

## Migration Policies in Austria 2017-2019

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# IMISEM

EVERY IMMIGRANT IS AN EMIGRANT  
How Migration Policies Shape  
the Paths to Integration

IMISEM CASE REPORT  
Migration Policies in

## Austria


2017-2019

Coordinated by:


Luicy Pedroza  
Pau Palop-García  
So Young Chang

January 2022

# G I G A

German  Institute for Global and Area Studies  
Leibniz-Institut für Globale und Regionale Studien

## Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: [www.imisem.info](http://www.imisem.info) as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

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## About IMISEM

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” \* two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

## The IMISEM case sample

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

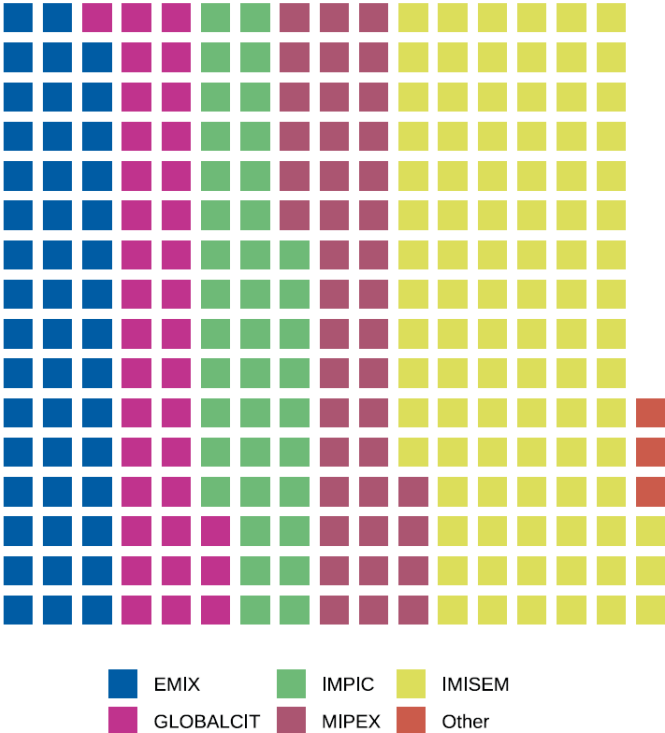
## About the IMISEM Questionnaire

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

## Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

**Answer:** this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

**Code:** this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

**Explanation:** this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

**Sources:** this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

## Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[ ]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

## **Varieties of Standard English**

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

## **Contact**

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: [lpedroza@colmex.mx](mailto:lpedroza@colmex.mx) or find us through our ORCID numbers:

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# 1. Emigration policies

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## 1.1. General

### **EMIGRATION\_1. The attempt to leave the country is punishable by law.**

Answer: No

Code: 1

Explanation: The law explicitly allows Austrian nationals to leave the country at their own will (§ 2 Abs. 1 Passgesetz 1992).

Sources: Passgesetz [Passport Law]. 1992.

### **EMIGRATION\_2: Exit fees.**

#### **Prospective emigrants need to pay a fee before emigrating.**

Answer: No

Code: 1

Explanation: There is no provision in the main regulations.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung Ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>. / BMEIA, Außenministerium Österreich. "Vor Der Reise [Before Travelling]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/reiseinformation/vor-der-reise/>.

#### **Amount of the fee in country of origin currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Amount of the fee in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Prospective emigrants need to make a deposit before emigrating:**

Answer: No

Code: 1

Explanation: There is no provision in the main regulations.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung Ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>. / BMEIA, Außenministerium Österreich. "Vor Der Reise [Before Travelling]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/reiseinformation/vor-der-reise/>.

**Amount of the deposit in the currency of the country of origin:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the deposit in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_3: Citizens can only stay abroad for a given maximum of days.**

**Citizens can only stay abroad for a given maximum of days**

Answer: No

Code: 1

Explanation: There is no provision in the main regulations.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung Ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>. / BMEIA, Außenministerium Österreich. "Vor Der Reise [Before Travelling]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/reiseinformation/vor-der-reise/>.

