

(1) A residence title which permits a foreigner to take up employment may only be granted with the approval of the Federal Employment Agency, in the absence of any provisions to the contrary in statutory instruments. Such approval may be granted if laid down in inter-governmental agreements, an act or a statutory instrument.

(2) The Federal Employment Agency may approve the granting of a residence permit to take up employment pursuant to Section 18 or of an EU Blue Card pursuant to Section 19 if

1.
  - a) the employment of foreigners does not result in any adverse consequences for the labour market, in particular with regard to the employment structure, the regions and the branches of the economy, and
  - b) no German workers, foreigners who possess the same legal status as German workers with regard to the right to take up employment or other foreigners who are entitled to preferential access to the labour market under the law of the European Union are available for the type of employment concerned or
2. it has established, via investigations for individual occupational groups or for individual industries in accordance with sentence 1, no. 1, letters a and b, that filling the vacancies with foreign applicants is justifiable in terms of labour market policy and integration aspects

and the foreigner is not employed on terms less favourable than apply to comparable German workers. German workers and foreigners of equal status shall also be deemed to be available if they can only be placed with assistance from the Federal Employment Agency. The potential employer of a foreigner who requires approval in order to take up employment shall be required to furnish the Federal Employment Agency with information on pay, working hours and other terms and conditions of employment.