

General information on residence law in Austria

Persons (“Applicant”), who do not hold a citizenship of a member state of the European Union or Switzerland and wish to stay in Austria for longer than three months per half a year, have to obtain a residence permit for Austria.

AUSTRIAN RESIDENCE LAW DISTINGUISHES BETWEEN:

- RED-WHITE-RED CARD (“RWRC”) FOR KEY EMPLOYEES
- RWRC FOR SELF - EMPLOYED KEY PERSONS; AND
- RESIDENCE PERMITS FOR PRIVATE PURPOSES

■ RED-WHITE-RED CARD (“RWRC”) FOR KEY EMPLOYEES

In order to obtain a RWRC for key employees an Applicant has to

- enter in an employment contract with an Austrian-based employer
- receive a sufficient salary from this employment
- collect a minimum of qualification points
- and the envisaged employment must be adequate to the Applicant’s education and previous professional experience

Depending on Applicant’s education, professional experience, language skills and age, he/she can be qualified either as a “highly skilled employee” or “other key employee”. While “highly skilled employees” obtain RWRC for key employees simply by collecting a minimum of qualification points, other key employees additionally have to pass a so-called labour market test, within which Austrian Labour Market Authority will check, whether there is a suitable unemployed person (Austrian or a foreigner with an access to labour market) already within Austrian workforce who can provide the same qualifications as Applicant does and could do the job.

■ RWRC FOR SELF - EMPLOYED KEY WORKERS AND START-UPS

This kind of residence permit is eligible to Applicants who wish to set up a company and pursue business activities in Austria. The company’s business has to

- trigger a transfer of foreign capital (minimum EUR 100.000,-) to Austria
- create new jobs or help to avoid the loss of existing ones
- be important for the region where the company is located or
- trigger know-how transfer to Austria

START-UP entrepreneurs need

- a grand-breaking business concept
- to trigger a transfer of foreign capital (minimum EUR 50.000,00)
- to collect a minimum of qualification points, similar to key-employees’ scheme

FAMILY REUNIFICATION

Family reunification is allowed in cases 1 and 2 described above.

RESIDENCE PERMIT FOR PRIVATE PURPOSES

This kind of residence permit allows residence in Austria for private purposes.

Residence permits for private purposes are eligible for persons, who

- do not plan to pursue gainful employment in Austria
- already have sufficient funds in Austria to cover all living costs of him and his family in Austria (Bank confirmation issued by an Austrian Bank)
- have comprehensive health insurance coverage in Austria provided by an Austrian insurance company
- are entitled to accommodation (e.g. rent agreement) in Austria according to the local standards and
- have a High School or University Diploma or can provide a German Language Certificate at A1-Level within CEFRL

Residence permits for private purposes are restricted by quota. 300 quotas are available each year.

Every applicant needs a quota place, in order to obtain first residence permit for private purposes. Follow-up residence permits for private purposes are not quota-restricted.

Applicants have to submit their applications for residence permits personally through Austrian Embassy on the first working day of a year. The Embassy will check, whether the application is complete and forward the application to an immigration authority in Austria for final decision.

Due to the quota-restriction this kind of residence permit is super-exclusive.



DURATION OF PROCEEDINGS

2 to 7 months after filing of application in the Embassy.

PROCEDURAL ASPECTS

As soon as the immigration authority takes positive decision on the application, it will inform the Embassy. In case the Applicant can't enter Austria visa free, he has to apply for a so-called national Visa D. At the Austrian immigration authority the fingerprints will be scanned and the residence permit card in form of a bank-sized card can be picked up 10-14 days later.

VALIDITY PERIOD OF RESIDENCE PERMITS

- first, second and third residence permit for private purpose will be issued with a validity period of one year
- fourth and further residence permit will be issued with a validity period of three years
- first and second RWRC will be issued with a validity period of two years
- third and further RWRC (so called plus or settlement) will be valid for 3 years

After five years of continuous and uninterrupted residence and stay in Austria, a proof of German at B1-level within the meaning of CEFRL and taking a positive integration test a residence permit of unlimited duration - "European Union" can be issued.