**Maximum number of days that citizens can stay abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **1.2. Documentation**

### **1.2.1. Passport**

**EMIGRATION\_4: Cost of ordinary passport.**

**Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 75.9

Code: 75.9

Explanation: An ordinary passport costs 75,90 Euro.

Sources: Oesterreich.gv.at. "Reisepass - Neuausstellung [Passport – New Issuance]". Accessed July 23, 2019. [https://www.oesterreich.gv.at/themen/dokumente\\_und\\_recht/reisepass/Seite.020100.html](https://www.oesterreich.gv.at/themen/dokumente_und_recht/reisepass/Seite.020100.html).

**Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 84.79

Code: 84.79

Explanation: An ordinary passport costs 75,90 Euro (84,79 USD)

Sources: Oesterreich.gv.at. "Reisepass - Neuausstellung [Passport – New Issuance]". Accessed July 23, 2019. [https://www.oesterreich.gv.at/themen/dokumente\\_und\\_recht/reisepass/Seite.020100.html](https://www.oesterreich.gv.at/themen/dokumente_und_recht/reisepass/Seite.020100.html).

**EMIGRATION\_5: Maximum length of procedure to process passport.**

**Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):**

Answer: Yes

Code: 1

Explanation: A normal passport takes around 10-14 days to be processed.

Sources: Österreichisches Generalkonsulat München. "Reisepass Für Erwachsene [Passport for Adults]". Accessed December 4, 2019. <https://www.bmeia.gv.at/gk-muenchen/service-fuer-buergerinnen/ausweise-und-dokumente/reisepass/reisepass-fuer-erwachsene/>.

#### **Maximum length of procedure to process passport (in days):**

Answer: 14

Code: 14

Explanation: A normal passport takes around 10-14 days to be processed.

Sources: Österreichisches Generalkonsulat München. "Reisepass Für Erwachsene [Passport for Adults]". Accessed December 4, 2019. <https://www.bmeia.gv.at/gk-muenchen/service-fuer-buergerinnen/ausweise-und-dokumente/reisepass/reisepass-fuer-erwachsene/>.

#### **Maximum length of procedure to process passport (by categories):**

Answer: From 0 to 2 months

Code: 1

Explanation: A normal passport takes around 10-14 days to be processed.

Sources: Österreichisches Generalkonsulat München. "Reisepass Für Erwachsene [Passport for Adults]". Accessed December 4, 2019. <https://www.bmeia.gv.at/gk-muenchen/service-fuer-buergerinnen/ausweise-und-dokumente/reisepass/reisepass-fuer-erwachsene/>.

#### **EMIGRATION\_6. Renewal of passport from abroad is possible:**

Answer: Yes

Code: 1

Explanation: The Austrian representative authorities (consulates, embassies and any other representative authority) are responsible for the renewal of passports abroad. Within the EU, Austrians are not bound to renew their passport at their place of residence, whereas outside the EU only the representative authorities with jurisdiction in the place of residence can issue a passport. Only in case of emergencies (e.g. if the passport gets lost or stolen during holidays) an emergency passport with a shorter validity time can be issued.

Sources: Oesterreich.gv.at. n.d. "Ausstellung eines Reisepasses – Auslandsösterreicher [Issuance of a Passport - Austrians Abroad]". Accessed July 23, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/auslandsoesterreicher/4/Seite.480902.htm](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/auslandsoesterreicher/4/Seite.480902.htm).



## 1.2.2. Other requirements

### EMIGRATION\_7. Local police certificate is necessary to emigrate:

Answer: No

Code: 1

Explanation: There are no provisions forbidding Austrians to emigrate without a local police certificate. However, when a person changes residence (inside or outside of Austria) it is mandatory to de-register with the registration authority within three days before to three days after moving. (§ 2., §3 MeldeG 1991).

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>. / Meldegesetz [Registration Act]. 1992 (2019).

### EMIGRATION\_8. Superior/employer's permission is necessary to emigrate:

Answer: No

Code: 1

Explanation: No provisions. Austrians only need a passport to exit the country, or if they are emigrating within the EU, they can also use their EEA National ID-Card (Personalausweis).

