience.

¹³⁹ A total of 1,173 cases were registered for regulated professions in which professional experience was taken into consideration in arriving at a decision. Nevertheless, these included 159 procedures for which automatic recognition took place in a sector profession. In such cases, the equivalence of the professional qualification and of the respective implementation in specific legislation is automatically recognised pursuant to the provisions of the Directive on the recognition of professional qualifications (Title III, Chapter III). No consideration therefore needs to be accorded to professional experience. For this reason, these cases have been deducted from the total number since they must be incorrect reports.

Figure 27 Consideration of professional and occupational experience in concluded procedures in the regulated and non-regulated sector (in percent)

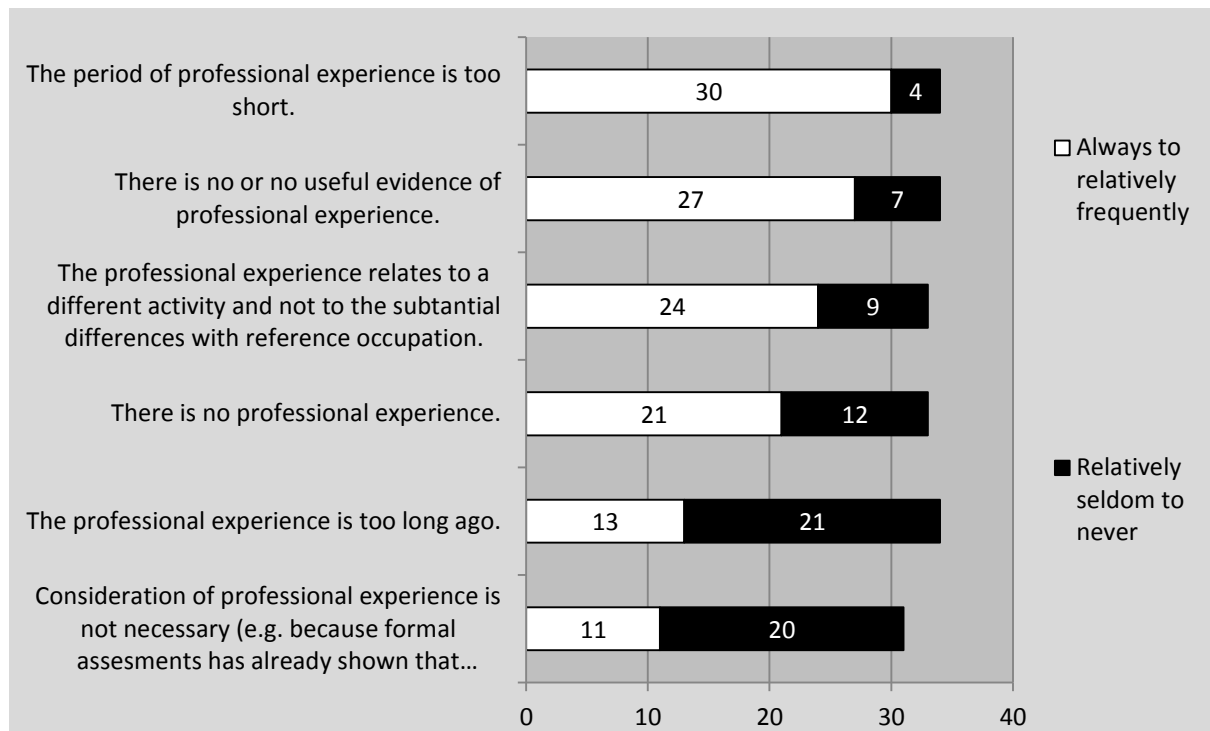


Source: Federal Statistical Office, representation by BIBB, data for 2013, regulated professions N=2,859, non-regulated occupations N=10,485.

The reasons why existing professional experience cannot be taken into account in the case of regulated professions in the healthcare sector are presented in Figure 28. Significant differences between the professions for which the survey was conducted are only revealed in respect of the reason ‘professional experience is too long ago’. Whereas only one body responsible for the issuing of licences to practise to doctors states that this is the case with a frequency ranging from always to relatively frequently, such a statement is made by ten out of twelve bodies responsible for registered general nurses. If professional experience exists, this can often not be taken into account because the period is too short or because it documents activities which do not relate to the substantial differences identified. Another problem is that there is often insufficient evidence and documentation of the professional experience.

About one third of the competent bodies for the selected regulated healthcare professions included in the survey state that professional experience is not taken into account with a frequency ranging from always to relatively frequently because the formal investigation has already shown that compensation measures are necessary. From the expert interviews, we can conclude that this is particularly the case with regard to qualifications from third countries. There are indications that the investigation of equivalence tends to remain superficial in the case of such qualifications since applicants will anyway need to complete a compensation measure (cf. III-3.2).

Figure 28 Reasons why professional experience is not taken into account by the competent bodies for healthcare professions included in the survey (in absolute terms)



Source: BIBB survey (2014) of competent bodies in the healthcare professions (n=38). The possible responses ‘always’, ‘frequently’ and ‘relatively frequently’ were collated into the category ‘always to relatively frequently’, the possible responses ‘relatively seldom’, ‘seldom’ and ‘never’ were collated into the category ‘relatively seldom to never’, not included in the total figure = no information provided.

About half of the chambers of crafts and trades and half of the competent bodies for healthcare professions surveyed perceive the investigation of professional experience to be costly and time consuming. In the interviews conducted, the recognition bodies surveyed reported that one of the reasons for this is the fact that documents presented are initially often not meaningful enough to enable existing professional experience to be used to compensate for substantial differences. It is frequently the case that documents are unable easily to provide evidence of specific occupational activities and experiences. Learning outcomes acquired by informal means, however, need to be inferred from the paperwork submitted. In contrast to Germany, evidence of professional activity and experience is not always documented in other countries. 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 (cf. Erbe et al. 2014, pp. 93 ff). These findings obtained from interviews with experts are also reflected in the standardised survey of the chambers of crafts and trades. Documents submitted are often not very meaningful. If insufficient evidence is available, the competent bodies need to make a follow-up request for relevant documentation. This in turn increases the costs of the procedure and takes up a considerable amount of time. The main consequence is also a greater expenditure of time and money by the applicants themselves. They may have to request a former employer to provide further evidence, which then may also need to be translated. In addition, a journey abroad may be required in order to procure the documents in the country of origin (cf. III-3.2).

Of the competent bodies in the healthcare sector, 18 of 31 state that professional experience should be investigated by a central assessment body. As was to be expected, this desire is particularly expressed by the competent bodies, which view the consideration of professional experience to be time consuming and which also state that documentation and evidence is seldom meaningful.

In the area of the non-regulated occupations (generally the dual training occupations), the results of both the official statistics and of the separate survey show that consideration of occupational experience, a new and essential element introduced by the BQFG, is having an effect on recognition. Nevertheless, it is clear that the federal state authorities responsible are still making rare use of this possibility for regulated occupations governed by federal state law.

3.5 Investigation of equivalence with the assistance of ‘other suitable procedures’

Applicants do not always have the opportunity to provide evidence of qualifications held. This may be, for example, because they are refugees and cannot/can no longer present meaningful documents. In such cases, ‘other suitable procedures’ may be deployed pursuant to § 14 BQFG or § 50b HwO (so-called ‘skills analyses’) in order to ascertain professional competences, knowledge and abilities.

As Table 9 shows, the official statistics reported 60 procedures for non-regulated occupations in the year 2013¹⁴⁰ in which the competent body ascertained the essential occupational competences, knowledge and abilities of applicants for comparison with the relevant contents of domestic vocational education and training via other suitable procedures.

Table 9 Results of procedures in 2013 in the area of non-regulated occupations in which ‘another suitable procedure’ was used (in absolute terms)

	Decision before legal appeal					
	Number	of which				no decision yet made
		positive – full equivalence	negative –		impossible to clarify facts and circumstances	
		no equivalence of qualification	partial equivalence of qualification			
Decision via other suitable procedures	60	27	9	24	–	0

Source: Federal Statistical Office.

¹⁴⁰ According to § 14 of the Professional Qualifications Assessment Act of the Federal Government (BQFG-Bund), ‘other suitable procedures’ are not systematically restricted to the non-regulated occupations. Because of a lack of provision in most specific professional laws, however, they are scarcely applied in the regulated professions (exception: Crafts and Trades Regulation Code).

A standardised survey of 53 chambers of crafts and trades conducted in 2014 shows that the main skills analysis methods used were as follows (in rank order).

- Work samples
- Specialised oral examinations
- Role play, simulated discussions
- Presentation of work results, probationary work at the company

In the field of commerce and industry, the decision to conduct a skills analysis is taken by the IHK FOSA. The local chambers are responsible for implementation.

The expert interviews, in which initial experiences with the implementation of skills analyses were surveyed, make it clear that the organisational expense involved is too great for the competent bodies. Although the assessment is that costs fall as implementation practice becomes greater, each skills analysis ultimately needs to be organised individually. Experts need to be instructed in the procedure to be followed, and workshops and specific materials are also required depending on the method used. Cost of implementation vary, but may be relatively high depending on the amount of time needed. The spectrum ranges from tens of euros (such as in the case of office management clerks) to four-figure sums (e.g. in metal working; cf. ERBE et al. 2014, p. 125). The labour administration authorities may pay the costs of those who are in receipt of benefits in accordance with German Social Security Code (SGB II and SGB III) on an individual case basis.

In the former Prototyping cooperative project funded by the BMBF, which ran from August 2011 to January 2014, standards and materials were developed for suitable procedures for the identification of employability skills within the scope of § 14 BQFG ('other suitable procedures') in order to support the competent bodies responsible for the investigations of equivalence in the fulfilment of their remit. Materials developed and distributed nationwide included a recommendation for the implementation of the skills analysis, a guide for experts on how to carry out a skills analysis and quality standards for a skills analysis.

The three-year 'Prototyping Transfer' project, also financed via BMBF funding, was launched in January 2015. The aim is to raise awareness across Germany of the procedures which have been developed and to introduce these in practical terms. Further objectives are to support the competent bodies and acquire potential participants. An Internet-based exchange forum on the topic will also be set up on the Recognition in Germany portal. The goal here is to increase the number of quality-assured skills analyses (cf. II-2.2).

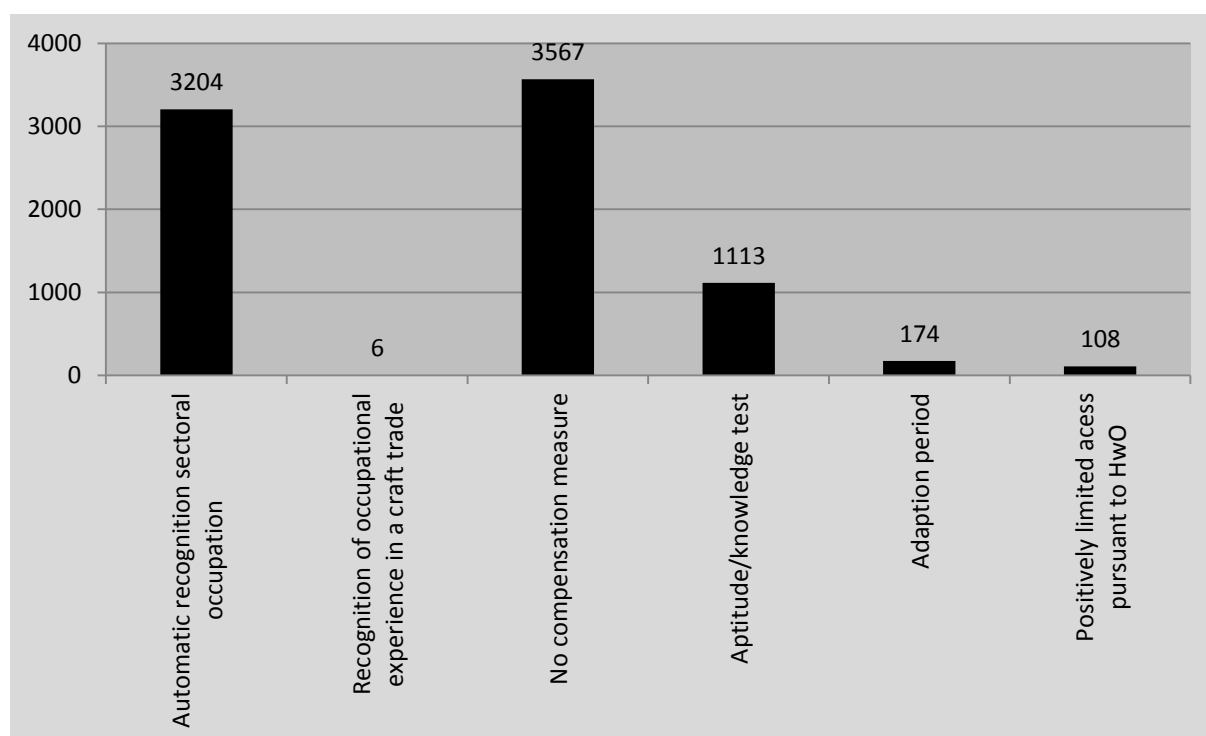
3.6 Compensation measures for regulated professions

Of the procedures for regulated professions conducted in 2013 in which a decision was reached, 30.4 percent ended with a positive notice after a compensation measure or with the imposition of a condition to take part in a compensation measure. Formal compensation measures (aptitude test or adaptation measure) are only statutorily governed for regulated professions on the basis of the

stipulations contained in the Recognition Directive 2005/36/EC.¹⁴¹ The Recognition Act extends these regulations to holders of qualifications from third countries to the greatest extent possible. Compensation measures can balance out substantial differences identified. Depending on the profession and legal regulation, this may constitute an adaptation period (with or without a final examination relating to the contents of the adaptation course) or a test (knowledge or aptitude test) (cf. Erbe et al. 2014, pp. 114 ff.).

The relevance of compensation measures is revealed via a consideration of the decision basis of the 8,172 procedures for regulated professions which ended positively across all professional areas and countries of training (see Figure 29).

Figure 29 Nature of decision in positive procedural outcomes in regulated professions in 2013 (in absolute terms)



Source: Federal Statistical Office, representation by BIBB, data for 2013, N=8,172.

The most frequent outcome determined was full equivalence without conducting a compensation measure, followed by automatic recognitions in sector professions.¹⁴² A total of 1,287 positive notices were based on a compensation measure conducted. Successful completion of a knowledge or aptitude test is significantly more likely to lead to a positive notice than an adaptation period.¹⁴³

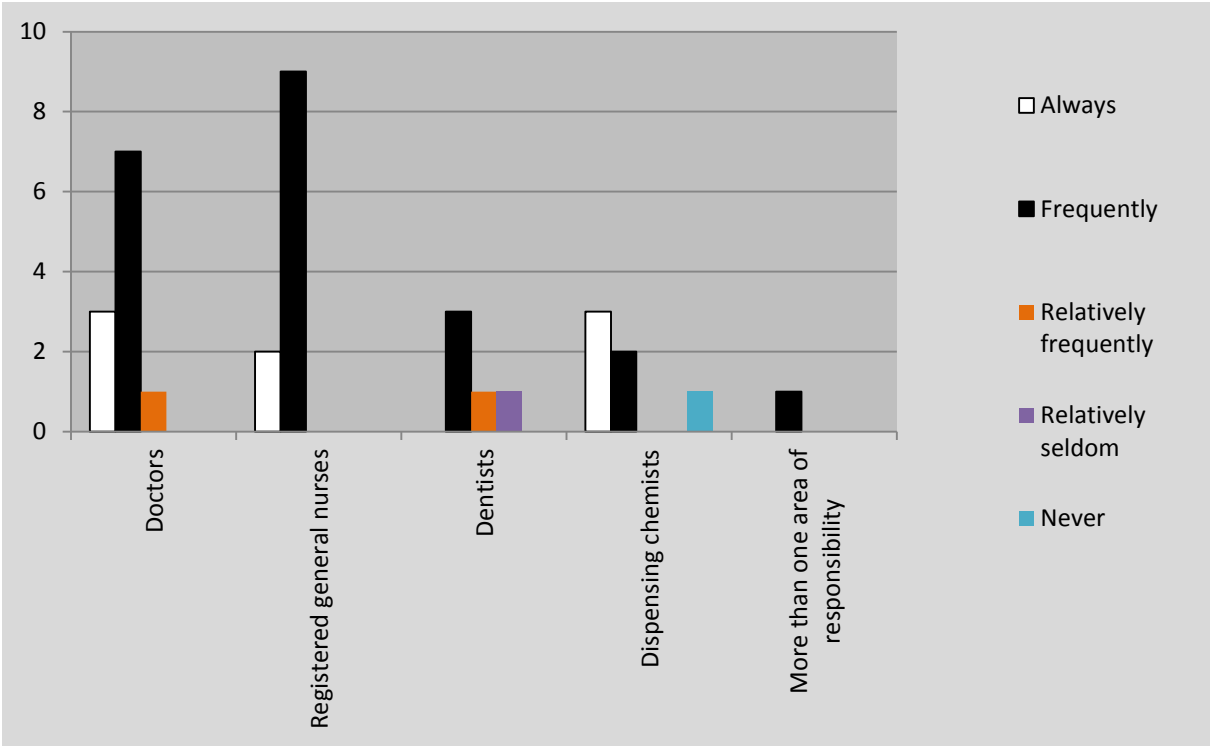
¹⁴¹ On the basis of the regulatory objective of the EU Directive 2005/36/EC on the recognition of professional qualifications to guarantee freedom of movement of labour/free provision of services and in the light of the compulsory facilitation of access to professions this entails, European Law provides for compulsory compensation measures (aptitude test or adaptation period) in the event of substantial differences between qualifications.

¹⁴² In the case of the sector professions, automatic recognition takes place in accordance with the EU Directive on the recognition of professional qualifications. The sector professions include doctor, dentist, veterinary surgeon, dispensing chemist, registered general nurse, midwife/midwifery assistant and architect.

¹⁴³ In interpreting the results, however, consideration needs to be given to the fact that no possibility of choice exists in medical professions for which an academic qualification is required. Only a knowledge or aptitude test can be conducted.

Figure 30 shows, on the basis of the results of the separate survey of the competent bodies responsible for the healthcare professions, that substantial differences mostly exist with regard to qualifications from third countries and that therefore a compensation measure is necessary in order to achieve full equivalence. With some bodies, this is even always the case. At first glance, this represents a contradiction of the official statistics. Notices issued in 2013 for persons with qualifications from third countries in the professions listed in Figure 30 accorded full equivalence without the condition of a compensation measure in more than a third of cases. Nevertheless, there is a possibility that this also involved qualifications which were already recognised in an EU/EEA state or in Switzerland.

Figure 30 Frequency with which qualifications from third countries exhibit substantial differences (in absolute terms)



Source: BIBB survey (2014) of competent bodies in the healthcare professions (n=38), not included in the total figure = no information provided.

According to the competent bodies surveyed, a substantial difference in the case of the healthcare professions where academic qualifications are required is more likely to result from different subjects (and subject combinations) rather than from a different duration of training. In the case of general registered nurses, a substantial difference is virtually just as likely to be based on the duration of training as on varying contents. Nursing professions abroad mostly do not involve academic training, and practical parts of training often only take place in the form of practical placements of mostly short duration. This may be a reason why an absence of practical components of training accounts for substantial differences.

In interviews, doctors involved in ongoing recognition procedures reported that competent bodies left it up to applicants as to whether they proceeded to a knowledge test without investigation of equivalence of training. In such a case, not all documentation (e.g. listings of hours studied) would have to be submitted, and the expense associated with this could be limited. If applicants opted for

the equivalence assessment, the result of the investigation could still render a knowledge test necessary. Although specific legislation governing the professions permits the completion of a knowledge test in cases where the provision of documentation relevant to the decision-making process is not possible without inappropriate expenditure of time and material cost (cf. For example § 3 Paragraph 2 Clause 4 BÄO), this is (for instance) only specified for exceptional circumstances when costs exceed those normally incurred and should not become a regular occurrence. If relevant professional experience cannot compensate for substantial differences ascertained, a notice which presents and gives reasons for the substantial differences is issued on the basis of the equivalence assessment. The consequence of this is participation in a compensation measure. This once again shows the importance of the development and availability of sufficient and tailored provision in the regions (cf. II-2.2 on the new alignment of the IQ Funding Programme) in order to achieve a more targeted implementation of the compensation measures.

3.7 New regulations in the healthcare professions governed by federal law

The Ordinance on the 'Implementation and content of updating measures for the issuing of authorisation to practise in healthcare occupations governed by the Federal Government', which was promulgated by the Federal Ministry of Health (BMG) on 2 August 2013 and entered into force on 1 January 2014,¹⁴⁴ applies to all healthcare professions regulated at Federal Government level with two exceptions. Corresponding regulations introduced via separate training and examination provisions which also entered into force on 1 January 2014 apply to emergency paramedics (NotSan-APrV). The intention is for dentists to be governed by relevant stipulations to be introduced as part of a re-regulation of the licence to practise issuing process.

The background against which the ordinance has been issued is a realisation that practice varies widely between federal states, especially with regard to implementation of compensation measures and the granting of temporary authorisation to practise (cf. Erbe et al. 2014, pp. 114f). The objective of the regulations is to create the foundations for implementation practice which is as uniform as possible.

In its official response to the government's draft ordinance made on 21 May 2013, the German Medical Council pointed out that it frequently acted as a contact partner for applicants and had to justify why other applicants with the same professional qualifications obtained from the same faculty and at the same time had to perform either no compensation measures at all or a lower level of compensation measures in other federal states. The aim had to be to avoid such situations via robust and standardised administrative practice. In its official response to the draft ordinance, the German Medical Council thus welcomed the intention of the promulgator of the ordinance 'to standardise the prerequisites for entry to the medical profession for applicants from abroad – irrespective of their respective nationality' (German Medical Council 2013, p. 2).

¹⁴⁴ At the time the surveys were conducted, this new legal ordinance was in its first year of implementation. This means that only initial experiences can be presented in this report. No statements can currently be made on the basis of the official statistics pursuant to § 17 BQFG, since the latter relate to the year 2013. All statements made in this chapter are based on results from the standardised survey of the competent bodies in the healthcare sector and on qualitative interviews conducted within the scope of this survey and with doctors involved in the recognition procedure.

This legal ordinance now sets out more specific provisions to competent bodies in the federal states on how adaptation measures in the health professions should be designed and implemented. The ordinance also provides more detailed regulations for the issuing of temporary authorisation to practise¹⁴⁵.

The following summary presents the new regulations. Because the training of doctors and registered general nurses from EU countries and equivalent states (member states of the EEA and Switzerland) is generally automatically recognised, the legal ordinance only applies in certain cases in this regard. Training courses affected by the new regulations are courses that were begun before the accession to the EU of the state in which training took place and that cannot be recognised via so-called acquired rights. The regulations also apply to training courses completed in non-EU states.

¹⁴⁵ Temporary authorisation to practise is required for those not in possession of a medical practice licence who wish to work as a medical practitioner in the Federal Republic of Germany. Such a temporary authorisation to practise can be issued for a maximum period of two years. In recognition procedures, the intention is that it should serve as preparation for the knowledge test (for more details, see III-3.7.3).

Table 10

Summary of the new regulations for medical professions governed by federal law

	Doctor		Registered general nurse	
	EU training or equivalent	Training from third countries	EU training or equivalent	Training from third countries
Notice	<p>The notice must include the following information.</p> <ol style="list-style-type: none"> 1. The level of the qualification required in Germany and the level of the qualification submitted by the applicant in accordance with the classification contained within Article 11 of the Recognition Directive 2005/36/EC as amended. 2. Subjects including interdisciplinary areas in which substantial differences were ascertained. Statement should also be made of which subjects or interdisciplinary areas are relevant to the examination. 3. Explanation of the content of the substantial differences and justification of why these mean that the applicant is not in possession in sufficient form of the knowledge and skills necessary to exercise the profession in Germany. 4. Justification of why the substantial differences could not be compensated for by professional experience. 			
Aptitude test and Knowledge test	<p>Aptitude test only Examination relates to subjects including interdisciplinary areas in which substantial differences were ascertained.</p> <p>Practical oral examination with patient presentation.</p> <p>Patient presentation includes examination of the patient, the taking of notes and the preparation of a report.</p> <p>One day, minimum of 30</p>	<p>Knowledge test only Examination relates to the subjects of internal medicine and surgery, whereby questions should also take account of other aspects identified. A further subject or interdisciplinary area in which substantial differences have been ascertained may also be stipulated.</p> <p>Practical oral examination with patient presentation.</p> <p>Patient presentation includes examination of the patient, the taking of notes and the preparation of a report.</p>	<p>Aptitude test only Examination relates to areas in which substantial differences have been identified.</p> <p>Practical examination combined with oral examination.</p> <p>Knowledge and skills must be demonstrated in a minimum of one and a maximum of four nursing situations.</p>	<p>Knowledge test only Examination relates to selected areas in the final examination which are tested in the oral examination.</p> <p>Examination includes oral and written part.</p> <p>Practical part: knowledge and skills must be demonstrated in a minimum of one and a maximum of four nursing situations.</p>

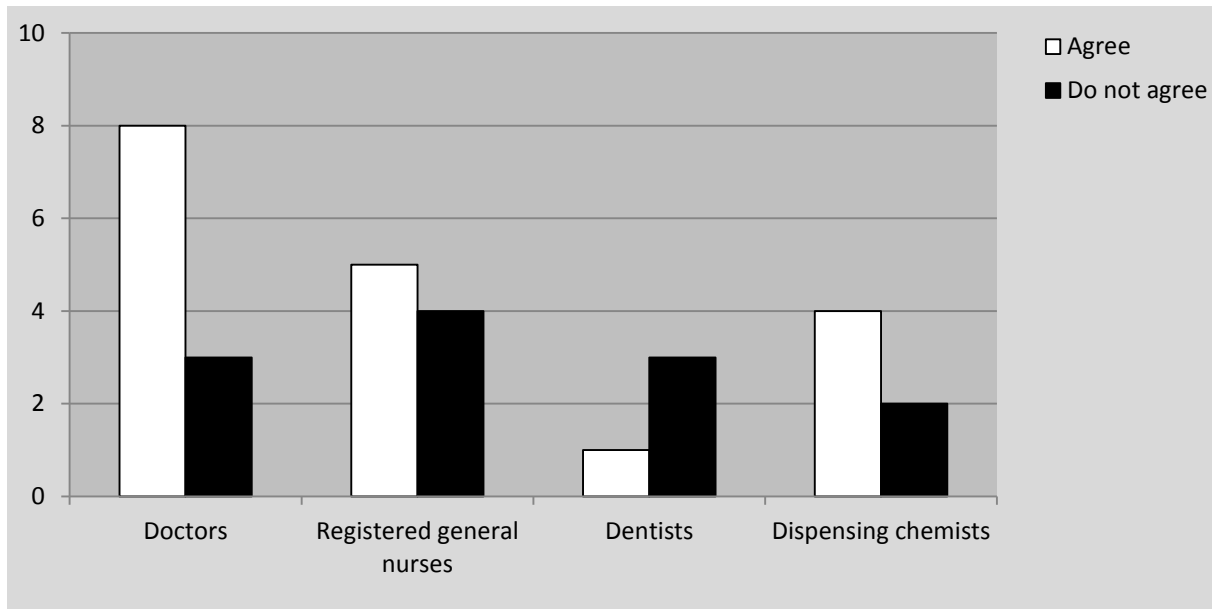
	<p>minutes, maximum of 90 minutes.</p> <p>Should be offered at least twice per year.</p> <p>May be repeated twice in each subject including interdisciplinary areas.</p>	<p>One day, minimum of 60 minutes, maximum of 90 minutes.</p> <p>Should be offered at least twice per year.</p> <p>May be repeated on two occasions.</p>	<p>Maximum of 120 minutes per nursing situation.</p> <p>Should be offered at least twice per year.</p> <p>May be repeated on one occasion in each nursing situation not passed.</p>	<p>Maximum of 120 minutes per nursing situation. Oral part: 15 to 60 minutes.</p> <p>Should be offered at least twice per year.</p> <p>Oral part and each nursing situation not passed in the practical part may be repeated on one occasion.</p>
<p>Adaptation period</p>	<p>Not possible.</p>	<p>Serves to compensate for substantial differences identified.</p> <p>Adaptation period is conducted in accordance with the course goal in the form of theoretical and practical teaching, practical training with theoretical instruction or both at institutions (pursuant to § 4 Paragraph 2 Clause 1 or Clause 3 KrPflG) or at an institution recognised as comparable by the</p>	<p>Serves together with the final oral examination to ascertain that the applicant is in possession of the knowledge and skills necessary to exercise the profession.</p> <p>Adaptation period is conducted in accordance with the course goal in the form of theoretical and practical teaching, practical training with theoretical instruction or both at institutions (pursuant to § 4 Paragraph 2 Clause 1 or Clause 3 KrPflG) or at an institution recognised as comparable by the competent authority and concludes with an examination of the content of the course.</p>	

		<p>competent authority. Completion of the adaptation period must be demonstrated by certification.</p> <p>The competent authority stipulates duration and content in such a way so as the course goal can be achieved.</p>	<p>The competent authority stipulates duration and content in such a way so as the course goal can be achieved.</p>
<p>Temporary authorisation to practise</p>	<p>Possibility to work as a medical practitioner in Germany for a limited period without holding a licence to practise. Prerequisites are a professionally specific higher education qualification and professional aptitude for the intended activity. Account should also be taken of professional experience. Unlike within the scope of the licensing procedure, no examination takes place as to whether the foreign qualification is equivalent to the German qualification.</p> <p>Temporary authorisation to practise is usually issued for two years. The Medical Licensing Authority is required to make a decision on applications within 3 months of receipt of full documentation. Upon initial issuing, temporary authorisation to practise may only be limited to a period of less than two years if necessary on an individual case basis.</p>	<p>Not possible.</p>	

Source: Verordnung zur Durchführung und zum Inhalt von Anpassungsmaßnahmen zur Erteilung der Berufserlaubnis in den Heilberufen des Bundes vom 2. August 2013 (BGBl. I, S. 3005).

Figure 31 shows that the response of the competent bodies to the new BMG Ordinance has been largely positive. A majority of bodies agrees with the statement that the ordinance has made procedures more standardised. Despite this, many competent bodies view the cost of reorganisation as high.

Figure 31 Statement: the new BMG Ordinance assists in being able to secure nationally standardised procedures (in absolute terms)



Source: BIBB survey (2014) of competent bodies in the healthcare professions (n=38). The possible responses 'agree fully' and 'tend to agree' were collated into the category 'agree', the possible responses 'tend not to agree' and 'do not agree' were collated into the category 'do not agree', not included = no information provided.

On the basis of relevant provisions contained within the individual laws governing the healthcare professions (for example § 3 Paragraph 8 BÄO, § 2 Paragraph 9 KrPflG), the Federal Government is required to review the regulations relating to the recognition procedures and report back to the German Lower House of Parliament three years after their entry into force. The BMG has also conducted a survey of the Supreme Healthcare Authorities of the Federal States on the implementation of the new regulations.

3.7.1 Notices with the imposition of a condition to take part in a compensation measure

The new legal ordinance in the healthcare professions stipulates highly specific requirements for the contents of notices. These must contain the level of qualification, the subjects in which substantial differences have been ascertained, the subjects which are relevant to the examination, an explanation of the content of the substantial differences and a justification of why these cannot be offset by professional experience (see Table 10).

In the interviews, the competent bodies responsible for the healthcare occupations report that, since the entry into force of the new legal ordinance, attempts have been made to formulate the notices in a more detailed way. Endeavours are also being undertaken to address the required points in detail

(such as substantial differences or the reason why occupational experience cannot compensate for these), even when this is not always a simple thing to do.

The competent bodies state that the first point, which stipulates that the notice should include ‘the level of the qualification required in Germany and the level of the qualification submitted by the applicant in accordance with the classification contained within Article 11 of the Recognition Directive 2005/36/EC as amended’,¹⁴⁶ is virtually impossible to implement, especially in the case of qualifications from third countries. This process is feasible for EU countries, since certifications can be requested from states which have registered the qualification level in line with the Directive. However, given the impossibility of conducting this process for qualifications from third countries and of determining the specific level of the qualification, attempts were being undertaken to provide a detailed representation of the relevant training in another way.

The requirement for specific formulation in the notice of the duration and content of the adaptation periods is also described as a major challenge. This is particularly the case if documentation does not include relevant information on the number of hours of study completed. In such circumstances, it is not easy for the competent body to stipulate duration, and this can often not be delineated until within the scope of the adaptation period. Cases therefore occur in which an adaptation period is extended on the advice of the hospital.¹⁴⁷ A survey on cooperation between the IQ counselling centres and the competent bodies, conducted by the IQ specialist agency ‘Guidance and training’ in December 2014, also revealed amongst other things that more precise information on substantial differences or explanations of teaching and learning goals within the scope of a compensation measures were frequently missing from notices.

In the standardised survey of competent bodies responsible for healthcare professions, 24 of 33 bodies agreed or tended to agree with the statement that the switch over to the regulations contained within the new legal ordinance had permanently increased administrative expense. As the information which emerged from the more detailed interviews showed, the specific requirements for the formulation of notices are the main reason for this. At the same time, however, the competent bodies also state that the more specific representations are of benefit both to the applicants and to the bodies which execute the adaptation periods (for example hospitals and full-time vocational schools).

Nevertheless, there are still individual authorities which, contrary to the statutory provisions, do not at this stage of the procedure issue notices with the condition to take part in a compensation measure. There have been multiple reports that in some cases applicants are merely informed by e-mail that no equivalence could be identified and that a compensation measure is necessary. There are also reports of ‘notices’ in e-mail form. This is problematic to the extent that one of the requirements for a notice to be appealable in law is that it should include a qualified electronic signature.¹⁴⁸

¹⁴⁶ Federal Law Gazette, BGBl., I 2013, pp. 3017 and 3076.

¹⁴⁷ One competent body also reported that the adaptation period for general registered nurses often only resulted in recognition as a nursing assistant.

¹⁴⁸ The written form is required pursuant to § 7 BQFG. For this reason, consideration needs to be accorded to the formal requirements set out in § 3a Paragraph 2 and § 37 Paragraph 3 VwVfG.

3.7.2 Effects of the new regulations on compensation measures

The entry into force of the BMG legal ordinance also set out more specific provisions to competent bodies in the federal states on how compensation measures in the health professions should be designed and implemented.

Because the implementation of the new regulations is still in its first year, the following presentation will deal with the initial tendencies to emerge. More detailed interviews for this purpose were conducted only with competent bodies for the recognition of registered general nurses. Information on the implementation of knowledge tests for doctors in accordance with the new legal ordinance originate from interviews carried out with doctors in the recognition procedure.

Even though a majority of the competent bodies agrees with the statement that the new legal ordinance has brought about an increase in administrative costs, the ordinance meets with a positive response in overall terms by dint of the fact that it is assisting to structure implementation in a more nationally standardised manner.

As already described, the cost of the switchover was mainly caused by the new stipulations for the formulations used in notices or for the associated identification of substantial differences and presentation of training needs. Whereas in the area of recognition of registered general nurses it was previously often the case that the hospital offering the course was responsible for identifying specific deficits, this task is now performed by the authorities. The competent bodies surveyed offer a positive view of the new requirements with regard to the hospitals, in which the adaptation period is completed. Great satisfaction was expressed that it was now possible to arrive at a better estimation of where substantial differences and therefore training needs lay.

*'Previously we just simply said to the applicants: 'you need to complete an adaptation period or do the knowledge test.' There was no precise information given as to how, what and where, in which areas and for how long. Looking back, I would say it was all a bit superficial. There is now a more detailed consideration of the material. People are simply provided with more detailed information. There are told in which area or areas they would have to work.'*¹⁴⁹

However, in order to comply with the stipulations, the authorities found that they frequently required detailed evidence, particularly with regard to lists of hours studied and subjects (cf. III-3.2).

The competent bodies report that they generally cooperate with a number of hospitals and vocational schools and normally refer applicants to these bodies. They are also able to contact institutions spontaneously if information is required. Because of the shortage of nursing staff, hospitals are fundamentally prepared to execute adaptation period.

Nevertheless, three quarters of the competent bodies state that they have problems in finding an adequate school or training institute for the theoretical part of the adaptation training. Half of respondents also say that the cooperation between competent bodies and schools or comparable institutions is not always without its problems.

¹⁴⁹ Statement from a staff member of a competent body for healthcare professions.

According to the new legal ordinance, at least two dates per year need to be set for the knowledge test. Whereas from one federal state three are reports that bi-annual knowledge tests make no sense because there are simply not enough applicants to participate, a competent body in another federal state speaks of successful implementation of knowledge tests twice a month involving between 15 and 20 participants each time. The region and associated volume of applications play a role in respect of the issue as to the extent to which this regulation can be implemented. From the point of view of the applicants, the stipulation of regular test dates is definitely useful given reports of the unfavourable situation created by long waiting times. This must also be a relief from the perspective of residency law.

According to the statements made by the competent bodies in the qualitative interviews, persons from third countries who have submitted an application for recognition as a registered general nurse often prefer to take part in an adaptation period. They tend to be reluctant to take the knowledge test because it relates to the contents of the state examination. It is a fact that the statutorily prescribed choice between an adaptation period and the knowledge test is not always available. One competent body itself reports that no adaptation period is offered because the procedure is too elaborate and costly. Because the adaptation period is always an individual measure for individual cases, involves contents tailored to the respective person and is therefore of varying duration, the feeling was that it is simply too involved and cost-intensive for the schools. Particularly the stipulation that both the theoretical and practical area must be covered made the effort so large for the institutions that relevant provision was not always available.

For doctors, the opportunity of the adaptation period does not exist. This means that a knowledge test must be conducted for nationals of third countries if substantial differences are ascertained. The competent bodies strongly recommend the applicants to complete a relevant preparatory course for the knowledge test.

Within the area of recognition of doctors, one aspect that is particularly welcomed is the fact that the new legal ordinance provides specific stipulations for the subjects to be investigated (cf. III-3.7). The competent bodies feel that this considerably facilitates preparation.

The following implementation problems or discrepancies are stated within the field of recognition of doctors. The new regulations are not yet being fully taken into account in the structuring of the content of the knowledge test. According to the legal ordinance, the test may relate to the subjects of internal medicine and surgery. A further subject or interdisciplinary area in which substantial differences have been ascertained may also be stipulated. There are reports of the examination of further subjects not cited beforehand in the notice imposing the condition of participation in the compensation measure. The prescribed duration of the test was also not being complied with in some cases. There was, for example, a report of a test which lasted for six hours.

One major problem from the point of view of the competent bodies is that there are doctors who enter the knowledge test without undertaking any preparation. Some people assume that it is feasible to undertake the test after a period of working under a temporary authorisation to practise. This is, however, usually not the case (cf. III-3.7.3), because, for example, certain theoretical knowledge examined in the test is not imparted during the time at the hospital. In this respect, better information regarding the requirements is needed in advance.

3.7.3 Temporary authorisation to practise

A state licence is required for those who wish to exercise certain healthcare occupations¹⁵⁰ in Germany. This is issued in the form of a permanent licence to practise which entitles the holder to exercise the profession autonomously. A temporary authorisation to practise, on the other hand, makes it possible to practise as a doctor in Germany for a limited period of time without a licence to practise, possibly subject to certain conditions. The temporary authorisation to practise may be issued for a maximum of two years. The prerequisites are a professionally specific higher education qualification and professional aptitude for the intended activity. No equivalence assessment is needed for the issuing of the temporary authorisation to practise.

The new BMG Ordinance (cf. III-3.7) allows the responsible authority discretion with regard to the stipulated duration of the temporary authorisation to practise. Within the scope of recognition, it is particularly intended to serve the purpose of preparation for the knowledge test. For this reason, the optimum process would be to make an initial application for a licence to practise and, in the event that substantial differences are identified, to work within the scope of the temporary authorisation to practise in order to achieve the best preparation for the knowledge test.

This model is, however, more difficult to implement in practice. In the first place, several months usually pass before the equivalence assessment has been concluded. Follow-up documentation often needs to be submitted, and language knowledge must be acquired (see III-3.8.2). The involvement of external experts may also prolong the procedure and extend the time during which applicants are unable to practise. In the second place, working within the scope of the temporary authorisation to practise may not necessarily provide useful preparation for the knowledge test. If temporary authorisation to practise is exercised for two years, this may even prove to be counter-productive if a person is deployed in an area not relevant to the knowledge test and, alongside work, has very little time remaining for the extensive preparation needed for the test. There is no doubt that working within the scope of the temporary authorisation to practise facilitates familiarisation with German clinical processes and thus improves a person's chances for subsequent job applications. However, because the knowledge test examines theoretical knowledge in particular, extensive theoretical preparation is normally needed. In most cases, the knowledge relevant to the test cannot be acquired via professional practice alone.

On the other hand, the primary objective of doctors is usually to be able to enter work as quickly as possible. A two-year temporary authorisation to practise is initially entirely a positive aspect for them. There were also reports that competent bodies issuing the temporary authorisation to practise notified applicants that the knowledge test subsequently needed to be passed. Misunderstanding is great, particularly amongst doctors who have worked within the framework of a temporary authorisation to practise for a period of two years and then are unable to extend their authorisation or may fail the knowledge test. This is especially the case when feedback from the hospital and patients regarding work performance has been entirely positive.

In order to avoid this, it is essential that doctors receive extensive and timely guidance and clarification on the scope and contents of the test. So as to avert the dilemma presented, application

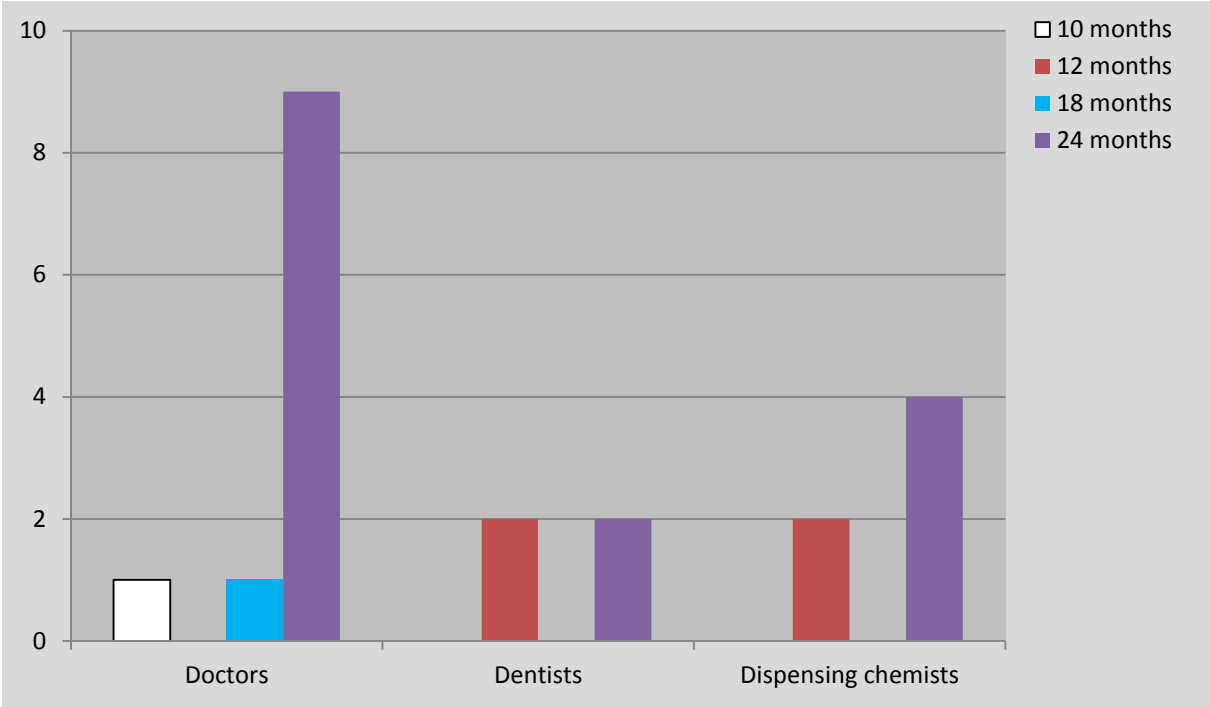
¹⁵⁰ Dispensing chemist, doctor, psychotherapist, psychotherapist for children and young people, dentist.

for a licence to practise should be made as rapidly as possible. Guidance on the requirements of the knowledge test and on the available opportunities to prepare for it is indispensable.¹⁵¹

According to the competent bodies, persons who hold a qualification from a third country in the field of healthcare professions for which an academic qualification is required frequently make an initial application for temporary authorisation to exercise the profession. This is especially necessary if applicants are preparing for the knowledge test by taking a course at an educational institution. Such a course usually includes a practical placement of several months' duration at a hospital, for which temporary authorisation to practise is required. For participants in such courses, the temporary authorisation to practise constitutes a kind of 'entrance ticket'.

It is clear that there is no standardised approach towards the temporary authorisation to practise on the part of the competent bodies. Figure 32 shows that the period of time for which this is issued varies from authority to authority. The duration stated for doctors, for example, is between ten and 24 months. A similar picture is revealed for dentists and dispensing chemists. According to the interviewees, temporary authorisation to practise of less than one year can in some cases make it more difficult to find a job.

