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## free information-pack: Termination Protection Lawsuit

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### 1. Vorwort, Allgemeines

„I'll Be Back“ - Your employment has been terminated. But like the Terminator, you may travel in time - back to your job. German labor law gives you powerful tools to restore the legal situation as if the termination has never happened.

This guide is specifically written for international employees working in Berlin. You face unique challenges: visa concerns, misclassified

work relationships, abusive contract renewals, and a legal system that operates very differently from what you might be used to back home.

The good news? German labor law is surprisingly employee-friendly. The bad news? It's complex, full of traps, and unforgiving if you miss crucial deadlines. This guide will walk you through everything you need to

know to protect your rights and make informed decisions about your next steps.



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### 2. The Three-Week Rule

Let's start with the most critical information you'll read in this entire guide: You have **exactly three weeks** from receiving your termination notice to file a lawsuit at the labor court.

Miss this deadline and your termination becomes legally valid - even if it was completely unlawful, discriminatory, or arbitrary.

The clock starts ticking when the termination letter reaches you. If you find it in your mailbox on Monday, you have until three weeks from that Monday to file your lawsuit at the Arbeitsgericht (labor court).

This is very different from the UK or US, where you might have months to file claims. In Germa-

ny, **three weeks** is all you get. This strict deadline is why you need to act immediately - not next week, not after your holiday, not when you "feel ready emotionally."

Within days of receiving your termination, you should be talking to your lawyer.

### 3. The Visa Problem

Losing one's resident's permit is the nightmare scenario for international employees: lose your job, lose your visa, **have to leave Germany**. Let's break down what actually happens.

If you have a Blue Card: Losing your job doesn't immediately invalidate your Blue Card, but you **must report the job loss** to the Ausländerbehörde (immigration office) immediately.

If you have a regular work visa (Aufenthaltserlaubnis): Your visa is typically tied to your specific em-

ployment contract. When you lose your job, **you need to inform** the Ausländerbehörde. They may give you time to find new employment, but this isn't guaranteed.

If you're an EU citizen: You have more flexibility. EU citizens have freedom of movement. Losing your job doesn't affect your right to stay in Germany.

Here's the critical point: Filing a termination protection **lawsuit buys you time**. While your case is pending, your employment relationship is legally uncertain. Many

immigration offices will extend your visa or tolerate your stay while the lawsuit is ongoing, especially if your lawyer communicates with them. This can give you months - sometimes over a year - to either win your case or find new employment.

However, don't assume this automatically. Have your lawyer coordinate with the Ausländerbehörde early in the process. Get everything in writing.

### 4. The Chain Contract Problem: Am I Actually Permanent?

Don't just accept when your employer says "Your contract ends on December 31st.". If you've been there **more than two years** on sequential temporary contracts, challenge it. You might discover you're actually a permanent employee with full termination protection (but there are some exceptions).

German law heavily restricts temporary contracts, but many Berlin

employers - especially startups and smaller companies - ignore these rules or don't know them. They keep renewing contracts year after year without valid reasons. **This is illegal**.

What this means for you: If your employer has renewed your contract multiple times **beyond the two-year mark** without a valid reason, your contract can be declared permanent. The temporary li-

mitation is void and you have all the rights of a permanent employee.

But here's the catch: You must challenge this **within three weeks** after your last contract ends. If you let the end date pass without filing a lawsuit, the temporary nature becomes legally valid and your job is gone.

### 5. Freelancers can be Employees

Many international workers in Berlin work as "freelancers" or "contractors" when they're actual-

ly employees. This is called Scheinselbständigkeit (bogus self-

employment), and it's both common and illegal.

Why employers do this: It's cheaper. You get a contract saying you're a "freelancer," you invoice monthly, you're told you're "independent." But if you're **actually functioning as an employee**, German law treats you as one - regardless of what your contract says.

Why this matters for termination: If you're actually an employee despite being labeled a freelancer,

you have **all the rights of an employee** - including termination protection. When your "freelance contract" is terminated or not renewed, it's actually an employment termination.

They may owe significant back payments to you and to the state. They bear the primary responsibility and penalties.

What to do: If you believe you're misclassified, document every-

thing: your work schedule, where you work, what equipment you use, how many other clients you have, who gives you instructions. This evidence is crucial.

When challenging a freelance termination, your lawyer can argue you're actually an employee. If successful, you get employee protections retroactively. This dramatically strengthens **your negotiating position**.

## 6. What a Termination Protection Lawsuit Actually Does

Many international employees assume: "If I sue them, I have to go back to that job." Not true. A termination protection lawsuit gives you options.

When you file a termination protection lawsuit, you're asking the court to declare the termination invalid. If you win, it's **as if the termination never happened**. Your employment relationship continued the entire time. This means:

Your employer owes you your full salary for every month since the termination (minus any money you earned elsewhere). You remained employed the entire time - never technically unemployed. Your health insurance, pension contributions, vacation days - **everything continued accruing**.