Sources: BMEIA, Außenministerium Österreich. "Vor der Reise [Before Travelling]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/reiseinformation/vor-der-reise/>.

### EMIGRATION\_9. Proof of income is necessary to emigrate:

Answer: No

Code: 1

Explanation: There is no provision in the main regulation.

Sources: BMEIA, Außenministerium Österreich. "Vor der Reise [Before Travelling]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/reiseinformation/vor-der-reise/>.

### EMIGRATION\_10. Registration abroad is mandatory.

Answer: No

Code: 1

Explanation: Registration at the consulates is voluntary. However, when moving abroad it is mandatory to de-register with the registration authority within three days before to three days after moving. (§ 2., §3 MeldeG 1991).

Sources: Meldegesetz [Registration Act]. 1991. / BMEIA, Außenministerium Österreich. "Registrierung [Registration]". Accessed July 23, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/treffpunkt-auslandsoesterreicherinnen/registrierung/>.

### 1.3. Quotas and restrictions

#### EMIGRATION\_11: Quotas to emigrate based on ethnicity.

##### Quotas to emigrate based on ethnicity exist in the country:

Answer: No

Code: 1

Explanation: There are no quotas for Austrians to emigrate.

Sources: BMEIA, Außenministerium Österreich. "Leben Im Ausland [Living Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/>. / BMEIA, Außenministerium Österreich. "Übersiedlung ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>.

##### Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### EMIGRATION\_12: Quotas to emigrate based on income.

##### Quotas to emigrate based on income exist in the country:

Answer: No

Code: 1

Explanation: There are no quotas for Austrians to emigrate.

Sources: BMEIA, Außenministerium Österreich. "Leben Im Ausland [Living Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/>. / BMEIA, Außenministerium Österreich. "Übersiedlung ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>.

##### Quota to emigrate for 2017:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRATION\_13. Those who are liable for military conscription are allowed to emigrate:**

Answer: No

Code: 0

Explanation: Young men in/close to military conscription age are allowed to emigrate, however, if they stay abroad for longer than 6 months, they have to disclose this at the relevant military commando at the Austrian representative authority abroad (consulate or embassy).

Sources: BMEIA, Außenministerium. Österreich "Wehrdienst [Military Service]". Accessed June 12, 2018. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/wehr-und-zivildienst/wehrdienst/>. / BMEIA, Außenministerium Österreich. "Wehrpflicht und Grundwehrdienst für Auslandsösterreicher [Conscription and Basic Military Service for Austrians Abroad]". Accessed July 23, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/wehr-und-zivildienst/wehrpflicht-und-grundwehrdienst-fuer-auslandsoesterreicher/>.

#### **EMIGRATION\_14: Banned countries for emigration.**

**There are countries that are banned as destination for emigrants:**

Answer: No

Code: 1

Explanation: There are no banned countries for Austrian citizens.

Sources: BMEIA, Außenministerium Österreich. "Reisewarnungen [Travel Warnings]". Accessed July 23, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/reisewarnungen/>.

#### **List of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Number of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_15. Higher education graduates must pay an education tax (or compensation) to be able to emigrate:**

Answer: No

Code: 1

Explanation: There are no provisions on an education tax on emigration.

Sources: Bundesministerium Finanzen. "Das Steuerbuch 2019 [The Tax Book 2019]". Accessed December 2, 2019. <https://www.mulb.at/download/steuerbuch-2019/>. / BMEIA, Außenministerium Österreich. "Übersiedlung ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>.

**EMIGRATION\_16. Recipients of state scholarship are banned from emigrating:**

Answer: No

Code: 1

Explanation: There is no provision in the main regulation that bans scholarship holders from emigrating for a given period.

Sources: Studienförderungsgesetz [Study Support Act]. 1992 (2019).

**EMIGRATION\_17: Ban for specific civil professional groups.**

**There is an emigration ban for specific professional group(s):**

Answer: No

Code: 1

Explanation: There is no ban for distinct civil professional group(s).