Figure 32 Duration of temporary authorisations to practise issued (in absolute terms)



Source: BIBB survey (2014) of competent bodies in the healthcare professions, only the competent bodies for doctors, dentists and dispensing chemists are included (n=24), not included in the total figure = no information provided.

The surveys also indicate various approaches to the decision to issue a temporary authorisation to practise.

¹⁵¹ A remedy may also be provided by the new regulations governing the implementation of the EU Directive, which state that an opportunity to complete the aptitude test must be facilitated within six months.

- We know of at least one authority which no longer issues temporary authorisations to practise. Each application is considered within the scope of an advisory procedure.
- There are also reports of cases in which temporary authorisations to practise have been extended beyond a period of two years.
- We also know of at least one competent body which is not prepared to accept an application for a licence to practise until a doctor has been working under temporary authorisation to practise in the relevant federal state for a year.

According to reports received, another consequence of the relatively non-standardised way in which the issuing of the temporary authorisation to practise is that applicants receive information from colleagues, friends and even from guidance and continuing training bodies on where a temporary authorisation to practise can be obtained in the most straightforward manner and for as long a period as possible.

It may also be the case that doctors employed under a temporary authorisation to practise do not receive the full rate of pay. The Marburg Association reports cases in which doctors have been paid either no salary or else a very small salary for their work. Some federal states also do not credit the period of the temporary authorisation to practise to specialist medical continuing training. In these states, recognition or possession of a licence to practise is a prerequisite for specialist medical continuing training. By way of contrast, in other federal states the period of the temporary authorisation to practise may be credited to specialist medical continuing training, although the usual expectation is that evidence of equivalent status of knowledge will be provided within the two-year deadline.¹⁵² In addition to this, problems may occur under residency law if applicants are unable to work because their temporary authorisation to practise has expired and a licence to practise has not yet been issued.

It is clear that temporary authorisation to practise is of particular significance in preparation for the knowledge test, even if it is not actually a part of the recognition procedure. Nevertheless, it is necessary that applicants are able to use the temporary authorisation to practise in a targeted way. As the best practice cases show, close interlinking between the hospitals, the continuing training providers and the competent bodies and extensive guidance for applicants are required for this purpose. Ideally, professional practice should be combined with a preparatory course in order to be able to complete the knowledge test, some aspects of which are strongly technically aligned.

3.8 Language knowledge – heading for standardised regulations?

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’. Investigation of language knowledge needs to take place independently of the assessment of the

¹⁵² Federal state survey conducted by the BMG in October 2012. A licence to practise is a prerequisite for commencement of specialist medical continuing training in Baden-Württemberg, Saxony and North-Rhine Westphalia.

equivalence of a professional qualification in a separate evaluation process.¹⁵³ Identification of equivalence of the professional qualification may not in principle be refused due to insufficient language knowledge, although such knowledge is a prerequisite for admission to the profession or for the issuing of a licence to practise.

In the case of non-regulated occupations, such as the training occupations in the dual system, training regulations do not contain any requirements relating to language knowledge. This means that an investigation of the language level cannot be a component of the investigation of equivalence.

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 BÄO and in the 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'¹⁵⁴.

In the first Report on the Recognition Act, it was stated that there is no nationally standardised approach with regard to language knowledge and mandatory evidence specifically required (cf. Erbe et al. 2014, p. 100). Attention was also drawn to the fact that endeavours to achieve more uniform language requirements are ongoing. The latest developments and the current status will be presented below.

3.8.1 Current developments in healthcare professions where academic qualifications are required

Last year, developments were put in train to move towards a standardisation of language requirements and evidence of language knowledge, particularly in connection with the healthcare professions where academic qualifications are required. For this reason, the intention is to focus on this area as an example. Similar discussions are currently ongoing for the healthcare professions where academic qualifications are not required.¹⁵⁵

The 86th meeting of the Conference of Ministers of Health (GMK) on 26 and 27 June 2013 arrived at the conclusion that 'persons who wish to work in Germany in a healthcare profession where academic qualifications are required must have sufficient knowledge both of idiomatic German and of specialist medical language'¹⁵⁶. The GMK felt that practice had shown that the general language certificates offered by language institutes for the assessment of language knowledge necessary for the exercising of the profession were not suitable.

At the 87th meeting of the GMK on 26 and 27 June 2014, benchmarks were stipulated for the future assessment of the knowledge of German necessary for exercising a healthcare profession where

¹⁵³ Cf. Title IV, Article 53 of the EU Directive 2005/36/EC on the recognition of professional qualifications.

¹⁵⁴ Cf. § 3 Paragraph 1 Clause 5 BÄO and § 2 Paragraph 1 Clause 4 KrPflG.

¹⁵⁵ A joint working group of the Conference of the Ministers of Labour and Social Affairs (ASMK) and the Conference of Ministers of Health (GMK) has been established with the objective of drawing up benchmarks.

¹⁵⁶ 'Benchmarks for assessment of the knowledge of German necessary for exercising a healthcare profession where academic qualifications are required.' cf. https://www.gmkonline.de/documents/TOP73BerichtP_Oeffentl_Bereich.pdf (accessed: 18 March 2015).

academic qualifications are required. These specify in more detail the typical language competence requirements in everyday working life for the respective occupational groups. These benchmarks are intended to act as recommendations for the federal states, although they are not legally binding. The specific prerequisites for the five professions listed are as follows.

Table 11 Stipulated language levels within the scope of the GMK benchmarks¹⁵⁷

Doctor	Must have evidence of basic knowledge at level CEFR ¹⁵⁸ -B2 and specialist knowledge within a professional context at language level C1.
Dentist	
Dispensing chemist	
Psychotherapist	Must have evidence of basic knowledge at level CEFR-B2 and specialist knowledge within a professional context at language level C2.
Psychotherapist for children and young people	

Source: 87. GMK on 26/27 June 2014, benchmark paper.

The same language requirements apply to the issuing of temporary authorisation to practise as apply to the issuing of a licence to practise. If, however, authorisation is limited to certain activities and patient care is not jeopardised then these requirements may be lowered in exceptional cases.

The benchmarks also formulate specific minimum requirements for the one-hour language test. The aim is for this to comprise a simulated patient discussion (20 minutes), the preparation of a common piece of correspondence in medicine, dentistry, the pharmaceutical branch or psychotherapy (such as a brief doctor's letter (20 minutes) and a conversation with a member of the same professional group (20 minutes). There is a further stipulation that the language test should take place in the form of an individual examination and that it should be evaluated by at least two examiners. Half of these must be from the same professional group as the applicant. The language test may be repeated in its entirety on an unlimited number of occasions.

The federal states may specify whether the language test takes place at the competent authority or a healthcare profession chamber. If the candidate's knowledge of German is deemed sufficient, this decision will apply nationwide.

The question remains as to how the regulations will be interpreted and implemented in specific terms. The Marburg Association¹⁵⁹, which called for two pieces of evidence of language knowledge, poses the specific question of whether general language skills should be tested as part of the specialist language examination in future. Should this be the case, the Association does not believe it

¹⁵⁷ In line with the benchmarks paper, the intention of the regulations is not necessarily that applicants will be mandatorily required to take two language tests.

¹⁵⁸ Must have evidence of basic knowledge at level CEFR158-B2 and specialist knowledge within a professional context at language level C1. It is formulated in six competence levels ranging from A1 for beginner to C2 for the highest level of language.

¹⁵⁹ At its 122nd General Meeting held in Berlin on 2 and 3 November 2012, the Marburg Association adopted a resolution that a recognised general language test at level B2 should have been passed before a temporary authorisation to practise or a licence to practise is issued. The Marburg Association proposed that the test institutions used for the general language examination should be members of the 'Association of Language Testers in Europe', i.e. the Goethe Institute, telc gGmbH or the TestDaf Institute. The Marburg Association also supported the idea that foreign doctors should provide evidence of having completed a recognised specialist language test and called upon the federal states to develop (sample) examination regulations for such a specialist language test, license test centres and monitor these test centres on a regular basis (Marburger Bund 2012).

to be reasonable that only one hour should be planned for the test. Even general tests from recognised test providers were of between 2.5 and 4.5 hours' duration (cf. Wichmann 2014).

In October 2014, the AOLG enquired as to the status of implementation of the benchmark paper of the 87th GMK. The survey of the federal states made it clear that the regulations continue to offer leeway with regard to interpretation and show how differently the provisions formulated in the benchmarks are (or can be) understood and applied. The aim at this point is only to present the most conspicuous differences between intended implementations.

There are various responses to the question as to what the respective federal states understand by 'evidence of basic knowledge at level CEFR-B2'. Seven states interpret this as meaning that a CEFR-B2 certificate must continue to be presented, whereas five states understand the passage as clarifying that language knowledge necessary for the exercising of the profession needs to be above level CEFR-B2. This means that the former seven federal states still require evidence of level CEFR-B2 with an additional specialist language test also to take place, whereas the latter five do not view certification of CEFR-B2 to be mandatory for entry to the specialist language test.

The survey also reveals that nine federal states intend to commission the respective healthcare profession chamber with the conducting of the specialist language test ('exclusive assignment'). In three further states, this is not included. Four federal states plan for recognition of the certificates of certain language test providers.

The question as to whether passing an aptitude or knowledge test could replace the specialist language tests produces various responses from different areas of the country. Five federal states call for there to be no further test. Another five states assume that language knowledge is monitored prior to admission to the aptitude or knowledge test. Such an approach is, however, not compatible with Article 53 Paragraph 3 of the Recognition Directive 2005/36/EC, which states that investigation of language knowledge needs to take place independently of the assessment of the equivalence of a professional qualification in a separate evaluation process.

As was the case for the previous Report on the Recognition Act, research was conducted on the websites of the competent bodies. It was shown that the Internet sites of government authorities are in some cases already displaying new requirements in terms of necessary language knowledge. The non-uniformity of the regulations for doctors also continues to be apparent.

Table 12 Summary of the language knowledge required for the profession of doctor by federal state, comparison between 2013 and 2014

Federal state	Required language level	
	Doctor – 2013	Doctor – 2014
<i>Baden-Württemberg</i>	B2, pass in 'Patient Communication' Language Test	B2, specialist language knowledge in C1* ₃)
<i>Bavaria</i>	B2 * ₁) / no information available * ₂)	B2
<i>Berlin</i>	B2	No information available
<i>Brandenburg</i>	B2	B2
<i>Bremen</i>	B2	B2
<i>Hamburg</i>	B2	B2
<i>Hessen</i>	B2 (non-EU citizens) C1 (EU citizens) issued by the Goethe Institute or another telc-certified language institute	B2 sufficient for submission of application, for issuing of licence to practise Goethe Institute C1 or telc certificate C1 German or telc certificate German B2-C1 Medicine with an overall mark of C1 or language certificate 'Fit for the job' issued by the RPZ* ₄) or certificate in the German Patient Communication Test (PKT). For the PKT, Goethe Institute B2 or telc is always required.
<i>Mecklenburg-Western Pomerania</i>	B2	B2
<i>Lower Saxony</i>	B2	B2* ₅)
<i>North Rhine-Westphalia</i>	B2	B2* ₆) / B2 and oral specialist language test* ₇)
<i>Rhineland Palatinate</i>	Test via the Rhinehessen District Medical Council	Test via the Rhinehessen District Medical Council
<i>Saarland</i>	B2	B2
<i>Saxony</i>	B2	B2
<i>Saxony-Anhalt</i>	B2	B2, since 1 October 2014 only languages certificates issued by the Goethe Institute or the TestDaF Institute, telc language certificates and the Austrian Language Diploma have been recognised.
<i>Schleswig-Holstein</i>	No information available	No information available
<i>Thuringia</i>	B2, pass in 'Patient Communication' Language Test (PKT)	B2, pass in 'Patient Communication' Language Test (PKT)

*1) Government of Upper Bavaria

*2) Government of Lower Franconia

*3) Licence issuing authority requires the specialist language test conducted by the 'Freiburg International Academy' (PKT).

*4) Dr. Reinfried Pohl Centre for Medical Teaching at the University of Marburg

*5) As indicated on the website. It is, however, not unlikely that the requirement level for knowledge of German will be raised in future. For this reason, completion of a German course for medical practitioners is recommended (such courses are already being offered by various institutions).

*6) Düsseldorf District Government

*7) Arnsberg, Detmold, Cologne, Münster Government Districts (the specialist language test is conducted by the relevant Medical Council).

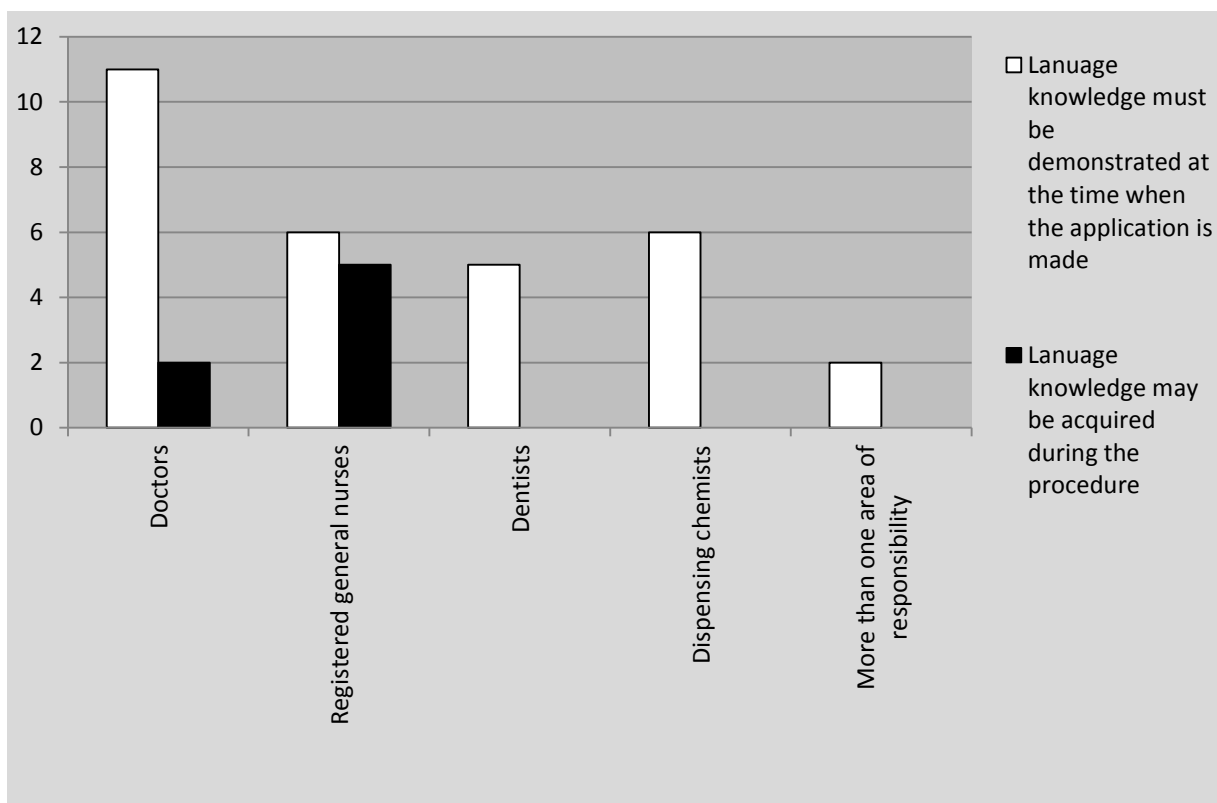
Arnsberg and Münster District Governments indicate that the specialist language test is aligned to level C1. Detmold District Government points out that evidence and the test are not necessary if a knowledge test is completed.

Source: BIBB web analysis (cf. dataset description in Annex A2).

3.8.2 Time at which language knowledge needs to be demonstrated

Independently of the differing language requirements described above, the competent bodies were also asked as part of the survey to provide information on when applicants need to demonstrate the necessary language knowledge. A non-uniform approach is also revealed in this regard (see Figure 33). Whereas the competent bodies for dentists and dispensing chemists uniformly state that evidence of language knowledge must be submitted at the same time as the application, this requirement varies in respect of applications for a licence to practise as a doctor and in the case of applications for recognition as a registered general nurse. Depending on the respective competent body, language knowledge may also be acquired during the course of the procedure itself. In such cases, the period elapsing until recognition can be significantly shortened for applicants due to the fact that language training and the language test do not need to have been completed before the application may be submitted.

Figure 33 Requirement for the date of demonstration of language knowledge (in absolute terms)



Source: BIBB survey (2014) of competent bodies in the healthcare professions (n=38), not included in the total figure = no information provided.

The BMG has pointed out to the federal states that the linking of authorisation to practise/licence to practise and recognition of evidence of formal qualifications is not permissible pursuant to the Recognition Directive 2005/36/EC. In order to comply with the EU stipulations, if no authorisation to practise/licence to practise is awarded for other reasons (for example lack of language knowledge), a separate recognition notice (interim notice) must be issued in respect of recognition of the professional qualification. The provisions relating to content requirements of the notices set out in the new BMG Ordinance also do not specify any language prerequisites. This means that demonstration of language knowledge is not required until authorisation to practise/licence to

practise and may not be demanded at the time when the application is submitted. This regulation is absolutely essential, especially for applications from abroad. If no notice is submitted in respect of identification of equivalence of the qualification because of insufficient language knowledge, then no residence permit may be applied for.

In overall terms, the conclusion is that implementation is not standardised either in respect of the evidence needed or with regard to the point in time at which such evidence is required. For this reason, further endeavours to move towards a uniform approach are necessary.

3.9 Procedures ending without a notice – withdrawn applications

Not every application submitted results in a notice. Procedures may, for example, come to an end because applicants withdraw their application. Cases in which the administrative procedure is terminated without a notice are not currently recorded in the official statistics.

Surveys conducted with the competent bodies in the craft trades and in the healthcare sector show that there is a strong variation in the proportion of procedures terminated without a notice. The competent bodies were also asked to state what they believed to be the most important or most frequent reasons why applications are withdrawn. Significant differences are revealed between regulated professions and non-regulated occupations in this regard.

The most frequent reason given for the regulated professions is that procurement of the necessary documentation by the applicant is too time consuming or costly. There is also an absence of willingness to undertake the skills analysis in some cases. This may be due to aspects such as a lack of knowledge of German or the costs of the skills analysis itself. In some cases, it is identified that alternative procedures are better suited to achieve the goals of the applicants. In these circumstances, it would be better for applicants to avail themselves of the existing guidance provision prior to submission of the application since such guidance highlights all the possible options. This would save time and work for the applicants and the competent bodies alike. Another major reason why applications in the non-regulated occupations are withdrawn is lack of prospect of success. This enables persons to minimise the costs of the procedure if it emerges that the process will not result in the according of full or partial equivalence. In such cases, guidance prior to submission of application is only able to help on individual occasions, because the low chances of success may not become apparent until documentation is checked as part of the procedure. The problems of fees and financing and opportunities for reimbursement of costs are presented in more detail in Chapter 5 'Costs and financing' (cf. III-5).

The situation is different in the area of the regulated professions, particularly in those professions which form the object of closer investigation (doctor, registered general nurse etc.). Here, one of the most common reasons stated by the competent bodies for the withdrawal of an application is that applications have moved to another federal state. On the basis of the existing data, it is not possible to state with certainty that these are the first signs of 'recognition tourism'. The possibility, however, cannot be excluded. A further reason stated is a lack of willingness on the part of applicants to participate in a knowledge test. In this instance, the expectations of the applicants prior to the procedure do not appear to have been realistic. There seems to be an assumption that full

equivalence will be accorded without a knowledge test. We have already described that this is seldom the case, especially for persons who have trained in a third country (cf. III-3.6).

3.10 Specialist medical continuing training

On 28 June 2013, the German Medical Council issued new sample continuing training regulations to create a new basis for the recognition of foreign medical specialists from non-EU states. Until this point, specialist doctors with qualifications from non-EU states were required to sit the German examination leading to qualification as a specialist doctor after one compulsory year of medical practice in Germany. Following the change, recognition of specialist doctors governed by federal state law takes place on the basis of the same principles that apply to recognition of doctors governed by federal law. Only substantial differences justify rejection, and professional experience must be taken into account as a compensatory factor. If substantial differences are identified, there is the opportunity to complete an aptitude test (deficits test). Hitherto, Bavaria, Brandenburg, Bremen, Hessen, Mecklenburg-Western Pomerania, Lower Saxony and Saxony have adopted the sample continuing training regulations within their continuing training regulations. North-Rhine Westphalia deviates from this approach by stipulating that qualified doctors from third countries accorded partial equivalence may choose between the knowledge test and an adaptation period.

Medical graduates from third countries who wish to complete or who have completed their specialist medical continuing training in Germany are faced with the difficulty that recognition as a specialist doctor does not replace the licence to practise. This particularly affects foreign doctors who completed their specialist doctor training in Germany before the Recognition Act entered into force and who worked as medical practitioners on the basis of a fixed-term authorisation to practise. Many believed that their professional existence in Germany was in jeopardy given the fact that they held no licence to practise and their temporary authorisation to practise was about to expire. Many bodies, including the Marburg Association and the Federal Association of German Employer Associations (BDA), have called for the introduction of an unlimited authorisation to practise for these so-called existing cases. The BMG has not acceded to this demand in issuing its legal ordinance on the implementation of the knowledge test in healthcare professions governed by federal law and on the regulation of temporary authorisation to practise. Reference is made to the fact that the new regulations also provide opportunities for extensions and thus provide room for discretion in cases of hardship. In the meantime, more than two years after the entry into force of the Recognition Act, the number of complaints received by the Marburg Association from those affected has reduced.¹⁶⁰

Some hospitals have called for medical graduates from third countries with recognised foreign specialist medical continuing training or German specialist medical continuing training to be issued with a licence to practise without further formalities, because the dual strain of working as a specialist doctor whilst pursuing specialist medical continuing training and preparing for the knowledge test is causing uncertainty amongst foreign specialist doctors. The BMG, however, sees no possibility in these cases of deviating from the requirement for a licence to practise. The ministry argues that, compared to recognition as a specialist doctor, a licence to practise is an aliud, i.e. something different, and not a significantly lower qualification. It feels that for reasons of patient

¹⁶⁰ Information provided by the Marburg Association on 23 February 2015.

protection there must also be evidence of broadly based general medical training alongside any specialisation.

3.11 Geriatric nursing – very little scope for the Recognition Act

The Recognition Act is currently able to contribute very little towards securing a supply of skilled workers in the field of geriatric nursing (cf. Böse and Wünsche 2015, S. 31).

Further investigations in the healthcare sector have shown that the special case of geriatric nursing, a topic already addressed in the first Report on the Recognition Act, continues to be a challenge.

The need for information on the part of those interested in seeking recognition remains high. On the 'Recognition in Germany' portal, the occupation of geriatric nurse is the fifth most accessed occupational profile (5,368 hits in 2014) (cf. III-1.1.1).

On the other hand, institutions offering old age care are acutely affected by a shortage of nursing staff. The advisory bodies surveyed, which cooperate with long-term care institutions such as old age people's homes, also point out that such institutions frequently face the problem of not being able to fulfil the ratio of qualified staff stipulated by the health insurance companies. In order to include specialist geriatric nursing staff in the quota of skilled workers required under regulatory law and to enable these to commence work rapidly, Bavaria, for example, permits geriatric nursing staff who have been accorded professional equivalence by the competent authority to work for a transitional period of six months without provision of evidence of sufficient language knowledge as long as the employer or the workers themselves ensure that in-service training is undertaken to acquire and demonstrate adequate language skills (Interim Report on the Training and Qualifications Initiative in the old-age care sector 2015, p. 81). 'Improved recognition of qualifications in long-term care acquired abroad' forms Field of Activity V within the scope of the Training and Qualifications Initiative in the old-age care sector (2012 to 2015), which was launched by the Federal Government under the lead management of the BMFSFJ. The partners involved in the initiative, which comprise the Federal Government, the federal states, associations and further stakeholders from the field of activity, agree that more nursing staff with foreign professional qualifications in the long-term care of older persons need to be recruited and that the possibilities of recognition should be used for this purpose.¹⁶¹

According to the official statistics pursuant to § 17 BQFG, since the entry into force of the Recognition Act there have only been 99 applications for recognition as a geriatric nurse. Of these, 45 applications, nearly half, had resulted in a negative notice by the end of 2013. According to interviews conducted with competent bodies for the recognition of geriatric nurses, applications for recognition in this profession are submitted only very rarely. Because no courses of higher education study or training occupations specifically aligned towards geriatric nursing exist within the international environment, there is for the competent bodies no comparability with the German requirements profile of 'qualified geriatric nurse'. From the point of view of the competent bodies

¹⁶¹ Cf. <http://www.altenpflegeausbildung.net/ausbildungsoffensive/vereinbarungstext.html> and the Interim Report on the Training and Qualifications Initiative in the old-age care sector 2015, pp. 76 ff.

surveyed, the access prerequisite of completion of vocational education and training cannot actually be fulfilled. Applicants are frequently advised to base their recognition procedure on the reference occupation of registered general nurse.

According to information provided by the guidance institutions interviewed, which maintain close contact with those interested in seeking recognition and have experience in this area, various difficulties arise for the geriatric nursing sector.

Firstly, foreign nursing staff have often completed university training of several years' duration. In some countries of origin, task areas extend well beyond those of registered general nurses. Such persons will usually enter employment at a hospital, because of the prospects of better pay and more specialised areas of deployment. This is made more likely by the fact that adaptation periods currently usually take place in a hospital rather than in old people's homes or in outpatient care. For employers in the old-age care sector, this means that they must expect skilled workers to be unavailable for a longer period of time whilst still paying their salaries. There is also the risk that a (recognised) skilled worker will be head hunted by the hospital given the well-known prevailing shortage of skilled workers here too.

One competent body interviewed is attempting to accommodate the needs of old-age care institutions. As soon as a contract of employment is in place, the competent body tries to facilitate the adaptation period in the relevant old-age care institution wherever possible. Only the parts which cannot be covered in an in-patient or outpatient care institution then need to be completed in a hospital. In such a case, the adaptation period takes place in two institutions. This means that the final oral examination also needs to take place in both institutions at the end of the course. Such an example could be a good model for other competent bodies.

Various guidance institutions which are highly active in the field and cooperate with old-age care institutions are of the view that, if relevant professional experience in geriatric nursing is in place, an investigation of equivalence with the occupation of geriatric nurse should take place. The competent bodies could issue appropriate conditions for compensation measures. Initial endeavours are already ongoing in this regard: 'The federal states are more open to the idea that greater account should be taken of professional practice acquired in the old-age care sector for the recognition of foreign professional qualifications.' (Interim Report on the Training and Qualifications Initiative in the old-age care sector 2015, p. 80). In legal terms, the Nursing and Long-Term Care Act already provides for such a possibility. This would be an important step towards countering the high shortage of skilled workers in this sector.

The reforms currently being pursued for training in the long-term care sector, which were included in the coalition agreement for the 18th legislative period, would broaden the scope of the Recognition Act, including in old-age care institutions. Training in the occupations of geriatric nurse, registered general nurse and children's nurse, which up until now has been separate, should be collated to form a unified course of nursing training leading to a single professional qualification. The use of this new nursing profession as a reference occupation in the recognition procedure would also facilitate and strengthen staff acquisition in the old-age care sector.

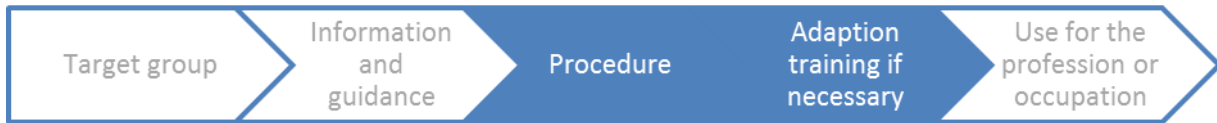
3.12 Conclusion

The question posed as to whether procedures are being implemented in a uniform administrative manner across Germany cannot be answered definitively. Depending on area of responsibility and existing measures for the bundling of competences, uniform implementation is taking place to varying degrees. The reasons for this include the amount of discretion available and in particular the leeway for interpretation which is always offered by abstract and general regulations. This chapter has presented the existing fields of discretion and the resultant areas of lack of standardisation in implementation and of strategies which should serve the purpose of achieving criteria and standards that are as uniform as possible. It has, however, also shown that approaches exist in some cases that go beyond the scope for discretion, that do not comply with the statutory stipulations and thus need to be altered so that action is in conformity with the law.

Complete standardisation of procedures cannot be viewed as a goal. There will always be differences in equivalence assessments between areas of responsibility, professions and occupations and the different countries of training of applicants, especially with regard to the processing of highly individual specific cases. Nevertheless, the greatest possible degree of uniformity remains desirable with regard to the objectives of the Recognition Act, namely to make better use of the skills potential of persons living in Germany, to achieve employment in line with qualifications, to foster integration into the world of work and society and to acquire skilled workers from abroad (cf. BMBF 2012). It is crucial that comparative measures and evaluation standards are developed which ensure that reasonably equivalent decisions can be made in respect of equivalent facts and circumstances. This is necessary for applicants in order to enable procedures to be structured in as simple a manner as possible whilst being transparent. One problem area, for example, is when applicants exchange views on their procedure and are forced to ascertain that different decisions are taken by different bodies with regard to identical qualifications (same place and time of acquisition). As well as being incomprehensible to the applicants themselves, this also counteracts the establishment of a genuine welcoming culture of recognition. The emergence of 'recognition tourism' between the individual federal states should also be avoided. Persons interested in seeking recognition are already exchanging views in Internet forums as to where requirements seem to be lowest and where procedures can most easily be completed. This may mean that competent bodies in federal states where the requirements governing administrative practice are less stringent will receive significantly more applications than other states, something which may cause the duration of procedures to increase. Transparent procedural processes are also necessary for companies in order for them to be able to see the basis on which decisions regarding the equivalence of a professional or vocational qualification acquired abroad are taken. This would make it easier for human resources managers to assess the areas of potential of persons in possession of such qualifications.

Within the scope of working groups and via agreements, resolutions and ordinances, the Federal Government and the federal states are constantly endeavouring to achieve greater uniformity of implementation. These endeavours should continue over the following years in order to take account of the complex procedures involved. Further standardisations may also help to reduce the burden on the competent bodies.

4. Further training



A brief summary of the key points:

- ✓ Three years after the entry into force of the Recognition Act, feedback from the chambers of crafts and trades and chambers of commerce and industry enables us to draw the conclusion that there are more enquiries regarding opportunities for adaptation qualification from persons who have received a notice of equivalence certifying partial equivalence.
- ✓ A positive interim conclusion may be drawn regarding the provision of adaptation qualification in the regions. If there are enquiries, most chambers are able to say that they offer adaptation qualification provision for their region or else are able to state where such training may be completed.
- ✓ Within the scope of their labour market related advisory provision, Job Centres state that they tend to recommend completion of a subsequent adaptation qualification measure in the case of partial recognition.
- ✓ The number of continuing training providers surveyed which have delivered such services to people requiring training as the result of a recognition procedure has risen from 6 percent (2013) to more than 9 percent (2014).
- ✓ The continuing training providers surveyed seem to be increasingly adjusting to the special requirements of this target group and are adapting or developing provision accordingly.
- ✓ Cooperation between continuing training providers and the competent bodies has been expanded.

As can be seen from the figure above, this chapter investigates both continuing training courses within the scope of procedures for regulated professions and continuing training courses relating to the processes for a non-regulated occupation.¹⁶² Section 4.1 deals with adaptation training in the field of non-regulated occupations. Such training is necessary if the equivalence assessment procedure has resulted in partial equivalence. The data sources for these analyses are the standardised surveys of the chambers (see the dataset description in Annex A2).

¹⁶² For information on compensation measures for regulated professions, see in particular also III-3.6.

Section 4.2, which analyses data from the 2014 Continuing Training Survey (wbmonitor)¹⁶³ – see the dataset description in Annex A2 – then covers the compensation measures in the regulated area. These form part of the recognition procedure.

4.1 Adaptation training in the chambers sector

The official statistics for the Recognition Act for the year 2013 reveal a significant shift with regard to the results of equivalence assessments in the area of chamber responsibility. In 2012, the proportion of notices according partial equivalence was comparatively low at about 9 percent. The proportion of notices indicating no equivalence was significantly higher at 21 percent. The figures for 2013 show a turnaround in this picture. Whereas the proportion of notices according no equivalence has fallen to 2.5 percent, considerably more notices awarding partial equivalence were issued. In 2013, the proportion of these was almost 33 percent (see III-2).

This development is of considerable significance for the issue of adaptation training. The intention of the legislation is that persons accorded partial equivalence should also be able to be integrated into the labour market. As the proportion of persons issued with a notice awarding partial equivalence rises, there is a simultaneous growth in interest in measures that make it possible to acquire the missing knowledge, skills and competences that enable those interested in acquiring recognition to gain full equivalence. Whereas in 2012 there were only around 70 cases in which partial equivalence was accorded, the increase in notices of this type in 2013 occasioned by a much larger number of concluded procedures means that there are a total of 936 persons¹⁶⁴ for whom adaptation training is a possibility.¹⁶⁵

The specialist debate concerning the structuring of adaptation training for persons with partial equivalence is also gaining in intensity. Companies, for example, complain about a lack of transparency in adaptation training provision (Brenning et al. 2014, p. 186). Berghausen, Gohlisch and Oehme (2014) present various versions of how missing training contents can be subsequently acquired following a recognition procedure that results in partial equivalence. Alongside participation in continuing training measures which address the individual deficits, there is also discussion of acquiring absent knowledge, skills and competences within the scope of company placements. From the point of view of the authors, another variation is commencement of (abridged) training in order to compensate for missing training contents with regard to the German reference occupation with the further option of completing the final or journeyman examination (ibid).

To provide support for training providers who hitherto have gathered little experience in the implementation of adaptation training courses, the 'Guidance and training' specialist agency, part of the 'Integration through Training' Network, has drawn up guidance for training in the non-regulated

¹⁶³ The Continuing Training Survey (wbmonitor) is a cooperation project between 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. Cf. <https://wbmonitor.bibb.de/index.php> (accessed: 18 March 2015).

¹⁶⁴ For data protection reasons, all figures (absolute values) in the official statistics are in each case rounded to a multiple of three.

¹⁶⁵ According to the statements made in the interviews conducted with the chambers in 2013, experience shows that the probability that persons with a notice attesting no equivalence will register with the competent bodies for adaptation training tends to be low.

sector following the introduction of the Recognition Act¹⁶⁶. The guide presents the ways in which individual training needs can be identified, the approach that can be adopted with regard to the planning and implementation of such measures and how the success of training measures may be ascertained.

In order to secure better labour market integration of persons with a professional or vocational qualification acquired abroad, the Federal Government has, as part of its IQ Funding Programme, created an additional main action focus for 'Training of migrants within the context of the Recognition Act'. Alongside measures to support those interested in seeking recognition in the regulated sector, bridging measures for persons with academic qualifications and support for those wishing to take an external examination, a further emphasis will be on promoting training provision in the non-regulated area. The aim is to provide persons with partial equivalence with training that will enable them to compensate for the substantial differences and achieve full equivalence. The intention is also for the measures to link in with the individual prerequisites of those interested in seeking recognition and to be structured in a practically related manner in cooperation with companies, the chambers and other stakeholders. Expansion of the topic of training advice within the scope of recognition guidance is a further supplementary objective.¹⁶⁷ Funding for the new additional main action focus began at the start of 2015 (see II-2.2, III-5.2.2 and III-5.4).

4.1.1 Demand for guidance on adaptation training opportunities

Against the background of the information contained within the official statistics for the years 2012 and 2013, which show a considerable increase in persons with partial equivalence, the question arises is whether these persons are interested in pursuing opportunities for adaptation training.

In order to address this question, within the scope of the BIBB survey the chambers were asked to provide information on whether they are approached by persons who have received a notice according no or partial equivalence wishing to receive guidance on opportunities for adaptation training (see Figure 34).¹⁶⁸

¹⁶⁶ Cf. <http://www.f-bb.de/publikationen/leitfaden-fuer-die-bildungspraxis/leitfaden-fuer-die-bildungspraxis/pubinfo/qualifizierungen-im-zuge-des-erkennungsgesetzes-bei-nicht-reglementierten-berufen.html> (accessed: 18 March 2015).

¹⁶⁷ Cf. http://www.esf.de/portal/generator/21814/property=data/2014__10__21__richtlinie__iq.pdf (accessed: 18 March 2015).

¹⁶⁸ The cut-off point of the survey was 31 March 2014. This means that the subgroup of persons with no or with partial equivalence as of this date may already have been larger than mapped by the information contained in the official statistics for 2012 and 2013 (see above).

Figure 34

Demand for guidance on adaptation training opportunities from persons with no or partial equivalence (in absolute terms)



Source: Craft trades: BIBB/ZDH survey (2014) of the chambers of crafts and trades (n=49); Trade and industry: BIBB/ZDH survey (2014) of the chambers of commerce and industry (n=49). The possible responses ‘very frequently’, ‘frequently’ and ‘relatively frequently’ were collated into the category ‘very frequently to relatively frequently’, the possible responses ‘relatively seldom’, ‘seldom’ and ‘never’ were collated into the category ‘relatively seldom to never’.

The extent of the contacts made by persons with the objective of finding out about opportunities for adaptation training varies according to chamber district.¹⁶⁹ Just over a quarter of chambers of crafts and trades surveyed and just over a sixth of chambers of commerce and industry state that they are approached by persons seeking information on adaptation training opportunities either frequently or relatively frequently.¹⁷⁰ In the vast majority of cases, the assessment of the chambers surveyed (35 chambers of crafts and trades and 40 chambers of commerce and industry) is that persons who have been accorded no equivalence or partial equivalence relatively rarely or never wish to receive guidance on opportunities for adaptation training.¹⁷¹

Although the survey results give only estimates as to the frequency of contact by this group of persons, they indicate a certain interest that cannot be precisely quantified on the part of persons with no or partial equivalence. In order to identify the precise proportion of persons wishing adaptation training, the number of consultations in this regard would need to be surveyed. It would also be interesting to know how many people actually take part in adaptation training measures after guidance and whether they launch a new attempt to gain full equivalence.

¹⁶⁹ All 53 chambers of crafts and trades took part in the BIBB/ZDH survey. Of a total of 80 chambers of commerce and industry, 52 participated in the BIBB survey. 49 chambers in each sector provided an assessment regarding this question.

¹⁷⁰ The possible responses on this ordinal scale were ‘very frequently’, ‘frequently’, ‘relatively frequently’, ‘relatively seldom’, ‘seldom’ and ‘never’. For presentation in this report, the first three possible responses were collated to ‘very frequently to frequently’ and the latter three to ‘relatively seldom to never’. The possible answers ‘don’t know’ and ‘information not available’ are not presented.

¹⁷¹ The chambers of crafts and trades, which have issued greater numbers of partial equivalences in some cases, are also more likely to receive queries regarding adaptation training (based on a survey of chambers of crafts and trades conducted between September up to and including March 2014).

4.1.2 Provision of adaptation training opportunities

Alongside the guidance on training opportunities needed by those interested in seeking recognition after the recognition procedure itself, the obvious question is whether there is sufficient supply to meet demand in this respect.

The interview results in the first Report on the Recognition Act showed that no explicit supply was yet available from the vast majority of the chambers surveyed (cf. Erbe et al. 2014, p. 119). Against this background, the chambers of crafts and trades and local chambers of commerce and industry were asked within the scope of the BIBB surveys about the current status of supply of adaptation training opportunities (see Table 13).

Table 13 Supply of adaptation training measures in the region for persons with no or partial equivalence (in absolute terms)

	Craft trades	Trade and industry
We are the only providers in our region.	4	0
There are many other providers besides us in our region.	6	5
There are other providers besides us in our region.	21	17
There are only a few other providers besides us in our region.	4	8
There are only other providers in our region.	0	10
Total provision in region	35	40
There is no provision at all in our region.	0	2

Source: Craft trades: BIBB/ZDH survey (2014) of the chambers of crafts and trades (n=35); Trade and industry: BIBB/ZDH survey (2014) of the chambers of commerce and industry (n=42).

According to the statements made by the chambers, supply of adaptation training is now available in many regions. Of the 53 chambers of crafts and trades surveyed,¹⁷² 35 reported back that there are training opportunities in the region. Of the 52 chambers of commerce and industry surveyed, 40 indicate that there is provision in their regions. Only two local chambers of commerce and industry report an absence of provision.¹⁷³

With regard to the scope of provision, it is noticeable that four chambers of crafts and trades state that they are the only providers in the region. Ten of the chambers of commerce and industry surveyed do not themselves offer any adaptation training. Supply is solely covered by other providers.

Against the background of the information contained within the first Report on the Recognition Act and the results presented here, the assumption is that provision will continue to develop. If they are contacted by persons with no or partial equivalence, a large number of the chambers are able to offer adaptation training provision in their region or else state where such training may be completed.

¹⁷² The remaining 18 chambers of crafts and trades did not provide any information in this regard.

¹⁷³ Ten local chambers of commerce and industry did not provide any response to this question.

4.1.3 Adaptation training from the point of view of the Job Centres

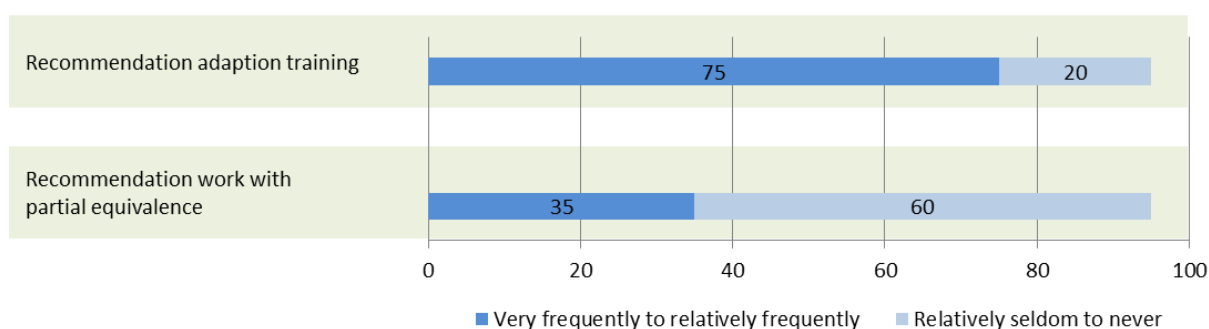
How do Job Centres evaluate the topic of adaptation training within the field of non-regulated occupations? Within the scope of their labour market related guidance (see IV-2.1), Job Centres have contact with persons who have completed a recognition procedure.

Feedback from the Job Centres is of particular interest for the topic of adaptation training because they have experience with the notices of persons who have gone through a recognition procedure and are now returning to the guidance body to initiate the next steps. Within the context of the labour market specific advice they provide, Job Centres view the notices and use them as the basis for developing follow-up activities for their clients.

Guidance on follow-up activities is also associated with a decision regarding assumption of any costs that may be incurred. Follow-up activities may involve measures for integration into the labour market, such as direct placement in employment. In the non-regulated sector, on the other hand, further training with a view to increasing chances for labour market integration at a later date may be a good option, particularly in cases of partial equivalence.

The experiences gathered by Job Centres with regard to decisions on follow-up activities are set out below. From their point of view, is the general tendency towards adaptation training or towards integration into the labour market with partial equivalence?

Figure 35 Recommendation – tendency towards adaptation training and tendency towards labour market integration (in absolute terms)



Source: BIBB survey (2014) of Job Centres (n=95 respectively). The possible responses 'very frequently', 'frequently' and 'relatively frequently' were collated into the category 'very frequently to relatively frequently', the possible responses 'relatively seldom', 'seldom' and 'never' were collated into the category 'relatively seldom to never'.

More than three quarters of the Job Centres who addressed this question recommend an adaptation training measure with a frequency ranging from very frequently to relatively frequently. In response to a further question, only just over a third of Job Centres issued the recommendation to work (directly) with partial equivalence with a frequency ranging from very frequently to relatively frequently (cf. Figure 35).

The feedback from the Job Centres does not permit any final conclusion as to whether adaptation training is a productive approach to adopt or whether partial equivalence counts on the labour market. The Job Centres tend to recommend the route of achieving full recognition of qualifications via training. Only a few recommend commencement of an employment activity with partial equivalence.

