

Germany: COVID-19 vaccination entitlement for expatriates

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In brief

COVID-19 vaccinations have been taking place for a few weeks in Germany. For assigned employees, the question arises under which conditions and in which country they are entitled to the vaccination.

Since each country has drawn up its own vaccination plan and there is a correspondingly different prioritisation of groups of people entitled to vaccination, clarity should be given for outbounds (employees assigned from Germany) and inbounds (employees assigned to Germany).

In detail

General information on vaccination entitlement in Germany

Generally, the following conditions should be met to be entitled to vaccination in Germany:

- Persons who are insured in the Federal Republic of Germany under the statutory or private health insurance scheme; or
- Persons who have their domicile or habitual residence in the Federal Republic of Germany

At the same time, the persons must also meet the criteria of a respective priority group. Vaccination is only considered for people who belong to the respective group.

As the vaccine is still in short supply, the vaccine allocation is prioritised in Germany as follows:

1. First group to be vaccinated include people over 80 years old, people in nursing homes and staff members in hospitals;
2. Second group to be vaccinated include people over 70 years old, staff members in kindergartens and schools; and
3. Third group to be vaccinated include people over 60 years old, people with pre-existing conditions, police and firefighters.

Vaccination entitlement for German outbounds

This group of employees, assuming they belong to one of the priority groups expressed above, would have a claim to vaccination in Germany if statutory health insurance coverage (e.g. based on an A1 or a Certificate of Coverage) or private health insurance coverage continues to exist in Germany during the assignment.

Example: An employee is assigned to France for 24 months. During this period, there is no domicile or habitual residence in Germany. An A1 certificate is applied for in Germany for the employee and he continues his membership with his statutory health insurance in Germany. If this employee belongs to the relevant vaccination group in Germany, he is entitled to the vaccination in Germany.

If there is no continued coverage within the statutory or private health insurance in Germany (e.g. because the assignee switched to the social security system of the host country), an entitlement in Germany may only exist if there is still a domicile or habitual residence in Germany.

Depending on the duration of the assignment abroad, the existence of this requirement should be closely examined.

Vaccination entitlement for German inbounds

For this group of employees, assuming they belong to one of the priority groups expressed above, the entitlement to vaccination in Germany depends on various factors.

In the case of assignments from member states of the EU, the EEA or Switzerland, if proof is provided by an A1 certificate that the social security obligation continues to apply in the home country, the employee has no connection to social security (e.g. health insurance) in Germany. In these cases, entitlement to vaccination might only arise through domicile or habitual residence in Germany. Please note that a European Health Insurance Card (EHIC) might not be sufficient for claiming a vaccination in Germany as it is limited in its range of benefits and basically only applies to acute medically necessary measures.

Example: An employee is assigned from Austria to Germany for a period of 12 months. He is exempt from social security in Germany based on an A1 certificate from Austria and remains within the Austrian social security system. The assignee does not establish a domicile or habitual residence in Germany as he returns to Austria every weekend and resides in different hotels in Germany. There is no entitlement to vaccination in Germany in this case.

The same can apply to assignees from countries with which Germany has concluded a social security agreement and whose scope includes health insurance (e.g. US). If there is a Certificate of Coverage from the host country available, which exempts the assignee from statutory health insurance in Germany, there will be no entitlement to vaccination in Germany if there is no domicile or habitual residence.

Assignees to Germany who are covered by German social security (incl. health insurance) would be entitled to vaccination in Germany based on their health insurance coverage irrespective of whether they establish domicile or habitual residence. This might be the case for assignees from countries with which Germany has no social security agreement (e.g. Russia) or the health insurance is not covered in the scope of the social security agreement (e.g. China).

The takeaway

Vaccination eligibility regulations are a major challenge for employers, but also for their internationally active employees, as the regulations are different in each country and are also subject to ongoing adaptation.

Therefore, the development in the countries where your assignees are active must be constantly monitored.

Let's talk

For a deeper discussion of how this impacts your business, please contact your Global Mobility Services engagement team or one of the following professionals:

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