Sources: Österreichische Ärztekammer. "Ärztliche Tätigkeit im Ausland [Medical Profession Abroad]". Accessed July 23, 2019. <https://www.aerztekammer.at/aerztliche-taetigkeit-im-ausland/>. / Oesterreich.gv.at. "Arbeiten im Nicht-EU-Raum [Work Outside the EU]". Accessed July 23, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/auslandsoesterreicher/3/Seite.480302.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/auslandsoesterreicher/3/Seite.480302.html).

**There is a ban for medical doctors:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**There is a ban for other professions:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_18. The ban can be overcome by a letter signed by a supervisor:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_19. The ban can be overcome by a letter signed by an official authority.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **1.4. Policy incentives**

**EMIGRATION\_20. Existence during 2017 of campaigns to encourage emigration:**

Answer: No

Code: 0

Explanation: After researching the Federal Agency for Europe, Integration and Foreign Affairs, it has been found that information campaigns in regard to emigration do not exist.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>.

**EMIGRATION\_21. Existence during 2017 of campaigns to discourage emigration:**

Answer: No

Code: 0

Explanation: After researching the Federal Agency for Europe, Integration and Foreign Affairs, it has been found that information campaigns in regard to emigration do not exist.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>.

**EMIGRATION\_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):**

Answer: No

Code: 0

Explanation: There is no information provided by the BMEIA on emigration brokers.

Sources: BMEIA, Außenministerium Österreich. "Vor der Reise [Before Travelling]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/reiseinformation/vor-der-reise/>.

**EMIGRATION\_23: Emigration lump sum.**

**State of origin pays a lump sum incentive to citizens willing to emigrate:**

Answer: No

Code: 0

Explanation: There is no information provided by the BMEIA on an incentive to citizens willing to emigrate.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>.

**Register the amount of the sum in country currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Register the amount of the sum in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.**

Answer: No

Code: 0

Explanation: It is not possible to withdraw the accumulated social benefits.

Sources: Oesterreich.gv.at. "Pensionsansprüche in Mehreren Staaten [Pension Entitlements in Several Countries]". Accessed July 24, 2019.

[https://www.oesterreich.gv.at/themen/arbeit\\_und\\_pension/pension/Seite.270218.html](https://www.oesterreich.gv.at/themen/arbeit_und_pension/pension/Seite.270218.html). /

Oesterreich.gv.at. "Zwischenstaatliche Sozialleistungen [Intergovernmental Social Benefits]".

Accessed July 24, 2019.

[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/auslandsoesterreicher/Seite.480108.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/auslandsoesterreicher/Seite.480108.html).

## **1.5. Penalties**

**EMIGRATION\_25: Loss of private property.**

**Risk of losing real state in case of emigration:**

Answer: No

Code: 1

Explanation: There are no provisions in the main regulation (WEG 2002).

Sources: Oesterreich.gv.at. "Beibehalten der österreichischen Wohnung: Vorkehrungen [Keeping a Residence in Austria: Precautions]". Accessed July 24, 2019.

[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/auslandsoesterreicher/Seite.480105.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/auslandsoesterreicher/Seite.480105.html). / Wohnungseigentumsgesetz [Federal Condominium Act]. 2011.

**Risk of losing bank accounts in case of emigration:**

Answer: No

Code: 1

Explanation: There are no provisions in the main regulations.

Sources: Oesterreich.gv.at. "Beibehalten der österreichischen Wohnung: Vorkehrungen [Keeping a Residence in Austria: Precautions]". Accessed July 24, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/auslandsoesterreicher/Seite.480105.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/auslandsoesterreicher/Seite.480105.html). / Wohnungseigentumsgesetz [Federal Condominium Act]. 2011.

#### **EMIGRATION\_26: Re-entry ban.**

##### **Existence of a re-entry ban after residence abroad for nationals by naturalization:**

Answer: No

Code: 1

Explanation: Austrians can return to the country at their own will.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung Nach Österreich [Moving to Austria]". Accessed July 24, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-nach-oesterreich/>.