4.2 Continuing training providers

As in the previous year, the 2014 Continuing Training Survey (wbmonitor, see dataset description in Annex A2) was used as a vehicle for asking continuing training providers for information on the extent to which they offer or conduct continuing training within the scope of the recognition of foreign professional or vocational qualifications. In 2014, a total of 2,040 providers took part in the survey.¹⁷⁴

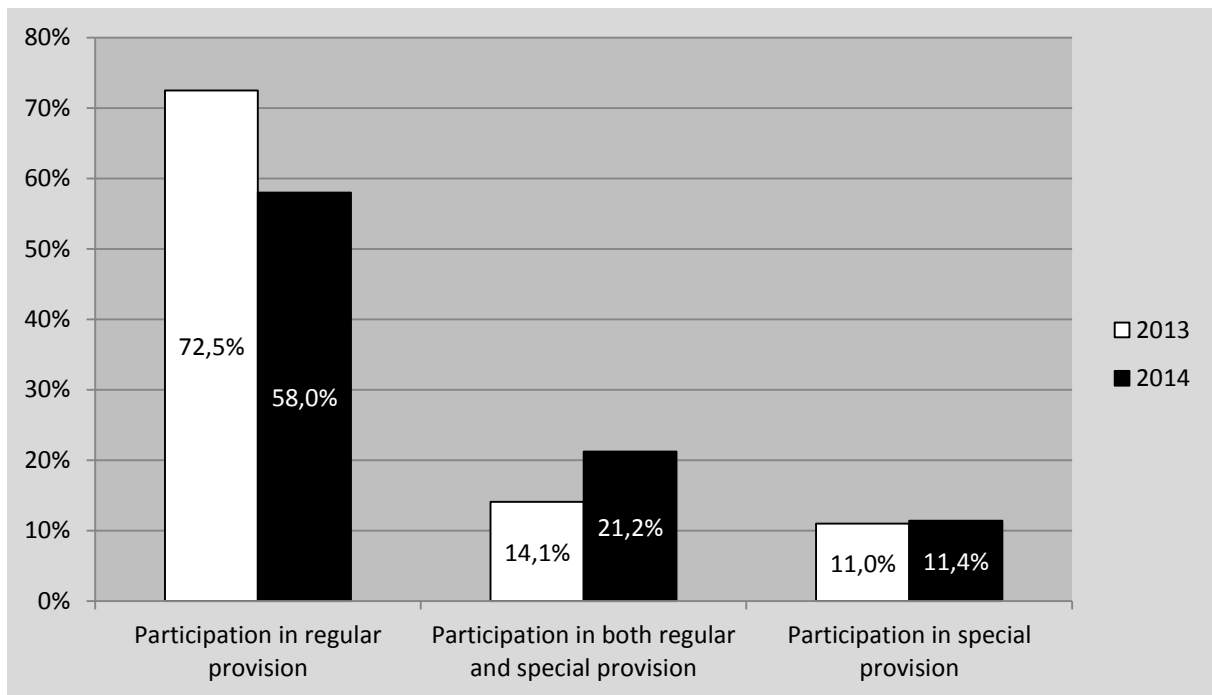
Whereas in 2013 just over six percent of providers stated that they had offered continuing training to persons requiring such training within the scope of a recognition procedure, the corresponding figure for 2014 is in excess of nine percent. If we consider the content alignment of the courses in which this group of persons took part, it is revealed that there is an approximate balance between language courses (such as work-related German) and professional courses. These account for 39 and 38 percent respectively. 23 percent offer courses of both content alignments.

With regard to the nature of the institutions which implement such continuing training courses, it becomes clear that over 60 percent are private bodies acting commercially or on a not-for-profit basis or adult education centres.¹⁷⁵

¹⁷⁴ Around 21,250 continuing training providers known to be active on the market at this point in time were invited to participate in the 2014 survey. A weighting and extrapolation procedure enables data from survey participants to be projected to all continuing training providers known to the wbmonitor. Weighted data is presented below.

¹⁷⁵ The remaining percentages are made up of the categories of 'company-based training institution', 'vocational school', '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'.

Figure 36 Nature of continuing training provision (in percent)



Basis: Continuing training providers, weighted results, unweighted sample sizes: 2013 n=90, 2014 n=199.

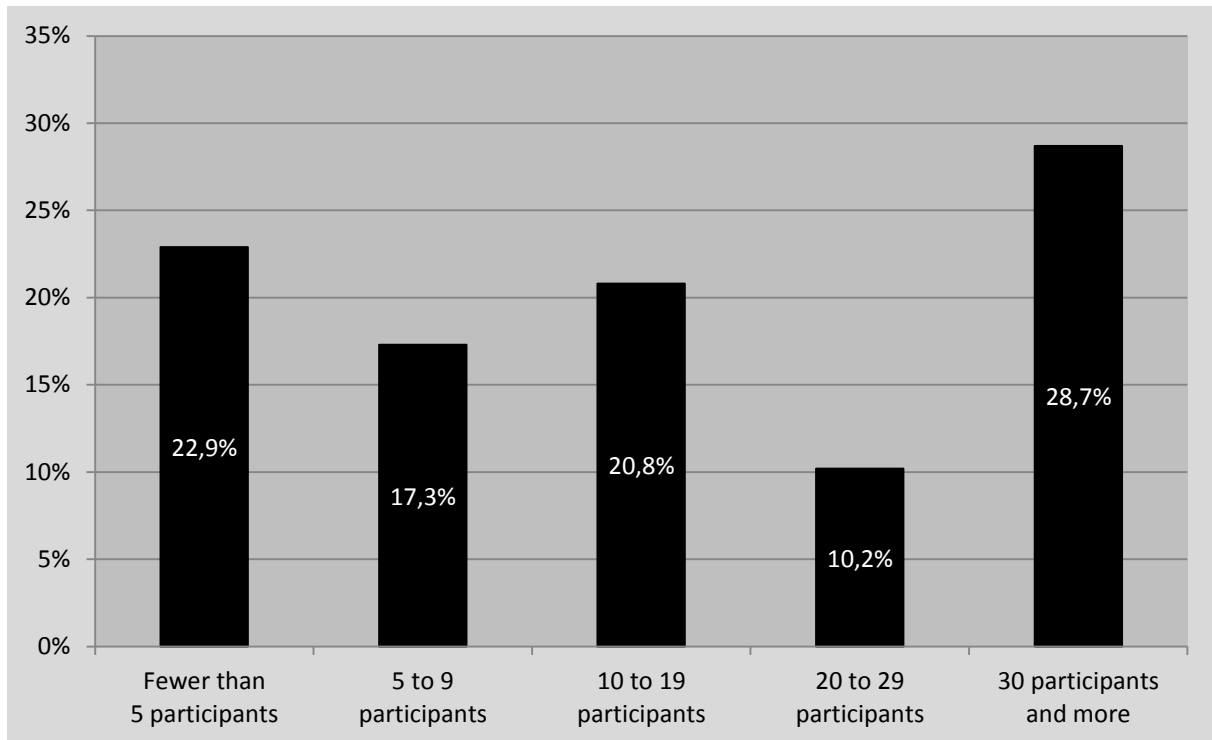
Source: Wbmonitor surveys 2013 and 2014, calculations and presentation by BIBB; not included: 'don't know'.

The continuing training providers were asked about the organisation of the training courses, compensation and examination preparation (knowledge tests) required by persons because of a recognition procedure in respect of their professional or vocational qualification. A differentiation was drawn as to whether these needs were covered via the regular provision offered by the respective institution or whether such persons took part in special provision with the aim of recognition of a foreign professional or vocational qualification.

The proportion of institutions which cover such support for this group of persons via their regular provision has fallen compared to the previous year (cf. Figure 36). By way of contrast, the proportion of institutions offering special provision for this target group (both in conjunction with normal provision and in the form of special provision only) has risen. The continuing training providers surveyed seem, therefore, to be increasingly adjusting to the special requirements of this target group and are adapting or developing provision accordingly. Examples of the special provision reserved for the target group are specific language, integration and professional courses.

Whereas in 2013 only four percent of providers stated that a cooperation agreement with competent bodies was in place or at the planning stage, the corresponding figure for 2014 is more than seven percent. Of these, more than a fifth state that this involves training provision offered in cooperation with a competent body. It is also frequently the case that persons with training needs are directly referred to the institutions by the competent bodies. This requires the competent bodies to be aware of what provision the institutions have in place.

Figure 37 Number of participants in continuing training courses within the scope of recognition procedures (in percent)

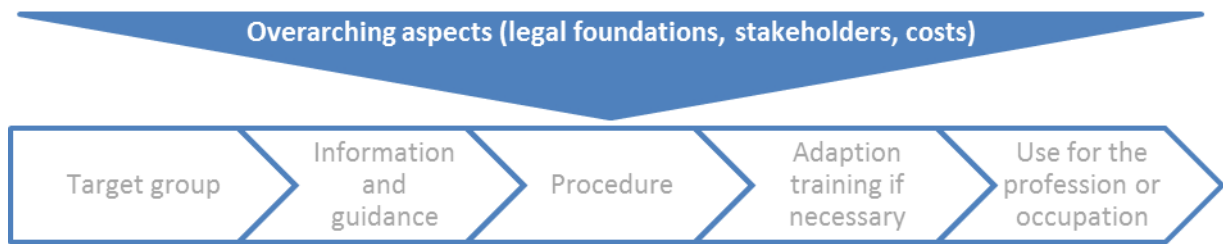


Basis: Continuing training providers, weighted results, unweighted sample size n=131. 2014 wbmonitor Survey, calculations and presentation by BIBB.

Continuing training providers were further asked how many persons in total needing to complete adaptation training, a compensation measure or preparation for an examination (knowledge test) within the scope of a recognition procedure for their foreign professional or vocational training had taken part in relevant continuing training at their institutions over the past twelve months.

The total number of persons who participated in continuing training varies greatly depending on the institution (cf. Figure 37). Almost 30 percent of institutions, however, had 30 participants or more. Nevertheless, there also seems to be institutions which implement such provision for lower numbers of participants.

5. Costs and financing



A brief summary of the key points:

- ✓ The **fees for recognition procedures** in the field of non-regulated occupations pursuant to the Professional Qualifications Assessment Act (BQFG) have largely remained unchanged. A fee range of between €100 and €600 applies in the case of the Foreign Skills Approval Competence Centre of the Chambers of Commerce and Industry (IHK FOSA) and the chambers of crafts and trades. The Hanover Chamber of Commerce and Industry charges a flat-rate fee of €300 for an assessment on the basis of documentation. Higher fees are incurred for qualifications analyses.
- ✓ The federal states still have highly varying regulations in place with regard to fees for the recognition procedures. The regulatory process has not yet been concluded. Most federal states seem to stipulate an upper limit of €600 or else do not exceed such an amount.
- ✓ In the case of the healthcare occupations regulated by Federal Law, fees continue to differ depending on the competent body involved.
- ✓ With effect from 30 April 2014, the Central Office for Foreign Education (ZAB) raised its fee for the assessment of a foreign higher education certificate from €100 to €200.
- ✓ Acceptance of **financing of costs incurred for the recognition procedure** by the Job Centres depends on factors such as the expected success of the recognition and subsequent integration on the labour market. A large part of the Job Centres surveyed recommend or use the opportunities available within the scope of German Social Security Code II (job seeker funding and placement budget) to finance the recognition of foreign qualifications.
- ✓ MobiPro-EU, the Federal Government funding programme to finance costs of recognition for skilled workers from the EU, was closed to new applications from the spring of 2014. At the federal state level, Hamburg remains the only provider of specific financing. Notwithstanding this, funding opportunities are available for certain target groups and types of costs (pilot projects, ESF-BAMF Programme).
- ✓ From 2015, training courses within the context of the recognition procedure will be funded via a new priority area in the IQ programme.

- ✓ Although a range of funding support provision is in place, financing the costs of the recognition procedure remains **one of the reasons why people do not submit an application**. The significance of this reason is evaluated differently by the stakeholders surveyed (chambers of commerce and industry, chambers of crafts and trades, federal state authorities, Guidance Centres for Adult Migrants and the Job Centres).

The present chapter describes how the fees for the recognition procedure have developed since the first Report on the Recognition Act and the results of further analysis of the initial qualitative findings relating to cost issues which emerged from the first report. It also presents the development of the instruments used to finance costs and findings regarding their take-up. BIBB has conducted and evaluated a series of empirical surveys for this purpose.¹⁷⁶

The costs associated with recognition procedures on an individual case basis depends on the fees charged by the competent bodies and on other types of cost. The latter include expenditure on the procurement, translation and certification of application documentation statutorily required (such as individual evidence of formal qualifications, testimonials and similar) and of other documents to support the application which the competent bodies may require applicants to provide within the scope of their duty to cooperate (such as training and higher education study regulations or curricula from the country of training). Expenditure and in some circumstances loss of income may be incurred for further training (for a summary of all costs see Erbe et al. 2014, pp. 121-128).

5.1 Summary of fees for the procedure

In the chambers of commerce and industry sector, there were no adjustments to fees for the procedure compared to the previous year. As presented in the first Report on the Recognition Act, the fee range that applies in the case of the Foreign Skills Approval Competence Centre of the Chambers of Commerce and Industry (**IHK FOSA**) is between €100 and €600. The average cost of the equivalence assessment procedure for a training qualification is approximately €420. In the case of an advanced qualification, a fee of around €550 is incurred.¹⁷⁷ There have been no changes to the fees charged by the **Wuppertal-Solingen-Remscheid Chamber of Commerce and Industry**, which does not participate in the IHK FOSA (between €100 and €600 depending on the costs involved)¹⁷⁸ and to those levied by the **Hanover Chamber of Commerce and Industry**, which has responsibility in

¹⁷⁶ See the dataset description in Annex A2. In individual terms, the following investigations were conducted. 1. Web analysis of the homepages of competent bodies (competent bodies for healthcare professions, other competent bodies such as the ZAB, IHK FOSA and further chambers of commerce and industry, chambers of crafts and trades and the Medical Council of Westfalen-Lippe for the liberal professions). 2. Quantitative surveys of competent bodies in the healthcare professions, of chambers of commerce and industry and of chambers of crafts and trades. 3. Quantitative survey of staff at guidance institutions (adult migrant guidance centres (MBE) and Job Centres). 4. Expert interviews in these guidance institutions. 5. Analysis of secondary sources and indications from further investigations.

¹⁷⁷ See <http://www.ihk-fosa.de/fuer-antragsteller/gebuehren/> (accessed: 18 March 2015).

¹⁷⁸ Cf. http://www.wuppertal.ihk24.de/servicemarken/wir_ueber_uns/finanzen/gebuehren/905892/gebuehrentarif.html (accessed: 18 March 2015).

the chamber districts of Hanover and Braunschweig (€300 in the case of an evaluation on the basis of existing documents and €800 if a competence assessment procedure is conducted)¹⁷⁹.

The fees framework of the **53 chambers of crafts and trades** in Germany has also remained unaltered at between €100 and €600.¹⁸⁰ The **German Confederation of Skilled Crafts (ZDH)** stated that no discussions regarding the existing fees schedule are currently taking place. Initial discussions regarding reimbursement of costs for the skills analysis took place in 2014. Because of the varying organisational models, there is no intention to seek nationwide harmonisation in this respect.¹⁸¹

According to the **Association of the Chambers of Agriculture (VLK)**, the amount of the fee charged is aligned to specific administrative expense incurred on an individual case basis. Previous experience has been that the competent bodies can charge up to €800 and the usual fee is between €300 and €500.¹⁸²

The **Medical Council of Westfalen-Lippe**, which is responsible for the recognition of the liberal profession of medical assistant in all federal states except Brandenburg, Bavaria, Saxony and Saxony-Anhalt, has also not introduced any changes compared to the first Report on the Recognition Act. Fees for a document check are €125, and an additional €175 is charged if a skills analysis is required.¹⁸³

As far as the recognition procedures conducted by federal state authorities were concerned, the years 2013 and 2014 were characterised by considerations by the **federal states** to set fees frameworks or upper limits. The federal states have embarked upon different routes in this respect, as has already been revealed by a survey carried out by the State of Berlin in February 2014¹⁸⁴ and by Internet research conducted by the BIBB Recognition Monitoring Project in February and March 2015.

¹⁷⁹ Cf. Fees Schedule of the Hanover Chamber of Commerce and Industry as amended on 2 December 2013, III-3 assessment in accordance with the BQFG. See http://www.hannover.ihk.de/fileadmin/data/Dokumente/Satzungen__Beitraege__Gebuehren/20140308_Gebuehrentarif_02.pdf (accessed: 18 March 2015).

¹⁸⁰ 'The fees framework is stipulated in the Fees Regulations of the chamber of crafts and trades. Because the expense of conducting the procedure varies depending on the respective individual case, no uniform fee has been set. The chamber of crafts and trades provides information on the expected cost of the procedure on an individual basis. Insofar as a skills analysis is needed alongside the evaluation of the written evidence, the costs incurred are invoiced separately as expenditure.' See <http://www.handwerk-nrw.de/beratung/anerkennung/bewertung-auslaendischer-berufsabschluesse-durch-die-handwerkskammer.html> (accessed: 18 March 2015) and response of the ZDH to the BIBB survey of associations of 3 December 2014.

¹⁸¹ Response of the ZDH to the BIBB survey of associations of 3 December 2014.

¹⁸² Response of the Association of the Chambers of Agriculture (VLK) to the BIBB survey of associations of 3 December 2014 and follow-up response of 12 March 2015.

¹⁸³ See http://www.aekwl.de/fileadmin/arzthelferinnen/doc/Merkblatt_zum_BQFG_11-2012.pdf (accessed: 18 March 2015).

¹⁸⁴ In order to prepare fees regulations for the State of Berlin, in February 2014 the Senate Department of Education, Science and Research (SenBJW) conducted a brief survey of members of the 'Coordinating Departments' Working Group on fees frameworks and upper limits with regard to recognition procedures. We would like to express our thanks to the Senate Department for making available a synopsis of results as of 7 February 2014. These results should only be viewed as having an interim status. Firstly, the legislative process had not been concluded in several federal states at this point in time. Secondly, responses from only 13 of the 16 federal states were available for consideration and not all responses applied to all federal state departments.

Differences even exist in respect of form of stipulation. In some cases, fees are set in the State Recognition Act (such as in Saxony-Anhalt¹⁸⁵), whilst in others they are stipulated in specific legal ordinances (RVO's) for recognition mechanisms (for example Baden-Württemberg¹⁸⁶) or in various RVO's (for instance in Hessen¹⁸⁷). The SenBJW survey seems to confirm that an amount of €600 as an upper limit for the procedural fee is the most common set, or at least planned, in the federal states. In Berlin, for example, the Professional Qualifications Assessment Fees Ordinance (BQPGebVO), which has been in force since 30 April 2014, stipulates a fee range of between €100 and €600.¹⁸⁸ In Mecklenburg-Western Pomerania and Schleswig-Holstein, the survey indicated that fees of up to €150 are charged. In these cases, therefore, the desired upper limit of €600 has not thus far been reached. The two sides of the debate surrounding the amounts charged within the fees framework are a wish not to make take-up of the recognition rules too difficult by setting costs too high on the one hand balanced against compliance with the principle of covering costs on the other.

As already identified in the first Report on the Recognition Act, the fees for the procedure continue to vary not only between occupations but also between the various competent bodies within the same occupation. The **web analysis**¹⁸⁹ conducted for the first report **for the professions of doctor and registered general nurse** was repeated from August to September 2014 and expanded to encompass the professions of **dentist** and **dispensing chemist**.

According to the information provided on the websites, the fees for the issuing of a licence to practise for doctors are between €100 and €1,000. This means that there has been a slight increase in the lower limit from €80 to €100 compared with the 2013 web analysis whilst the upper limit has remained the same (cf. Erbe et al. 2014, p. 159). Although some competent bodies continue to state stipulated rates, a fee range is significantly more frequent. In some cases, the amount of the fees

¹⁸⁵ Cf. § 20 Paragraph 1 of the 'Act on the Recognition of Foreign Professional Qualifications in the State of Saxony-Anhalt'. See http://www.mw.sachsen-anhalt.de/fileadmin/Bibliothek/Politik_und_Verwaltung/MW/Service/Laendergesetzgebung_ST_GVBl.pdf (accessed: 18 March 2015).

¹⁸⁶ See inter alia 'Ordinance of the Ministry of Integration on the stipulation of fee rates for public services provided by the state authorities for the area of responsibility of the Ministry of Integration' of 29 January 2015, Annex 'Schedule of fees'. This sets an upper limit of €630. Cf. http://www.landesrecht-bw.de/jportal/portal/t/hl5/page/bsbawueprod.psmi/action/portlets.jw.MainAction?p1=2&eventSubmit_doNavigate=searchInSubtreeTOC&showdoccase=1&doc.hl=0&doc.id=jlr-IntMinGebVBWpAnlage&doc.part=G&doc.poskey=#focuspoint (accessed: 18 March 2015).

¹⁸⁷ See inter alia § 1 of the 'Administrative Costs Ordinance for the area of responsibility of the Ministry of Education and Cultural Affairs'. Cf. http://www.rv.hessenrecht.hessen.de/jportal/portal/t/1lxq/page/bshesprod.psmi?pid=Dokumentanzeige&showdoccase=1&js_peid=Trefferliste&fromdoctodoc=yes&doc.id=jlr-KMVwKostOHE2013rahmen&doc.part=X&doc.price=0.0&doc.hl=0#focuspoint (accessed: 18 March 2015) or 'Administrative Costs Ordinance for the area of responsibility of the Ministry of Social Affairs and Integration', Annex 'Summary of the Schedule of Administrative Costs'. Cf. http://www.rv.hessenrecht.hessen.de/jportal/portal/t/1mbp/page/bshesprod.psmi?pid=Dokumentanzeige&showdoccase=1&js_peid=Trefferliste&fromdoctodoc=yes&doc.id=jlr-SozMinVwKostOHE2012rahmen&doc.part=X&doc.price=0.0&doc.hl=0#focuspoint (accessed: 18 March 2015).

¹⁸⁸ 'Ordinance on fees for the assessment of professional qualifications and evaluations of foreign higher education qualifications (Professional Qualifications Assessment Fees Ordinance – BQPGebVO)' of 15 April 2014, <http://gesetze.berlin.de/jportal/?quelle=jlink&query=BQPGebV+BE+Anlage&psmi=bsbeprod.psmi&max=true> (accessed: 18 March 2015).

¹⁸⁹ 23 competent bodies for the professions of doctor, dentist and dispensing chemist and 25 competent bodies for the profession of registered general nurse were surveyed nationwide. It is frequently the case that one administrative agency acts as the competent body for more than one profession. 13 competent bodies, for example, are responsible for all four professions stated. For this reason, there are a total of 37 federal state authorities in the healthcare professions.

differs depending on whether training was completed in an EU or EEA state or in a third country. Some competent bodies do not provide any information on their websites about the amount of fees, and one competent body stated that fees were calculated on the basis of the processing costs.

If competent bodies are responsible for at least one of the professions of dentist or dispensing chemist as well as the profession of doctor, the fees for the issuing of a licence to practise stated on the website are the same for the former as for the latter. Because the majority of competent bodies is responsible for all three professions, there are no great differences in the structuring of fees compared to the profession of doctor.

The web analysis also showed that the fees stated for registered general nurses have scarcely changed. With one exception (where the charge is €1,060), fees are between €25 and €30. Fee ranges remain slightly more common than stipulated amounts. A large number of the competent bodies responsible for this profession (15 out of 25) continue to make no statement regarding fees on their website.

Within the scope of the standardised survey of the competent bodies for healthcare professions, participants were requested to provide information on fees charged in practice. Because the questions on costs were only answered by a small number of respondents, they are only able to serve as an initial indication. It is revealed that average costs seem to vary greatly even with regard to responsibility for the same occupation. Information gathered thus far does not show any uniform picture regarding costs for the various procedures (equivalence assessment by the administrative authority, equivalence assessment by external experts or implementation of a compensation measure). Further investigations are required in overall terms.

With regard to the costs of **language tests**, the situation is as follows. For the issuing of a licence to practise (e.g. for the profession of doctor, see § 3 BÄO) or of an authorisation to practise (for instance as a registered general nurse, cf. § 2 KrPflG), requirements usually include demonstration of knowledge of German at level B2 (see III-3.8). Some competent bodies, such as the Regional Councils in Baden-Württemberg, state the language test providers (for example Telc) from which they accept certificates.¹⁹⁰ Other competent bodies, including the Rhinehessen Medical Council, offer their own language tests. The latter charges a fee of €160 for participation in the test of knowledge of German.¹⁹¹

By way of comparison, during the course of 2014 and 2015, the Central Office for Foreign Education (ZAB) took over responsibility for the issuing of equivalence notices in **non-regulated school-based occupations governed by federal state law** in the states of Baden-Württemberg (from 13 August 2014), Berlin (from 20 February 2014) and Lower Saxony (from 1 February 2015). The Recognition Acts of the federal states form the legal basis in this regard. The ZAB charges a fee of €485 for the issuing of notices.¹⁹²

¹⁹⁰ Cf. <http://www.rp.baden-wuerttemberg.de/servlet/PB/menu/1351118/index.html> (accessed: 18 March 2015).

¹⁹¹ Cf. <http://www.aerztekammer-mainz.de/pdf/diverse/Hinweise-Deutschkenntnispruefung.pdf> (accessed: 18 March 2015).

¹⁹² Cf. <http://www.kmk.org/zab/gleichwertigkeitsbescheide-fuer-nicht-reglementierte-landesrechtlich-geregelte-berufe.html> (accessed: 18 March 2015).

The fee charged by the ZAB for the certificate evaluation of foreign higher education qualifications rose from €100 to €200 for applications received from 30 April 2014.¹⁹³

5.2 Development of existing financing instruments since the last report

Costs incurred by applicants for a recognition procedure may in certain cases be assumed in whole or in part by third parties. Costs include fees for the procedure as well as the costs of procuring documentation and possible compensation measures¹⁹⁴. Possibilities of assumption of costs vary according to the group of persons entitled (with regard to aspects such as age, origin or aim of training), type of cost and region. A summary of the existing opportunities for assumption of costs during the period from April 2012 to September 2013 is already available (see Erbe et al. 2014, pp. 128ff.). The development of the financing instruments and further possibilities for the assumption of costs during the reporting period from September 2013 to December 2014 are presented below.¹⁹⁵ Figure 38 provides a forecast of the most important financing instruments from 2015.

5.2.1 Regulatory instruments of the Federal Government

Since the last report, there have been no changes in the regulatory instruments of the Federal Government applicable to the financing of costs of recognition. These constitute **employment support funding** (German Social Security Code III, SGB III) and **funding for the provision of basic benefits for job seekers** (German Social Security Code II, SGB II), including in particular the funding of continuing vocational training within the scope of the job seeker fund of the BA and the placement budget (for purposes such as assumption of fees of the procedure and certification and translation costs). These services are available to persons in receipt of benefits if the statutory requirements are fulfilled. Alongside the unemployed, however, persons threatened by unemployment who have registered as job seekers may be able to access some of the benefits if certain conditions are met. In each case, the decision to assume costs is a discretionary adjudication. Until 31 December 2016, practical application by placement staff at the labour administration bodies is still governed by the 'BA Recommendations and Instructions' (HEGA), BA HEGA 03/2012 (see II-2.2). On 26 September 2014 and 16 January 2015, the Administrative Council of the BA addressed the application of the funding instruments in practice and looked at 'possible hurdles to implementation that hinder a welcoming culture'¹⁹⁶.

Depending on the group of persons involved, **training financing instruments** such as the Federal Education and Training Assistance Act/Upgrading Training Assistance (BAföG/Meister-BaföG) and the

¹⁹³ Cf. <http://www.kmk.org/zab/zeugnisbewertung-hochschulqualifikationen/gebuehren-und-antrag.html> (accessed: 18 March 2015) and the Schedule of Fees accompanying the BQPGebVO, tariff position 300.

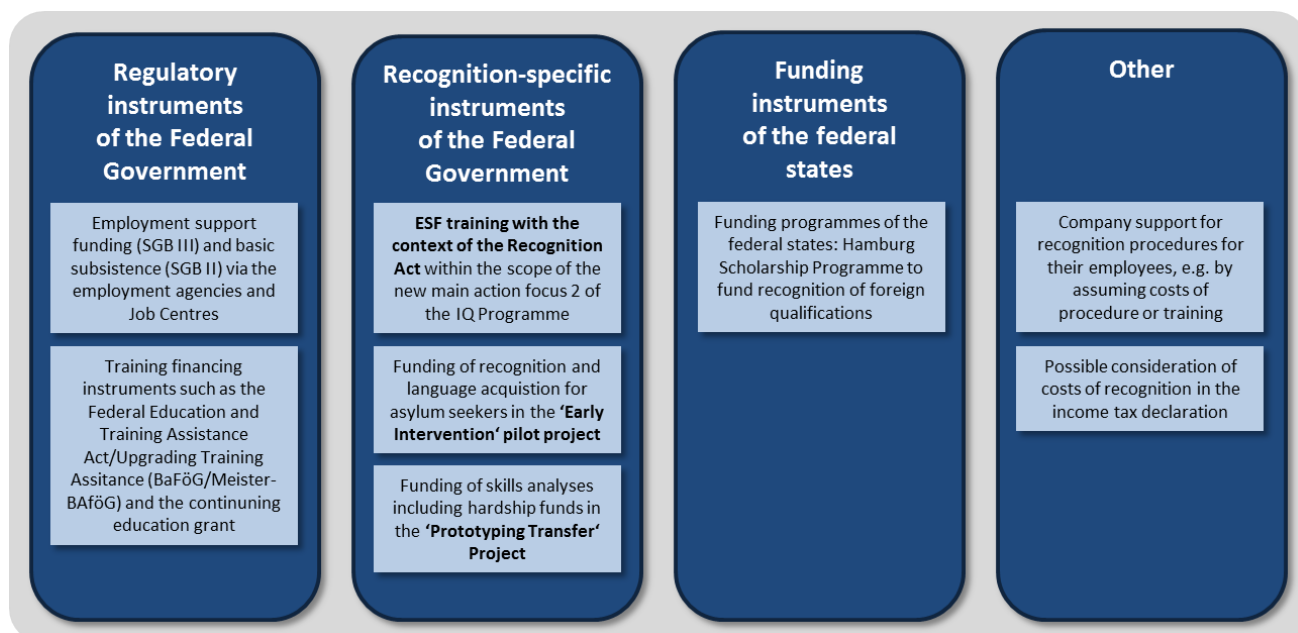
¹⁹⁴ Adaptation training may also be necessary in the non-regulated sector for the achievement of full equivalence.

¹⁹⁵ Information is based on secondary sources, in particular funding guidelines, although committee reports, presentations given at events and further statements made by stakeholders are also used. As in the first report, only individual funding is addressed. Measures to support the law, such as information and advisory structures, and macroeconomic national migration accounts are not included (as a representative example in this regard, cf. the tax transfer model presented in Bonin 2014).

¹⁹⁶ Citation from unpublished guidance documentation 134/2014 of 14 November 2014.

continuing education grant may be a financing possibility. The surveys in Section 5.4 make clear the significance of the individual instruments from the point of view of guidance staff at Job Centres and advisory bodies and at adult migrant guidance centres (MBE's).

Figure 38 Forecast of the main financing instruments for costs of recognition from 2015



Source: Information from the following sections (planning status 12.03.15), presentation by BIBB.

5.2.2 Recognition-specific funding instruments of the Federal Government

Since January 2013, the special **MobiPro-EU** programme launched by the BMAS has been supporting young people from the European Union in taking up company-based vocational education and training in Germany. Until 8 April 2014, qualified skilled workers in shortage occupations were able to apply for funding for processes such as a recognition procedure. Funding was suspended in the spring of 2014 because of the high level of demand for MobiPro-EU financing. Between the programme's launch until 31 December 2014, a total of 9,263 persons applied for funding via MobiPro-EU. 2,730 (29 percent) of these were in the skilled worker segment. Because one person may submit more than one application, the total number of applications received during this period was 49,967, 7,408 of which were in the skilled worker segment. In 1,266 of these 7,408 applications (17 percent), EU skilled workers applied for financial support for their recognition procedure. The other applications in the skilled worker segment primarily related to funding for German courses in the country of origin or on an in-service basis in Germany (44 percent in total) or to travelling costs for a job interview or commencement of work (39 percent in total).

The largest proportions of applications submitted in the skilled worker segment were from Bavaria (1,442), North Rhine-Westphalia (759), Baden-Württemberg (703) and Lower Saxony (678).¹⁹⁷ Since 2015, MobiPro-EU has continued in a new form in which recognition procedures are no longer funded because the special programme is now focusing on the target group of those interested in entering training.

Until the end of 2014, the Federal Government also financed **regional pilot projects** focusing on training within the scope of the **IQ Funding Programme**. Costs of measures were funded via the IQ Programme, whereas the living costs of participants were secured on an individual case basis by the Job Centres or employment agencies via the ongoing payment of basic subsistence pursuant to SGB II or III. The Hamburg Chamber of Crafts and Trades, for example, developed the implementation of adaptation training within the context of the Recognition Act. Notices of partial equivalence issued to participants stated both the substantial differences and specific learning objectives to compensate for these. In order subsequently to support the achievement of the learning objectives, the project made systematic use of initial training elements in the dual system, including company-based training.¹⁹⁸

The BA, BAMF and the BMAS are launching **'Early Intervention'** (cf. II-2.2), a new pilot project specifically aimed at asylum seekers. Since 2014, asylum seekers who are highly likely to remain in Germany permanently have been provided with early-stage support in the job search process at six pilot locations. Three new such locations were added in 2015. After an initial competence assessment, participants are integrated into the regular placement process of the BA and receive relevant support and assistance. The possible action strategies in the pilot project may include recognition of foreign qualifications and acquisition of knowledge of German. In terms of practical implementation, the aim then is for regulatory instruments of the BA such as the placement budget to assume costs of translation and certification of qualifications.¹⁹⁹ In December 2014, a total of just under 500 participants were being supported within the project. Around 180 persons received assistance with a recognition procedure (including referral guidance). No information is as yet available regarding the number of completed procedures. Nevertheless, qualitative evaluation research is already delivering specific indications of success and highlighting areas for action (Daumann et al. 2014).

Because of the situation they find themselves in, refugees are in many cases unable to provide documents for the equivalence assessment. The **Prototyping Transfer Project** (see II-2.2) supports the chambers in the nationwide implementation of procedures for the so-called skills analysis which have been previously developed and piloted for this group of persons in particular. Alongside these structural measures, funding is also in place to finance the comparatively higher costs of skills

¹⁹⁷ Calculation by BIBB on the basis of information provided by the BMAS and the Specialist Placement Agency (ZAV) of the BA for consideration by the BIBB Board on 26 June 2014, updated via a written communication from the BMAS of 17 March 2015. Cf. also <http://www.bmas.de/DE/Service/Presse/Pressemitteilungen/mobipro-eu-neue-foerderperiode-gestartet.html> (last updated 15 January 2015, accessed: 18 March 2015).

¹⁹⁸ Cf. the project description by the Hamburg IQ Network – NOBI, Recognition in the craft trades – guidance & training of 26 May 2014.

¹⁹⁹ Information based on the project profile and an expert interview with the project contact partner in the Market and Integration Department at the BA Head Office on 17 December 2014.

analyses in particular cases.²⁰⁰ The project was launched on 1 January 2015 and has a term of three years.

In 2014, the preparatory phase was successfully completed for a nationwide Federal Government instrument for the financing of further training (adaptation training and compensation measures) which builds upon professional and vocational qualifications acquired abroad. Funding guidelines for an additional main action focus for the training of migrants within the context of the Recognition Act as part of the IQ Funding Programme were issued on 15 October 2014, referred to in brief as: **ESF training in the context of the Recognition Act.**²⁰¹ IQ federal state coordinators were able to submit funding applications until 31 October 2014. In December, the BMAS in its lead management capacity arrived at a decision on the applications submitted and approved a total of 146 IQ sub-projects in main action focus 2. These deal with the development and implementation of training measures which can be aligned to four different modules and/or to the option of language promotion (see Figure 39). The largest proportion, 41 percent, is apportioned to Module 1, compensation measures for regulated professions. Module 2 contains a further 25 percent of sub-projects focusing on adaptation training for occupations in the dual system. Module 3 contains 27 percent of sub-projects, these being directed towards bridging measures for those with academic qualifications. A small proportion of 8 percent of sub-projects in Module 4 is dedicated to preparation for the external examination. 17 percent relate to occupationally related language support.²⁰² The first round of funding began in January 2015 and ends on 31 December 2018. If the first round runs successfully, a subsequent round of funding is planned for the period from 1 January 2019 to 31 December 2022. Applicants are able to use provision all over the country free of charge and irrespective of their nationality or residency status. The aim in future is for the training provision developed to be accessible to those interested in seeking recognition via the BA KURSNET database.

²⁰⁰ See the press release issued by the BMBF on 1 April 2015 – http://www.bmbf.de/_media/press/PM_0401-038.pdf (accessed: 01.04.15).

²⁰¹ The guidelines were published in the Federal Gazette (BAnz AT 21 October 2014 B5) and will be enacted within the scope of the ESF Operational Programme of the Federal Government for the funding period 2014 to 2020 (ESF training in the context of the Recognition Act). Cf. also Section II-2.2.

²⁰² Information according to the sub-project summary drawn up as a transfer multiplier project within the IQ Funding Programme by the Development Society for Vocational Training (ebb) for the IQ Steering Group in Berlin on 10 and 11 February 2015. (A dual response is possible for the sub-projects, meaning that the total of the percentage values is greater than 100.)

Figure 39 Approved IQ funding projects for the training of migrants in the context of the Recognition Act (distribution of the 146 sub-projects)

Module 1: Compensation measures for regulated professions	60 sub-projects
Module 2: Adaption training for occupations in the dual system (BBiG/HwO)	37 sub-projects
Module 3: Bridging measures for holders of of academic qualifications	39 sub-projects
Module 4: Preparation for the external examination in the case of negative outcome/negative prognosis of the recognition procedure	10 sub-projects
Option: Occupationally related language support	25 sub-projects

Source: Information according to the sub-project summary (see footnote 201), representation by BIBB. Each sub-project may be active in up to two of the four modules and/or the option of language promotion (multiple response).

In the coalition agreement, the Federal Government has announced its medium-term intention to investigate the possibility of establishing a federal scholarship programme to supplement the ESF-funded main training focus in the IQ Programme. The basis for this investigation will be the initial experiences on actual requirements, which will not be available until the end of 2015 at the earliest, and valid figures from the IQ Funding Programme main action focus ‘Training in the context of the Recognition Act’, which did not begin until January 2015.²⁰³

The so-called **ESF-BAMF Programme** for occupationally related language support for people from a migrant background, which will also be continued until the end of 2017 in the new 2014-2020 ESF funding period, is also of significance for the implementation of language courses in connection with recognition procedures. On 16 January 2014, the BAMF and the BA signed an administrative agreement for the implementation of occupationally related language support for the period from 2014 to 2020. This agreement represents a new version of the national language promotion provision launched nationwide in August 2008 with the aim of improving occupationally related knowledge of German. The courses offered within the scope of the ESF-BAMF Programme, which is available at selected educational institutions right across Germany, encompass up to 730 teaching units. As well as occupationally related language content, they also specify specialist teaching and a practical placement. Potential applicants in receipt of benefits pursuant to SGB II and SGB III are registered with the BAMF by the Job Centres and employment agencies. In principle, however, the courses are also available to job seekers not in receipt of benefits and in some cases to asylum seekers to the extent that they are taking part in the Federal Government programme ‘ESF Integrationsrichtlinie Bund’. Employees can participate in the courses if they or their employer bears the costs. Courses are provided in all relevant specialisms, such as social services occupations, medical and nursing professions and private sector technical occupations. Vocational orientation

²⁰³ Information according to the response given by the Parliamentary State Secretary at the BMBF, Stefan Müller, to Member of Parliament Kai Gehring of BÜNDNIS 90/DIE GRÜNEN on 5 February 2015.

courses are also offered.²⁰⁴ In light of the lower level of financing accorded to the programme in the new ESF funding period, the project partners the BA and the BAMF are of the view that it is 'necessary to act now to put things on the right track and create a permanent legal basis for the occupationally related German courses in future'²⁰⁵.

5.2.3 Funding instruments of the federal states

In the reporting period, only one recognition-specific funding instrument in one single federal state was available to applicants at a regional level, the Hamburg scholarship programme. By the end of 2014, this programme had funded about ten percent of the 4,908 persons interested in seeking recognition who had until this point received guidance from the Hamburg Counselling Centre for Recognition of Qualifications (ZAA). In 2014, 231 persons were supported via a total funding volume of €489,614. Assistance was provided in the form of one-off grants to meet the costs of the recognition procedure and adaptation training (to a maximum of €12,000 per person) and allowances to meet living expenses during an adaptation measure.²⁰⁶

Apart from this, other federal states were considering establishing such scholarships. In Baden-Württemberg, for example, the Baden-Württemberg Foundation convened an expert hearing in the summer of 2014 in order to explore the possibilities of a scholarship programme for the recognition of foreign qualifications. The Supervisory Board of the Baden-Württemberg Foundation addressed the topic in detail in October 2014 and February 2015 and gave management the remit of drawing up a viable concept by the autumn of 2015.²⁰⁷

In Berlin, a parliamentary order seeking a response to the question of establishing a scholarship programme to support the Berlin Recognition Act has been before the Senate since July 2014. Since this time, the Senate administrative departments involved have been undertaking specific considerations with regard to setting up a funding system based on the Hamburg model. According to the latest status of discussions, this could be implemented in the form of a combination of several measures, including a hardship fund to close financing gaps.²⁰⁸

²⁰⁴ Cf. <http://www.bamf.de/SharedDocs/Anlagen/DE/Publikationen/Broschueren/broschuere-esf-bamf-programm.html> (accessed: 18 March 2015).

²⁰⁵ Press release by the BAMF of 12 September 2014 <http://www.bamf.de/SharedDocs/Pressemitteilungen/DE/2014/20140912-0024-pressemitteilung-ba-arbeitsmarktintegration-asylbewerber.html> (accessed: 18 March 2015).

²⁰⁶ Information from a presentation on the scholarship programme given by Michael Gwodz from the ZAA to an expert hearing of the Baden-Württemberg Foundation 'Recognition of foreign professional qualifications' in Stuttgart on 3 July 2014 and from an e-mail of 13 March 2015 from the ZAA Project Management Team. 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 – http://www.ifbhh.de/fileadmin/pdf/IFB_Download/IFB_Foerderrichtlinien/FoeRi_Stipendienprogramm.pdf (accessed: 18 March 2015).

²⁰⁷ Information based on presentations given at the expert hearing of the Baden-Württemberg Foundation 'Recognition of foreign professional qualifications' in Stuttgart on 3 July 2014 and on an e-mail from the Baden-Württemberg Foundation on 13 March 2015.

²⁰⁸ Application from the SPD and CDU parliamentary groups regarding a scholarship programme to supplement the Berlin Recognition Act (BQFG Berlin) – Printed Paper No. 17/1737 – 51st sitting of the House of Representatives of 3 July 2014 and verbal information provided by the Integration Section of the Senate Department for Labour, Integration and Women as of 4 March 2015.

5.2.4 Financing via companies and other possibilities

As the BIBB company survey of 2014 shows (cf. III-6.2), some companies which have already had experience of recognition are certainly prepared to provide support. In response to the question as to which types of assistance companies offer to employees who are undergoing or have undergone a procedure, almost 30 percent state that they help with the cost of the process. Some companies also provide support to their staff when they are dealing with government authorities and also assist with understanding and completing the application forms as well as with preparations for compensation measures.

Within the scope of a study of small and medium-sized enterprises (SME's) commissioned by the BMWi, 260 international skilled workers were surveyed on issues such as the support they had received from their companies whilst settling into life in Germany (Ekert et al. 2014). Even though this non-representative survey was not targeted explicitly at the financing of recognition procedures, it makes it clear that 40 percent of respondents stated that they had received help. The principle measure adopted by the companies is support in dealing with government authorities, followed by German courses and other measures. The extent to which this potential for company willingness to provide support can be further exploited with regard to the topic of recognition will need to be revealed in practice.

In a pilot project conducted by the Nuremberg Chamber of Commerce and Industry at the end of 2014/start of 2015 and funded by the BMBF, companies were provided with targeted information in their own region on opportunities for recognition of the qualifications of their employees.

Alongside the financing routes stated, persons liable for income tax may, if they have sufficient income, apply for **tax relief** on the costs of a recognition procedure as part of their tax declaration.

As is also the case with investments in continuing training, a recognition procedure is probably associated with the hope that costs will be amortised in the long term in the form of a higher income. Initial indications of the effects of the recognition of foreign qualifications on income are shown in an analysis of the sample migration survey carried out by the Institute for Employment Research (IAB) and the German Socio-Economic Panel (SOEP). Controlled against other characteristics, an estimation of the cases evaluated in the survey showed that the wages of those with full recognition of qualifications rose by 28 percent compared to persons who had not submitted an application for recognition (cf. Brücker et al. 2014).

5.3 Survey results on costs and financing

This sub-chapter presents statements from specialist advisory staff on the predictability and calculation of costs incurred in recognition procedures, decisions regarding the financing of such costs by the Job Centres and the recommendation of financing instruments. It subsequently examines the question of whether financing is a reason not to submit an application.