This "time travel" effect is powerful. Even if the lawsuit takes a year, you get a full year's back pay if you win. This creates enormous pressure on employers to settle.

In practice, most cases settle. The typical outcome is: the employer pays you **a severance package**, you agree to end the employment by a certain date.

You don't have to return to work. Even if you win completely, you can still negotiate an exit with severance rather than actually going back. The lawsuit is about preserving your rights and creating negotiating leverage, not necessarily about getting your old job back.

## 7. The Lawsuit Process

Here's what actually happens when you file a termination protection lawsuit:

**Step 1** Initial consultation (within days of termination): You call your lawyer, send him all docu-

ments (employment contract, termination letter, any warnings, emails). The lawyer assesses your case and explains options.

**Step 2** Filing the lawsuit: Your lawyer files a simple application

with the court stating you're challenging the termination.

**Step 3** Conciliation hearing (4-8 weeks later): The court schedules a first hearing where a judge tries to mediate a settlement. Many cases

end here. The judge gives a preliminary assessment, and parties often agree on severance terms. Informal but important.

**Step 4:** If conciliation fails, a full hearing follows, usually several months later. Both sides present

evidence, call witnesses, make detailed arguments.

**Step 5** Judgment or settlement: Even at the main hearing, settlement is common. If not, the court issues a judgment determining whether the termination was valid.

As to the costs: In first instance labor court, each side pays their own lawyer regardless of who wins. You don't risk paying the employer's legal fees if you lose.

## 8. Special Considerations for International Employees

Beyond the general rules, international employees face unique challenges:

Language barriers: All **legal proceedings are in German**. Court documents, hearings, even settlement negotiations - everything happens in German. You'll need a bilingual lawyer.

**Cultural differences:** German labor law is very formal and proce-

dural. Things that might seem overly bureaucratic (like original signatures, strict deadlines) are taken extremely seriously. Follow the rules precisely.

Distance from home country: Unlike German employees who might have family nearby for support, you might feel isolated. Consider joining expat communities or online groups where others have

faced similar situations. You're not alone in this.

Pressure tactics: Some employers assume international employees are easier to push around. They might say things like "In Germany, this is how it works" or "You should just accept it and move on." Don't be intimidated. You have **the same rights as German employees**.

## 9. Finding the Right Lawyer

For international employees, finding the right lawyer is crucial. Here's what to look for:

Your lawyer should be **specialized in employment law**. This field of law has too many traps for an allrounder.

Language skills: Find a lawyer who speaks your language or **at least English**.

Experience with international clients: Ask how many clients they had.

Transparent about costs: A good lawyer **explains fees upfront**.

References: Ask expat communities, check online reviews, ask if they can provide references from past international clients.

## 10. costs of a lawsuit

Legal fees in Germany are usually calculated in accordance with the **Lawyers' Fees Act (RVG)**. You can use my [cost-benefit calculator](#)

[for unfair dismissal claims](#) to estimate the amount and the advance payment that is often required.

Alternatively, in individual cases, I offer a **contingency fee** – you only pay a small base amount and the rest only if you succeed. To do

this, it is necessary to define exactly what counts as success – and that in turn means that you first need to be clear about what you want to achieve with a lawsuit.

## 11. Conclusion: Know Your Rights, Use Your Power

German labor law gives you significant protections - more than most countries. Employers can't simply fire you at will. They need valid reasons and must follow strict procedures. When they fail to do so, you have leverage.

The three-week deadline is non-negotiable. Everything else is negotiable.

Don't be intimidated by the German legal system, language barriers, or visa concerns. Thousands

In many cases, **legal expenses insurance** covers the entire cost of the consultation or any proceedings. My office will be happy to clarify this for you in advance; all

of international employees successfully challenge terminations every year. You can too.

**The worst thing you can do is nothing.** Don't let the three-week deadline pass. Even if you're unsure, consult a lawyer quickly.

Remember: Your employer has lawyers and HR departments advising them. You deserve professional advice too. Level the playing field.

you need to provide is your insurance number and the name of your insurance company.

One final thought: Employers often underestimate international employees. They assume you'll just leave quietly. Prove them wrong. Stand up for your rights. And when you do get that settlement or win your case, you'll know you didn't just accept an unjust situation - you fought back and won. „**I'll be back**“. Or maybe not - but you'll leave on your terms, with fair compensation, and your head held high.

## 12. How can I be reached?

Schedule your **free initial assessment-talk** by video or phone now: [+49 30 34060478](tel:+493034060478) or [termin@meier-bading.de](mailto:termin@meier-bading.de). Please indicate three preferred dates.

However, personal consultation appointments at the office are charged at €250 including VAT, as they involve much more work than a simple initial assessment.