##### **Re-entry ban applies after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Existence of a re-entry ban after residence abroad for nationals by birth:**

Answer: No

Code: 1

Explanation: Austrians can return to the country at their own will.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung nach Österreich [Moving to Austria]". Accessed July 24, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-nach-oesterreich/>.

##### **Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:**

Answer: No

Code: 1

Explanation: Austrians can return to the country at their own will.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung nach Österreich [Moving to Austria]". Accessed July 24, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-nach-oesterreich/>.

**Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:**

Answer: No

Code: 1

Explanation: There are no sanctions for overstaying abroad.

Sources: Not applicable

## **1.6. Administration**

**EMIGRATION\_28. Existence of institution/agency with competencies for exit and/or emigration:**

**Existence of institution/agency with competencies for exit and/or emigration:**

Answer: Yes

Code: 1

Explanation: The Federal Ministry for Europe, Integration and Foreign Affairs (Bundesministerium Europa, Integration und Äußeres) is the institution responsible for emigration matters.

Sources: BMEIA, Außenministerium Österreich. "Leben im Ausland [Living Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/>.

**Name of the institution with competencies for exit and/or emigration in original language:**

Answer: Bundesministerium Europa, Integration und Äußeres

**Name of the institution with competencies for exit and/or emigration in English:**

Answer: The Federal Ministry for Europe, Integration and Foreign Affairs

**Place in the administrative hierarchy:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 2. Emigrant policies

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### 2.1. Policies of representation

#### 2.1.1. Electoral rights

##### **EMIGRANT\_1. Voting is mandatory for citizens residing abroad:**

Answer: No

Code: 0

Explanation: Voting is optional for all Austrian nationals (§ 1 WEviG).

Sources: Wählerevidenzgesetz [Electoral Register Act]. 2018. / Oesterreich.gv.at. "Eintragung in die (Europa-)Wählerevidenz – Auslandsösterreicher [Registration in the (European) Voter Register - Austrians Abroad]". Accessed July 24, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/wahlen/2/2/Seite.320321.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/wahlen/2/2/Seite.320321.html).

##### **Does the country have presidential elections?**

Answer: Yes

Code: 1

##### **Does the country have a bicameral system (e.g. composed of a lower house and an upper house, or an originating chamber and a reviewer chamber)?**

Answer: Yes

Code: 1

### *Presidential elections*

##### **EMIGRANT\_2. Can non-resident citizens vote in national presidential elections from abroad?**

Answer: Generally enfranchised

Code: 1

Explanation: All non-resident citizens can vote (§5 BPräsWG) as long as they are registered to vote, are at least 16 years old on election day (§ 21 NRW), and are not excluded from the right to vote due to a judicial conviction (§ 22 NRW).

Sources: Nationalrats-Wahlordnung [Federal Act on the Election of the National Council]. 1992 (2019). / Oesterreich.gv.at. "Eintragung in die (Europa-) Wählerevidenz – Auslandsösterreicher [Registration in the (European) Voter Register - Austrians Abroad]". Accessed July 24, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/wahlen/2/2/Seite.320321.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/wahlen/2/2/Seite.320321.html). / Bundespräsidentenwahlgesetz [Presidential Election Act]. 1971 (2019).

**EMIGRANT\_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?**

Answer: Generally enfranchise

Code: 1

Explanation: All Austrian citizens, as long as they meet all the conditions, can stand as candidates. People who are entitled to participate are: -Austrian citizen -At least 35 years old on the election day - Have not been convicted by a domestic court of one or more intentionally committed and ex officio prosecuted criminal offences and have not been sentenced by a final judgement to an imprisonment sentence exceeding six months by default or to a imprisonment sentence exceeding one year by default.

Sources: Oesterreich.gv.at. "Bundespräsidentenwahlen [Presidential elections]". Accessed July 24, 2019.