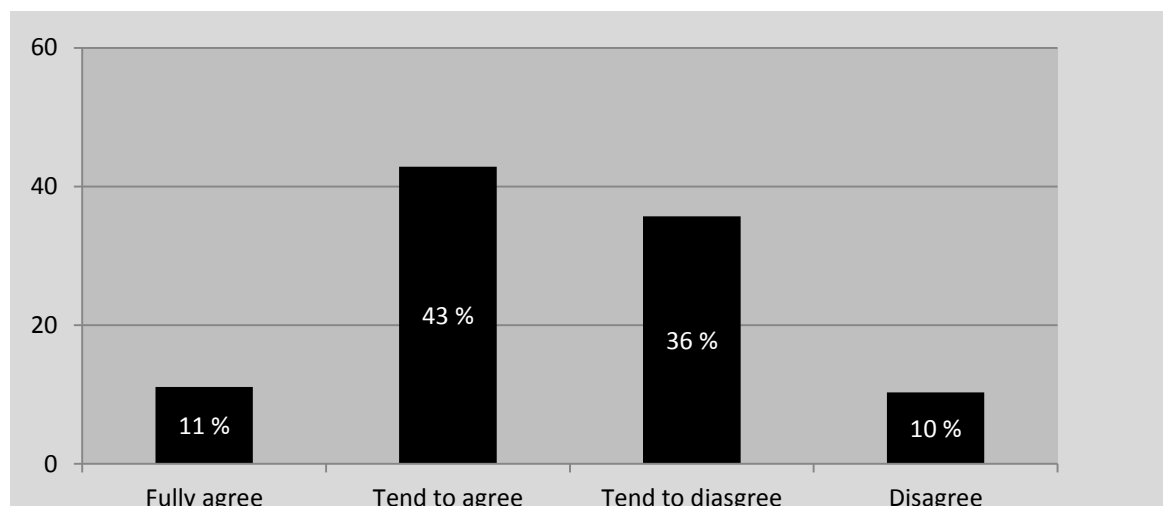
5.3.1 Job Centres – costs of the procedure and financing

Within the scope of the standardised survey, Job Centres were asked to provide information on topics such as costs of recognition procedures and financing opportunities. Of the 181 Job Centres

which took part in the survey, 159 are joint institutions and 22 are under local government control.²⁰⁹ The respondents from the Job Centres included persons with various functions (see dataset description in Annex A2).

Because the amount of costs is a relevant aspect for Job Centres when deciding on funding, the predictability of costs plays a crucial role. More than half of respondents (about 54 percent) estimated that costs are mostly predictable. Just under half rejected this statement (cf. Figure 40).

Figure 40 Job Centres – agreement with the statement ‘The costs of the procedure are mostly predictable.’ (in percent)



Source: BIBB survey (2014) of Job Centres (n=181, 55 provided no information).

According to the statutory prerequisites of SGB III, the recognition procedure will be financed if the Job Centre strongly believes that labour market success will be achieved. This is revealed in the survey. 81 percent²¹⁰ agree with the statement ‘In order to be able to approve financing, it is important for me to be convinced of the labour market success of the procedure beforehand’.

Alongside the prospect of successful labour market integration, a successful outcome of the recognition procedure also plays an important part in the decision regarding financing, as the qualitative expert interviews show. One Job Centre respondent points out: ‘*It is fundamentally the case that the outcome of the procedure is, of course, also a basis for financing*’.²¹¹ Job Centre staff particularly receive evaluations of recognition success from the advisory bodies of the IQ Network.

In addition to this, interviews with three Job Centre employees²¹² make it clear that Job Centres frequently face a dilemma between financing a recognition procedure and direct labour market integration into employment which is not in line with a person’s qualifications.²¹³ A staff member at a labour administration body describes this in the following terms: ‘*The case manager really has a*

²⁰⁹ Job Centres which operate as joint institutions are formed by the local employment agencies together with municipal or district authorities. In other places, local government authorities are responsible for the work of the Job Centres (authorised local government providers). Because no significant differences between these two forms of provider could be ascertained in terms of the types of response given, no further differentiation will be drawn below.

²¹⁰ n=181, 48 provided no information.

²¹¹ Statement of a person interviewed from a labour administration body.

²¹² Labour administration bodies cooperate closely with an IQ Network.

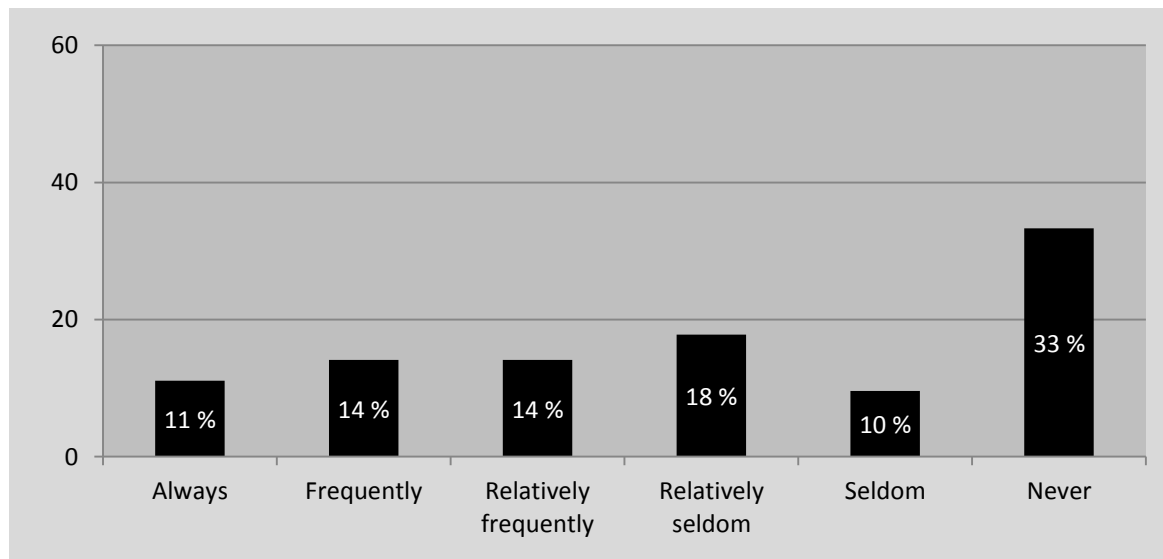
²¹³ The usual statutory prerequisites pursuant to SGB II and SGB III apply.

*tough choice to make [...] Should I place this person in an [...] inappropriate [...] occupation for which he is actually over-qualified [...] or should I pay the costs of recognition.*²¹⁴

One Job Centre and one MBE describe that assumption of the costs incurred within the scope of a recognition procedure by Job Centres, including further training measures, also requires good language knowledge. The Job Centre conducts its own language tests for this purpose. If language knowledge is not in place, this first needs to be acquired before the financing is approved. According to statements made by an MBE, financing of language courses often only takes place up to language level B1.²¹⁵

The Job Centres were also requested to state how often they calculate the potential costs of a procedure when providing guidance to customers with professional or vocational qualifications acquired abroad. Even though the cost calculation does not lie within their remit – information from the competent body or an assessment from an IQ counselling centre is necessary – 11 percent of the Job Centres still take on this additional task (cf. Figure 41).

Figure 41 Job Centres – calculation of the potential costs of a procedure (in percent)



Source: BIBB survey (2014) of Job Centres (n=181, 46 provided no information).

The Job Centres were also asked to provide information as to in how many cases they then finance the further training or compensation measure.²¹⁶ Only about 38 percent of respondents gave an answer regarding the frequency of financing of further training. A majority of almost 63 percent states that these costs are assumed in most cases. Only just under nine percent state that financing is provided in very few cases.

²¹⁴ Statement of a person interviewed from a labour administration body.

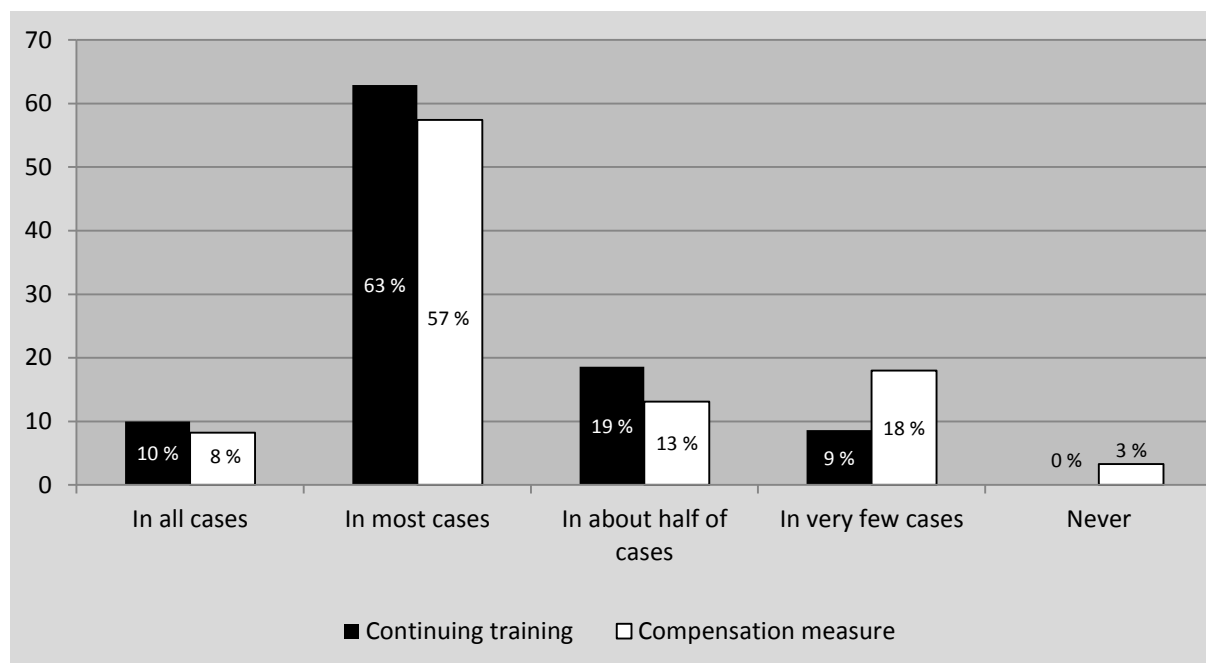
²¹⁵ The language level required for a registered general nurse is B2 (cf. dataset description on the web analysis in Annex A2).

²¹⁶ If the competent body has identified substantial differences compared to the reference occupation, the choice of the type of training depends on whether the reference occupation is a non-regulated occupation or a regulated profession. In the glossary (see Annex A1), a differentiation is drawn between adaptation training (referred to here as continuing training) for the recognition of non-regulated occupations and compensation measures for the recognition of regulated professions.

With regard to the frequency of financing of compensation measures, again only around 34 percent of participants provided a response. 57 percent of these state that costs are assumed in most cases. Virtually no respondents stated that financing was never provided.

To sum up, it is revealed that the majority of the Job Centres surveyed predominantly finances further training and compensation measures (cf. Figure 42).

Figure 42 Job Centres – financing of further training and compensation measures (in percent)



Source: BIBB survey (2014) of Job Centres on further training (n=181, 111 provided no information) and on compensation measures (n=181, 120 provided no information).

The Job Centres were asked to state which instruments or types of funding they recommend for the financing of recognition procedures.²¹⁷ It became clear in this regard that job seeker funding in general was mainly favoured²¹⁸ (by almost 25 percent of respondents)²¹⁹ and that there was a specific preference for the placement budget²²⁰ (stated by almost 48 percent of respondents). This shows that the other financing instruments stated, such as WeGebAU (4 percent), the Federal Education and Training Assistance Act, BaföG, and/or Upgrading Training Assistance, Meister-BaföG, (9 percent), MobiPro-EU (3 percent), the continuing education grant (8 percent) and tax office/tax declaration are playing a much less significant role in guidance practice, at least for the present. The reason for the more frequent stating of job seeker funding and the placement budget is that these two financing instruments are available for the direct use of Job Centre staff (cf. HEGA 03/2012). It is noticeable that 4 percent of respondents state that they are not familiar with these two instruments. Although the special programme ‘Continuing Training of Low Skilled Workers and Employed Older

²¹⁷ Multiple responses possible.

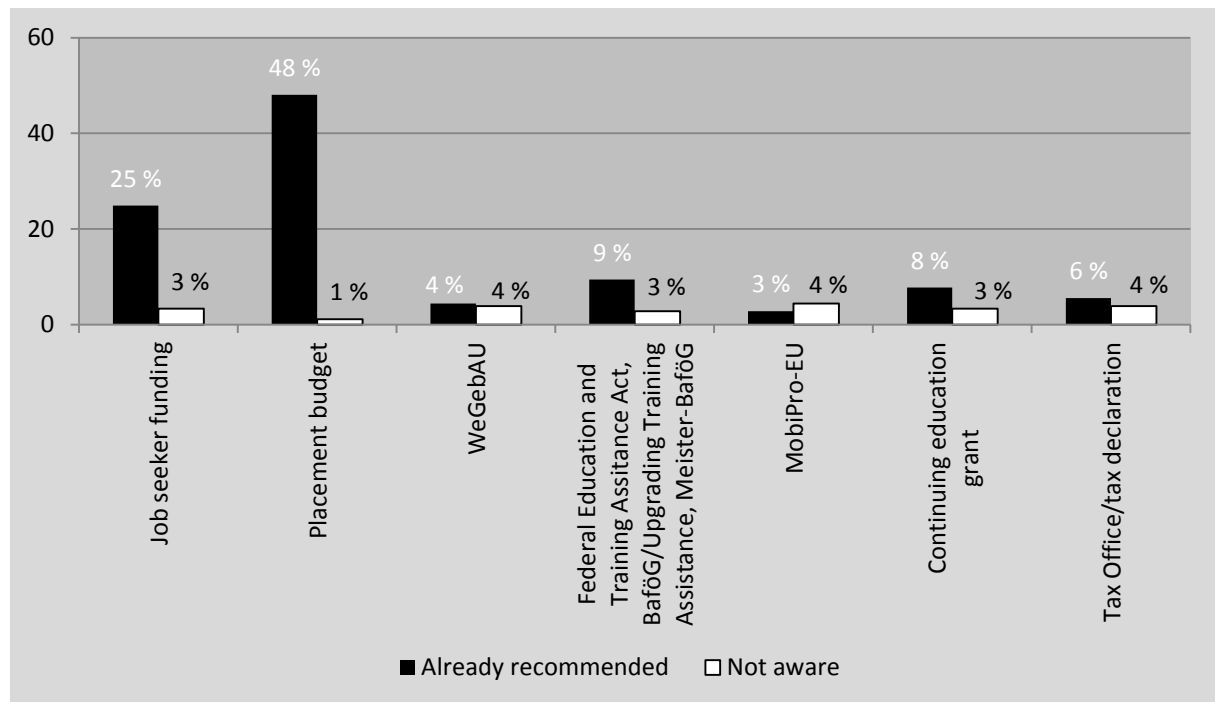
²¹⁸ Job seeker funding, the placement budget and the Federal Employment Agency Integration Fund financed programme ‘WeGebAU’ formally apply to SGB III. In the interests of uniform legal application, Job Centres are also guided by SGB III.

²¹⁹ At this point, we deviate from the previous calculation of percentage figures (only taking account of those who provide a response) because we assume that respondents who do not provide information are largely familiar with the financing instruments but do not use them.

²²⁰ The placement budget is part of job seeker funding.

Persons in Companies' (WeGebAU) is also governed within the scope of SGB III, in precisely the same way as with the other funding measures stated this is limited in terms of entitlement from the very outset to certain target groups on the basis of criteria such as age, company size, country of origin and other similar aspects. To this extent, they only apply to a smaller group of persons than is, for example, the case with the placement budget and job seeker funding. Between one and four percent of respondents state that they are not familiar with the individual financing instruments (cf. Figure 43).

Figure 43 Job Centres – funding instruments used or recommended (in percent)



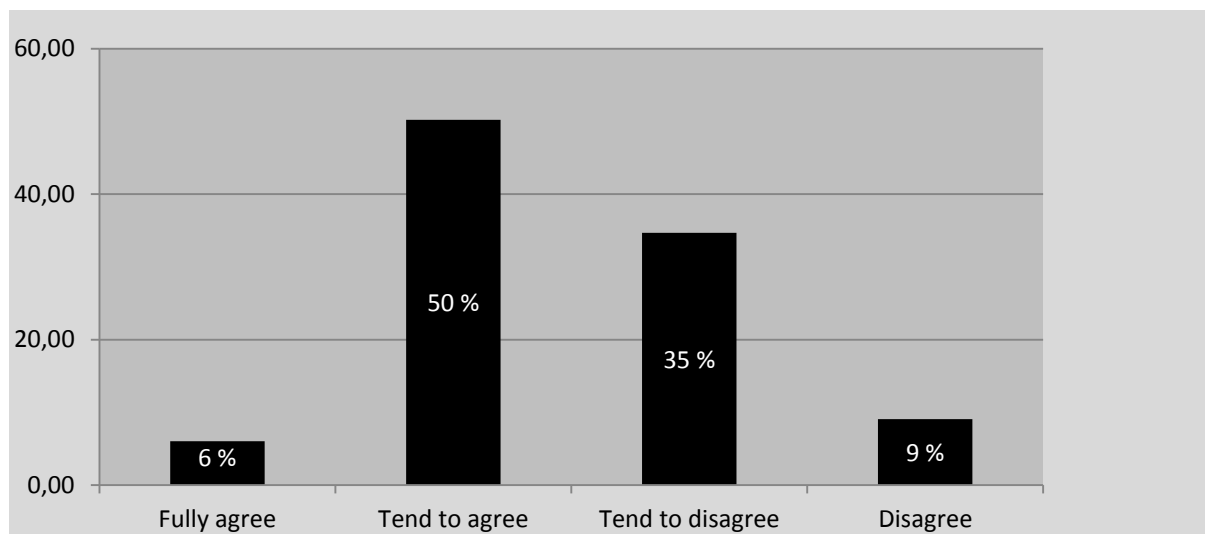
Source: BIBB survey (2014) of Job Centres (n=181, 89 provided no information).

5.3.2 MBE's – costs of the procedure and financing

As part of the standardised survey of guidance institutions, staff at adult migrant guidance centres (MBE's) were also asked about the costs of recognition procedures and financing opportunities. 248 questionnaires were returned.

Within the framework of the recognition guidance, the MBE's estimated the costs of procedures in order to give those interested in seeking recognition a basis for their decision. Just over half of respondents (approximately 56 percent) agree with the statement 'The costs of the procedure are mostly predictable.' Just under half rejected this statement (cf. Figure 44).

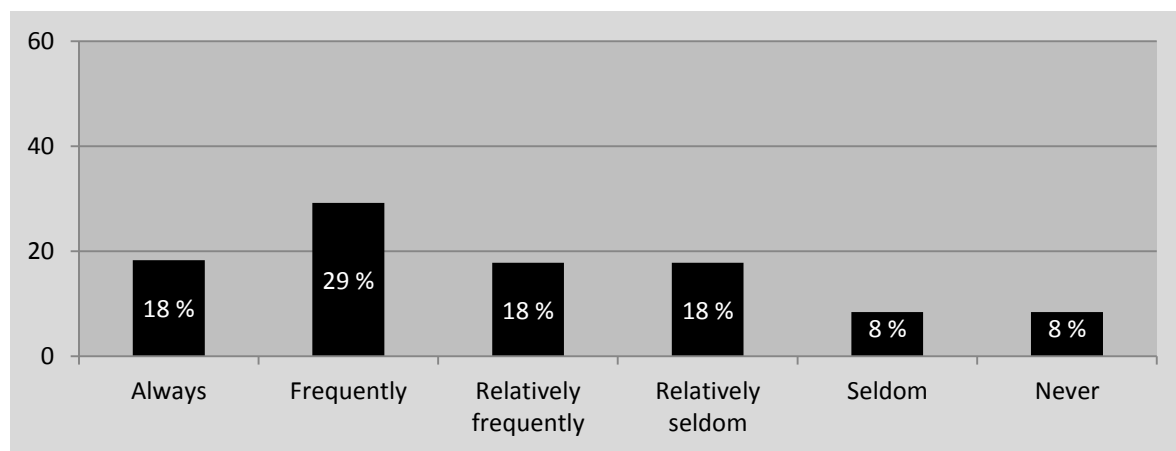
Figure 44 MBE's – agreement with the statement 'The costs of the procedure are mostly predictable.' (in percent)



Source: BIBB survey (2014) of MBE's (n=181, 49 provided no information).

Respondents were also requested to state how frequently an estimation of the costs of the procedure forms a part of the guidance process. About 65 percent state that they always estimate costs or do so frequently or relatively frequently (cf. Figure 45).

Figure 45 MBE's – estimation of the potential costs of a procedure (in percent)



Source: BIBB survey (2014) of MBE's (n=181, 46 provided no information).

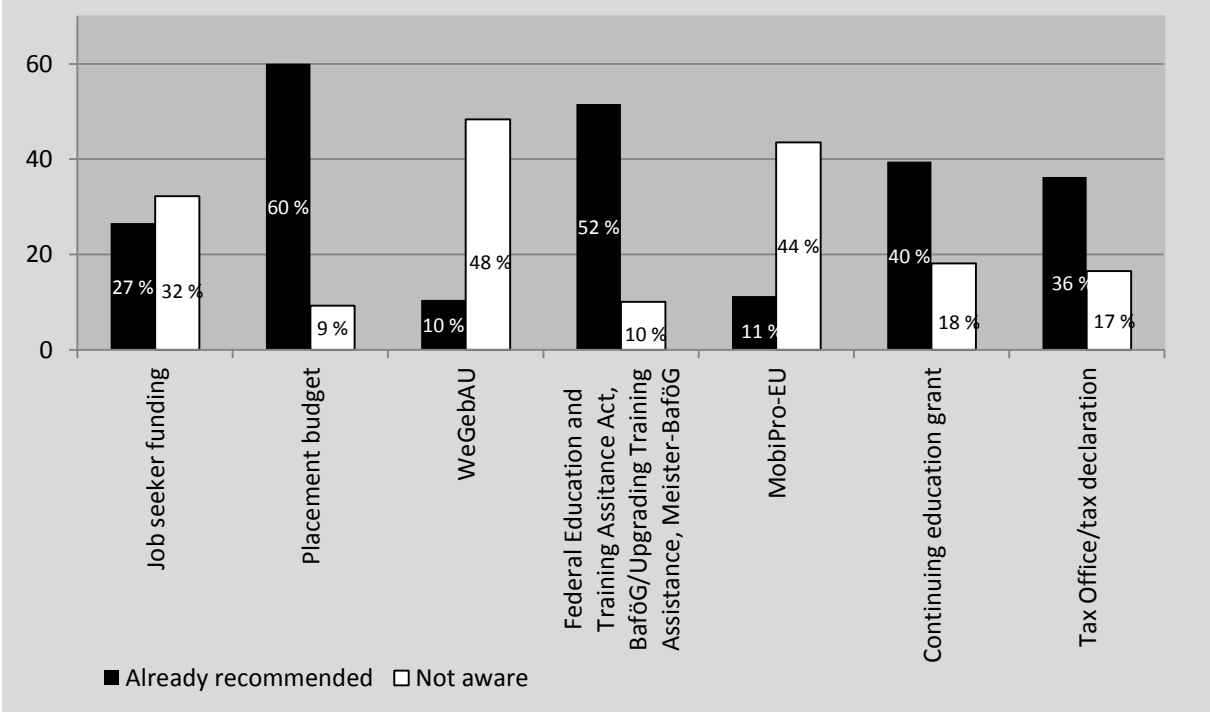
In response to the question as to which financing instruments they recommend to their clients,²²¹ the placement budget (60 percent)²²² was the most common response given by the advisory staff of the MBE's. The Federal Education and Training Assistance Act/Upgrading Training Assistance (BAföG/Meister-BaföG) (52 percent), the continuing education grant (40 percent) and tax office/tax declaration (36 percent) are also frequently mentioned. Job seeker funding (27 percent) and the WeGebAU special programme (11 percent) are stated more rarely. The frequency with which MBE

²²¹ Multiple responses possible.

²²² At this point, we deviate from the previous calculation of percentage figures (only taking account of those who provide a response) because we assume that respondents who do not provide information are largely familiar with the financing instruments but do not use them.

advisors state that they are not familiar with the individual financing instruments is noticeable. The statements do not, however, provide any information as to whether those receiving guidance were ultimately able to use the financing instruments recommended (cf. Figure 46).

Figure 46 MBE’s – financing instruments recommended (in percent)



Source: BIBB survey (2014) of MBE’s (n=248, 61 provided no information).

The responses to an open question on other funding opportunities reveal that some MBE’s approach the issue of financing on a division of labour basis. If they are not able to give any financing recommendations of their own, they refer clients to other local institutions, in particular employment agencies, Job Centres and IQ counselling centres.

5.3.3 Financing as a reason not to submit an application

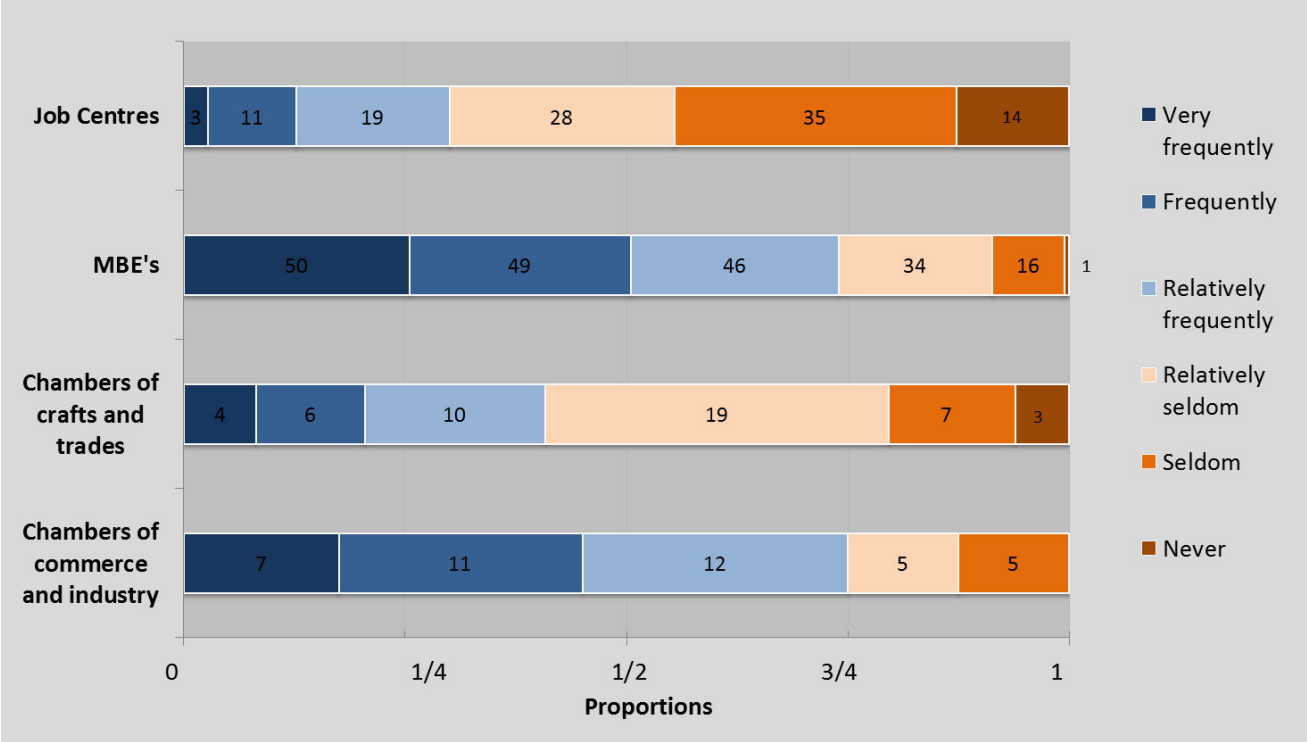
Staff at **MBE’s, Job Centres, chambers of crafts and trades and chambers of commerce and industry** were also asked to evaluate various factors with regard to how frequently these are the reason why no application is made for equivalence assessment. Costs and financing are presented as a reason in conjunction with other reasons in the detailed study ‘From guidance to the application’ (see IV-3). The following section undertakes a closer investigation of the reason ‘costs and financing’.

Responses given vary significantly. Almost three quarters of MBE respondents state that costs and financing are such a reason with a frequency ranging from very frequently to relatively frequently. However, only about one quarter of Job Centre staff surveyed take the same view. The frequency with which over half of chamber of commerce and industry employees state that they believe that costs and financing are a reason why those interested in seeking recognition fail to make an application for equivalence assessment ranges from relatively seldom to never. More than a quarter of respondents find this to be a reason with a frequency ranging from very frequently to relatively frequently. Compared to their counterparts at the chambers of crafts and trades, staff at chambers

of commerce and industry are significantly more likely to see costs and financing as a reason why persons interested in seeking recognition fail to make an application. Three quarters are of the view that costs and financing are a reason with a frequency ranging from very frequently to relatively frequently. The detailed study mentioned above (see IV-3) shows that, in the case of the chambers of commerce and industry, costs and financing are the most common reason for not submitting an application compared to other reasons.

According to a response received from the German Farmers’ Association, the competent bodies for the agricultural occupations are also reporting that the fees represent ‘an obstacle in many cases’ with regard to actually submitting an application for equivalence assessment ‘because they are viewed as being too high for many of those affected’.²²³

Figure 47 Job Centres, MBE’s, chambers of crafts and trades and chambers of commerce and industry – costs and financing as a reason not to submit an application (number and proportion of designations in various BIBB surveys)



Source: BIBB survey (2014) of Job Centres (n=181, 71 provided no information/don’t know) and MBE’s (n=248, 52 provided no information/don’t know), BIBB/ZDH survey (2014) of the chambers of crafts and trades (n=53, 4 provided no information/don’t know) and BIBB survey (2014) of the chambers of commerce and industry (n=52, 12 provided no information/don’t know).²²⁴

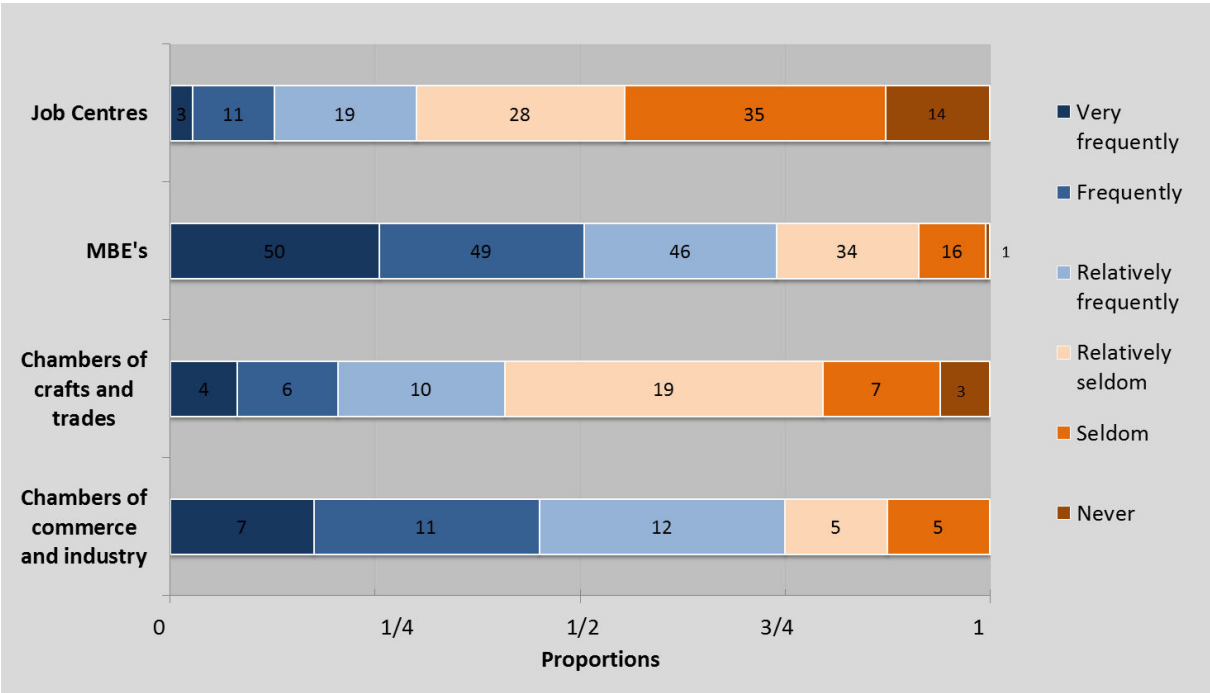
²²³ Response of the Association of the Chambers of Agriculture (VLK) to the BIBB survey of associations of 3 December 2014 and follow-up response of 12 March 2015.

²²⁴ The values stated correspond to the number of respondents giving this answer and are shown on the axis as a proportion of respondents who answered the question. Example: 40 of the 48 chambers of commerce and industry taking part in the survey responded to the question regarding reasons for not submitting an application. Three quarters of them state that costs and financing constitutes such a reason with a frequency ranging from relatively frequently to very frequently. According to the other quarter, this is a reason with a frequency ranging from relatively seldom to seldom.

Staff from the **competent bodies for selected healthcare professions**²²⁵, which are responsible for issuing licences to practise to doctors, dentists, dispensing chemists and registered general nurses, were also requested to provide an assessment on whether costs and financing are a reason not to submit an application for equivalence assessment by those interested in seeking recognition.

The answers given by persons from the federal state authorities who took part in the survey indicate that for doctors and dispensing chemists costs and financing are, for a majority of posts, seldom or never a reason for not submitting an application. In the case of dentists, responses are distributed evenly between the categories of relatively frequently and seldom. Compared to the two professions considered above, therefore, they seem to be more likely to be relevant. In respect of registered general nurses, it is revealed that costs and financing exert a comparatively greater influence on the decision to submit an application. This may possibly be due to the comparatively lower educational returns or the lower level of income available for the financing of recognition costs.

Figure 48 Federal state authorities – costs and financing as a reason not to submit an application (number and proportion of designations)



Source: BIBB survey (2014) of the competent bodies in the healthcare professions (total n=38, 7 provided no information/don't know. Doctor (n=13), registered general nurse (n=12), dentist (n=5), dispensing chemist (n=6)).

The significance of the issue of cost for the decision whether to submit an application or not is also reflected in several destination studies carried out by individual advisory bodies or regional networks

²²⁵ Across Germany, there are 23 bodies respectively responsible for issuing licences to practise in the professions of doctor, dentist and dispensing chemist. There are also 25 competent bodies for the profession of registered general nurse. It is frequently the case that one administrative agency acts as the competent body for more than one profession. 13 competent bodies, for example, are responsible for all four professions stated. The number of federal state authorities responsible therefore totals only 37. At the authorities, however, different departments, sections or persons are responsible for the various professions. 94 potential sources of information were contacted. 38 persons took part in the survey (see also the dataset description in Annex A2). 13 of these were responsible for the profession of doctor, twelve for registered general nurse, five for dentist and six for dispensing chemist. Two respondents were responsible for more than one profession (these answers relating to costs and financing were not included in the evaluation because they could not be aligned to one profession).

of the IQ Funding Programme. Although these studies deploy different methods and make no claim to supra-regional representativeness, they provide important indications of the local situation. 40 percent of persons who had received guidance and took part in a follow-up survey conducted in the autumn of 2013 by the 'Initial contact point and centre of excellence for recognition guidance in Stuttgart', which is run by the Stuttgart Workers' Welfare Association within the scope of the IQ Funding Programme (response rate 10.5 percent from 960 persons surveyed) stated, for example, that they made *no* application having received guidance. They were presented with a series of possible reasons to choose from (multiple response) as to why they had decided not to submit an application. For just under one third (32 percent), the procedure was too expensive. 29 percent found it too complicated; 16 percent were still involved in obtaining the necessary documentation; 13 percent had decided not to make an application for personal reasons. These were followed by other reasons.²²⁶ A qualitative study carried out by the University of Applied Labour Studies of the Federal Employment Agency also arrives at the conclusion, according to statements made by advisors outside the labour administration agencies and by many BA advisors interviewed in 2013, that financial aspects of recognition are fundamentally an important topic for potential applicants (Müller and Ayan 2014, p. 58).²²⁷ An extremely extensive empirical study of foreign skilled workers using recognition guidance provision in Bavaria also attests to the challenges described in the present report (cf. Englmann and Müller-Wacker 2014).

5.4 Conclusion

The monitoring surveys and further feedback from the field of practice confirm the results of the first Report on the Recognition Act. Although there is a multitude of financing opportunities, the costs associated with a recognition procedure represent a hurdle, at least for some of those interested in seeking recognition. This particularly applies where there is insufficient start-up capital to invest in these costs with a view to an educational return at a later date, such as in the case of low-skilled employment or migration from countries with low levels of income (cf. Englmann and Müller-Wacker 2014), if costs are not assumed by third parties, for example persons who are outside the benefits system governed by SGB II or SGB III or following a negative discretionary adjudication on the part of the integration specialist at the labour administration body. Guidance specialists at the competent bodies, Job Centres and MBE's judge that at least some of those affected waive their legal right to enter into a procedure and either make no application in the first place or else withdraw an application they have made. However, the proportion of such persons compared to all those interested in recognition varies according to occupational sector.

A further result shows that, when deciding on the financing costs of recognition procedures, guidance specialists at the labour administration bodies sometimes face a conflict of objectives between short-term placement and medium-term support for a procedure (including training as the case may be). In such cases, clear recommendations would facilitate the decision (cf. IV-2.1).

²²⁶ Information based on the evaluation report 'Survey of the 'Initial contact point and centre of excellence for recognition guidance in Stuttgart' on the effect and sustainability of recognition guidance' drawn up by the IQ Network Baden-Württemberg in October 2013. 88 of 101 completed questionnaires were capable of evaluation.

²²⁷ The possible reasons for the assessment that costs play no part are also of interest here (ibid).

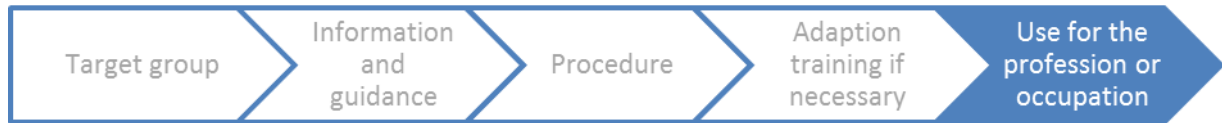
With regard to the financing instruments which may support applicants, a change has taken place compared to the situation presented in the first report following the cessation of the programme 'Training graduates for the labour market' (AQUA) and of MobiPro-EU (for skilled workers). From 2015, there will be a significant improvement in the form of a new training funding focus in the IQ Programme, which will deliver approximately €188 million. The endeavours of the federal states to develop their own scholarship programmes to close labour promotion gaps and cover costs such as translation and certification should be welcomed. During the reporting period, however, Hamburg was the only state to have implemented such a scheme.²²⁸ The assumption is that better financial feasibility of costs would also lead to an expansion in the number of applications. This would in turn build upon the contribution made by the Recognition Act towards securing a supply of skilled workers and towards integrating people into the labour market in line with their qualifications.

In addition to this, considerable attention still needs to be devoted to all **opportunities to avoid or reduce costs**. Knowledge management in and for the competent bodies is of crucial importance for this purpose. Central processing of applications, such as takes place at the IHK FOSA, facilitates bundling of know-how and thus makes matters easier. The lower the cost of the individual procedure is for the competent bodies, the lower the fees charged to applicants will be. The more information systematically available on foreign educational courses, the fewer will be the documents that must be requested of applicants. Alongside the fees for the procedure, costs of duty to cooperate or the cost to individuals of applying for or completing a procedure exacerbate the situation in many cases. To this extent, provision such as the BQ Portal, on which competent bodies, particularly in the craft trades, document previous assessment results and evidence such as curricula for one another, are of major significance. In a survey conducted in the autumn of 2014 within the scope of the evaluation of the BQ-Portal (cf. II-2.2), the Federal Office for Economic Affairs and Export Control (BAFA) asked users of the portal, who are primarily located at the chambers, what the consequences for their work would be if the BQ Portal was no longer available. One of the responses was that applicants would have to do more themselves to procure and present information and that the costs of the procedure would rise.²²⁹ A comparable instrument also seems to be urgently necessary to establish a national system of knowledge management for the area of the regulated professions. This would both reduce the burden on the competent bodies and reduce costs and time needed for the applicants. Such an instrument could, for example, be established in conjunction with the planned central assessment agency for the healthcare professions (cf. II-2.2 and III-3.3).

²²⁸ With regard to the scholarship programme in Hamburg, a destination study conducted by Brüssig, Mill and Zink (2013) shows that two thirds of persons with partial recognition were able to make use of the scheme.

²²⁹ Information based on the presentation of interim results of the evaluation at the BQ Portal Round Table in Berlin on 18 December 2014.

6. Companies



A brief summary of the key points:

- ✓ Within the scope of the 2014 BIBB Company Survey, more than 40 percent of companies stated that they were familiar with the opportunities for recognition of foreign professional qualifications afforded by the Recognition Acts of the Federal Government and the federal states or that they had already had experience of persons undergoing a recognition procedure.
- ✓ From the point of view of companies which are aware of these possibilities, this is something which in particular facilitates human resources recruitment.
- ✓ If workers have completed a recognition procedure, this has up until now mostly taken place prior to commencement of employment. By way of contrast, recognition procedures are rarely used as a human resources development measure for staff who are already employed at the company.
- ✓ Companies at which workers undergo or complete a recognition procedure during their period of employment are highly active with regard to providing their employees with support during the process. As far as the employees are concerned, recognition usually results in improved working conditions.
- ✓ Companies which use temporary workers view the opportunities for recognition very positively, both for themselves and with regard to providing such temporary staff with permanent employment.
- ✓ Two thirds of companies surveyed would be prepared to offer support to employees during a recognition procedure.
- ✓ Almost 80 percent of companies surveyed have no concerns about recruiting persons who have obtained a professional qualification abroad. The remaining 20 percent often have worries with regard to language skills.

(Source: 2014 BIBB Company Survey)

Whether formal recognition via a positive equivalence assessment also leads to actual recognition on the labour market is an issue which is primarily decided by the companies. This takes place via such channels as recruitment practice, staff who were already employed at the company prior to the recognition procedure or positive changes for staff (such as assignment of higher level activities or better pay).

In order to gain more information on the company point of view, a representative telephone-based survey of 5,286 firms was commissioned by BIBB and carried out in the autumn of 2014.²³⁰ No differentiation was made between the Federal Recognition Act and the recognition acts of the federal states since the assumption was that this is of subordinate significance to the companies and there is probably not always any awareness of how such a differentiation relates to individual cases.²³¹

6.1 Awareness of the recognition acts

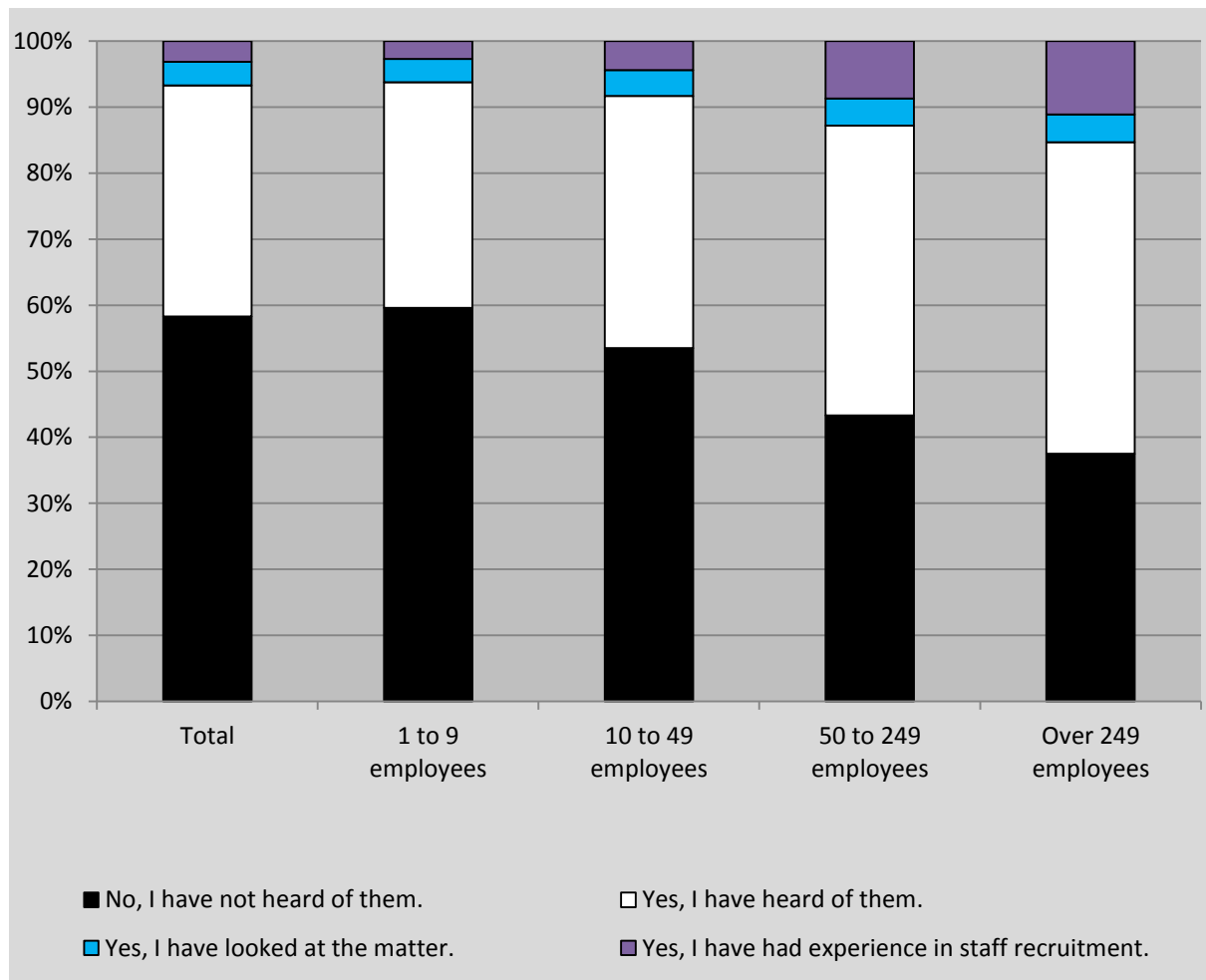
The results of the survey carried out in the autumn of 2014 show that a larger number of companies is aware of the recognition acts. 35 percent of companies have already heard of the recognition acts, and 3 percent respectively have had closer dealings with it or even had experience of using it in the human resources recruitment process (cf. Figure 49). In the case of companies with more than 249 employees, as many as 47 percent have heard of the recognition acts and over 10 percent have had experience of using them in the human resources recruitment process. In overall terms, the figure shows that awareness of the acts and experience with them rises in line with the number of employees.