[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/wahlen/5/Seite.320611.html#:~:text=Allgemeines%20zu%20Bundespr%C3%A4sidentenwahlen,-Die%20Bundespr%C3%A4sidentin%2Fder&text=Wenn%20keine%20Kandidatin%2Fkein%20Kandidat,Es%20besteht%20keine%20Wahlpflicht!](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/wahlen/5/Seite.320611.html#:~:text=Allgemeines%20zu%20Bundespr%C3%A4sidentenwahlen,-Die%20Bundespr%C3%A4sidentin%2Fder&text=Wenn%20keine%20Kandidatin%2Fkein%20Kandidat,Es%20besteht%20keine%20Wahlpflicht!)

*Legislative elections*

*Lower house (National Elections)*

**EMIGRANT\_4. Can non-resident citizens vote in national legislative elections (lower house) from abroad?**

Answer: Generally enfranchise

Code: 1

Explanation: All Austrian citizens who meet all the requirements to vote can exercise their voting rights. Entitled to voters are: -Austrian citizen -At least 16 years old on the election day -Not excluded from the right to vote due to a judicial conviction. (§ 41 NRWO).

Sources: Oesterreich.gv.at. "Nationalratswahlen [National Council Elections]". Accessed July 24, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/wahlen/5/Seite.320610.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/wahlen/5/Seite.320610.html). / Nationalrats-Wahlordnung [Federal Act on the Election of the National Council]. 1992.

**EMIGRANT\_5. Can non-resident citizens stand as candidates in national legislative elections (lower house) from abroad?**

Answer: Generally enfranchise

Code: 1

Explanation: All Austrian citizens, as long as they meet all the conditions, can stand as candidates. In order to stand as a candidate, one has to be: -An Austrian citizen -At least 18 years old on the election day -Have not been convicted by a domestic court of one or more intentionally committed and ex officio prosecuted criminal offences and have not been sentenced by a final judgement to an imprisonment sentence exceeding six months by default or to a imprisonment sentence exceeding one year by default (§ 41 NRWO).

Sources: Oesterreich.gv.at. "Nationalratswahlen [National Council Elections]". January 1, 2019. Accessed July 24, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/wahlen/5/Seite.320610.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/wahlen/5/Seite.320610.html). / Nationalrats-Wahlordnung [Federal Act on the Election of the National Council]. 1992.

## Upper house (National Elections)

### **EMIGRANT\_6. Can non-resident citizens vote in national legislative elections (upper house) from abroad?**

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: There are no upper house elections in the country.

Sources: Bundes-Verfassungsgesetz. [Federal Constitutional Law]. 1999 (2019).

### **EMIGRANT\_7. Can non-resident citizens stand as candidates in national legislative elections (upper house) from abroad?**

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: There are no upper house elections in the country.

Sources: Bundes-Verfassungsgesetz. [Federal Constitutional Law]. 1999 (2019).

## *Registration*

### **EMIGRANT\_8. Registration in the electoral roll for non-resident citizens:**

Answer: Active registration, long-term periodic renewal (for two or more elections)

Code: 0.33

Explanation: Austrians living abroad have to register every 10 years in the (European) electoral register (§§ 1 2 WEviG). For this, it is only necessary to fill up the formulary and send it together with a copy of a national ID to the municipal authorities (Gemeinde or Magistratische Bezirksamt). If a person does not declare the continuance of its registration after the 10 years period, he/she will be removed from the electoral register. The authorities have to inform the persons concerned at the latest three months before the removal. The declaration of the continued existence of the registration can be made by email if the municipality has an e-mail address. Additionally, they have to apply for a ballot card (Wahlkarte or Stimmkarte) for voting abroad (§3 WEviG).

Sources: Wählerevidenzgesetz [Electoral Register Act]. 2018 (2019). § 1-3.

## *Remote voting*

### **EMIGRANT\_9. Voting methods from abroad:**

#### **Voting methods available to cast votes from abroad - Electronic voting:**

Answer: No

Code: 0

Explanation: In general, citizens abroad who wish to cast their votes must apply for a ballot card. The ballot card must be returned by post to the electoral commission in Austria.

Sources: Oesterreich.gv.at. "Stimmabgabe im Ausland [Voting Abroad]". Accessed July 24, 2019. <https://www.help.gv.at/Portal.Node/hlpd/public/content/32/Seite.320510.html>.