²³⁰ Further information and explanations of the survey instrument are included in the dataset description in Annex A2. This section merely presents weighted results by section of the economy and company size category.

The objects of the survey were human resources managers at the companies. In the interests of better legibility, the remarks below refer to 'companies'.

²³¹ For this reason, reference is made below to the 'recognition acts'.

Figure 49 Awareness of the recognition acts amongst companies surveyed (in percent)



Source: BIBB company survey (2014), weighted results. Only companies which answered this question were included, unweighted sample size n=5,254.

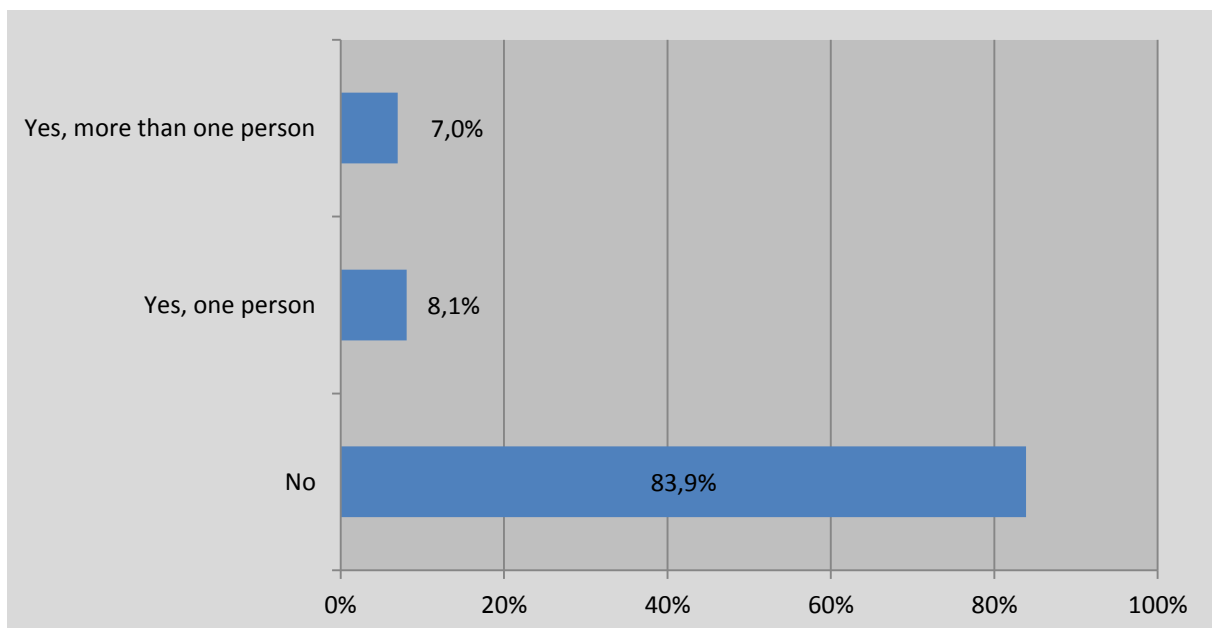
Awareness of the acts is particularly high in the economic sectors of (first level of classification of the branches of trade and industry in the 2008 Classification System (WZ 2008, cf. Federal Statistical Office 2007) ‘water supply – sewage and waste disposal and rectification of environmental pollution’, ‘public administration, defence and social insurance’ and ‘education and teaching’. In these sectors, the proportion of companies not aware of the acts is below 50 percent in each case.

Companies which are aware of the acts or which have had experience of persons with recognition were also asked as to how they evaluate the opportunities for recognition. More than 50 percent state that these opportunities make the recruitment of persons with qualifications acquired abroad and their HR development easier. However, more than half are also of the opinion that such a procedure mainly brings benefits to the persons themselves. As many as a quarter believe that the opportunities for recognition do not create any advantages for the companies. Even more information on the possible positive effects of recognition for companies would appear to be useful in this regard, especially in the non-regulated sector (in the area of the regulated professions, the benefits are obvious, particularly in connection with the exercising of the profession).

6.2 Employment of persons with foreign professional and vocational qualifications and the role of recognition

In the 2014 BIBB company survey, just over 15 percent of companies state that they employ persons with qualifications acquired abroad (cf. Figure 50). In the company survey conducted in the year 2012 within the scope of the study ‘Empirically supported monitoring of the training situation of German trade and industry – spring 2013 wave’, the corresponding figure was only around 10 percent (Becker and Lübbers 2013, p. 71).²³²

Figure 50 Current employment at the companies surveyed of persons with a professional or vocational qualification acquired abroad (in percent)



Source: BIBB company survey (2014), weighted results. N=5,286; not included = no information provided.

As expected, the proportion of companies which employ one or more persons with a qualification acquired abroad rises in line with the number of staff.

These companies were asked to state the level of the qualifications held by these employees. As can be seen from Table 14, almost two thirds state that these persons have completed vocational education and training. Over 40 percent employ persons with a higher education qualification gained abroad, and only around a tenth have staff members with an advanced training qualification (master craftsman, technician etc.).

²³² In contrast to the BIBB company survey, no companies from the economic sector of ‘agriculture, forestry and fishery’ were included.

Table 14 Qualifications of persons with a professional or vocational qualification acquired abroad and currently employed at the companies surveyed (in percent)

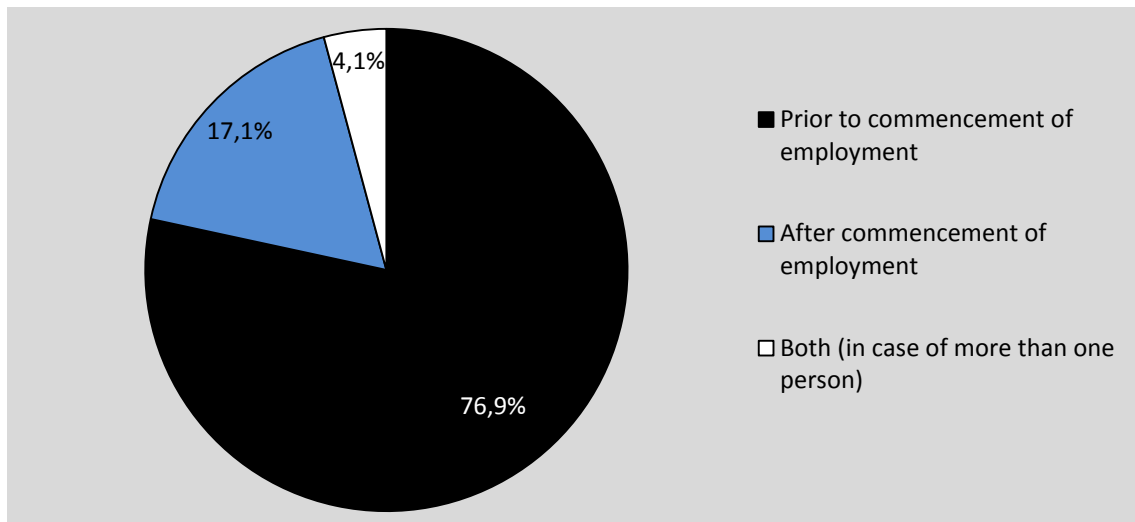
Completed vocational education and training	62,3 %
Master craftsman, certified senior clerk or similar advanced training qualification	10,3 %
Higher education qualification	41,1 %

Source: BIBB company survey (2014), weighted results. Only companies currently employing at least one person with a professional or vocational qualification acquired abroad were included. Because companies employing more than one person from this group were able to state more than one qualification, the results add up to more than 100 percent, unweighted sample size n=2,004.

Of the companies employing persons with such qualifications at the time of the survey, just over 20 percent state that they include at least one person who is undergoing or has undergone a procedure for recognition of a professional or vocational qualification acquired abroad. Once again, differences are revealed with regard to company size categories. In the case of companies with between 50 and 249 staff and companies with more than 249 employees, the figure is above 30 percent in each case.

The recognition of a foreign qualification plays a particular role in the recruitment of new employees (cf. Figure 51): At more than two thirds of the companies employing persons who are completing or have completed a recognition procedure, the persons concerned conducted the procedure prior to the commencement of their employment at the company.

Figure 51 Time of conducting of the recognition procedure at companies employing persons who have completed a recognition procedure (in percent)



Source: BIBB company survey (2014), weighted results. Only companies currently employing at least one person who is completing or has completed a recognition procedure were included. Unweighted sample size n=623, not included = no information provided.

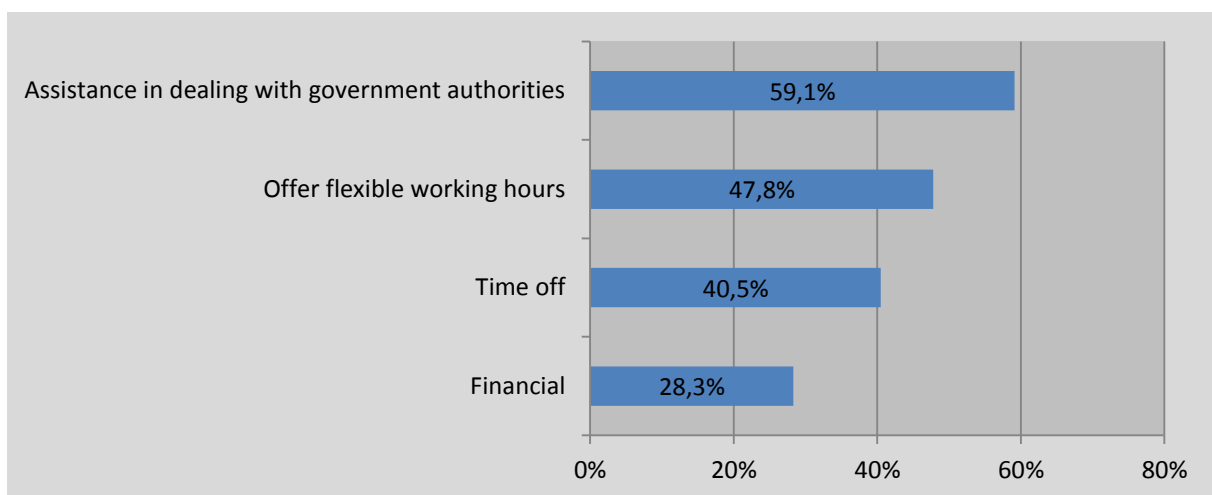
In order to consider the role of recognition as a human resources development measure, companies at which persons had commenced the procedure as staff/employees of the company were asked further questions about the process.

An interesting aspect here was from whom the initiative to conduct the recognition procedure originated. The companies are revealed to be highly active. Whereas only 32 percent of these companies stated that the initiative emanated from the employed person, almost 60 of the companies seized the initiative themselves.²³³

Irrespective of from whom the initiative originated, companies are shown to be helpful to their employees as they endeavour to achieve recognition of their professional or vocational qualification. Over 90 percent state that they have supported or are still supporting the employees (in different ways) during the procedure.

Figure 52 shows what types of support companies offer or have offered their employees in procedures that are ongoing or have been completed. Almost 60 percent provide assistance for dealing with government authorities, and nearly 30 percent help with the costs of the procedure. Further designations (open responses) make it clear that support is also provided for the completion of application forms and in the preparations for compensation measures.

Figure 52 Type of support for employees in recognition procedures provided by companies employing persons who are completing or have completed a recognition procedure during their time at the company (in percent)

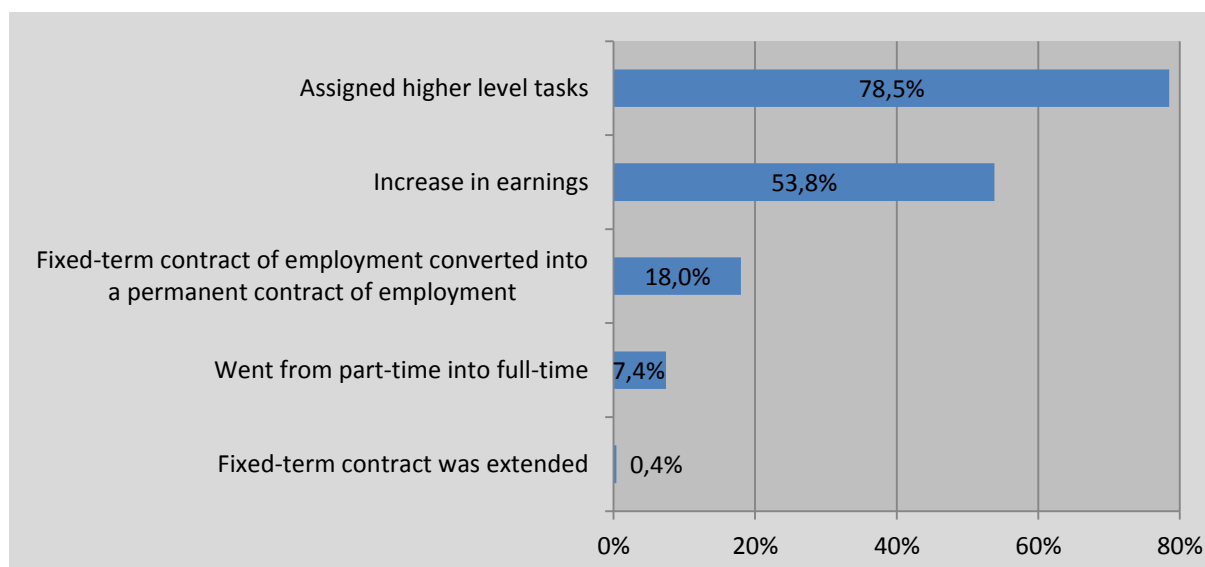


Source: BIBB company survey (2014), weighted results. Only companies currently employing at least one person who is completing or has completed a recognition procedure were included. Unweighted sample size n=192, multiple responses possible.

An interesting factor following completion of the procedure is what effects the recognition of a professional or vocational qualification acquired abroad has for employees. Of the companies employing persons who have completed a procedure during their time of employment, almost three quarters arrive at the assessment that the situation for employees has changed for the better after the procedure.

²³³ Not included = no information provided.

Figure 53 Changes for employees following a recognition procedure at companies in which something has changed for employees who have completed a recognition procedure during their time of employment (in percent)



Source: BIBB company survey (2014), weighted results. Only companies which state that something has changed for employees after a recognition procedure are included. Unweighted sample size n=133, multiple responses possible.

In almost 80 percent of cases, the result of the recognition procedure at companies where something has changed for the employees after the procedure is that employees are assigned higher level tasks (cf. Figure 53). This was also associated with an increase in earnings (although not exclusively in such cases). In 18 percent of cases, a fixed-term contract of employment was converted into a permanent contract of employment.

Companies in the temporary employment sector were also asked whether from their point of view employees could increase their chances of being offered permanent employment at the companies to which they leased are by completing recognition. The result here is clear. More than 80 percent believe that there are higher chances of being given permanent employment if the person has successfully completed a recognition procedure. Employees are, however, not the only parties for whom recognition may exert a positive effect. Three quarters of companies offering temporary employment services believe that recognition of the qualifications brings benefits for them. If these qualifications are recognised, persons may be hired out as skilled workers because this is the only way in which they can fulfil the general conditions agreed with the company leasing staff.

All companies were posed the hypothetical question as to whether they could imagine supporting employees in a recognition procedure. It is revealed that more than two thirds could imagine providing such support. Willingness to offer support is particularly high if the relevant recognised qualification is also of benefit to the company (as is stated by more than 88 percent of companies who could imagine providing employees with support). More than three quarters state that they would do this to create company loyalty on the part of employees, and almost three quarters would provide support in order to offer employees opportunities for advancement.

In the case of the reasons which militate against supporting the procedure (open responses), it becomes clear that some of these are the result of a lack of knowledge of the opportunities available or due to general prejudices against professional and vocational qualifications acquired abroad. In

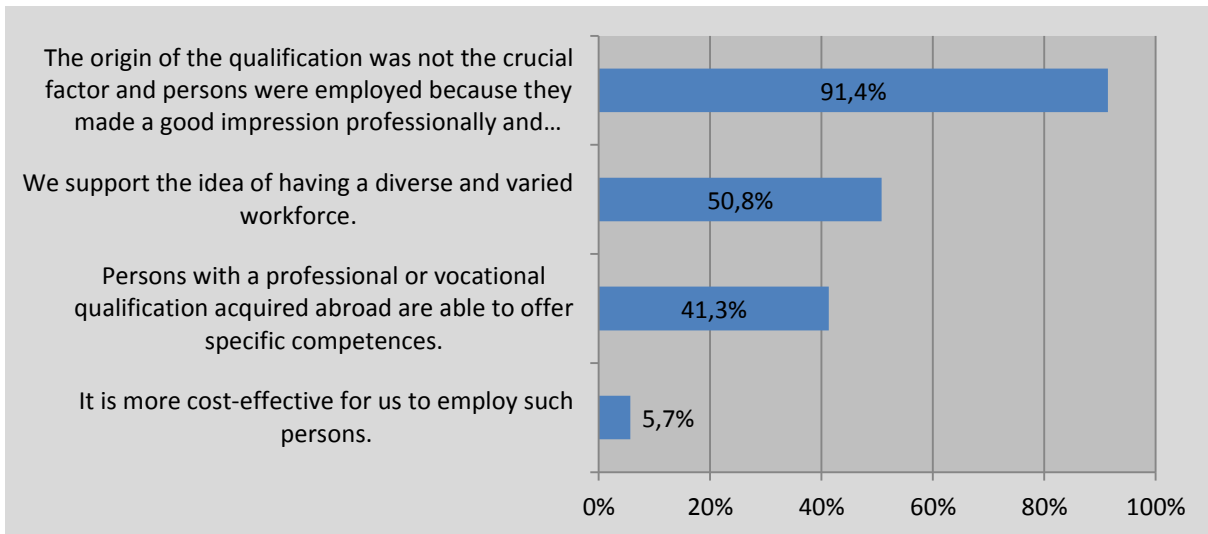
some cases, for example, there is a concern that qualifications are not comparable to the German qualifications despite recognition. In order to break down these prejudices, there seems to be a necessity to offer companies further information on the recognition acts and associated opportunities, for instance via best practice examples from other companies. If a company cannot imagine providing support to employees, this does not automatically lead to the conclusion that there are prejudices against a recognised qualification. The justification frequently stated is that the qualification needs to be in place before entry to the company and that there are no employees in the target group.

6.3 Employment and employment opportunities of the target group

More than 11 percent of companies which recruited to positions in the skilled worker area in 2103 and 2014 state that those recruited included persons who acquired their professional or vocational qualification abroad.

With regard to the question as to why these persons were recruited, it is very clearly revealed that the main reason given is the existing competences of individuals (cf. Figure 54). Over 90 percent state that the origin of the qualification was not the crucial factor and that persons were employed because they made a good impression professionally and personally. Just under half of the companies employed such persons in the interests of having a diverse and varied workforce. More than 40 percent pointed to the specific competences offered by these employees. By way of contrast, the proportion of companies stating that they recruited such persons because of lower human resources costs is very low.

Figure 54 Reasons for recruitment of persons who acquired their professional or vocational qualification abroad as stated by companies which in the years 2013/2014 employed persons with qualifications obtained abroad (in percent)



Source: BIBB company survey (2014), weighted results. Only companies who stated that in the last two years they had recruited persons with a professional or vocational qualification acquired abroad were included. Unweighted sample size n=1,205, multiple responses possible.

Almost 80 percent of all companies surveyed state that there are no fundamental reasons which militate against the employment of persons with professional or vocational qualifications acquired abroad. However, respondents who are of the view that such reasons exist (open responses) also include some which only see an absence of recognition as the reason. If this concerns occupations which are covered by the recognition acts, these acts could be used as a vehicle to remove impediments. If other reasons are at play, these often involve reservations regarding the (specialist) language knowledge of these persons or the supposition that the qualification is not comparable to the German qualification despite recognition.

6.4 Further strengthening of the company perspective

In order both to raise awareness of recognition procedures and to provide employees and employers with information on the opportunities available, the Federal Government is supporting several projects with the aim of offering company stakeholders with enhanced knowledge and training on the topic of recognition of foreign professional and vocational qualifications. The objective is to reinforce a culture of recognition in the companies.

In the six-month pilot project **‘Discovering skilled workers’** carried out by the **Nuremberg Chamber of Commerce and Industry** (until February 2015), contact was established with member companies in the Central Franconia region which were presumed potentially to have employees interested in seeking recognition. If interest was expressed by human resources managers in an initial direct telephone call, further guidance was provided by the team of education and training advisors at the chamber. In the best case scenario, the chamber was able to provide specific assistance in the submission of an application pursuant to the BQFG. The accompanying project documentation shows that awareness of the BQFG on the part of the companies in the region specifically contacted is comparatively low (around 15 percent as of 16.01.15). About 14 percent (as of 16 January 2015)

accepted the offer of more detailed guidance. The experiences from this project can be transferred to other regions.

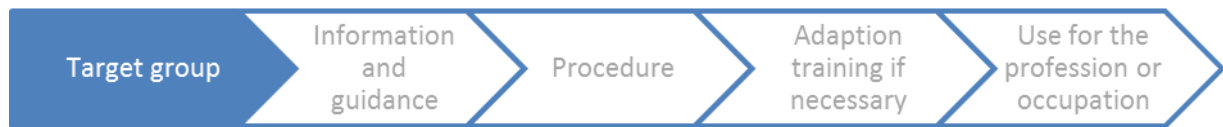
The new main action focus introduced to the 'Integration through Training' (IQ) funding programme for the 'Training of migrants within the context of the Recognition Act'²³⁴ also focuses more closely on companies, and on SME's in particular, since the only useful way of organising many training courses is at a company level. Another important task for the funding programme is to raise awareness amongst these companies of the areas of potential offered by migrants and to provide information on the opportunities offered by the Recognition Act and recognition guidance. Whereas major companies often have professional human resources development systems in place, this is often not likely to be the case at SME's. Support for recognition procedures offers the latter a good chance to exploit staff competences and to make such competences visible.

The purpose of the '**Anerkannt**' project, which was financed by the BMBF and conducted by the **Educational Institute of the German Confederation of Trade Unions** (2014/2015), was to train employee representatives to act as competent key company points of contact for employees seeking advice on the topic of recognition. Two specialist training courses extending over several days, specific information sessions and conferences and workshops on networking with other recognition stakeholders were all staged for this purpose. This enables the project to contribute towards raising awareness of the Recognition Act in the companies, towards using the law as a vehicle for systematic investigation of skills within the workforce and towards increasing acceptance of the procedures and notices. Within the course of the project, the current status reveals that branch-specific contact via the individual trade union divisions, which have also expressed considerable interest in receiving information and a need for such information, seems to be the most promising way of reaching SME's and achieving the broadest possible effect for the initiative.

²³⁴ Cf. II-2.2 and III-5.2.2.

Part IV
**Detailed studies of the recognition
system**

1. Development of the target group



A brief summary of the key points:

- ✓ More than 1.1 million foreigners moved to Germany in the year 2013. Over 600,000 came in the first half of 2014 alone.
- ✓ The strong increase in immigration to Germany since 2009 is largely the result of arrivals from countries of origin within the European Union, in particular Poland, Bulgaria, Romania, Spain and Italy.
- ✓ Almost 80 percent of persons who emigrated to Germany in 2013 are between 18 and 49 years of age.
- ✓ The number of migrants in possession of a vocational education and training qualification has risen strongly in overall terms over the past ten years as a result of the increase in immigration. This meant that approximately 500,000 persons aged between 18 and 49 and with a vocational qualification arrived in the country in 2013. The corresponding figure for 2010 was around 300,000.
- ✓ Over half of the migrants aged between 18 and 49 have a vocational qualification (more than 20 percent have completed non-academic VET and around 35 percent hold a higher education qualification).
- ✓ In the case of migrants aged between 25 and 64, about two thirds have a vocational qualification (around 25 percent have completed non-academic VET and approximately 40 percent are in possession of a higher education qualification).
- ✓ An above average number of people of working age and with an academic qualification arrive in Germany from southern Europe.
- ✓ Migrants from eastern European countries (particularly Poland, Romania and Hungary) are on average more likely to have completed non-academic vocational education and training in their country of origin.

The Recognition Act is aimed at persons who have obtained a professional or vocational qualification abroad and who are working or wish to work in Germany. Recognition of their qualifications can bring about an improvement in the respective occupational or professional situation (Brücker et al. 2014). By far the greatest part of the target group of the Recognition Act is made up of persons who have moved to Germany from abroad. Even though Germans with a professional or vocational qualification acquired abroad are also able to benefit from recognition²³⁵, most applicants are foreign nationals (see III-2). This section shows how the migration²³⁶ to Germany by foreign nationals with professional or vocational qualifications has changed over the past years and the resultant consequences for the target group of the Recognition Act.²³⁷ The database mainly comprises the migration statistics produced by the Federal Statistical Office and the microcensus (cf. dataset description in Annex A2).

1.1 Migration to Germany

The migration of foreign nationals to Germany has fluctuated sharply since reunification. Whereas as a result of the Balkan Wars comparatively high immigration (more than 900,000 per year) was recorded over several years at the beginning of the 1990's, from 1991 to 1993 in particular, the end of the decade saw a sustained decrease in the numbers of people arriving in Germany from abroad.²³⁸

Only since 2006 has immigration of foreign nationals begun to rise once more (Figure 55), and this is a trend that has become significantly stronger since 2009. The figure virtually doubled between 2006 and 2013.

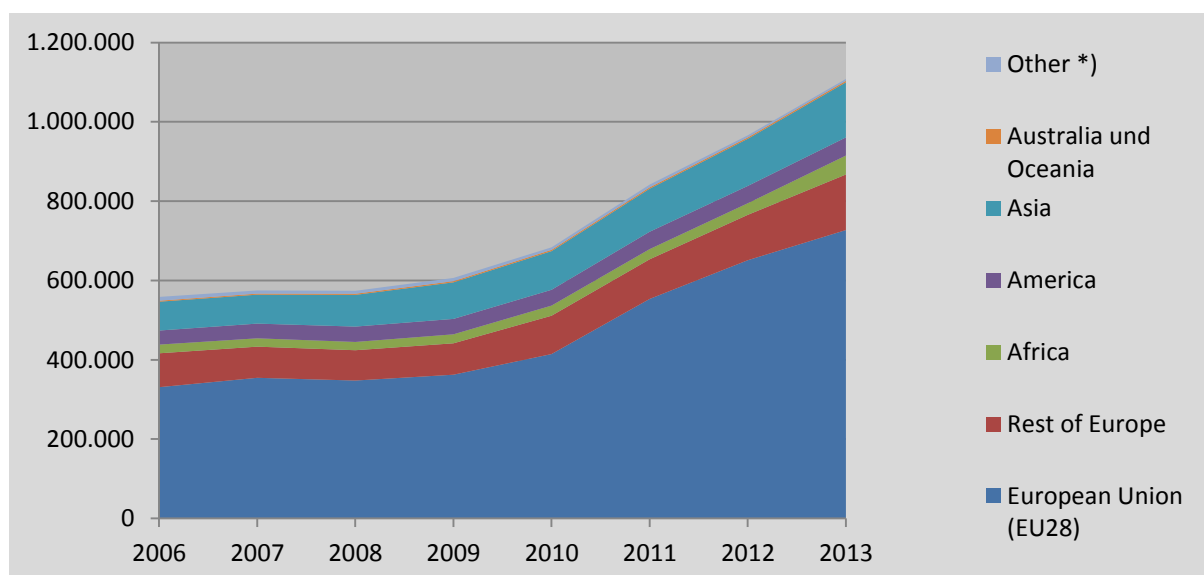
²³⁵ For example via studying medicine at a private institute of higher education (Titz and Horstkotte 2014).

²³⁶ Relocation of permanent place of residence from abroad to Germany (= gross migration).

²³⁷ A detailed presentation of the group of immigrants already living in Germany (type of professional or vocational qualification, (type of) employment participation etc. was provided in the last report (Erbe et al. 2014, pp. 52 ff.).

²³⁸ Many 'late resettlers' (immigrants of German origin from Russia and Eastern Europe) came to Germany in the 1990's (over 100,000 per year). The figure since 2006 has been significantly less than 10,000 annually (cf. BAMF 2015a, p. 51). This meant that the numbers of Germans coming to the country in the former period (more than 250,000 in the years from 1991 to 1996) was much higher than today (fewer than 120,000 annual arrivals since 2006).

Figure 55 Migration of foreign nationals to Germany by region of origin²³⁹ (in absolute terms)



*) Mariners from German shipping companies not resident in Germany, foreign origin unknown, not clarified and no information provided.

Source: Federal Statistical Office, preliminary migration results 2013 (as of 22.05.14), presentation by BIBB.

Figure 55 shows the development of migration of foreign nationals²⁴⁰ to the territory of the Federal Republic of Germany from 2006 to 2013. It clearly shows that, from 2006, migrants from the 28 member states of the EU²⁴¹ are the prime drivers of the rise in immigration. Whereas until 2003 significantly fewer than half of migrants were from countries of the present EU (no figure shown), this proportion subsequently grew to about two thirds of migrants by 2013 (Figure 57).

Between 2006 and 2013, there were above-average rises in the numbers of migrants coming from Spain, Greece, Italy, Romania, Bulgaria, Hungary, Portugal, Africa and the other EU states (Figure 56). Apart from the Netherlands, for which no changes are recorded, immigration from all other regions of origin has risen, even if increases have been significantly below average in some cases.

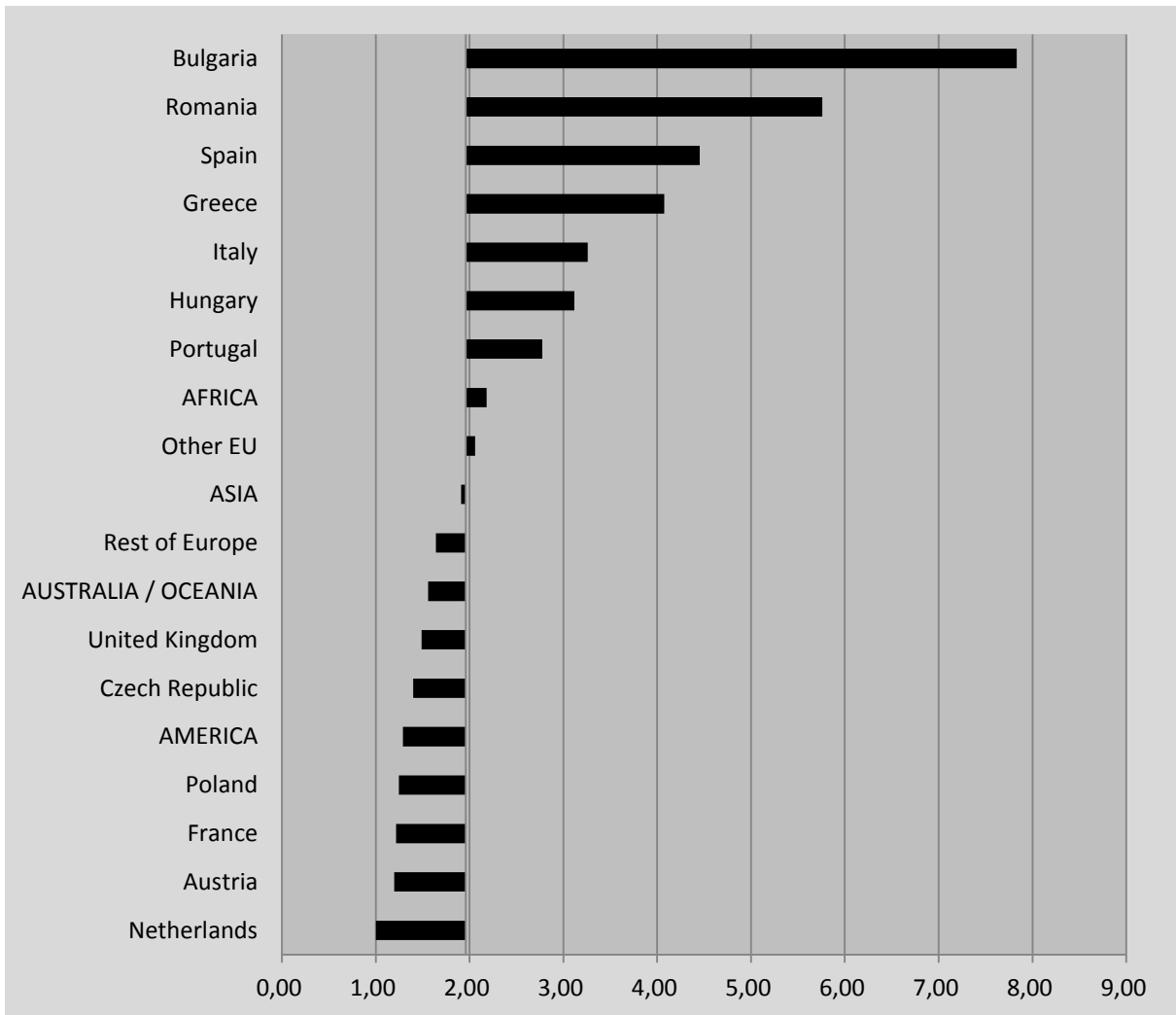
²³⁹ The country/region of origin of migrants is based on the last country of permanent residence prior to migration to Germany. This delineation is not always congruent with the nationality of migrants. Whereas over 99 percent of arrivals from Poland, Romania and Bulgaria possess citizenship of these countries, significantly fewer migrants from Italy and Spain are nationals of the country of origin (about 80 percent and about 75 percent respectively) (cf. BAMF 2015a, p. 28).

²⁴⁰ Only migration by non-German nationals is considered.

²⁴¹ All member states of the EU (as of 01.01.14).

Figure 56

Rate of immigration in the year 2013 compared with 2006 by regions of origin



Selection of EU states – the 13 countries of origin within the EU producing the highest rates of immigration. Guidance: values lower than 1 indicate a decrease, values greater than 1 show an increase and value equals 1 signifies no change in migration. The overall average of change in migrations was 1.96. All values are presented in relation to the average, meaning that it is immediately apparent whether they lie below or above the average. Example Netherlands: immigration from the Netherlands has not changed (value = 1.00). Because the Netherlands are therefore well below the average of the other countries, the relative significance of the country has fallen.

Source: Federal Statistical Office, preliminary migration results 2013 (as of 22.05.14), presentation by BIBB.

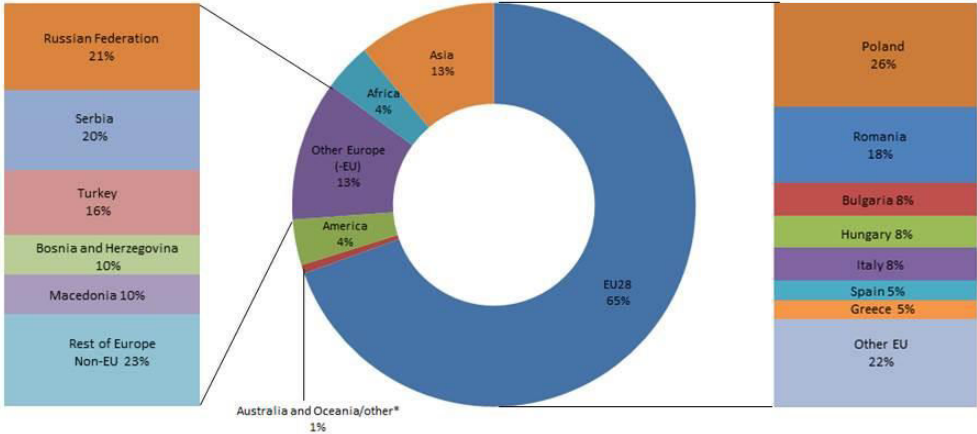
The above-average rise in immigration from southern Europe²⁴² is largely due to the economic consequences of the financial crisis.²⁴³ Because of the difficult labour market conditions in their homeland, many people sought employment in economically stable regions such as Germany. This correlation is also suggested by the fact that the strong increase in migration from southern Europe did not set in until 2009. The majority of immigrants from Bulgaria and Romania are also likely to have been economically motivated. There has accordingly been a very strong rise in the number of migrants from Bulgaria and Romania since as long ago as 2007. By way of contrast, immigration from Hungary has been increasing comparatively continuously without any discernible breaks in development.

²⁴² Spain, Portugal, Italy, Greece.

²⁴³ See footnote 249.

Well over half of migration from the 28 member states of the EU (about 60 percent or 441,000 persons) was from Poland, Romania, Bulgaria or Hungary, i.e. from one of the more recent EU member states (Figure 57). The southern countries of Italy, Spain and Greece account for a mere 18 percent (approximately 127,000 persons), although the combined population of the later (about 118 million) is significantly higher than the total population of the former (around 75 million). In overall terms in the year 2013, over 50 percent of all migrants who were not German nationals came from Poland, Romania, Bulgaria, Hungary, Italy, Spain or Greece (approximately 568,000 persons).

Figure 57 Composition of foreign migrants in 2013 by region of origin (in percent)



*) Mariners from German shipping companies not resident in Germany, foreign origin unknown, not clarified and no information provided. Source: Federal Statistical Office, preliminary migration results 2013 (as of 22.05.14), presentation by BIBB.

Migrants from the other European countries outside the EU make up a proportion of around 13 percent and are of medium-level significance for Germany. Migration from these countries is at the same level as migration from the Asian region. America, Africa and Australia/Oceania account together for 9 percent of migrants (Figure 57).

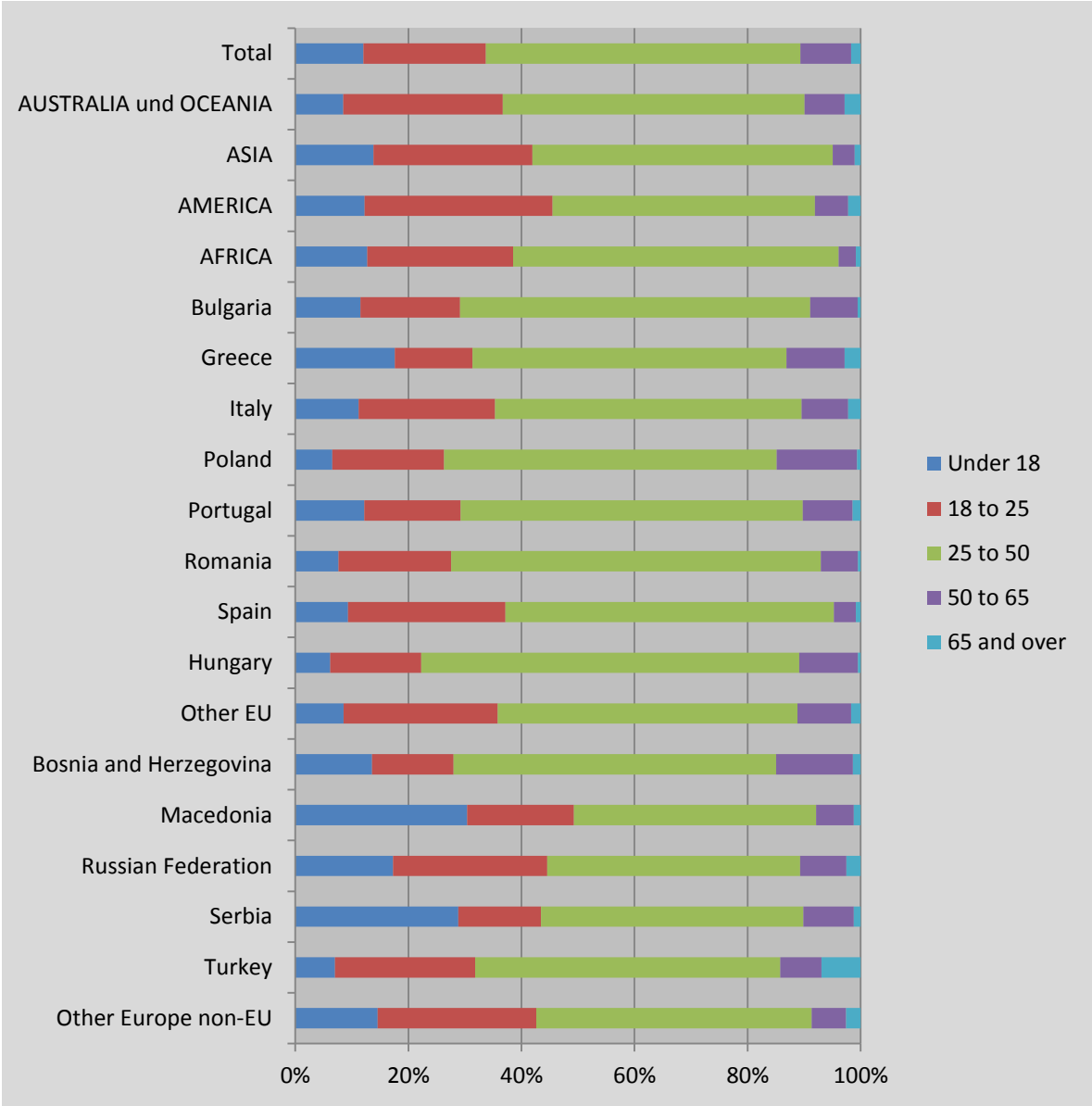
1.2 Age and qualification of migrants

As Figure 58 shows, there are large differences in the **age structure**²⁴⁴ of migrants in line with the respective regions of origin from which they come to Germany. Most migrants are aged between 18 and 49. This age group makes up a proportion of about 70 to 80 percent in the case of most countries

²⁴⁴ Division of age groups is based on Specialist Publications 1, Series 1.2 of the Federal Statistical Office.

of origin. In 2013, about 77 percent of all migrants were aged between 18 and 49. Whereas almost 30 percent of those arriving from Macedonia and Serbia were under 18 years of age, fewer than 10 percent of migrants from Poland, Romania, Hungary, Spain, the other EU countries and Turkey were minors. The proportion of migrants aged over 50 tends to be relatively small, and migrants to Germany who are aged over 65 come only from Turkey²⁴⁵ in any significant numbers. At least about 80 percent of persons arriving from the particularly significant countries of origin of Poland, Romania, Bulgaria, Hungary, Italy and Spain are aged between 18 and 50. This means that a large proportion of these migrants is of working age.

Figure 58 Foreign national migrants in 2013 by countries/regions of origin and age groups (in percent)



Source: Federal Statistical Office, Specialist Publications 1, Series 1.2 (as of 5 March 2014), presentation by BIBB.

²⁴⁵ Of the migrants arriving from Turkey in 2013, particularly large numbers were in possession of a residence permit for family reasons (cf. BAMF 2015a, p. 35). This indicates that family reunification could be of greater significance in the case of Turkish migrants.

Neither the migration statistics of the Federal Statistical Office nor data from the Central Register of Foreign Nationals permit any real conclusions as to the **qualification** of the migrants who have come to the country. For this reason, it is only possible to make an evaluation by using additional information from the microcensus.²⁴⁶

In the following remarks, migrants are divided into three groups with regard to their professional and vocational qualifications. These three groups are non-academic (medium-level) vocational certificates (vocational education and training), higher education qualification and no professional or vocational qualification. Figure 59 shows the qualifications structures of migrants from various regions of origin via microcensus calculations.²⁴⁷ It reveals that the professional and vocational qualifications of migrants aged between 18 and 49 differ strongly between the various areas of origin. More than half of migrants in this age group usually arrives in Germany with either a vocational education and training qualification or a higher education degree from abroad.²⁴⁸ Africa, Bulgaria, Serbia and Turkey are the only destinations from which significantly more than 50 percent of arriving migrants aged between 18 and 49 do not have a professional or vocational qualification in some cases. Nearly half of all 18 to 49-year old's migrating from Poland and Hungary is in possession of a vocational training qualification (non-academically trained skilled workers). A total of over 60 percent of migrants aged between 18 and 49 from these countries have a professional or vocational qualification, acquired either via non-academic vocational education and training or a higher education degree. Amongst the five most important countries of origin (Poland, Romania, Bulgaria, Hungary and Italy), only Bulgaria constitutes an exception in that only about 40 percent of migrants aged between 18 and 49 hold a professional or vocational qualification. In overall terms, above average numbers of persons with a non-academic vocational training qualification arrive in Germany from these major countries of origin (particularly from Poland, Romania and Hungary). It is, however, also the case that disproportionately large numbers of persons with a non-academic vocational qualification also migrate from other countries such as Greece, Macedonia, the Russian Federation or Serbia.

Taking those aged 25 to 64 into account (no separate figure), about two thirds of immigrants hold a professional or vocational qualification in the form of non-academic VET or a higher education degree (cf. Seibert and Wappler 2015 and Liebau and Romiti 2014). Despite different databases, the two analyses come to approximately the same conclusion. More than a quarter of migrants in this

²⁴⁶ The microcensus is a sample survey. For this reasons, all results calculated using microcensus data represent approximations. Orders of magnitude can be determined, but not precise values. Similar approaches may be found in Geis and Kemeny 2014 and in Seibert und Wappler 2015. See also footnote 253 on the delineation of the overall survey population.

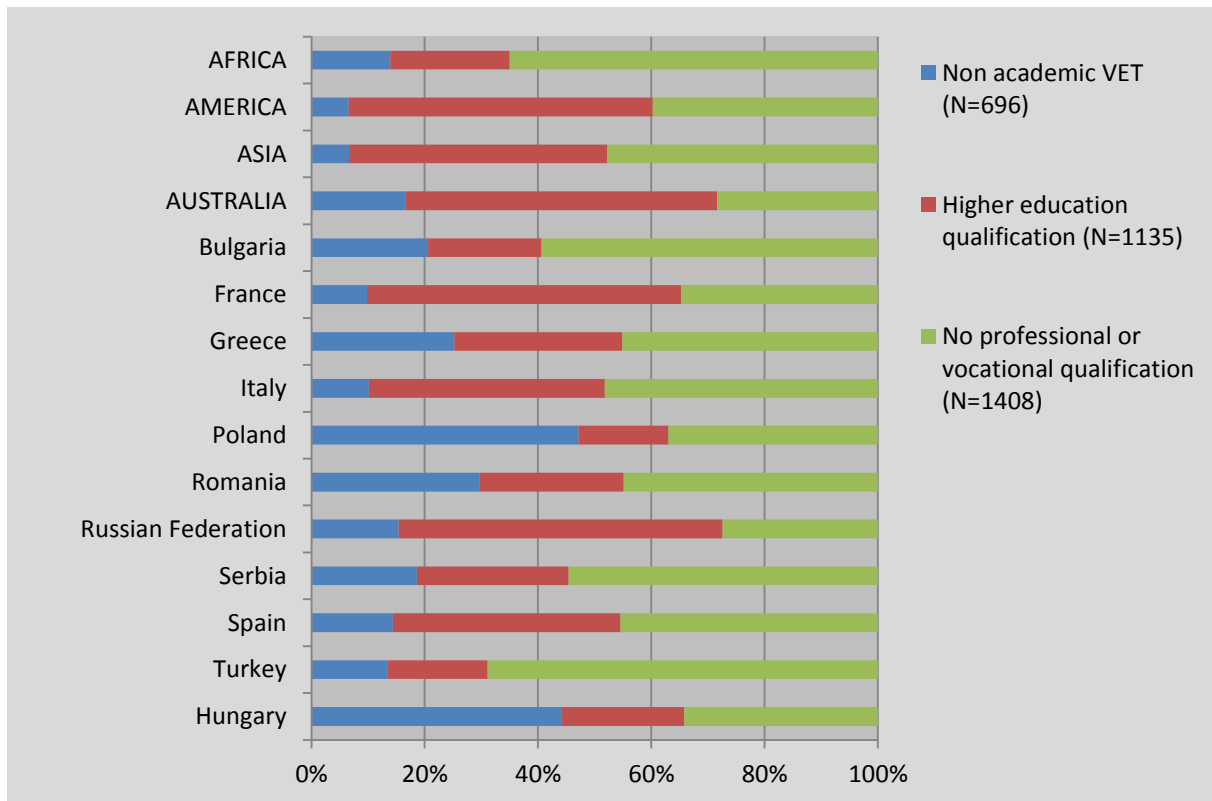
The microcensus also surveys refugees living in shared accommodation. 'The survey extends to the whole of the population resident in Germany. This includes all persons in private households and shared accommodation and primary and secondary residences. The survey population does not include members of foreign armed forces or foreign diplomatic representatives and their family members. Persons without accommodation (homeless persons) have no chance of being recorded in the microcensus.' Quality Report on the 2012 Microcensus, Section 1.1, Statistical population (https://www.destatis.de/DE/Publikationen/Qualitaetsberichte/Bevoelkerung/Mikrozensus2012.pdf?__blob=publication_public; accessed: 6. May 2015).

²⁴⁷ The calculations only included persons who had migrated from abroad to Germany within the last twelve months prior to the time of the survey. The microcensus cohorts of 2010, 2011 and 2012 were evaluated in consolidated form, meaning that the overall survey population includes migrants from the years 2009 to 2012.

²⁴⁸ The younger migrants (18 to 24) who do not hold any professional or vocational qualification presumably includes many foreign students at German universities (cf. SVR 2014b, pp. 63 ff and pp. 85 ff.).

age group have non-academic vocational education and training and about 40 percent are in possession of a higher education qualification. Only about a third arrive from abroad with no professional or vocational qualification.

Figure 59 Foreign national migrants aged from 18 to 49 by origin and qualification (in percent)



*Cases without information regarding professional or vocational qualification were excluded (n=71).

Overall survey population: foreign nationals aged 18 to 49 and resident in Germany for a maximum of one year.

Source: 2010, 2011 and 2012 microcensus, calculations and representation by BIBB.

1.3 Conclusion

From about 2007, migration to Germany was very strongly dominated by a small number of important countries of origin (Figure 55 to Figure 57). Poland is the most significant countries in quantitative terms, followed by Romania, Bulgaria, Hungary, Spain, Italy and Greece. In 2013, these countries of origin accounted for more than half of the migration of foreign nationals to Germany, a tendency which has continued to rise until now.

- Almost 80 percent of foreign nationals who emigrated to Germany in 2013 were between 18 and 49 years of age.
- Over the past years, the number of migrants arriving with a vocational training qualification (non-academically trained skilled workers) has grown significantly in the wake of increased migration from Poland, Romania, Bulgaria, Hungary and Greece.

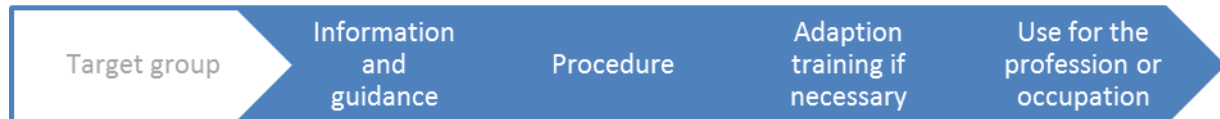
- Providing that the migration level from these countries remains high,²⁴⁹, the expectation is that migration of non-academically trained skilled workers will also remain high.
- Many people with vocational qualifications also arrive in Germany from Spain, Italy and the other EU countries. Migrants from these countries are less likely to include non-academically trained skilled workers.
- More than 20 percent of migrants aged between 18 and 49 are non-academically trained skilled workers with a qualification from abroad. About 35 are in possession of a foreign higher education qualification. Over 55 percent of this particularly large age group thus already hold a professional or vocational qualification when they come to Germany.

In the years following 2009, migration to Germany underwent a strong increase and virtually doubled by 2013. The gap in prosperity between Germany and the respective states of origin undoubtedly give rise to important impetuses for this development. Increasing numbers of people are coming to Germany from the countries of southern Europe in order to escape from the precarious situation that has arisen in their homelands as a result of the financial crisis (cf. Duschl, Kraußlach and Pfeffer-Hoffmann, year of publication not stated). Migration from the countries of Eastern Europe had, however, already begun prior to the financial crisis and tends to be caused by a general gap in prosperity. Despite the enormous shift in migrant movements, very little has changed with regard to the fact that significantly more than half of migrants aged between 18 and 49 arrive with a professional or vocational qualification acquired abroad. As a result of the rapid growth in migration in overall terms, the number of migrants aged between 18 and 49 with a professional or vocational qualification rose from around 300,000 in 2010 to about 500,000 in 2013.²⁵⁰

²⁴⁹ Because of the economic difficulties in the countries of southern Europe, Brenke and Neubecker (2013) believe that there will probably be a change in the number of migrants from Romania and Bulgaria, including to Germany. See also SVR 2014b, p. 66.

²⁵⁰ These are approximate values taken from estimations of the qualifications of migrants based on microcensus data (see footnotes 246 and 247) and on the migration statistics produced by the Federal Statistical Office. This means that orders of magnitude can be stated, but not precise values.

2. Advice on the topic of recognition provided by the Job Centres and by adult migrant guidance centres



A brief summary of the key points:

- ✓ Both the Job Centres and the guidance centres for adult migrants state that the most frequent step undertaken with regard to **advisory services on the topic of recognition** is placement in German or integration courses. In the case of the Job Centres, this is followed by referring people onto institutions providing advice on the topic of recognition (second most frequent step undertaken) and by an investigation of the prospects of successful labour market integration with or without recognition (third most frequent step undertaken). In the case of the Guidance Centres for Adult Migrants, the second and third most frequent steps undertaken are determination of the relevant competent body (second) and support in collating the necessary documentation (third).
- ✓ Most advisors at both institutions are of the view that it is **important** for their clients who hold foreign qualifications **to work in the occupation in which they have trained**.
- ✓ Even in non-regulated occupations, three quarters of Guidance Centres for Adult Migrants and half of Job Centres believe that it is not easy to **place their clients in employment** without recognition, although recognition is not a mandatory prerequisite in such a case.
- ✓ Two thirds of Job Centres and half of Guidance Centres for Adult Migrants are mostly unable to predict the **outcome of the recognition procedure**. Respondents from both institutions perceive the IQ counselling centres to be 'specialist centres of excellence' for the topic of integration and seek advice from these bodies as required, particularly with regard to obtaining a prognosis of the possible outcomes of procedures.
- ✓ Most advisors from both institutions have already been able to gather experience of persons who have come to them with their **recognition assessment certificate**. The majority of advisors from both institutions expressed the view that the assessment certificate were *not easy for applicants to read* (no differentiation between regulated professions and non-regulated occupations was made with regard to this question).
- ✓ In the field of regulated professions, however, most advisors confirmed that the assessment certificate stated the relevant type of compensation measure. This is also a requirement under the law.

- ✓ In the case of **assessment** certificate **granting partial recognition or setting conditions**, the tendency is for a positive view, albeit not universally so, to emerge in respect of the following statements. Significant differences are presented in a precise manner, and the assessment certificate provides a good indication of the subsequent steps necessary. Nevertheless, the degree of agreement expressed by the advisors is much lower in overall terms than is the case regarding the statement on compensation measures.
- ✓ At the Guidance Centres for Adult Migrants and at the Job Centres, half or more respondents believe that there is a **need for support** in the areas of knowledge management, training on the topic of recognition and networking with other stakeholders. Whereas the Job Centres primarily perceive there to be a need to address questions relating to residency law, the Guidance Centres for Adult Migrants also state that there is a need for support for research into certain occupations. In addition to this, advisors interviewed from both institutions express the view that there is a requirement for occupationally related language support and for more funding for training measures.

This detailed study uses the results of empirical investigations to present how advice on the topic of recognition is provided by the Job Centres and by adult migrant guidance centres (MBE's) and the assessments arrived at by the advisors. Job Centres provide information on the subject of recognition, evaluate labour market opportunities, notify customers about training courses and place them on the labour market. If individual procedural support is required, they refer clients to an advisory body as required. MBE's offer information on topics such as recognition and give support both during and after the recognition procedure.

2.1 Job Centres

As already presented in the first Report on the Recognition Act (cf. Erbe et al. 2014, p. 29) the employment agencies and the Job Centres conduct labour market consultations relating to the recognition of foreign professional and vocational qualifications. Advisors act in accordance with the four-phase integration work model. This involves analysing competences, stipulating the integration aim, selecting a strategy and implementing and monitoring the concept (ibid).

From February to April 2014, the BIBB Recognition Monitoring Project conducted interviews with advisors at Job Centres. A quantitative survey was carried out in August and September 2014 (cf. dataset description in Annex A2).

The aim was for the Job Centres to evaluate various statements relating to the topic of recognition. 71 percent agree with the statement that it is usually important for persons with a foreign qualification to work in the profession or occupation in which they have trained.²⁵¹ Just over half of the Job Centres surveyed disagreed with each of the two statements relating to placement of customers without recognition: 'In the non-regulated sector, it is frequently easy to place customers

²⁵¹ n=137. 44 Job Centres provided no information on this statement. The possible responses 'agree fully' and 'tend to agree' were collated into the category 'agree', the possible responses 'tend not to agree' and 'do not agree' were collated into the category 'do not agree'.

in employment, even without recognition' (51 percent²⁵²) and 'In shortage professions in the regulated sector, it is frequently easy to place customers in employment, even without recognition, albeit in a profession which is not the profession in which they have trained' (59 percent²⁵³). 66 percent²⁵⁴ of Job Centres surveyed reject the statement that the outcome of the recognition procedure is predictable in most cases. The interviews reveal that the Job Centres obtain a prognosis of the expected outcome of a recognition procedure from the IQ counselling centres or from the competent bodies.

These results match a dilemma which is partially portrayed in the interviews. Advisors are faced with the question of whether they should use the professional or vocational qualifications acquired abroad to place their customers in the labour market directly, i.e. without recognition, in a job which is not in line with their training (first option), or else initiate a recognition procedure (second option). Although the feeling is that the first option is more rapid and more cost effective compared to a recognition procedure, this does not necessarily correspond to the ideas and wishes of the customers. Because the placement budget is limited, placement staff need an estimation of the expected outcome of the procedure (see above) and of probable costs in order to approve a recognition procedure. In the case of persons in receipt of benefits, subsequent costs may be incurred when a recognition procedure is financed, for example if the procedure results in partial recognition. The costs of the relevant adaptation training would then also need to be assumed. Even though placement on the labour market takes place at a later date in the case of a recognition procedure, the view is that this second option is more satisfactory for customers and that the labour market destination is longer term because of employment that is in line with qualifications.

In light of the objectives of making use of the potential offered by migrants and of ending the need for help, the placement staff interviewed expressed a wish for clarification within the legislation or on the part of the BMAS as to the approach that should be adopted. They felt that a recognition procedure and the later placement in the labour market that this entails should not be evaluated as an inferior service by the Job Centre.

2.1.1 Status of information on the topic of recognition and use of information provision

The advisors at the Job Centres were asked via which route they had obtained information on the Recognition Act and associated opportunities.²⁵⁵ Of the advisors who replied to this question, most (85 percent) had been provided with information material²⁵⁶ or else had conducted research into the topic of recognition themselves (68 percent). 48 percent have taken part in a training offered by the IQ Network. One third (34 percent) state that they have many years of experience or routine knowledge in providing guidance in the field of professional and occupational recognition. 21 percent have attended internal training.

²⁵² n=134. 47 Job Centres provided no information on this statement.

²⁵³ n=128. 53 Job Centres provided no information on this statement.

²⁵⁴ n=124. 57 Job Centres provided no information on this statement.

²⁵⁵ Multiple responses possible. Of 181 Job Centres surveyed, 136 (n) responded to the question. 45 Job Centres provided no information.

²⁵⁶ Respondents were not asked to state by whom this information material had been made available.

Advisors were also asked whether they were aware of various information provision on the topic of recognition (see also II-2.2 and III-1) and how often they make use of such provision. The advisors state that they avail themselves of the information available on the BERUFENET database²⁵⁷ (90 percent) and on the 'Recognition in Germany' portal (55 percent) with a frequency ranging from always to relatively frequently.²⁵⁸

2.1.2 Components of guidance on the topic of recognition

In the survey, the Job Centres were asked to assess whether various stages of guidance form components of the advice given to customers with foreign professional or vocational qualifications and, if so, how frequently this is the case. The stages of guidance are described below in order of decreasing frequency of designations (cf. Figure 60).

With regard to guidance on the topic of recognition, **referral to recognition guidance institutions** is mentioned by 93 percent of respondents and is therefore the second most frequent component stated. Both the interviews and the open responses given within the scope of the quantitative survey show that Job Centres cooperate with the IQ counselling centres or make referrals to these centres with regard to the topic of recognition.

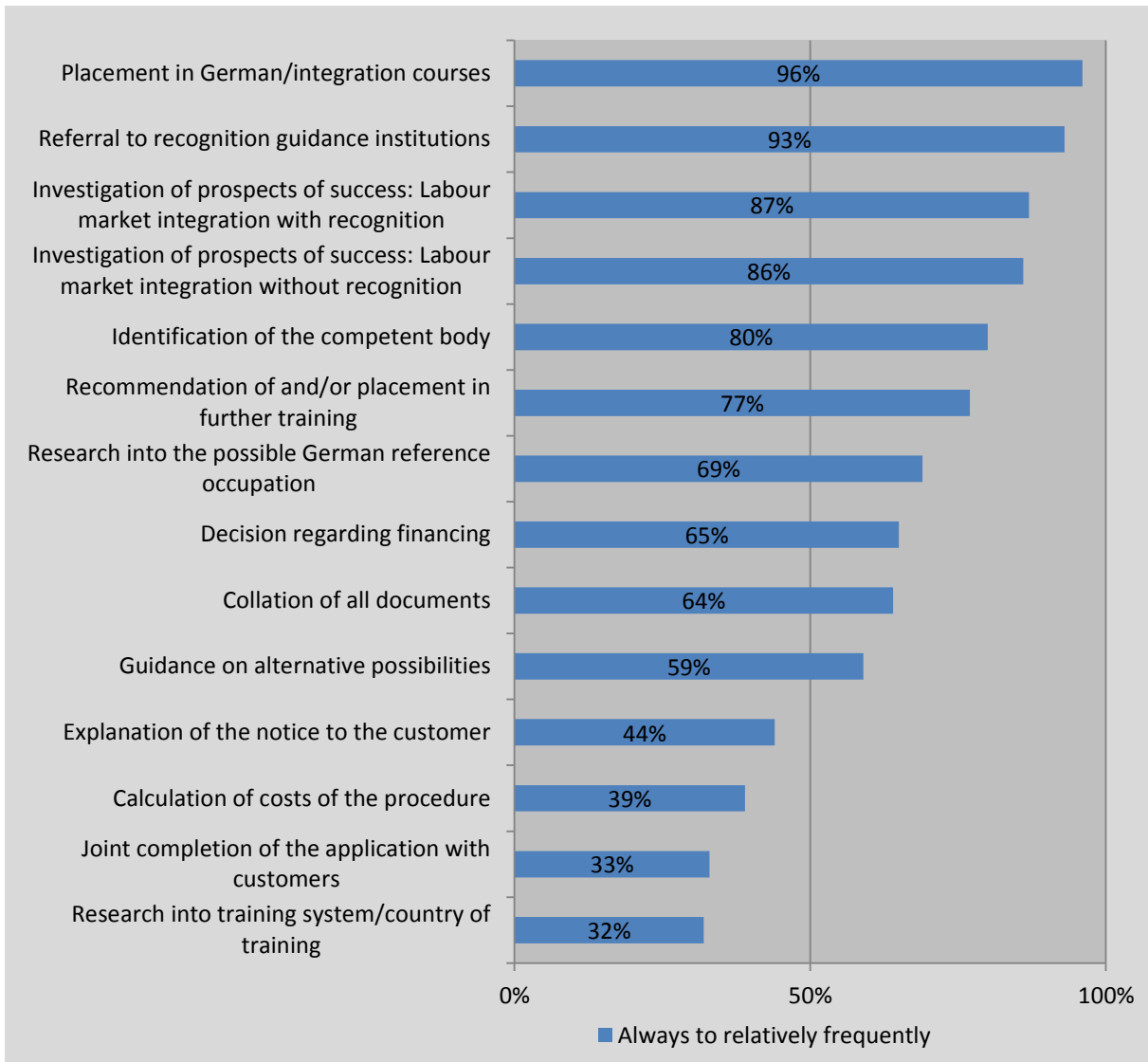
According to HEGA 03/2012 – 17²⁵⁹, placement staff should, when providing labour market related guidance, undertake an evaluation of the chances of **integration in line with training** both with and without recognition. Most of the Job Centres surveyed state that this investigation of integration chances forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently in the case of whether a recognition procedure takes place (87 percent) or not (86 percent). HEGA 03/2012 – 17 also stipulates that **identification of the competent body responsible for recognition** should also form part of the labour market related guidance. 80 percent of Job Centres indeed state that this stage forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently. Identification (pre-clarification) of the possible German reference occupation may be necessary for referral to the competent body (cf. HEGA 03/2012 - 17). 69 percent of Job Centres interviewed state that **research on the possible German reference occupation** forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently.

²⁵⁷ Although BERUFENET does not contain any specific information on the topic of recognition, it includes approximately 3,200 current occupational descriptions and an archive of some 4,800 further such descriptions (cf. http://berufenet.arbeitsagentur.de/berufe/hilfeDetail.do?product=BERUFENET&name=bn_was_ist&version=1.9.5, accessed: 18 March 2015).

²⁵⁸ n= 140 in each case. 41 Job Centres provided no information on their respective use of these two sources of information. The possible responses 'always', 'frequently' and 'relatively frequently' were collated into the category 'always to relatively frequently', the possible responses 'relatively seldom', 'seldom' and 'never' were collated into the category 'relatively seldom to never'.

²⁵⁹ Cf. <http://www.arbeitsagentur.de/web/content/DE/Veroeffentlichungen/Weisungen/Arbeitgeber/Detail/index.htm?dfContentId=L6019022DSTBAI431814> (accessed: 18 March 2015).

Figure 60 Job Centres – estimation of the frequency of guidance components on the topic of recognition (in percent)



Source: BIBB survey (2014) of Job Centres, n=135 in each case. 46 Job Centres provided no information on any of the components of guidance. The possible responses ‘always’, ‘frequently’ and ‘relatively frequently’ were collated into the category ‘always to relatively frequently’, the possible responses ‘relatively seldom’, ‘seldom’ and ‘never’ were collated into the category ‘relatively seldom to never’ (not presented in the figure).

For 65 percent of the Job Centres surveyed, a **decision on the financing** of a recognition procedure forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently (for more information, see III-5.3.1). For 59 percent of the Job Centres surveyed, **guidance on alternative options** (see in particular IV-3.4) instead of the recognition procedure forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently.

39 percent of the Job Centres surveyed state that **calculation of costs of the procedure** (see also III-5.3.1) forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently. The need for support with regard to more specific information on fees falling due, particularly in the chamber sector, was expressed in the interviews (cf. IV-2.1.5). For the use of financing opportunities by the Job Centres surveyed see III-5.3.1.

2.1.3 Language used in the guidance process

80 percent²⁶⁰ of the Job Centres surveyed agree with the statement ‘I can usually conduct guidance with regard to the topic of the Recognition Act in German’. The assessments of the advisors interviewed with regard to language are divergent. Some interviewees report that guidance can be conducted without any problem. If there are any language difficulties, customers bring persons to the guidance sessions (such as relatives or acquaintances) who act as interpreters. Other state that guidance is difficult because of the language barrier. In such cases, assistance is sought from persons who themselves are participating in language courses or who have recently completed such a course, from colleagues with knowledge of foreign languages or from voluntary interpreters. 62 percent²⁶¹ of the Job Centres interviewed agree with the second statement on the topic of language: ‘My recommendation for or against a recognition procedure also depends on the knowledge of German of those interested in seeking recognition’.

2.1.4 Assessments of notices and on the destination of customers

Since the entry into force of the Recognition Act, 74 percent²⁶² of advisors surveyed have had experience of persons visiting them with their notices. The two statements relating to notices are differently assessed by the advisors. 59 percent disagree with the statement: ‘The notices are easy for applicants to read’.²⁶³ On the other hand, 53 percent are in agreement with the statement: ‘The appearance of the notices is what the applicants expect’.²⁶⁴

One very positive aspect is the fact that 94 percent²⁶⁵ of the Job Centres surveyed agreed with this statement regarding the regulated professions: ‘The notice states the type of compensation measure (adaptation period, aptitude test, knowledge test)’. Most (85 percent) state that they urgently advise clients to complete this compensation measure with a frequency ranging from very frequently to relatively frequently and refer them to the relevant institution.²⁶⁶ The three statements regarding notices where a compensation measure is imposed or partial equivalence accorded also meet with a positive assessment from a majority of the Job Centres surveyed: Substantial differences are precisely presented (63 percent²⁶⁷), Training needs (66 percent²⁶⁸) and the next stages necessary

²⁶⁰ n=137. 44 Job Centres provided no information on this statement.

²⁶¹ n=135. 46 Job Centres provided no information on this statement.

²⁶² n=133. 48 Job Centres provided no information on this statement.

²⁶³ n=78. 103 Job Centres responded ‘don’t know’ or did not provide any information. The possible responses ‘agree fully’ and ‘tend to agree’ were collated into the category ‘agree’, the possible responses ‘tend not to agree’ and ‘do not agree’ were collated into the category ‘do not agree’.

²⁶⁴ In comparison to other documents, such as an examination certificate at completion of vocational education and training or a degree certificate. n=58. 123 Job Centres responded ‘don’t know’ or did not provide any information.

²⁶⁵ n=78. 109 Job Centres responded ‘don’t know’ or did not provide any information.

²⁶⁶ n=68. 26 Job Centres responded ‘do not agree’. 87 Job Centres provided no information. The possible responses ‘very frequently’, ‘frequently’ and ‘relatively frequently’ were collated into the category ‘very frequently to relatively frequently’, the possible responses ‘relatively seldom’, ‘seldom’ and ‘never’ were collated into the category ‘relatively seldom to never’.

²⁶⁷ n=73. 108 Job Centres responded ‘don’t know’ or did not provide any information.

²⁶⁸ n=77. 104 Job Centres responded ‘don’t know’ or did not provide any information.

(72 percent²⁶⁹) are clear from the notices. The further approach adopted by Job Centres in the case of persons with a notice according partial equivalence is presented in III-4.1.3.

The interviews with the advisors at the Job Centres produced the following information on the topic of destination. If a recognition procedure is financed for customers, they are required to submit the notification of fees together with the notice of equivalence. In this case, placement staff know the outcome of the procedure. If customers are subsequently referred to another specialist survey within the labour administration organisation (for example to specialist services for those with academic qualifications) or the claim to benefits from the BA lapses (in cases such as when a customer finds a job), advisors usually no longer have any information on their (former) customers. Another reason for this is the fact that the placement staff have little direct contact with employers, since the latter are managed by the BA's employer service.

2.1.5 Need for support

Finally, the Job Centres were asked to evaluate whether they saw any need for support with regard to the general conditions governing guidance on the topic of recognition.²⁷⁰ Of the advisors who responded to this question, the most frequent requirements were for assistance or training in respect of issues of residency law, this being mentioned by 72 percent of respondents. Because advisors at the MBE's had more detailed knowledge of the topic of residency law by dint of their task area, it seemed useful that the Job Centre advisors should refer any residency law issues on the part of their customers to the MBE's. About half of respondents believe that there is a need for training with regard to the topic of recognition (55 percent) whilst a similar number see a requirement for knowledge management support and for assistance in networking with other stakeholders (51 percent and 48 percent respectively). 35 percent require support with research into certain occupations.

Diverse needs for support were outlined in the interviews. These related to the advisors themselves, to those interested in seeking recognition and to other stakeholders.

- A larger budget for training measures and financial support for persons undergoing skills analyses, for example via companies or funding instruments
- Occupationally related language support for individuals
- More transparent structuring of the fees for recognition procedures, both for the Job Centres themselves and for those interested in seeking recognition
- Data protection is one of the reasons why Job Centres and indeed other stakeholders have little or no information on the destination of persons. Action therefore needs to be taken to facilitate the exchange of information between stakeholders. In some cases, individuals can already complete a declaration of consent that their data is passed on to the Job Centre by the IQ counselling centre.

²⁶⁹ n=79. 102 Job Centres responded 'don't know' or did not provide any information.

²⁷⁰ Multiple responses possible. Of 181 Job Centres surveyed, 103 (n) stated one or more support needs. 78 Job Centres provided no information.

2.2 Guidance services for adult migrants

The adult migrant guidance centres provide advice to migrants aged over 27. They adopt the Case Management Method, i.e. they ensure systematic integration support (see also II-2.2).

The BIBB Recognition Monitoring Project conducted interviews with MBE advisors in March 2014. A quantitative survey was carried out in August and September 2014 (cf. dataset description in Annex A2).²⁷¹

78 percent²⁷² of the MBE's surveyed agree with the statement that it is usually important for persons with a foreign qualification to work in the profession or occupation in which they have trained. By way of contrast, 75 percent²⁷³ disagree with the statement: 'In the non-regulated sector, it is frequently for persons with a foreign qualification to progress to employment appropriate to training, even without recognition'. In the case of the statement: 'The outcome of the recognition procedure is predictable in most cases', the evaluations of the MBE's surveyed are divergent. 48 percent agree with this statement, whereas 52 percent disagree.²⁷⁴ The interviews reveal that, in the same way as the Job Centres, the MBE's obtain a prognosis of the expected outcome of a recognition procedure from the IQ counselling centres or from the competent bodies.

2.2.1 Status of information on the topic of recognition and use of information provision

The MBE advisors were also asked in which way they had obtained information on the Recognition Act and associated opportunities.²⁷⁵ 87 percent of those who responded to this question stated that information material had been made available to them.²⁷⁶ 81 percent have conducted their own research. Somewhat more than half (57 percent) state that they have many years of experience or routine knowledge in providing guidance in the field of professional and occupational recognition. 53 percent have taken part in a training on the topic of recognition offered by the IQ Network recognition (for the topic of networking of stakeholders, see II-2.3), and 39 percent have attended internal training.

The MBE advisors state that they avail themselves of the information available on the 'Recognition in Germany' portal (75 percent), the anabin database (64 percent) and the BERUFENET database (45 percent) with a frequency ranging from always to relatively frequently.²⁷⁷

²⁷¹ The JMD's were not surveyed, the assumption being that the topic of recognition plays a minor role in the case of persons aged under 27 (e.g. because such persons are still in training or higher education).

²⁷² n=202. 46 MBE's provided no information on this statement.

²⁷³ n=195. 53 MBE's provided no information on this statement.

²⁷⁴ n=200. 48 MBE's provided no information on this statement.

²⁷⁵ Multiple responses possible. Of 248 MBE's surveyed, 200 (n) responded to the question. 48 MBE's provided no information.

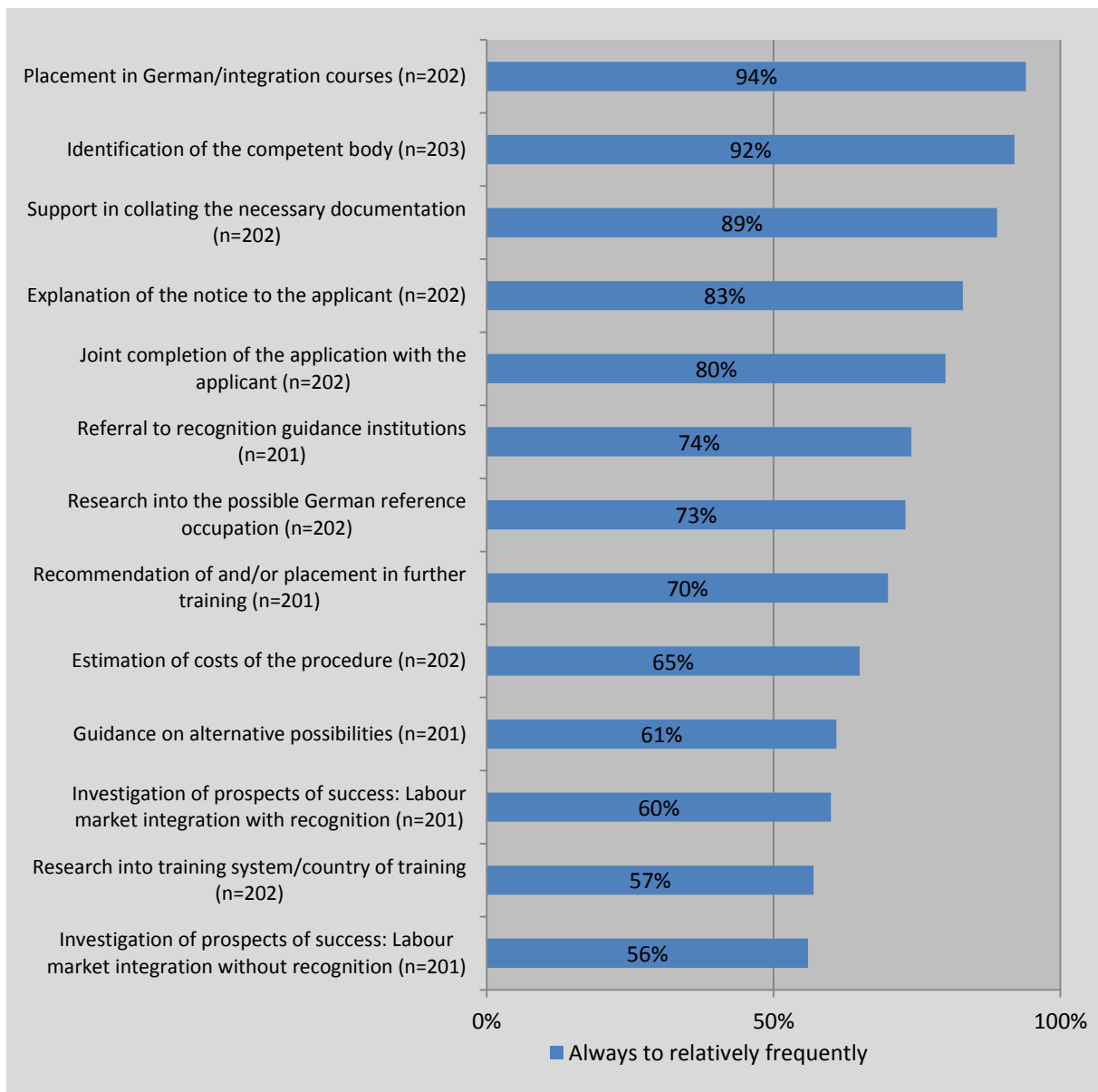
²⁷⁶ Respondents were not asked to state by whom this information material had been made available.

²⁷⁷ n= 205 in each case. 43 MBE's provided no information on their respective use of these three sources of information.

2.2.2 Components of guidance on the topic of recognition

The stages of guidance are described below in order of decreasing frequency of designations (cf. Figure 61).

Figure 61 MBE's – estimation of the frequency of guidance components on the topic of recognition (in percent)



Source: BIBB survey (2014) of MBE's, n is indicated in each case. The possible responses 'always', 'frequently' and 'relatively frequently' were collated into the category 'always to relatively frequently', the possible responses 'relatively seldom', 'seldom' and 'never' were collated into the category 'relatively seldom to never' (not presented in the figure). Not included in the total figure of MBE's (n = 248) = no information provided.

94 percent of the MBE's surveyed state that **placement of customers in German or integration courses** in the event of insufficient knowledge of German forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently. The reason for the high degree of significance attached to this stage is the fact that the guidance services provided by the MBE's are primarily directed at new migrants, for whom acquisition of the German language plays a major role. The following problem was, however, described in the interviews. The BAMF only

finances courses up to language level B1, whereas language level B2 or completion of an occupationally related language course is mostly required in order to exercise the profession or occupation in which training has taken place (cf. III-5).

92 percent of the MBE's surveyed state that **determination of the relevant competent body** forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently. The interviews reveal that referral to the guidance bodies of the IQ Network is made if the competent body is unclear. 89 percent of the MBE's surveyed state that **support in collating the necessary documentation** that provides information on training, further qualifications and professional and occupational experience etc. forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently.

74 percent of the MBE's surveyed (n=201) believe that **referral to recognition guidance institutions** forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently. Both the interviews and the open responses given within the scope of the quantitative survey show that the MBE centres view the IQ counselling centres as 'specialists' or 'centres of excellence' for the topic of recognition. Because the topic of professional or occupational integration is merely one theme amongst many with regard to case management (others include residency law, social security, integration courses and family situation), the MBE centres surveyed find it a relief to refer recognition issues to IQ counselling centres.

73 percent of the MBE's surveyed state that **research on the possible German reference occupation** forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently. In the interviews, the view is expressed that the German reference occupation is identified on the basis of the routine knowledge of the advisors or is frequently clear (such as in the case of the profession of doctor). If the reference occupation is unclear, enquiries are made to the IQ counselling centres or databases are consulted.

70 percent of the MBE's surveyed state that **recommendation of and/or placement in further training** (see in particular III-4) forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently. The reason for the relatively high level of significance accorded to this stage of guidance could be that fact that customers return to the MBE's within the framework of the case management system once a recognition procedure has been concluded.

65 percent of the MBE's surveyed state that **estimation of the costs of the procedure** (see also III-5.3.2) forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently. The interviews reveal that the topic of cost and financing is handled differently within the guidance system. The approach adopted ranges from simply indicating that costs will be incurred to providing advice on financing opportunities (for the recommendation of financing possibilities by the MBE's see III-5.3.2).

61 percent of the MBE's surveyed state that **guidance on alternative options** (see in particular IV-3.4) instead of the recognition procedure forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently. The interviews with the advisors also show that the MBE's supplement their provision by also referring guidance on alternative procedures either to the IQ counselling centres or to the competent bodies.

57 percent of the MBE's surveyed state that **research into the training system and country of training** forms a component of guidance on the topic of recognition with a frequency ranging from always to relatively frequently. This stage of guidance is less frequently stated by the Job Centres surveyed (32 percent) (cf. IV-2.1.2). For this reason, the assumption is that this research is carried out by other advisory bodies (such as the IQ counselling centres) or by the competent bodies themselves.

2.2.3 Language used in the guidance process

76 percent²⁷⁸ of the MBE's surveyed agree with the statement 'I can usually conduct guidance with regard to the topic of the Recognition Act in German'. Alongside German and English, however, the advisors at the MBE's have wide-ranging language competence. If the languages offered at the advisory body do not cover the native languages of the customers or if communication is not possible in a language that is mutually intelligible to the customer and the advisor, in some cases there is an opportunity to make a referral to another MBE in the region which is able to offer such languages. If this option is not available, the problem which arises from the point of view of the interviewees is that there is no provision for the costs of an interpreter to be covered. One pragmatic solution is to ask acquaintances of the customers to translate at the consultation. 63 percent²⁷⁹ of the MBE's surveyed do not agree with the second statement on the topic of language: 'My recommendation for or against a recognition procedure also depends on the knowledge of German of those interested in seeking recognition'.

2.2.4 Assessments of notices and on the destination of customers

Since the entry into force of the Recognition Act, around 91 percent²⁸⁰ of advisors surveyed have had experience of persons visiting them with their notices. Two thirds state that they do not agree with the two statements relating to the notices. 'The notices are easy for applicants to read' (67 percent disagreement²⁸¹) and 'The appearance of the notices is what the applicants expect' (61 percent disagreement²⁸²).

One positive aspect is the fact that 87 percent²⁸³ of the MBE's surveyed agreed with this statement regarding the regulated professions: 'The notice states the type of compensation measure (adaptation period, aptitude test, knowledge test)'. The three statements regarding notices where a compensation measure is imposed or partial equivalence accorded also meet with a positive assessment from somewhat more than half of the MBE's: Substantial differences are precisely

²⁷⁸ n=206. 42 MBE's provided no information on this statement.

²⁷⁹ n=203. 45 MBE's provided no information on this statement.

²⁸⁰ n=194. 54 MBE's provided no information on this statement.

²⁸¹ n=162. 86 MBE's responded 'don't know' or did not provide any information.

²⁸² In comparison to other certificates, such as an examination certificate at completion of dual vocational education and training. n=126. 122 MBE's responded 'don't know' or did not provide any information.

²⁸³ n=149. 99 MBE's responded 'don't know' or did not provide any information.

presented (56 percent²⁸⁴), Training needs (58 percent²⁸⁵) and the next stages necessary (53 percent²⁸⁶) are clear from the notices.

The following information on the topic of destination emerges from the interviews with the advisors from the MBE's. Because customers are supported within the scope of the Case Management Method, they usually return to the advisors during the recognition procedure (for example in order to obtain help with the submission of the application) or after the completion of the procedure, and the advisors then continue to provide them with assistance (such as in the preparation of job applications).

2.2.5 Need for support

Finally, the MBE's surveyed were asked to evaluate whether they saw any need for support with regard to the general conditions governing guidance on the topic of recognition.²⁸⁷ 64 percent of advisors who responded to this question state a requirement for support in the area of knowledge management. Support with research into certain occupations (56 percent), networking with other stakeholders (54 percent) and training on the topic of recognition (52 percent) were needs that were stated with approximately the same frequency. Only 26 percent see a requirement for support or for training in issues relating to residency law. In light of the fact that the advisors (have to) provide their customers with guidance on the topic of residency, this result is not surprising.

The following needs for support were outlined in the interviews. These related to the advisors themselves and to those interested in seeking recognition.

- More time allocation or job positions for the topic of recognition at the MBE's
- Arrangement of specialist language knowledge for individuals
- Targeted qualifications guidance and more individual training provision (cf. II-2.2 on the realignment of the IQ Funding Programme)
- More funding instruments for the financing of recognition procedures and for training for individuals.

²⁸⁴ n=149. 99 MBE's responded 'don't know' or did not provide any information.

²⁸⁵ n=150. 98 MBE's responded 'don't know' or did not provide any information.

²⁸⁶ n=156. 92 MBE's responded 'don't know' or did not provide any information.

²⁸⁷ Multiple responses possible. Of 248 MBE's surveyed, 169 (n) stated one or more support needs. 79 MBE's provided no information.

3. From guidance to the application



A brief summary of the key points:

- ✓ Although the interest in seeking advice on the Recognition Act is high, not every instance of guidance leads to an application.
- ✓ In the craft trades, only one advisory session in five results in an application. In the area of trade and industry, one in two of those who receive advice from local chambers go on to submit an application. Three quarters of those seeking guidance in the occupations of doctor, healthcare worker and nurse subsequently make an application.
- ✓ The results of the surveys conducted reveal various reasons why guidance may not be followed by an application.
- ✓ In the craft trades, the main reasons for not going on to submit an application are false expectations of the procedure or alternative processes (especially in the case of those holding master craftsman qualifications) which are more productive for persons interested in recognition. By way of contrast, in trade and industry the issue of the costs and financing of the procedures plays a central part. This latter point is also confirmed by the Job Centres and the Guidance Centres for Adult Migrants.
- ✓ With regard to preparation of the application, both chamber sectors and the Job Centres state that the procurement of documentation is a problem. This may ultimately mean that no application is submitted.
- ✓ The main difficulty that emerges with regard to the occupations of doctor, healthcare worker and nurse is knowledge of German, although this aspect is unrelated to the recognition procedure in legal terms.
- ✓ From the perspective of the Job Centres and the Guidance Centres for Adult Migrants, many people do not submit an application because they enter employment without obtaining recognition. In some cases, it is easier to place such persons on the labour market than to go through a recognition procedure.
- ✓ Compared to the BQFG, the BVFG now tends to be of lesser significance for so-called 'recent resettlers' (immigrants of German origin from Russia and Eastern Europe). The bilateral equivalence agreements with Austria and France also have virtually no role to play.

- ✓ In the case of the training occupations in the chambers of commerce and industry and chambers of crafts and trades sectors, the alternative procedures addressed play an approximately equal role. Despite the high entry requirements, the external examination seems to be an attractive option due to the fact that a German vocational education and training qualification can be acquired. Opting for retraining or shortened training may be the more simple route in some cases if there is a prospect of obtaining partial equivalence.
- ✓ Alternative procedures play a major role, particularly in respect of the master craftsman qualifications in the craft trades sector. Especially significant in this regard are the two procedures for registered with the Register of Crafts and Trades and demonstration of commercial activity for registration with the Register of Crafts and Trades.

Guidance provided prior to the recognition procedure is highly significant. Both in the case of non-regulated occupations and regulated master craftsman qualifications in the area of chamber responsibility and in the field of regulated professions governed by the federal states, the competent bodies emphasise that comprehensive guidance for those interested in seeking recognition is the basis for a successful procedure.

As the evaluations of the official statistics show (see III-2), in 2013 most procedures were once again conducted in the area of the regulated professions and in particular in the medical healthcare professions. Non-regulated occupations made up a comparatively low proportion of 22 percent of all procedures in 2013. Nevertheless, guidance data shows that the chambers in particular dispense considerable amounts of advice. Since the entry into force of the Recognition Act, almost 40,000 consultations have been carried out in the craft trade and in the trade and industry sectors alone. The estimated figure for 2013 was 15,000.²⁸⁸ The figures for the volume of guidance provided show that not all persons interested in recognition and seeking advice on the matter actually go on to submit a recognition application.²⁸⁹

The aim of this detailed study is to investigate the reasons for this discrepancy. For this purpose, the guidance system (see III-1) will be scrutinised more closely and the results of the surveys conducted by the BIBB Recognition Monitoring Project with the chambers of crafts and trades, the chamber of commerce and industry, the competent bodies for the professions of doctor and general registered nurse, the Job Centres and the MBE's will be presented. Individual results emerging from various expert interviews will also be used by way of interpretation (see dataset description in Annex A2).

²⁸⁸ Data relating to the calendar year is not available. The estimation of the number of consultations is based on the average guidance volume from April 2012 up until and including March 2013 extrapolated to the calendar year 2013. The data also contains consultations on regulated master craftsman qualifications in the craft trades.