#### **Voting methods available to cast votes from abroad - Proxy voting:**

Answer: No

Code: 0

Explanation: In general, citizens abroad who wish to cast their votes must apply for a ballot card. The ballot card must be returned by post to the electoral commission in Austria.

Sources: Oesterreich.gv.at. "Stimmabgabe im Ausland [Voting Abroad]". Accessed July 24, 2019. <https://www.help.gv.at/Portal.Node/hlpd/public/content/32/Seite.320510.html>.

#### **Voting methods available to cast votes from abroad - Postal voting:**

Answer: Yes

Code: 1

Explanation: In general, citizens abroad who wish to cast their votes must apply for a ballot card. The ballot card must be returned by post to the electoral commission in Austria.

Sources: Oesterreich.gv.at. "Stimmabgabe im Ausland [Voting Abroad]". Accessed July 24, 2019. <https://www.help.gv.at/Portal.Node/hlpd/public/content/32/Seite.320510.html>.

#### **Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:**

Answer: No

Code: 0

Explanation: In general, citizens abroad who wish to cast their votes must apply for a ballot card. The ballot card must be returned by post to the electoral commission in Austria.

Sources: Oesterreich.gv.at. "Stimmabgabe im Ausland [Voting Abroad]". Accessed July 24, 2019. <https://www.help.gv.at/Portal.Node/hlpd/public/content/32/Seite.320510.html>.

**Voting methods available to cast votes from abroad - Ad hoc polling stations:**

Answer: No

Code: 0

Explanation: In general, citizens abroad who wish to cast their votes must apply for a ballot card. The ballot card must be returned by post to the electoral commission in Austria.

Sources: Oesterreich.gv.at. "Stimmabgabe im Ausland [Voting Abroad]". Accessed July 24, 2019. <https://www.help.gv.at/Portal.Node/hlpd/public/content/32/Seite.320510.html>.

*Special representation*

**EMIGRANT\_10: Emigrant special representation.**

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's lower house?**

Answer: No

Code: 0

Explanation: The votes of non-residents citizens are counted together with those cast by resident citizens in the corresponding borough (incorporated counting through biographical connection).

Sources: Oesterreich.gv.at. "Stimmabgabe im Ausland [Voting Abroad]". Accessed July 24, 2019. <https://www.help.gv.at/Portal.Node/hlpd/public/content/32/Seite.320510.html>.

**Number of special seats reserved for non-resident candidates in the lower house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the lower house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's upper house?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special seats reserved for non-resident candidates in the upper house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the upper house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Remote voting implementation*

**EMIGRANT\_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):**

Answer: no

Code:

Explanation: There are no legal provisions for external voting that have not been implemented.

Sources: Nationalrats-Wahlordnung [Federal Act on the Election of the National Council]. 1992 (2019). / Oesterreich.gv.at. "Stimmabgabe im Ausland [Voting Abroad]". Accessed July 24, 2019. <https://www.help.gv.at/Portal.Node/hlpd/public/content/32/Seite.320510.html>. / Oesterreich.gv.at. "Wahlkarte/Stimmkarte [Absentee Ballot Card]". Accessed July 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/wahlen/6/Seite.320520.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/wahlen/6/Seite.320520.html). / Bundespräsidentenwahlgesetz [Presidential Election Act]. 1971 (2019). / Oesterreich.gv.at.



“Eintragung in die (Europa-)Wählerevidenz – Auslandsösterreicher [Registration in the (European) Voter Register - Austrians Abroad]”. Accessed July 24, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/wahlen/2/2/Seite.320321.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/wahlen/2/2/Seite.320321.html).

**EMIGRANT\_12. In case external voting has not been implemented after its adoption, what are the main reasons?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 2.1.2. Regulation of political competition abroad

### *Party offices in the state of reception*

**EMIGRANT\_13. Offices of political parties are legally allowed abroad:**

Answer: No specific regulation of offices abroad

Code: 0.5

Explanation: There are no provisions in the main regulation (BVG, PartG).