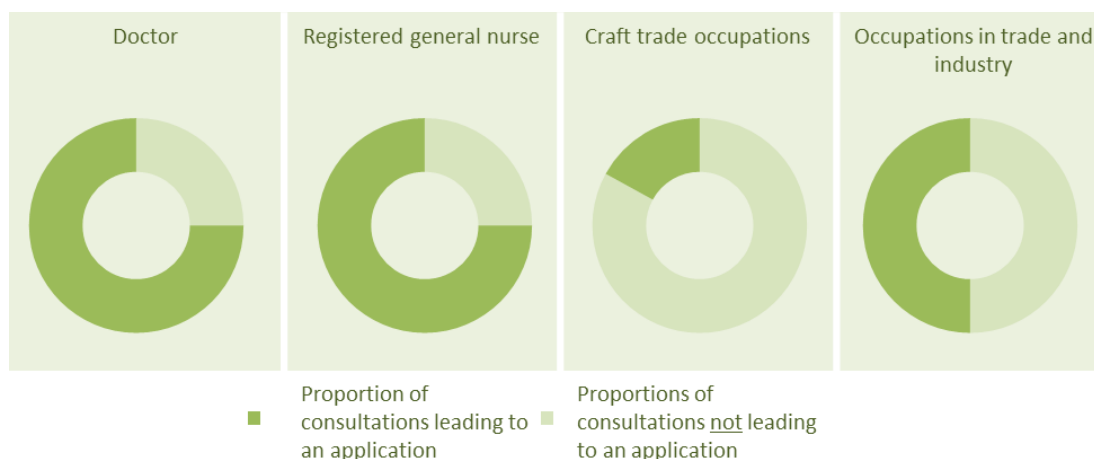
²⁸⁹ In considering the ratio of advice to applications, only the volume of guidance provided by the competent bodies is taken into account.

3.1 The ratio of consultations to applications

As already identified (Erbe et al. 2014, pp. 86ff.), there is in some cases a considerable difference between the number of consultations and the number of applications for equivalence assessment in the individual areas of responsibility. In order to investigate this discrepancy more closely, the BIBB Recognition Monitoring Project has collected data and evaluations by conducting surveys with the competent bodies. In light of the differing organisation and the different ways of dealing with documentation relating to the consultations, it is unfortunately not possible to draw up a standardised database across the areas of responsibility. In the case of the chambers, it proved possible to evaluate quantitative data whilst estimations of the experts could also be surveyed in the healthcare sector and for the guidance institutions. Even though this means that the comparability of the individual results presented below is limited, they still permit a worthwhile estimation of the ratio of consultations to applications.

According to the estimation of the competent bodies for the professions of doctor and registered general nurse included in the survey, about three quarters of all respective consultations lead to an application. In the case of the competent bodies for the profession of registered general nurse, the assumption must be that this figure is even higher.²⁹⁰

Figure 62 Ratio of consultations to applications by areas of responsibility (estimations)



Source: Doctor and registered general nurse: BIBB survey (2014) of the competent bodies in the healthcare professions (doctor n=13, registered general nurse=12). Craft trades: BIBB/ZDH survey (2014) of the chambers of crafts and trades (n=53). Trade and industry: DIHK documentation tool and BIBB survey (2014) of the chambers of commerce and industry (n=52) and the IHK FOSA trend barometer. Cut-off date in each case 31 March 2014. Schematic presentation – for the methodological differences see the dataset description in Annex A2.

A different picture is revealed in the area of chamber responsibility. In the craft trades, the ratio of consultations to applications is very low. Five consultations produce one application. In the trade and industry sector, about one in two consultations lead to an application. Figure 62 illustrates the ratio of consultations to applications in the various areas of responsibility.

²⁹⁰ Two of the competent bodies in this area state that more applications were received than consultations conducted. In order to form a mean value, these results were estimated at 110 percent. This means that the ratio of consultations to applications could be significantly higher than presented here.

When comparing consultations and applications, general consideration needs to be given to the circumstance that those seeking guidance may submit an application in the year following their consultation. Several months may also elapse before an application is made because those interested in seeking recognition need to obtain documents or may not arrive at the decision to submit an application until at a much later date. It is also possible to make an application without seeking guidance. According to the estimation of the competent bodies in the chamber area of responsibility, this latter circumstance tends to constitute an exception.²⁹¹

3.2 Reasons not to submit an application from the perspective of various stakeholders

The following analysis focuses on persons who fulfil the prerequisites for an application (cf. Erbe et al. 2014, p. 92) but who do not submit an application. The reasons for this are manifold.

They include the expenditure of time associated with making an application, the costs that need to be met or the issue of financing such costs and problems with obtaining documentation. The relevance of the reasons stated is evaluated differently by the stakeholders surveyed.

The result of guidance may also be that a recognition procedure within the scope of the BQFG is not a productive approach to adopt and that other alternative processes and routes are a better fit for the requirements of individuals in terms of achieving their professional or occupational goals.

Furthermore, the language knowledge of those interested in seeking recognition in the non-regulated sector does not constitute a prerequisite for the assessment of equivalence. Nevertheless, guidance may lead to a realisation that the knowledge of German of persons interested in seeking recognition makes labour market integration more difficult, and initial advice may be not to pursue an application. In the regulated sector, knowledge of German is mandatory in some cases. As part of the process of obtaining authorisation to practise, applicants are required to demonstrate a certain level of language knowledge (see III-3.8).

A further reason not to submit an application relates to the discrepancy between the expectations of those seeking guidance and the actual expense of a recognition procedure. If this discrepancy becomes apparent during the guidance process, some of those seeking advice decide to refrain from submitting an application.

A reason which may result in a decision not to submit an application, either during the guidance process or when preparing the application itself, is the **commencement of employment**. Especially in

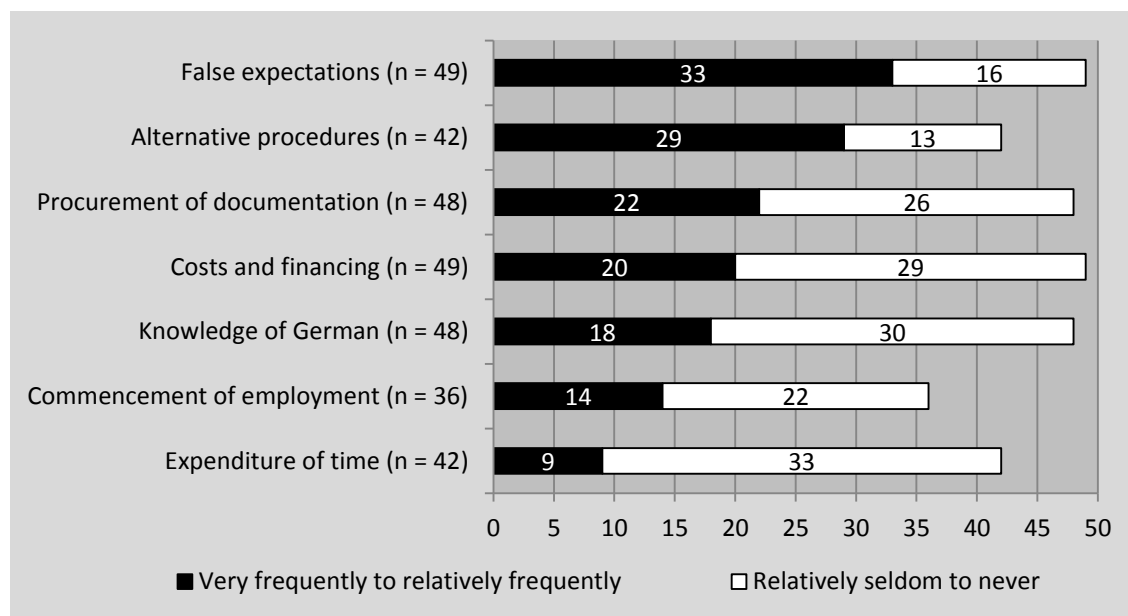
²⁹¹ Because of the varying data situation, it must be pointed out that there are limitations with regard to the robustness of the underlying data. Responses from the competent bodies for the professions of doctor and registered general nurse are estimates made by these bodies with regard to the ratio of consultations to applications. In the craft trades sector, specific information was collected on the numbers of consultations and applications. All chambers of crafts and trades took part in the survey. In the trade and industry sector, the guidance data of the DIHK documentation tool and further guidance data collected within the scope of a BIBB survey of the local chambers of commerce and industry were used and then compared with the data collected by the IHK FOSA in the framework of its trend barometer. Since not all chambers of commerce and industry providing guidance participate in reporting information to the DIHK tool, the delta between consultations and applications is inevitably larger. Account also needs to be taken of the applications which were not processed in the chambers of commerce and industry organised within the IHK FOSA.

the area of non-regulated occupations, the chambers frequently report in the interviews that those seeking recognition often learn for the first time during the guidance process itself that they have the possibility of working without having to obtain formal recognition of their qualification acquired abroad. Many of those interested in seeking recognition are not aware of the fact that companies may employ them without formal recognition.

3.2.1 Reasons from the point of view of the chambers (chambers of crafts and trades – chambers of commerce and industry)

The reasons why those seeking guidance and entitled to make an application ultimately do not do so are presented from the point of view of the chamber area of responsibility below. Figure 63 shows the distribution of estimations for the craft trades sector.

Figure 63 Reasons why no application is submitted, from the point of view of the chambers of crafts and trades (in absolute terms)



Source: BIBB/ZDH survey (2014) of the chambers of crafts and trades, n is indicated in each case. The possible responses 'very frequently', 'frequently' and 'relatively frequently' were collated into the category 'very frequently to relatively frequently', the possible responses 'relatively seldom', 'seldom' and 'never' were collated into the category 'relatively seldom to never'. Not included in the total figure of chambers of crafts and trades surveyed (n = 53), missing = no information provided/don't know.

The majority of the chambers of crafts and trades judges false expectations on the part of those seeking advice to be a reason for not submitting an application with a frequency ranging from very frequently to relatively frequently. According to the statements made by the chambers interviewed, insufficient prior information is a problem for some individuals. Many are not aware in advance that recognition constitutes an equivalence assessment, i.e. a comparison of qualifications on the basis of documents, and is not an automatic process. In the case of such persons, for whom the expense of submitting an application appears to be too high, expectations management therefore needs to take place during the information and guidance process (via the competent bodies and the IQ Networks) and existing support provision needs to be strengthened and expanded.

The highlighting and provision of alternative procedures is also of great significance. 29 chambers state that these alternative options result in non-submission of an application for recognition with a frequency ranging from very frequently to relatively frequently. One possible reason for this is the central strategy pursued in the craft trades sector to indicate alternatives to the recognition procedure (see Erbe et al. 2014, p. 73 and the next section IV-3.4).²⁹²

Procurement of documents for the purpose of fulfilling the statutory duty to cooperate is a reason for non-submission of an application for just under half of respondents (22 chambers). This is particularly difficult for some of those interested in seeking recognition in circumstances such as when institutions abroad need to be contacted. Within this context, it may be the case that persons need to travel to their home country or to the country in which the qualification was acquired. In addition to this, the culture of documentation is not as prevalent in some countries as it is in Germany. For this reason, some documents required for the clarification of facts and circumstances cannot be supplied by the institutions responsible.²⁹³

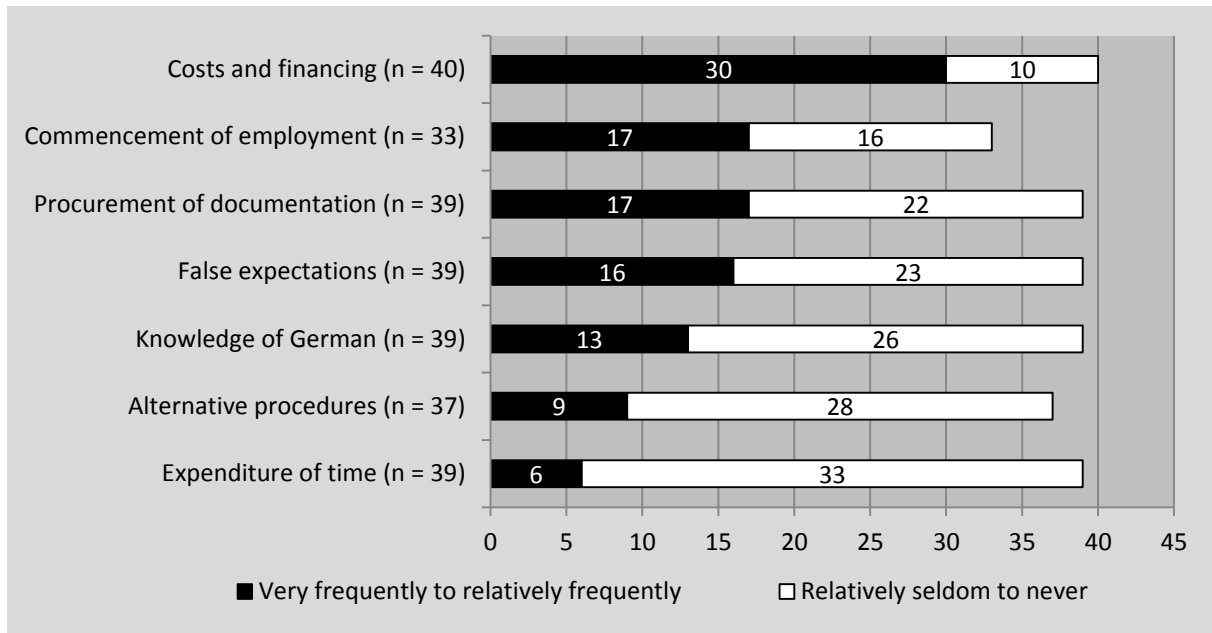
The issue of costs and financing plays a role for 20 of the chambers. More than a third of the chambers (18) see insufficient knowledge of German as a reason for not submitting an application with a frequency ranging from very frequently to relatively frequently. Commencement of employment is stated as frequent reason by 14 chambers. Expenditure of time for the procedure is only a problem for those interested in seeking recognition from the perspective of nine chambers.

The chambers of commerce and industry draw a different picture (see Figure 64).

²⁹² There are various alternatives to the recognition procedure in the case of regulated occupations in the craft trades sector (master craftsman occupations in which a licence and possession of a master craftsman qualification are required).

²⁹³ For such persons, other suitable procedures could be more appropriate ('skills analysis'), see III-3.5.

Figure 64 Reasons why no application is submitted, from the point of view of the chambers of commerce and industry (in absolute terms)



Source: BIBB survey (2014) of the chambers of commerce and industry, n is indicated in each case. The possible responses 'very frequently', 'frequently' and 'relatively frequently' were collated into the category 'very frequently to relatively frequently', the possible responses 'relatively seldom', 'seldom' and 'never' were collated into the category 'relatively seldom to never'. Not included in the total figure of chambers of commerce and industry surveyed (n = 52), missing = no information provided/don't know.

30 of 40 chambers of commerce and industry state that costs or financing of costs is a reason for non-submission of an application with a frequency ranging from very frequently to relatively frequently (see also III-5.3.3).

Just over half of the chambers (17) states that no application is ultimately submitted in the case of commencement of employment. 17 chambers of commerce and industry also state that procurement of documents is a reason for non-submission of an application with a frequency ranging from very frequently to relatively frequently. 16 chambers state the same in respect of false expectations. A third of the chambers (13) reports insufficient knowledge of German. Alternative procedures are named as a reason by just under a quarter (nine chambers). Only six chambers of commerce and industry state with a frequency ranging from very frequently to relatively frequently that too high an expenditure of time is a reason for those interested in seeking recognition not to submit an application.

Although the reasons why persons who fundamentally fulfil the prerequisites for an equivalence assessment fail to submit an application after having received guidance differ between the areas of chamber responsibility, communalities can also be identified.

Whereas in the craft trades sector external factors such as false expectations, alternative procedures or the procurement of documents tend to exert a greater influence on non-submission of an application, the factor of costs and financing of the recognition procedure plays a central role in the area of responsibility of the chambers of commerce and industry (see III-5.3.3).

It is noticeable that alternative procedures differ in significance in the two chamber areas. This will be investigated in more detail in Section IV-3.4 below. The fact that procurement of the necessary documentation for fulfilment of the statutory duty to cooperate can often be difficult for those interested in seeking recognition applies equally in the craft trades and in the area of responsibility of the chambers of commerce and industry. There is, however, also an inherent advantage in the fact that the topic of procurement of documents is addressed during the guidance process itself. The official statistics for the year 2013 reveal that, in the sector of non-regulated occupations, an additional request for follow-up documentation during the course of the procedure was only necessary in 11 percent of applications processed. By way of contrast, additional requests for follow-up documentation were made in 53 percent of cases involving regulated professions (see III-3.2). The reason for this comparatively low rate of requests for additional documentation may lie in the approaches adopted towards guidance and in the emphasis placed by the chambers of crafts and trades and the chambers of commerce and industry on visually inspecting documents during consultations (cf. Erbe et al. 2014, pp. 74 ff.)

From the point of view of both chamber areas, too high an expenditure of time for applicants is only rarely a reason not to submit an application.

In comparing the estimations and interpreting the results, consideration needs to be accorded to the different positions of the chambers. Whereas the chambers of crafts and trades are responsible for initial guidance and the equivalence assessment procedures, and therefore also for accepting applications, the local chambers of commerce and industry only deal with initial guidance within their remit. The IHK FOSA is to a large part responsible for the equivalence assessment procedure (see II-2.1). By their own admission, the local chambers of commerce and industry are unable to keep precise track of which of the persons to whom they have given guidance goes on to make a subsequent application to the IHK FOSA. For data protection reasons, the IHK FOSA does not provide information on applicants to the local chambers of commerce and industry unless the applicants have provided their explicit consent for this.

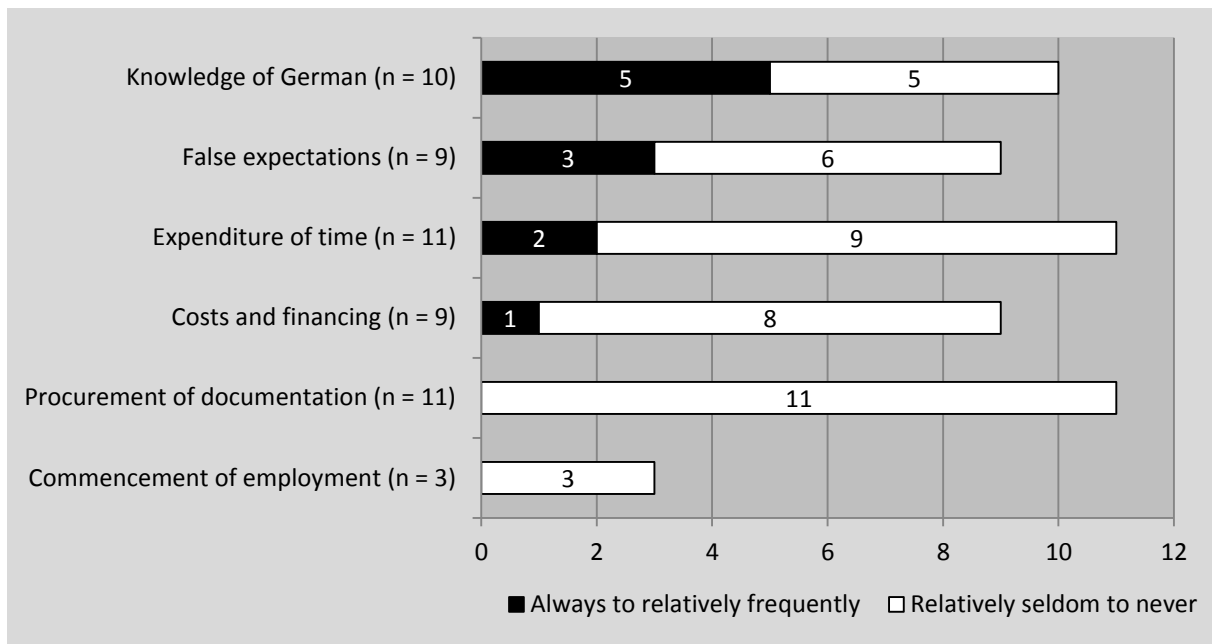
3.2.2 Reasons from the point of view of the competent bodies for the professions of doctor and registered general nurse

Compared to the area of responsibility of the chambers, many more of those seeking guidance in the professions of doctor and registered general nurse subsequently actually make an application.

These ratios also reflect the responses made by the competent bodies with regard to the reason why no application is submitted (see Figure 65).

The competent bodies for the profession of doctor overwhelmingly report that the frequency with which the reasons surveyed lead to a problem prior to the application is between relatively seldom and never. This particularly applies to the procurement of documentation and costs and financing. Commencement of employment was only very rarely evaluated as a reason for not submitting an application. In contrast to the non-regulated sector, recognition is a mandatory prerequisite for the exercising of the relevant profession in the regulated area. For this reason, any commencement of employment can only constitute activities that are not in line with training.

Figure 65 Reasons why no application is submitted, from the point of view of the competent bodies for the profession of doctor (in absolute terms)



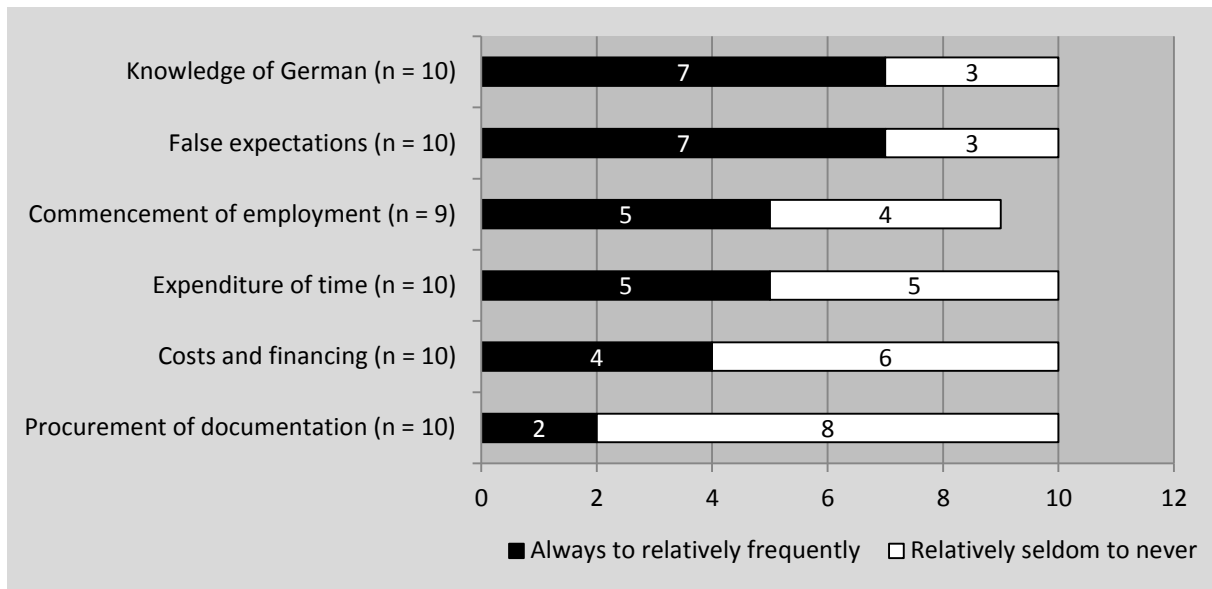
Source: BIBB survey (2014) of the competent bodies for the healthcare professions, n is indicated in each case. The possible responses ‘always’, ‘frequently’ and ‘relatively frequently’ were collated into the category ‘always to relatively frequently’, the possible responses ‘relatively seldom’, ‘seldom’ and ‘never’ were collated into the category ‘relatively seldom to never’. Not included in the total figure of competent bodies for the profession of doctor (licence to practise) (n = 13), missing = no information provided/don’t know.

Half of the competent bodies for the recognition of doctors report lack of knowledge of German as a problem. Unlike the occupations in the non-regulated sector, obtaining a licence to practise as a doctor involves requirements regarding language knowledge to be demonstrated. As described in the first Report on the Recognition Act, evidence of language knowledge forms ‘part of the list of documents to be submitted for an application for a licence to practise’ (Erbe et al. 2014, p. 102). The fact that insufficient knowledge of the German language can become a problem during the guidance process itself rather than not emerging until the further procedure leading to authorisation to practise may be connected with the circumstance that some competent bodies view evidence of language knowledge as a prerequisite for the submission of an application. This, however, is not in accordance with the relevant regulations. These state that language knowledge is required for the authorisation/licence to practise and may not be requested at the time when application for recognition is made (cf. III-3.8). In addition, false expectations were stated to be a frequent problem by three competent bodies.²⁹⁴

²⁹⁴ This problem is discussed further below in connection with the responses received in the professional area of registered general nurse.

The picture for the profession of registered general nurse is a different one (see Figure 66).

Figure 66 Reasons why no application is submitted, from the point of view of the competent bodies for the profession of registered general nurse (in absolute terms)



Source: BIBB survey (2014) of the competent bodies for the healthcare professions, n is indicated in each case. The possible responses ‘always’, ‘frequently’ and ‘relatively frequently’ were collated into the category ‘always to relatively frequently’, the possible responses ‘relatively seldom’, ‘seldom’ and ‘never’ were collated into the category ‘relatively seldom to never’. Not included in the total figure of competent bodies for the profession of registered general nurse (n = 12), missing = no information provided/don’t know.

From this sector, there are also reports that language knowledge is a frequent reason why no application is submitted (seven competent bodies). In the profession of registered general nurse, evidence of a certain language level is also mandatory for the issuing of authorisation to practise. In contrast to the responses received for the profession of doctor, about half of the competent bodies state that they do not require evidence of language knowledge to be provided at the time when the application is made (see also III-3.8.2).

False expectations regarding the recognition procedure play a larger role on an equally frequent basis (seven competent bodies). This is another area in which, according to the responses received from the competent bodies, some applicants expect to gain automatic recognition by submitting evidence of formal qualifications (as is the case with regard to the procedure pursuant to the EU Directive). Presentation of the expense involved and the fact that automatic recognition is only possible for certain groups of persons ‘would, of course, disappoint very many people’.²⁹⁵

More than half of the competent bodies surveyed state that commencement of employment is a reason not to submit an application. We know from guidance practice that those interested in seeking recognition sometimes elect to go along the route of deciding to take on an assistant position in the field of healthcare and nursing. This does not necessarily need to result in non-submission of an application. Such an assistant position is chosen as a bridging solution to gather

²⁹⁵ This response does not specifically relate to any one professional area. It describes the impressions gained by the competent bodies across all professions.

professional practice and knowledge, something which may be of benefit in passing the knowledge test.

Language knowledge constitutes the greatest hurdle in both areas. Regardless of how well someone is able to speak German during the guidance process; clear application of the statutory stipulations is needed. Evidence of the required language level forms part of the application for a licence to practise or authorisation to practise. It does not constitute a component of the recognition procedure. This should be made clear by the competent bodies during the guidance process itself. They should also indicate the opportunity to acquire the necessary language knowledge within the scope of preparatory measures, some of which may be conducted on an in-service basis. Alongside language knowledge, submission of applications in both these professional sectors is also influenced by false expectations.

3.2.3 Reasons from the point of view of the Job Centres and MBE's

An expanded insight into this topic is provided by the responses received from the Job Centres²⁹⁶ and MBE's surveyed²⁹⁷.

Within the scope of their labour market related guidance (see II-2.2 and IV-2.1), Job Centres have contact with persons who wish to complete or have completed a recognition procedure. From the point of view of the Job Centres surveyed, commencement of employment is the main reason that militates against submission of an application. 77 percent²⁹⁸ state this reason with a frequency ranging from very frequently to relatively frequently. Further reasons stated with a frequency ranging from very frequently to relatively frequently are procurement of documentation (73 percent²⁹⁹) and insufficient knowledge of German by those interested in seeking recognition (64 percent³⁰⁰). Only 30 percent³⁰¹ of the Job Centres surveyed state that costs and financing are a reason not to submit an application with a frequency ranging from very frequently to relatively frequently (see also III-5.3.3). Only in the most seldom of cases (9 percent³⁰²) do the Job Centres surveyed advise against an application within the scope of the guidance process.³⁰³

The MBE's (see II-2.2 and IV-2.2) provide their clients with comprehensive support within the scope of a case management system. The MBE's surveyed also state that the main reason for non-submission of an application is commencement of employment without recognition (81 percent³⁰⁴).

²⁹⁶ 525 Job Centres and 178 employment agencies were contacted by letter for the purpose of this survey. Although 181 Job Centres responded, only one employment agency took part in the survey. Due to lack of validity, the survey results of this employment agency are not presented.

²⁹⁷ MBE's (adult migrant guidance centres) are responsible for migrants from the age of 27, JMD's (Youth Migration Services) for those aged under 27. The JMD's were not surveyed, the assumption being that the topic of recognition plays a minor role in the case of persons aged under 27 (e.g. because such persons are still in training or higher education).

²⁹⁸ n=125. 56 Job Centres responded 'don't know' or did not provide any information.

²⁹⁹ n=120. 61 Job Centres responded 'don't know' or did not provide any information.

³⁰⁰ n=123. 58 Job Centres responded 'don't know' or did not provide any information.

³⁰¹ n=110. 71 Job Centres responded 'don't know' or did not provide any information.

³⁰² n=106. 75 Job Centres responded 'don't know' or did not provide any information.

³⁰³ No differentiation was made in the survey between training areas or between regulated professions and non-regulated occupations.

³⁰⁴ n=195. 53 MBE's responded 'don't know' or did not provide any information.

Further reasons³⁰⁵ why no application is submitted with a frequency ranging from very frequently to relatively frequently are alternative procedures (77 percent) and costs and financing (74 percent).

3.3 Related legal foundations

Even before the entry into force of the Recognition Act on 1 April 2012, statutory foundations were in place for certain groups of persons to facilitate recognition of professional or vocational qualifications acquired abroad (cf. Erbe et al. 2014, p. 20). A description follows below of the role played in the craft trades and trade and industry sectors by the Federal Expellees Act (BVFG), which applies to so-called 'late resettlers' (immigrants of German origin from Russia and Eastern Europe), and by the bilateral equivalence agreements which exist with Austria and France.³⁰⁶

Between 1 April 2012 and 31 December 2014, the chambers of commerce and industry documented 601 consultations (by telephone and in person) on the BVFG.³⁰⁷ In the survey of the chambers of crafts and trades, ten chambers state that, in the case of a training occupation, a procedure pursuant to § 10 BVFG is advised with a frequency ranging from very frequently to relatively frequently. Seven chambers state the same for a master craftsman qualification.³⁰⁸ The estimation of the chambers surveyed is, therefore, that this legal basis tends to play a subordinate role. This may be due to the fact that the BVFG has been in force since as long ago as 1953 and the 'main wave has already passed'.³⁰⁹ It is certainly true that there has been a drastic fall in the numbers of late resettlers and family members coming to Germany – from 98,484 in 2001 to 5,469 persons at the end of 2014 (see Figure 67).

Late resettlers may choose between a recognition procedure in accordance with the BVFG or the BQFG.³¹⁰ In the case of a procedure pursuant to the BVFG, one advantage may be that training from abroad can in certain circumstances be compared with a German reference occupation formerly in force and that either no costs or lower costs than for a BQFG procedure are incurred. In the case of late resettlers, contribution and employment periods are taken into account for German pension insurance pursuant to the Foreign Pensions Act.³¹¹ The chamber of commerce and industry sector also indicates that persons opt for a procedure in accordance with the BVFG if the sole purpose is to provide evidence for pension insurance, since this is the more cost-effective and faster³¹² route. The MBE's report that, in the case of certain occupations (such as technical occupations from Russia), a BVFG procedure provides better prospects of success. In some cases, recognition is only possible via

³⁰⁵ n=196 in each case. 53 MBE's respectively responded 'don't know' or did not provide any information.

³⁰⁶ Results from the quantitative surveys conducted in 2014 with the chambers of crafts and trades and chambers of commerce and industry, results from qualitative interviews carried out in 2013 and 2014 (overarching perspective) and the DIHK data management tool will all be used for this purpose.

³⁰⁷ 13,508 initial consultations are documented for the same period (cf. III-1.3). The data management tool is currently being used by 63 chambers of commerce and industry.

³⁰⁸ 44 of 53 chambers of crafts and trades provided a response.

³⁰⁹ Assessment of a chamber of crafts and trades advisor interviewed. Her statement referred to the period at the end of the 1990's, when very large numbers of late resettlers arrived in Germany.

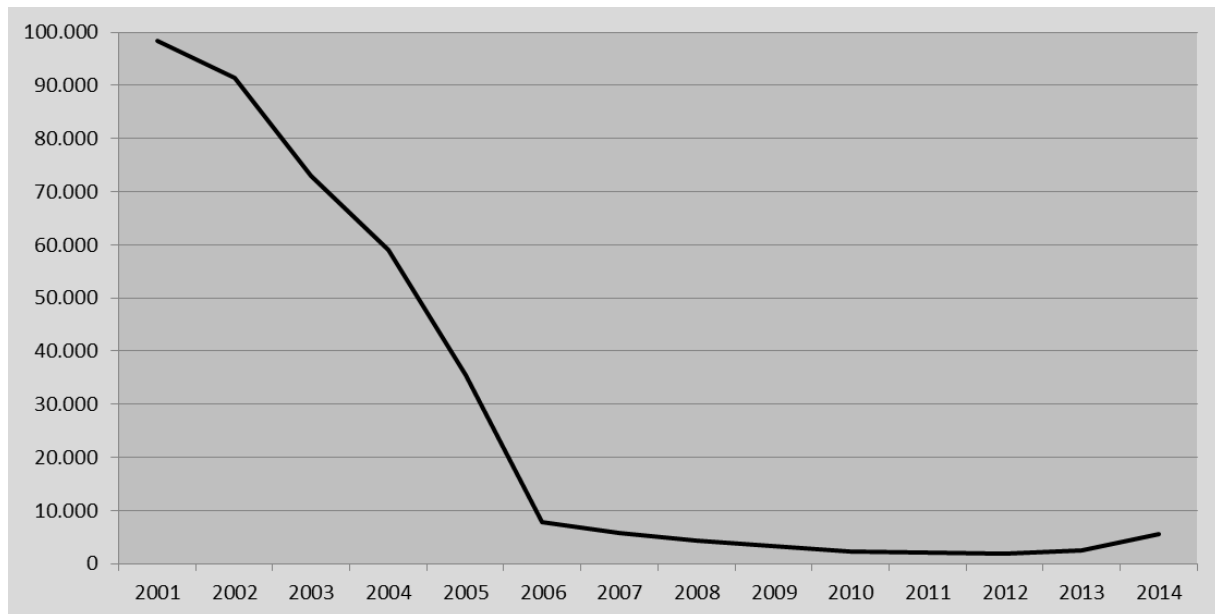
³¹⁰ A more detailed explanation is available at www.anerkennung-in-deutschland.de/html/de/spaetaussiedler.php (accessed: 18 March 2015).

³¹¹ Cf. http://www.kiew.diplo.de/contentblob/4021628/Daten/3609848/pdf_Merkblatt_Aufnahmeverfahren.pdf (accessed: 18 March 2015).

³¹² According to a chamber of commerce and industry advisor interviewed, the average processing time for BVFG applications is 14 days.

this law.³¹³ Nevertheless, only the Recognition Act provides the opportunity for professional or occupational experience to be taken into account, and this should be considered as a major advantage compared to the BVFG (see III-3.4).

Figure 67 Arrival of late resettlers and their family members in Germany over the period from 2001 to 2014 (in absolute terms)



Source: BVA statistics on the entry to Germany of late resettlers over the course of time (http://www.bva.bund.de/DE/Organisation/Abteilungen/Abteilung_S/Spaetaussiedler/statistik/Monat/2a.html?nn=4487534, accessed: 18.03.15), presentation by BIBB.

Compared to the BVFG, the bilateral equivalence agreements with France³¹⁴ and Austria³¹⁵ seem to be accorded an even lower level of significance. Only two chambers of commerce and industry³¹⁶ advise seeking equivalence for a training occupation with a frequency ranging from very frequently

³¹³ An MBE advisor gave the example of a bookkeeper from Russia who was able to have her occupation recognised as office management clerk pursuant to the BVFG. This would not have been possible in accordance with the BQFG, because in Germany the occupation of bookkeeper is a continuing training occupation.

³¹⁴ The basis for the legal equivalence of French and German qualifications is the 'Ordinance on the equivalence of French examination certificates' (see: <http://www.gesetze-im-internet.de/bundesrecht/prfgzfrankrv/gesamt.pdf>, accessed: 18 March 2015). The 'Declaration of the general comparability of German and French vocational education and training certificates' sends out an important signal in terms of acceptance of qualifications by employers in the respective countries (see: http://www.ihk-fosa.de/fileadmin/ihk-fosa/Dateien/Gesetze_und_Offizielles/Gemeinsame_Erklaerung_Frankreich.pdf, accessed: 18 March 2015).

³¹⁵ The basis for the legal equivalence of Austrian and German qualifications is the 'Ordinance on the equivalence of Austrian examination certificates with certificates showing successful completion of the final examination or journeyman examination in recognised training occupations' (see: <http://www.gesetze-im-internet.de/prfgzautv/BJNR007710990.html>, accessed: 18 March 2015). The 'Joint declaration in the area of vocational training on fundamental comparability of vocational education and training qualifications' of 2005 sends out an important signal in terms of acceptance of qualifications by employers in the respective countries (see: http://www.ihk-fosa.de/fileadmin/ihk-fosa/Dateien/Gesetze_und_Offizielles/Gemeinsame_Erklaerung_OEsterreich.pdf, accessed: 18 March 2015).

³¹⁶ 38 of the 52 chambers of commerce and industry surveyed provided a response. In the case of training occupations governed by the chambers of commerce and industry, the basis for equivalence is § 50 BBiG.

to relatively frequently. In the craft trades sector, four chambers state the same in respect of a training occupation³¹⁷ and a master craftsman qualification.³¹⁸

3.4 Alternative procedures and possibilities

As already presented in the first Report on the Recognition Act (cf. Erbe et al 2014, pp. 72 ff.), alternative procedures and possibilities may in some cases be a more productive approach to adopt for persons with professional and vocational qualifications acquired abroad. This depends heavily on the respective individual case and on the age, knowledge of German, financial situation, professional or occupational experience and the goal of the person concerned. Account should be taken of the fact that (with the exception of the master craftsman qualification) it makes no difference from a legal perspective whether someone has completed a German training qualification or is able to present an equivalence notice (cf. § 50a BBiG).

Because recognition of the foreign qualification is a mandatory prerequisite for the exercising of a regulated profession in Germany, there are no alternatives to the recognition procedure in the area of regulated professions. For this reason, this section will focus on the significance of a number of alternative procedures for the areas of trade and industry only.³¹⁹

In the case of the **training occupations** governed by the chambers of commerce and industry and chambers of crafts and trades, chambers were asked how frequently they advised an external examination, retraining or shortened training, continuing training and advanced training (the last only applying to the area of the chambers of commerce and industry. It is revealed that these three options play approximately the same role in both areas (see Figure 68).

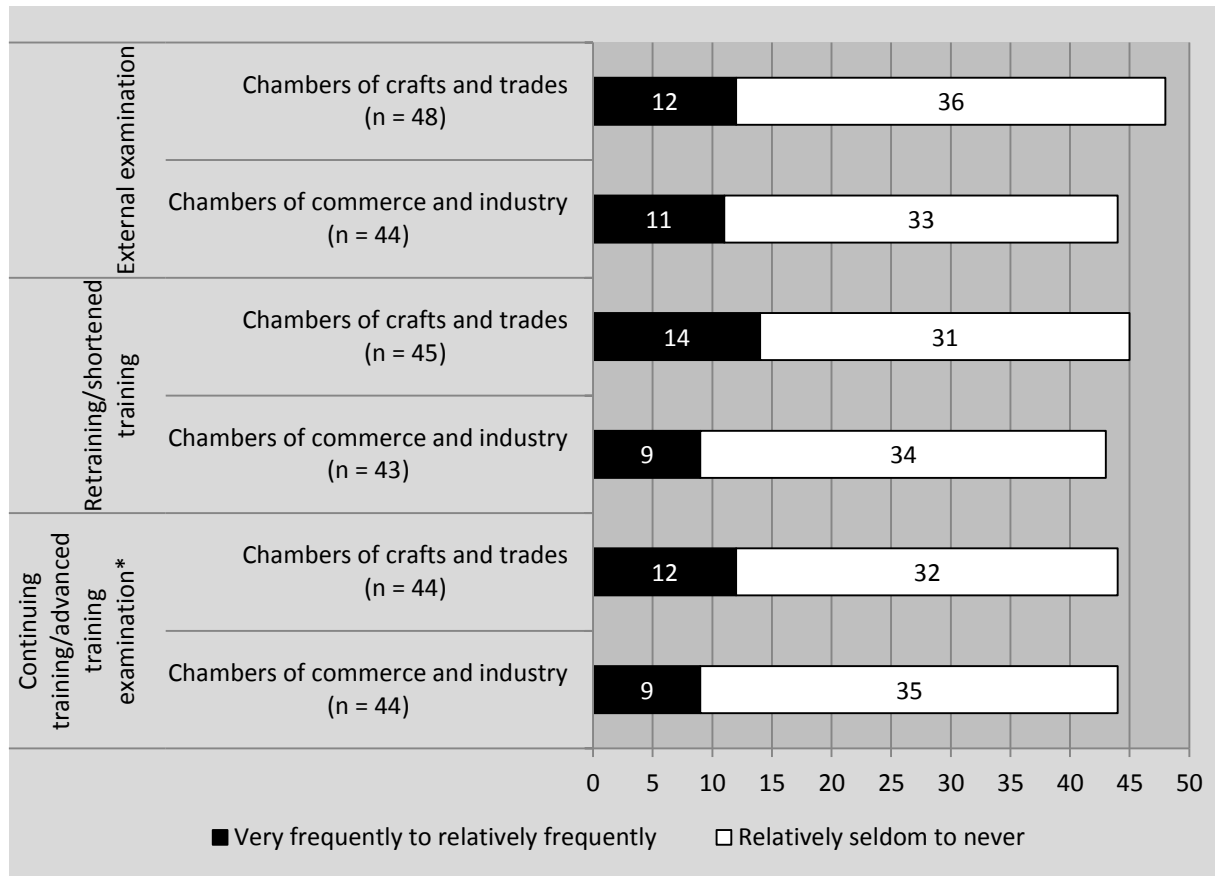
³¹⁷ 43 of the 53 chambers of crafts and trades provided a response. In the case of training occupations governed by the chambers of crafts and trades, § 40 Paragraph 2 HwO and § 50 BBiG are the basis for equivalence.

³¹⁸ 41 of the 53 chambers of crafts and trades provided a response. In the case of master craftsman qualifications governed by the chambers of crafts and trades, the basis for equivalence is § 50a Paragraph 2 HwO.

³¹⁹ Results from the quantitative surveys conducted in 2014 with the chambers of crafts and trades and chambers of commerce and industry, results from qualitative interviews carried out in 2013 and 2014 (overarching perspective) will be used for this purpose.

Figure 68

Craft trades and trade and industry – frequency with which alternative options are advised in the case of a training occupation (in absolute terms)



* In the chambers of commerce and industry, the item surveyed was 'Continuing training/completion of an advanced training examination', in the area governed by the chambers of crafts and trades the item surveyed was 'Continuing training' only.

Source: BIBB/ZDH survey (2014) of the chambers of commerce and industry, and BIBB survey (2014) of the chambers of commerce and industry, n is indicated in each case. The possible responses 'very frequently', 'frequently' and 'relatively frequently' were collated into the category 'very frequently to relatively frequently', the possible responses 'relatively seldom', 'seldom' and 'never' were collated into the category 'relatively seldom to never'. Not included in the total figure of chambers of crafts and trades surveyed (n = 53) and in the total of chambers of commerce and industry surveyed (n = 52), missing = no information provided/don't know.

A quarter of the chambers of crafts and trades and chambers of commerce and industry surveyed each advise an **external examination** with a frequency ranging from very frequently to relatively frequently.³²⁰ The reason for this may be that the prerequisites for the external examination are very high. The requirement for admission to the external examination pursuant to § 45 Paragraph 2 BBiG or § 37 Paragraph 2 HwO is evidence of occupational experience for a period at least one and a half times as long as is prescribed for the period of initial training (in the case of three-year training, therefore, the qualifying period is four and a half years). Credit may be given for periods of training completed abroad (cf. Schreiber and Weber-Höller 2011). In addition to this, many advisors (chambers of commerce and industry, chambers of crafts and trades, MBE's) state that very good (professional) knowledge of German is necessary for preparation for and completion of the

³²⁰ This means that the option of the external examination is not accorded such a high level of significance as assumed in the first Report on the Recognition Act (cf. Erbe et al. 2014, p. 73).

examination. The chambers of commerce and industry, for example, indicate that a language level of B1 or B2 is assumed. Especially in the area governed by the chambers of crafts and trades, an important aspect with regard to advising the external examination seems to be the proviso that training abroad was not completed too long ago, since the external examination is based on the latest status of technology and theory.

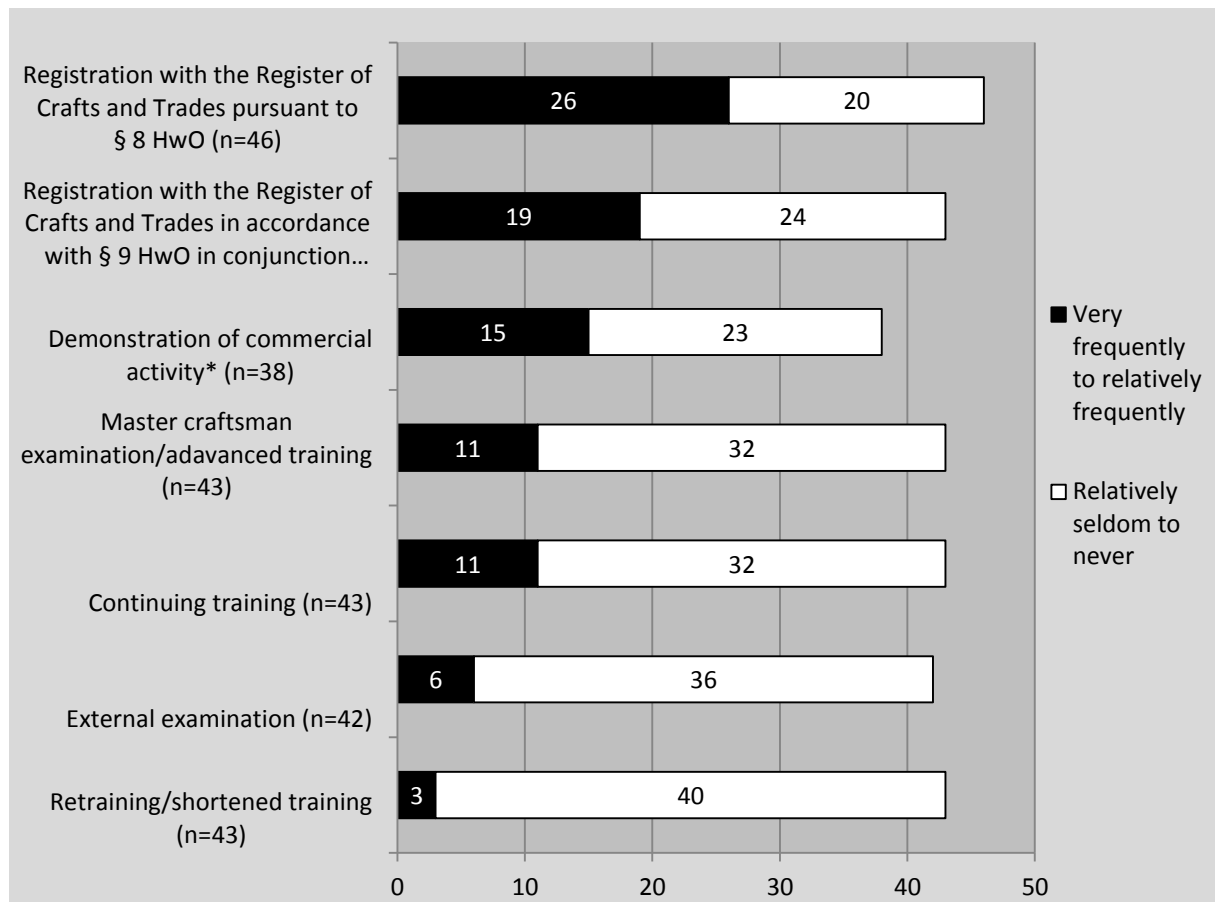
14 of 45 chambers of crafts and trades advise **retraining** or **shortened training** with a frequency ranging from very frequently to relatively frequently. The corresponding figure for the chambers of commerce and industry is nine of 43. With regard to language requirements, the views of the interviewees are divergent. The chambers of commerce and industry consider very good knowledge of German to be necessary.³²¹ The MBE's report that some persons tend to opt for new training (instead, for example, of an external examination) in order to be able to learn the language during training. In the view of individual MBE's, new training may be a sensible course in some cases, especially if the recognition procedure is highly likely to result in partial equivalence. Some chambers of crafts and trades also believe that, after identification of partial equivalence, retraining or (shortened) training is more cost-effective and easier in overall terms compared to adaptation training (cf. III-4). They report cases in which persons would have preferred to retrain but where a recognition procedure has initially been instigated on the advice of the labour administration bodies.

Twelve of 44 chambers of crafts and trades recommend **continuing training** (non-formal education) with a frequency ranging from very frequently to relatively frequently. Nine of 44 chambers of commerce and industry advise **continuing training** or **an advanced training examination** (formal qualification) with a frequency ranging from very frequently to relatively frequently. The interviews only contain indications that continuing or advanced training is advised or that persons aspire to such training. No statements are made regarding prerequisites, costs etc. A chamber will only advise an advanced training examination if it believes that the prerequisites for admission are in place (sufficient occupational experience is often adequate in this respect).

In the case of the **master craftsman qualifications** in the craft trades sector, chambers were asked about the frequency with which several alternative procedures were advised (see Figure 69).

³²¹ One advisor sees language knowledge to be important in order to be able to follow vocational school teaching and pass the final written examination.

Figure 69 Craft trades – frequency with which alternative options are advised in the case of a master craftsman qualification (in absolute terms)



* The item surveyed was ‘Demonstration of commercial activity for registration with the Register of Crafts and Trades’.

Source: BIBB/ZDH survey (2014) of the chambers of crafts and trades, n is indicated in each case. The possible responses ‘very frequently’, ‘frequently’ and ‘relatively frequently’ were collated into the category ‘very frequently to relatively frequently’, the possible responses ‘relatively seldom’, ‘seldom’ and ‘never’ were collated into the category ‘relatively seldom to never’. Not included in the total figure of chambers of crafts and trades surveyed (n = 53), missing = no information provided/don’t know.

In the case of master craftsman qualifications in the regulated craft trades sector pursuant to HwO Annex A, it is revealed that the two procedures leading to **registration with the Register of Crafts and Trades** play the largest role. Just over half (26) of the chambers of crafts and trades advise exceptional authorisation pursuant to § 8 HwO with a frequency ranging from very frequently to relatively frequently. Registration in accordance with § 9 HwO in conjunction with the EU/EEA Craft Trades Ordinance, which is specifically aimed at nationals of the EU, EEA or Switzerland, is recommended by just under half (19) of the chambers of crafts and trades with a frequency ranging from very frequently to relatively frequently.³²² According to the evaluation of the chambers of crafts and trades, this option appears more productive than a recognition procedure if a person’s main objective is to become self-employed.

³²² This permits confirmation of the statement made in the first Report on the Recognition Act that this is a frequently cited alternative to the equivalence assessment (cf. Erbe et al. 2014, p. 73).

In the case of master craftsman qualifications in non-regulated trades pursuant to HwO Annex B, there is the possibility of **demonstration of commercial activity** for registration with the Register of Crafts and Trades. This option is also accorded a relatively high degree of significance, being recommended with a frequency ranging from very frequently to relatively frequently by 15 of 38 chambers of crafts and trades.

As presented in Section IV-3.2.1, alternative procedures are more frequently a reason not to submit an application in the craft trades sector than in the trade and industry sector. Whereas in the case of the training occupations alternative procedures are advised with approximately equal frequency in both sectors, guidance on master craftsman qualifications mainly points to existing alternatives. The reason for this is that multifarious opportunities for access to the regulated master craftsman occupations have been enshrined in craft trade law for years.

One third of the chambers of crafts and trades advise **continuing training** with a frequency ranging from very frequently to relatively frequently. The same applies to the **master craftsman examination** or **advanced training**. In the interviews, good knowledge of German and sufficient occupational experience are stated as being prerequisites for the master craftsman examination. According to the views expressed in the interviews, the motivation of those wishing to complete the master craftsman examination has its basis in the desire to obtain a German master craftsman qualification and to be able to use the title of master craftsman. This aim can only be achieved by passing the respective examination. Although full recognition accords individuals the same rights as holders of master craftsman qualifications in terms of operating a business on a self-employed basis, they are not permitted to use the title. If persons with a foreign vocational qualification complete the master craftsman examination, they are able to submit an application for exemption from components of the examination on the basis of the foreign qualification.

Recommendations for the external examination or retraining are made relatively rarely. Six of 42 chambers of crafts and trades advise an external examination with a frequency ranging from very frequently to relatively frequently. Three of 43 recommend retraining or shortened training with a frequency ranging from very frequently to relatively frequently. These options are advised in cases such as where a person wishes to seek recognition relating to a master craftsman qualification but the prognosis of the chamber is that the chances of success are very low. In certain circumstances, a person's existing knowledge, skills and competences may facilitate admission to the external examination or be used as the basis for shortening a course of training in Germany.

Annex

A1 Glossary

* Terms taken directly from the Recognition in Germany Glossary.³²³

** Terms taken from the Recognition in Germany Glossary, but abridged, amended or supplemented.

anabin	anabin is the official portal of the federal states for the recognition of foreign professional and vocational qualifications. It is operated by the ZAB . anabin provides information on the evaluation of foreign qualifications, educational institutions and certificates for over 180 countries. The portal features an official section for recognition bodies and a public information area. ³²⁴
Anerkennung – Recognition	Professional recognition pursuant to the Recognition Act is the evaluation and confirmation of full or partial equivalence of a foreign professional or vocational qualification with the relevant German formal qualification within the scope of a procedure (see equivalence assessment procedure).**
Anerkennungsgesetz – Recognition Act	The ‘Recognition Act’ is the unofficial abbreviated title of the ‘Law to improve the assessment and recognition of professional and vocational education and training qualifications acquired abroad’, which entered into force on 1 April 2012. The Recognition Act governs the recognition of foreign professional qualifications in professions and occupations for which the Federal Government is responsible. It is a composite act which encompasses the Federal Professional Qualifications Act, BQFG , (area of responsibility of the BMBF) and amendments and adaptations to specific legislation governing the professions and to ordinances (areas of responsibility of the federal state departments).**
Anerkennungsportal – Recognition Portal	‘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. The portal offers information in German, English, Greek, Italian, Polish, Romanian, Spanish and Turkish. Those interested in seeking recognition can use the Recognition Finder to localise the reference occupation and to determine the relevant competent body . ³²⁵
Anerkennungsverfahren – Recognition procedure	see equivalence assessment procedure

³²³ Cf. www.anerkennung-in-deutschland.de/html/de/glossar.php (accessed: 18 March 2015).

³²⁴ Cf. <http://anabin.kmk.org> (accessed: 28. April 2015).

³²⁵ Cf. Erbe et al. 2014, p. 28, and www.anerkennung-in-deutschland.de/html/de/ueber_uns.php (accessed: 18 March 2015).

Anpassungslehrgang – Adaptation period	The term ‘adaptation period’ originates from the EU Directive on the Recognition of Professional Qualifications (2005/36/EC) . Adaptation periods serve to compensate for substantial differences identified between foreign qualifications and their German reference qualifications in the regulated professions in order to achieve recognition and obtain authorisation to pursue the profession or use the professional title.**
Ausgleichsmaßnahme or Anpassungsmaßnahme – Compensation measure or adaptation measure	The term ‘compensation measure’ originates from the EU Directive on the Recognition of Professional Qualifications (2005/36/EC) . A compensation measure (= adaptation measure) can be used to compensate for substantial differences identified between foreign qualifications and their German reference qualifications in the regulated professions in order to achieve recognition and obtain authorisation to pursue the profession or use the professional title. Compensation measures serve to furnish evidence of equivalent knowledge and skills. Depending on the profession or occupation concerned, the compensation measure may be an adaptation period or an examination (aptitude test or, in the case of third country qualifications, a knowledge test).
Anpassungs- qualifizierung – Adaptation training	In the non-regulated occupations , adaptation training may compensate for substantial differences identified between a foreign professional qualification and the German reference qualification in order to achieve full equivalence. In the non-regulated occupations, completion of adaptation training is not a mandatory prerequisite for the exercising of the occupation. Such occupations may also be pursued without an equivalence notice (see equivalence assessment procedure).
Approbation – Licence to practise	A licence to practise constitutes state authorisation to exercise certain medical professions for which academic qualifications are required (such as doctor, dentist, dispensing chemist). In order for a licence to practise to be issued, applicants needs to fulfil various requirements such as successful completion of higher education study, knowledge of German and suitable health and fitness (see, for example, § 3 BÄO).
Ausbildungsnachweise – Evidence of formal qualifications	Evidence of formal qualifications is examination certificates and certificates of competence issued by bodies to attest successful completion of professional or vocational training . ³²⁶
Ausbildungsordnung – Training regulations	Training regulations form the legal basis for training occupations. They stipulate aspects such as the name of the training occupation, duration of training and the skills, competences and knowledge to be acquired during training. Training regulations may be used by the competent bodies in equivalence assessment procedures in order to be able to compare the contents of the foreign qualification with those of the German training.

³²⁶ § 3 Paragraph 2 BQFG.

Automatische Anerkennung – Automatic recognition	Automatic recognition originates from the EU Directive on the Recognition of Professional Qualifications (2005/36/EC) . In seven so-called ‘sectoral’ regulated professions (doctors, nurses, dental practitioners, veterinary surgeons, midwives, pharmacists and architects), in which minimum training requirements are harmonised at European level, automatic recognition takes place if the professional qualification is listed in Annex V of the Directive. The authority responsible is then not permitted to undertake any individual equivalence assessment and therefore may also not require documents which provide more detailed information on the contents of the training completed. For all other regulated professions, individual investigation of equivalence (see equivalence assessment procedure) of the professional or vocational qualification by the competent bodies is stipulated. ³²⁷
Berufsabschluss – Training qualification	Evidence of completion of initial or further training issued after passing a state-administered or state-recognised examination.*
Berufsbildung – Vocational education and training	Vocational education and training within the meaning of this law is initial or further vocational training governed by legal or administrative provisions. Vocational education and training imparts the employability skills required for the pursuit of a qualified occupation. It takes place within the scope of a regulated training course which may also encompass the acquisition of necessary occupational experience. Advanced vocational training enhances the employability skills acquired during vocational education and training. ³²⁸
Berufsqualifikationen – Professional or vocational qualifications	Professional or vocational qualifications are qualifications demonstrated by evidence of formal qualifications , certificates of competence or other relevant professional or occupational experience acquired in Germany or abroad. ³²⁹
Berufsqualifikationsfeststellungsgesetz – Professional Qualifications Assessment Act (BQFG)	The Act concerning the Assessment of Equivalence of Professional Qualifications (BQFG – Article 1 of the Recognition Act) is a federal law within the area of responsibility of the BMBF which has been in force since 1 April 2012. It is a type of core statute for the recognition of professional and vocational qualifications in Germany. It governs procedures and criteria for the assessment of equivalence of a qualification acquired abroad with the German reference occupation . Its main area of application is for equivalence assessment procedures within the area of the dual training occupations.**

³²⁷ Cf. http://www.anerkennung-in-deutschland.de/html/de/eu_anerkennungsrichtline.php (accessed: 18 March 2015).

³²⁸ § 3 Paragraph 3 BQFG.

³²⁹ § 3 Paragraph 1 BQFG.

BQ Portal	The BQ Portal supports competent bodies and employers in the evaluation of foreign professional and vocational qualifications. It is operated by the German Institute for Business Research in Cologne. As of the cut-off date of 31 December 2014, the BQ Portal contained 69 published country profiles, 958 foreign occupational profiles and 386 investigative results. ³³⁰
bundesrechtlich geregelte Berufe – Professions and occupations governed by federal law	These are occupations which fall within the legislative remit of the Federal Government. The Federal Recognition Act only covers professions and occupations which are governed by federal law. This applies to a large number of occupations governed by the Vocational Training Act (BBiG) and the Crafts and Trades Regulation Code (HwO), i.e. the training occupations included in the so-called dual system, as well as to a series of further professions listed in the law (e.g. doctor, registered general nurse). The equivalence notices appealable in law issued on the basis of federal law are valid nationwide. The federal states have enacted their own recognition acts for professions and occupations governed by federal state law . ³³¹
Bundesvertriebenen-gesetz – Federal Expellees Act (BVFG)	The Federal Expellees Act (BVFG) entered into force in 1953. Pursuant to § 10 BVFG, examinations and certificates of competence of ‘late resettlers’ (immigrants of German origin from Russia and Eastern Europe) are recognised if they are equivalent to the corresponding German qualification. Late resettlers now have a choice. They may, as in the past, elect to gain recognition for vocational qualifications obtained in their region of origin via the procedure stipulated in the BVFG to pursue the new equivalence procedure pursuant to the BQFG. ³³²
Drittstaat – Third country	The European Union (EU) defines all states outside the EU and the European Economic Area (EEA) to be third countries with the exception of Switzerland (see also EU/EEA/Switzerland).**
Eignungsprüfung (auch Defizitprüfung genannt) – Aptitude test (also referred to as deficits test)	The term ‘aptitude test’ originates from the EU Directive on the Recognition of Professional Qualifications (2005/36/EC) . It refers to a test is carried out by the competent authorities to enable the applicants to prove the equivalence of their level of knowledge. The aptitude test covers subjects of which it is essential to have knowledge in order to pursue the profession in the receiving member state. Directive 2005/36/EC stipulates that the aptitude test must be limited to subjects not covered by the applicant's previous training. The recognition authorities must take account of the fact that the applicants have already acquired professional qualifications in their home member states. The aptitude test is also referred to as a deficits test in some cases.**

³³⁰ Enquiry made to the German Institute for Business Research on 22 January 2015.

³³¹ Cf. http://www.anerkennung-in-deutschland.de/media/20120320_erlaeuterungen_zum_anerkennungsg_bund.pdf (accessed: 18 March 2015).

³³² Cf. <http://www.anerkennung-in-deutschland.de/html/de/spaetaussiedler.php> und <http://www.gesetze-im-internet.de/bvfg/BJNR002010953.html> (accessed: 18 March 2015).

Einstiegsberatung – Initial guidance	Initial guidance is provided by the competent bodies . 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 (such as the external examination or retraining) is indicated. ³³³
Erstberatung – First consultation	The first consultation generally comprises information on the respective relevant legal foundations and procedures, prior clarification of the reference occupation and referral (see referral guidance) to the competent body responsible for the equivalence assessment (see equivalence assessment procedure). First consultations are in particular provided by the counselling centres of the IQ Network (see Integration through Training), by the Working and Living in Germany Hotline and by further guidance institutions. The regional chambers of commerce and industry also frequently refer to the guidance they provide as a first consultation. ³³⁴
EU/EEA/Switzerland	States of the European Union (EU), the European Economic Area (EEA) and Switzerland. The EU member states are Austria, Belgium, Bulgaria, Croatia, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Netherlands, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom. EEA states are all EU member states plus Iceland, Liechtenstein and Norway. Switzerland participates with the EU in the European professional and vocational recognition system on the basis of bilateral agreements with the EU.*

³³³ Cf. Erbe et al. 2014, pp. 27 and 29.

³³⁴ Cf. Erbe et al. 2014, p. 27.

**EU Recognition
Directive 2005/36/EC**

The European Union's 'Recognition Directive' entered into force on 15 October 2005. It combines and replaces 15 separate directives on the recognition of **professional and vocational qualifications**. It applies to **regulated professions** and establishes criteria and procedural principles for the mutual **recognition** of professional qualifications acquired by EU citizens in EU member states. The term 'substantial differences' is introduced in the Directive as a criterion for assessing the equivalence of professional qualifications. The Directive stipulates that the recognition authorities must take account of relevant professional experience which can compensate for substantial differences between the training requirements. Finally, the Directive also stipulates that so-called **compensation measures** should take place where substantial differences have been identified. *

The Directive has been fully implemented in Germany.

The Directive was amended via Directive 2013/55/EU. These amendments are required to be implemented in national law by 18 January 2016.

**Externenprüfung –
External examination**

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 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). Under certain circumstances, an external examination may be possible instead of the **recognition procedure** for persons who have acquired a **vocational qualification** abroad.³³⁵

**Gleichwertigkeitsfest-
stellungsverfahren –
Equivalence
assessment procedure**

In the equivalence assessment procedure, the **competent body** compares the foreign **professional or vocational qualification** with a German professional or vocational qualification on the basis of stipulated formal criteria (such as content and duration of training). The competent body issues an equivalence notice stating the result of this comparison. If full equivalence is accorded, applicants have the same legal rights as those in possession of the corresponding German **professional or vocational qualification**. Full equivalence is awarded if there are no substantial differences between the foreign and the German qualification. Partial equivalence is accorded if there are substantial differences which cannot be offset by relevant professional or occupational experience. If there are no communalities, no equivalence is established (rejection of the application).**

³³⁵ Cf. Erbe et al. 2014, p. 73.

<p>Hotline Arbeiten und Leben in Deutschland – Working and Living in Germany Hotline</p>	<p>The central ‘Working and Living in Germany’ Hotline has been in operation since 1 December 2014. It provides individual telephone-based first consultations on the topics of recognition of foreign professional and vocational qualifications, entry and residency, looking for a job and learning German. The hotline is available from Monday to Friday between 9 am and 3 pm on the number +49 30 1815-111.</p> <p>The hotline forms part of the Federal Government’s demographic strategy. It is jointly run by the BAMF and the BA as part of a cross-departmental cooperation agreement between the BMWi, the BMI and the BMBF. The telephone hotline supports the existing information provision available on www.make-it-in-germany.com, www.anerkennung-in-deutschland.de, www.bamf.de, www.arbeitsagentur.de and www.zav.de.</p>
<p>IHK FOSA</p>	<p>The IHK FOSA 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. The chambers of Wuppertal-Solingen-Remscheid, Hanover and Braunschweig are the only ones not to participate. 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. The local chambers are responsible for providing initial guidance prior to applications.³³⁶</p>
<p>Integration through Training (IQ)</p>	<p>The ‘Integration through Training’ Funding Programme (IQ), which is jointly financed by the BMAS, the BMBF and the BA, has installed 16 regional networks which cover all the states of the Federal Republic of Germany. It advises those interested in seeking recognition and assists regulatory institutions (such as the employment agencies and the Job Centres) as well as supporting the chambers and regional trade and industry. Across the country, there are approximately 70 IQ initial counselling centres offering first consultations on the recognition of foreign professional and vocational qualifications.³³⁷</p>
<p>Kenntnisprüfung – Knowledge test</p>	<p>The knowledge test is a compensation measure (= adaptation measure). Its purpose is to verify the equivalence of previously acquired professional and vocational knowledge and skills. The knowledge test refers to the content of the relevant state-administered final examination in Germany. This does not mean that the test can be understood to be equivalent in scope to the state-administered examination. The entire range of content covered by the final examination can, however, be tested.**</p>

³³⁶ Cf. Erbe et al. 2014, pp. 29 and 34.

³³⁷ Cf. Erbe et al. 2014, pp. 27 and 29.

Landesrechtlich geregelte Berufe – Professions and occupations governed by federal state law	Professions and occupations that lie within the remit of the federal states and for which the federal states have enacted their own recognition acts (e.g. teacher, nursery school teacher). ³³⁸
Migrationsberatung für erwachsene Zuwanderer – Guidance services for adult migrants (MBE's)	There are over 700 adult migrant guidance centres (MBE's) across the country. The BAMF is responsible for the implementation of the MBE's. Guidance provision is fundamentally directed at adult migrants aged over 27. Priority is given to new migrants for a period of up to three years following entry to Germany or for three years following establishment of permanent residency status. Migration guidance for young migrants and young adult migrants aged under 27 is provided via 420 Youth Migration Services (JMD). ³³⁹
Nicht reglementierte Berufe – Non-regulated occupations	Access to or exercise of non-regulated occupations (e.g. office manager) is not regulated by the state. Such an occupation can therefore be pursued without state authorisation. This applies in particular to the training occupations in the dual system. If an occupation is not state regulated in Germany, holders of a foreign professional or vocational qualifications can directly apply for jobs on the labour market or enter self-employment. In such a case, recognition serves as an instrument of transparency which is helpful in terms of being able to evaluate knowledge and skills, both for the individuals themselves and for potential employers.**

³³⁸ Cf. <http://www.anerkennung-in-deutschland.de/html/de/laendergesetze.php> (accessed: 18 March 2015).

³³⁹ Cf. Erbe et al. 2014, p. 27 and Funding Guidelines of the MBE's issued in 2010 (https://www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Migrationsberatung/mbe-foeri_pdf.pdf?__blob=publicationFile, accessed: 18 March 2015).

Prototyping

The project Prototyping I (project term August 2011 to January 2014) was a cooperative venture between seven chambers, the Research Institute for Vocational Education and Training in the Craft Trades at the University of Cologne and the Central Agency for Continuing Vocational Education and Training in the Skilled Crafts. Under the lead management of the West German Association of Chambers of Crafts and Trades (WHKT) and with training policy input from the ZDH, it developed standards and materials for the standardisation of **initial guidance** by the **competent bodies**, created principles for maximising the uniformity of practice for 'other procedures' pursuant to § 14 BQFG or § 50b Paragraph 4 HwO for the identification of equivalence in the case of absence of evidence of formal qualifications (procedural prototype) and drew up standards for suitable processes to ascertain employability skills in such cases (the so-called **skills analysis**).³⁴⁰ The Prototyping Transfer Project, which is funded by the BMBF and coordinated by BIBB, was launched on 1 January 2015. This will run for a term of three years to make the instruments and procedures piloted accessible at a national level and will support the chambers in the implementation of the procedures where necessary.

www.erkennung-in-deutschland.de/qualifikationsanalyse

Qualifikationsanalyse – Skills analysis

Within the scope of application of the **BQFG**, professional and vocational competences can also be established by means of a skills analysis. Such a skills analysis is used in cases where applicants are unable to submit any or some of the documents required or where doubts as to the genuineness or correctness of documents cannot be excluded (§ 14 BQFG or § 50b Paragraph 4 HwO). Skills analyses can be based on work samples, interviews, and practical and theoretical examinations. The inability to submit the required documentation must not be the fault of the applicant (see also **Prototyping**).**

Referenzberuf or Referenzqualifikation – Reference occupation or reference qualification

In the **recognition procedure**, the foreign **professional or vocational qualification** is compared with the training (contents) of a German qualification or with a German occupation, the so-called reference occupation. Identification or stipulation of a reference occupation is necessary in order to enable the **competent body** to investigate and to conduct the procedure.

³⁴⁰ Cf. Erbe et al. 2014, pp. 30 and 71.

Reglementierte Berufe – Regulated professions	Professional activities the commencement or exercising of which is governed by legal or administrative provisions requiring proof of specific professional qualifications (for example lawyer, psychotherapist). In Germany, there are 81 regulated professions governed by federal law (including 41 master craftsman occupations in the craft trades for which a licence is required) and a further 18 professions regulated at federal state level.**
Verweisberatung – Referral guidance	The term referral guidance is used when persons interested in seeking recognition a) are referred to the competent body by a guidance institution or b) are referred to the right competent body by another competent body which is not responsible in the particular case.
Zentrale Auslands- und Fachvermittlung – Central Foreign and Specialist Placement Agency (ZAV)	The ZAV is an institution of the BA. Its tasks include the recruitment and placement of skilled workers from abroad for employers in Germany. It is responsible for authorising foreign workers to enter the German labour market. ³⁴¹
Zentralstelle für ausländisches Bildungswesen – Central Office for Foreign Education (ZAB)	The ZAB is housed at the Standing Conference of the Ministers of Education and Cultural Affairs (KMK) and is the federal state centre of excellence for the recognition of foreign professional and vocational qualifications. Its core tasks are the monitoring, analysis and evaluation of foreign educational systems and the documentation and publication of this information on the Internet portal anabin (http://anabin.kmk.org) for the use of government authorities and private persons. The ZAB prepares reports for the evaluation of foreign educational qualifications for government authorities and issues private persons with diploma supplements for international foreign higher education qualifications in accordance with the Lisbon Agreement. It also acts as the National Information Agency for the EU Directive on the Recognition of Professional Qualifications (2005/36/EC) . The recognition acts have created new tasks for the ZAB in the form of assessment of third country qualifications for the relevant recognition bodies of the federal states and the issuing of equivalence notices for non-regulated school-based occupations governed by federal state law ³⁴² for the states of Berlin, Baden-Württemberg and Lower Saxony.

³⁴¹ Cf. www.zav.de (accessed: 18 March 2015).

³⁴² Cf. Erbe et al. 2014, p. 31, and www.kmk.org/zab/gleichwertigkeitsbescheide-fuer-nicht-reglementierte-landesrechtlich-geregelte-berufe.html (accessed: 18 March 2015).

**Zuständige Stellen –
Competent bodies**

An authority or other institution which assesses the equivalence of a foreign **professional or vocational qualification** on the basis of applicable legal and administrative provisions.**

Pursuant to § 8 **BGFG**, the chambers (chambers of crafts and trades, chambers representing the liberal professions, agricultural chambers etc.) are responsible for the professions and occupations allocate to them.

Recognition procedures In the trade and industry sector are conducted by the **IHK FOSA** and the chambers of commerce and industry in Wuppertal-Solingen-Remscheid, Hanover and Braunschweig. In the case of the **non-regulated occupations**, responsibility is based on the respective specific legislation and the implementation provisions of the 16 federal states. Competent bodies are usually federal state authorities (e.g. Regional Councils, state offices). 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.

A2 Data set descriptions

Guidance data from the BAMF Recognition Hotline³⁴³ (since 1 December 2014 ‘Working and Living in Germany Hotline’) and IQ initial counselling centres

The ‘Guidance and Training’ agency of the IQ Funding Programme (in the previous funding period referred to as the IQ ‘Recognition’ agency) is housed at the Research Institute for Vocational Education and Training (f-bb) in Nuremberg. Since 1 August 2012, it has been operating a central online database, in which all IQ counselling centres nationally document their guidance cases. The agency produces quarterly evaluation reports on all characteristics recorded as well as additional annual reports. The agency and the Federal Government Recognition Hotline (since 1 December 2014 ‘Working and Living in Germany Hotline’), which is operated by the BAMF and the ZAV at the BA, regularly provide the BIBB Recognition Monitoring Project with data on the persons interested in seeking recognition to whom they have given guidance. Up until 31 December 2014, a total of 64,926 guidance cases were documented. The IQ counselling centres accounted for 37,946 of these cases (cut-off date 24 February 2015), and 26,890 cases were handled by the hotlines (cut-off date 1 January 2015).

Data from the BAMF Recognition Hotline and the ‘Working and Living in Germany Hotline’ is available for the period from April 2012. Data from the IQ counselling centres is available from August 2012.

The documentation of the IQ counselling centres contains more variables than that of the ‘Working and Living in Germany Hotline’. For this reason, information for both documentation systems cannot be presented at every point in the evaluations.

For the evaluations, the two documentation systems were collated and jointly evaluated. The consultation figure is based on the number of initial contacts because only the IQ counselling centres state the number of follow-up contacts.

Survey of the competent bodies – chambers of crafts and trades

In the period from 25 March to 9 April 2014 and again from 16 December 2014 to 30 January 2015, the BIBB Recognition Monitoring Project worked in close conjunction with the ZDH to conduct two full surveys of the German chambers of crafts and trades. All 53 chambers of crafts and trades took part.

In the first survey in 2014, evaluations were requested on certain information and guidance provision, alternative procedures, reasons why those interested in seeking guidance do not submit an application and reasons for the withdrawal of applications already made. Evaluations of ‘substantial differences’ were also surveyed, for example how frequently these arose as a result of duration of training, in which reference occupations they were particularly frequently identified and how frequently they could be offset by taking occupational experience into account.

³⁴³ The advisory services of the BAMF presented in this part of the report relate only to guidance on professional and vocational qualifications. Advice on school leaving qualifications, use of academic titles etc. is not considered.

The survey also focused on questions relating to 'other procedures' and requirements for support regarding the general conditions for the implementation of the procedures. The chambers of crafts and trades were further requested to provide an assessment of the provision of further training and adaptation measures in their region.

The surveys were conducted using a PDF questionnaire developed by BIBB and distributed by the ZDH together with the invitation to participate in the survey. The completed questionnaires were processed and evaluated by staff from the BIBB Recognition Monitoring Project.

Survey of the competent bodies – chambers of commerce and industry

During the period from 5 June to 25 June 2014, the BIBB Recognition Monitoring Project carried out a full survey of the chambers of commerce and industry in conjunction with the DIHK. In order to minimise the cost to the chambers, an initial decision was made to provide access to the survey via the job check tool on the 'Recognition in Germany' Internet portal. However, because the rate of returns remained relatively low at the end of the survey, a second survey wave was launched during the period from 22 July to 5 September 2014. This wave was conducted by distributing PDF questionnaires by e-mail. Both waves of the survey together produced a response rate of 52 of 80 chambers of commerce and industry contacted.

The questions were aligned to those posed in the survey of the chambers of crafts and trades, although they were adapted to the target audience. The IHK FOSA was also surveyed via a separate questionnaire since, unlike the other chambers of commerce and industry (with the exception of Hanover, Wuppertal und Braunschweig), it acts as a central agency for 77 of the 80 chambers of commerce and industry in conducting the equivalence assessment rather than merely providing advice to interested persons.

Survey of the competent bodies – federal state implementation in the healthcare sector

During the period from 29 July to 5 September 2014, the BIBB Recognition Monitoring Project conducted a full survey of federal state implementation in four selected healthcare professions (doctor, registered general nurse, dentist and dispensing chemist). These professions were selected because of the high level of demand for recognition of foreign professional qualifications. Because more than one person at a competent body may be the right contact partner for such a survey, PDF questionnaires were distributed by e-mail together with a request for them to be passed on to all persons responsible. A total of 94 potential sources of information were contacted. 38 questionnaires were returned.

The questions posed in this survey were more extensive than in the case of the other competent bodies because of the high relevance of this particular area. Topics addressed were consultations on the Recognition Act, equivalence assessments, language knowledge, contacts and cooperation agreements.

Survey of labour administration institutions (employment agencies, Job Centres) and adult migrant guidance centres

During the period from 7 August to 12 September 2014, the BIBB Recognition Monitoring Project conducted a survey of labour market institutions and adult migrant guidance centres (MBE's). In the

case of the labour market institutions, 525 Job Centres were invited to take part (number of responses received 181, 22 from institutions under local government control and 159 from joint institutions).³⁴⁴ 711 MBE's were also contacted, 248 of which took part.

The questions posed focus in particular on the cost of guidance incurred or being incurred in respect of the Recognition Act and relate to the organisation of guidance. Respondents were, for example, asked to provide an evaluation of guidance cases as to whether there are language challenges in the guidance process, whether the advisors themselves have attended training courses on the topic of recognition, whether contacts and cooperation agreements are in place with other institutions and much more besides. Because qualitative interviews revealed that in some cases persons were still in receipt of guidance from the labour administration bodies or the MBE's after completion of a recognition procedure, questions were also included on the equivalence notices and their utilisation on the labour market. The labour market institutions and the MBE's were each asked a total of 20 questions with sub-questions.

The survey was conducted via a BIBB online survey system. The institutions contacted received a personalised link leading to the survey platform. This meant that each institution was only able to complete the survey once. The Job Centres were requested to forward the questionnaire to persons with specific responsibility for providing guidance to individuals with foreign professional or vocational qualifications. The responses show that answers were provided by persons with various functions, including placement staff, migration representatives, placement staff in the Employer Service and even team leaders and Heads of Division in the field of market and integration.

wbmonitor survey

The Continuing Training Survey (wbmonitor) is a cooperation project between 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. Questions on continuing training in connection with the BQFG were developed in 2013 and 2014 by the BIBB Recognition Monitoring Project and 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. For the 2014 survey, the address base was updated by adding around 8,000 newly checked company locations.

Around 21,250 continuing training providers known to be active on the market at this point in time were invited to participate in the 2014 survey. 2,040 continuing training providers took part, a net

³⁴⁴ 178 employment agencies were contacted. Because only one employment agency participated in the BIBB survey, possibly as a result of a misunderstanding or technical problems, the information from this one agency is not presented in the report.

response rate of 9.8 percent. A weighting and extrapolation procedure enables data from survey participants to be projected to all continuing training providers known to the wbmonitor.

BIBB company survey

The company survey conducted by the BIBB Recognition Monitoring Project was carried out between 27 August and 7 November 2014 by the company uzbonn in the form of a CATI (computer-assisted telephone interview). It contained 41 questions (including questions not put to all companies because of content filters) in six thematic areas. In the first part of the survey, general information was collected on company size, economic sector (first level of classification of the branches of trade and industry in the 2008 Classification System (WZ 2008)), chamber membership and geographical location. The second part comprised questions on the international activities of the companies, whilst the third surveyed information on the qualifications structure of staff. The fourth and fifth parts asked about awareness of and experience with the recognition acts of the Federal Government and federal states (no differentiation was drawn between the Federal Recognition Act and the recognition acts of the federal states, the assumption being that human resources managers would not necessarily know to which occupations the different laws related). The sixth and final part of the survey was dedicated to questions relating to a subjective evaluation of a possible shortage of skilled workers and reactions to this.

The survey was conducted by telephone. In total, information (company name, address, telephone number, branch and number of employees) on 70,000 companies was made available, drawn by random from over 4,077,580 companies in Germany. Because of content considerations, BIBB excluded the economic sectors (first level of classification of the branches of trade and industry in the WZ 2008) of 'Private households with staff' and 'Extra-territorial organisations and bodies'. Prior to the survey, BIBB also took the decision that companies from the economic sector of 'Mining, extraction of stones and earth' would also not be included by dint of the fact that their number within the statistical population is already so low that a disproportionately high number of companies would have to have been surveyed. This would have led to the disproportionately low surveying of other economic sectors. A disproportionately stratified sample was taken. This firstly relates to the economic sectors. A disproportionately large number of companies was, for example, drawn from the economic sector of 'Healthcare and social services' and from the economic branch (second level of classification of the WZ 2008) of 'Placement and hiring of workers', the assumption being on the basis of the official statistics relating to the Recognition Act and surveys that these areas would contain a particularly high level of experience with the acts. By way of contrast, the economic sector of 'Public administration, defence and social insurance' was disproportionately underrepresented. A disproportionately stratified sample was also taken with regard to company size to the effect that a disproportionately higher number of major companies and a disproportionately lower number of the smallest category of company were included. For this purpose, the companies were divided into four size classes (one to nine staff, ten to 49, 50 to 249 and 250 and over). The aim here was to ensure that larger companies were adequately represented in the sample so as to be able to make valid statements on this type of company.

Participation in the company survey was voluntary. Utilisable telephone interviews exist with a total of 5,286 companies. In order to balance out the disproportionate stratification and offset any possible participation bias, data was weighted on the basis of company size and economic sector.

Qualitative surveys

In the investigation phase for the second Report on the Recognition Act, a total of 27 extensive guided interviews were conducted. In almost all cases, conversations were recorded (if not, minutes were taken). The interviews were transcribed and evaluated in accordance with standardised content analysis criteria with the assistance of computer-aided qualitative data and text analysis. The following interview partners were surveyed.

- Four Job Centres and three MBE's on their role in providing guidance on the topic of recognition of foreign professional and vocational qualifications. These interviews also served the specific purpose of preparing for the standardised survey of the Job Centres and MBE's.
- Four competent bodies for the recognition of registered general nurses were asked about their initial experiences with the implementation of the Ordinance on the 'Implementation and content of updating measures for the issuing of authorisation to practise in healthcare occupations governed by the Federal Government', which entered into force on 1 January 2014 .
- Five doctors, who at the time of the interview were taking part in a preparatory course for the knowledge test, were interviewed about their personal experiences in the recognition process (from guidance to submission of application and from the time of obtaining temporary authorisation to practise up until participation in the preparatory course if relevant). The competent bodies for the recognition of the qualifications of the interviewees were located in different federal states.
- In order to obtain more detailed findings in the old age care sector, three competent bodies for the recognition of geriatric nurses, one guidance institution and two training providers which work abroad to support and place qualified nursing staff were also interviewed.
- Overarching interviews were conducted with a temporary employment agency, three continuing training providers and the Marburg Association.
- In addition, expert interviews and discussions were conducted with representatives of various government authorities, associations, projects, companies and other institutions involved in implementation practice in order to obtain facts and circumstances and/or evaluations of certain questions in a targeted manner. These include the BDA, the BA (Early Intervention) and the Nuremberg Chamber of Commerce and Industry.

Web analysis

The Internet presences of 37 federal state authorities were analysed in accordance with stipulated criteria during the period from 15 August to 26 September 2014. These were the competent bodies responsible for the reference qualifications of 'doctor', 'registered general nurse', 'dentist' and 'dispensing chemist'.

Research was carried out for the professions stated into which documents need to be submitted for the equivalence assessment and in which form (translated, certified etc.), which language knowledge is required and in which form and which costs are stated for the recognition procedure.

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 group of persons surveyed make the microcensus the most important representative survey in Germany.

Migration statistics

The migration statistics are prepared by the Federal Statistical Office on the basis of compulsory registration of address. The registrations and deregistrations notified to the registration offices form the basis for the survey. The survey population is the total of all changes of main or sole residential address across local government borders in Germany. A change of residential address may occur across local government borders within Germany (internal migration) or across the country's frontiers (external migration). Changes of address within the same local government area (local moves) are not included. Arrivals and departures of Germans and non-Germans are recorded. The data produced by the migration statistics serves as an important source of information on the spatial mobility of the population and the migration process.

Source: Specialist Publications 1, Series 1.2 of the Federal Statistical Office of 5 March 2014.³⁴⁵

³⁴⁵ Cf. <https://www.destatis.de/DE/Publikationen/Thematisch/Bevoelkerung/Wanderungen/Wanderungen.html> (accessed: 18 March 2015).

A3 Tables

Table 15 Summary of the status of recognition legislation in the federal states (status: 1 July 2014).

Federal state	Status	Reference	In force since	State Parliament printed paper No.
BW	Law on the recognition of foreign professional and vocational qualifications in Baden-Württemberg of 19 December 2013	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 July 2013	Bavarian Law and Ordinance Gazette (BayGVBl.) 2013, p. 439	01.08.2013	16/16010
BE	Law on the recognition of foreign professional and vocational qualifications of 7 February 2014	Berlin Law and Ordinance Gazette (GVBl. Berlin) p. 39	20.02.2014	17/1220 17/1391
BB	Brandenburg law to improve the assessment and recognition of professional and vocational qualifications acquired abroad of 5 December 2013	Brandenburg Law and Ordinance Gazette (GVBl.) Part I, No. 37	01.01.2014	5/7921 5/8175
HB	Bremen law on the recognition of foreign professional and vocational qualifications of 28 January 2014	Bremen Law Gazette (GBl.) p. 74	06.02.2014	18/947
HH	Hamburg law on the recognition of foreign professional and vocational qualifications of 19 June 2012	Hamburg Law and Ordinance Gazette (HmbGVBl.) p. 254	01.08.2012	20/4106
HE	Law for the improvement of assessment and recognition of professional and vocational qualifications acquired abroad of 12 December 2012	Hessen Law and Ordinance Gazette (GVBl.) p. 581	21.12.2012	18/6072
MV	Law for the evaluation and recognition in Mecklenburg-Western Pomerania of qualifications acquired abroad and or the amendment of other laws of 10 December 2012	M-V Law and Ordinance Gazette (GVOBl.) p. 537	29.12.2012	6/1209 6/1383
NI	Law for the improvement of the assessment and recognition of professional and vocational qualifications acquired abroad in Lower Saxony of 12 December 2012	L-S Law and Ordinance Gazette (GVBl.) p. 591	19.12.2012	16/5126

Federal state	Status	Reference	In force since	State Parliament printed paper No.
NW	North Rhine-Westphalia Recognition Act of 23 May 2013	NRW Law and Ordinance Gazette (GV), p. 272	15.06.2013	16/1188 16/2903
RP	State law for the assessment and recognition of professional and vocational qualifications acquired abroad of 8 October 2013	Rhineland Palatinate Law and Ordinance Gazette (GVBl. RP) p. 359	16.10.2013	16/2470 16/2733
SL	Law for the improvement of the assessment and recognition of professional and vocational qualifications acquired abroad of 16 October 2012	Gazette of the Saarland (Abl. SL) No. 28 of 29 November 2012	30.11.2012	15/118
SN	Law for the improvement of the assessment and recognition of professional and vocational qualifications acquired abroad of 17 December 2013	Saxony Law and Ordinance Gazette (Sächs. GVBl.) No. 17, p. 874	31.12.2013	5/12266
ST	Law for the recognition of professional and vocational qualifications acquired abroad in the State of Saxony-Anhalt of 24 June 2014	Law and Ordinance Gazette of the State of Saxony-Anhalt (GVBl. LSA) p. 350	01.07.2014	6/2220 6/3059
SH	Schleswig-Holstein Recognition Act of 1 June 2014	Schleswig-Holstein Law and Ordinance Gazette (GVBl. Schl.-H.) p. 92	27.06.2014	18/994 18/1757
TH	Thuringia law for the improvement of the assessment and recognition of professional and vocational qualifications acquired abroad and implementation of the Agreement on the Recognition of Higher Education Qualifications in the European Region (Thuringia Recognition Act – ThürAnerkG) of 16 April 2014	Law and Ordinance Gazette (GVBl.) of the Free State of Thuringia No. 4, p. 139	01.05.2014	5/6963 5/7592

Source: Ministry of Science and Economics of the State of Saxony-Anhalt (cf. http://www.mw.sachsen-anhalt.de/fileadmin/Bibliothek/Politik_und_Verwaltung/MW/Service/140701-Uebers-Anerk-Gesetzgebung.pdf, accessed: 18 May 2015).

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Cover photo

In May 2013 Dmitry Gladchenko decided to apply for the recognition of the qualification he had received in Kazhakstan. In accordance with his initial qualification he is again working as an electrical fitter in Baden-Württemberg. If you are interested in further success stories, please visit www.anererkennung-in-deutschland.de