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999 (2019). / Parteiengesetz [Party Act]. 2012 (2019).

**EMIGRANT\_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:**

Answer: No

Code: 0

Explanation: No offices of home country parties abroad were found. Although in 2010 the right-wing party Freedom Party of Austria (FPÖ) was considering opening an office in Köln to support a local party, up to the day of this entry, no offices had been opened. Furthermore, the party statute of the Social Democratic Austrian Party (SPÖ) mentions the organization of the Social democratic organization from Austrians living abroad, though no office abroad was found.

Sources: SPÖ. “SPÖ in Den Bundesländern [SPÖ in the States of Austria].” Accessed July 29, 2019. <https://www.spoe.at/das-sind-wir/spoe-in-den-bundeslaendern/>. / Die neue Volkspartei. “Kontakt [Contact]”. Accessed July 29, 2019. <https://neuevolkspartei.wien/kontakt/>. / Süddeutsche Zeitung. “FPÖ plant Parteibüro in Deutschland - Rechte Helfer aus Österreich [FPÖ plans to open a party office in Germany - Rights helpers from Austria]”. Accessed July 29, 2019. <https://www.sueddeutsche.de/politik/fpoe-will-populisten-in-deutschland-unterstuetzen-rechte-helfer-aus-oesterreich-1.1015201>.

**EMIGRANT\_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_16. Could external party offices receive public funding from state of origin?**

Answer: Not applicable

Code: Not applicable

Explanation: There is no evidence found regarding public funding for offices abroad.

Sources: Not applicable

### *Political campaigns*

**EMIGRANT\_17. Electoral campaigns abroad for home elections are legally regulated:**

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: There are no provisions in the main regulation (BVG, PartG).

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999 (2019). / Parteiengesetz [Party Act]. 2012 (2019).

**EMIGRANT\_18. Actual existence of campaigns abroad for home elections:**

Answer: No

Code: 0

Explanation: No campaigns abroad for home elections were found.

Sources: Freiheitliche Partei Österreichs. "FPÖ - Facebook Homepage". July 29, 2019. Accessed July 29, 2019. <https://www.facebook.com/fpoe/>. / SPÖ. "SPÖ - Facebook Homepage". Accessed July 29, 2019. <https://www.facebook.com/Sozialdemokratie/>. / Die Presse. "Wahlplakate: Parteien werben mit Uncle Sam und Radlern [Election posters: parties advertise with Uncle Sam and cyclists]". Accessed July 29, 2019. <https://www.diepresse.com/5273905/wahlplakate-parteien-werben-mit-uncle-sam-und-radlern>.

### **EMIGRANT\_19. Existence of public funding for electoral campaigns in state of residence:**

Answer: No mention to public funding for campaigns abroad in main electoral regulations

Code: 0.5

Explanation: There are no provisions in the main regulation (BVG, PartG).

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999 (2019). / Parteiengesetz [Party Act]. 2012 (2019).

### *Membership in political parties*

### **EMIGRANT\_20. Emigrant membership to home country political parties:**

Answer: Legally allowed AND same status for emigrants as for residents

Code: 1

Explanation: All the three major political parties (SPÖ, FPÖ, ÖVP) allow emigrant memberships.

Sources: Das Neue Organisationsstatut [The New Organisational Statute]. 2018. § 4. / Satzungen Der Freiheitlichen Partei Österreichs [Statute of the Freedom Party of Austria]. 1957. § 5. / Bundespartei-Organisationsstatut Der Österreichischen Volkspartei [Federal Party Organizational Statute of the Austrian People's Party]. 2017. § 13.

## **2.1.3. Consultative bodies**

### **2.1.4. Consultative bodies at the national level**

### **EMIGRANT\_21. Existence of a consultative body on emigrant issues:**

Answer: No

Code: 0

Explanation: No provisions on a consultative body were found.

Sources: BMEIA, Außenministerium Österreich. "Wahlen und Direkte Demokratie [Elections and Direct Democracy]". Accessed July 29, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/wahlen/#:~:text=Wahlen%20und%20direkte%20Demokratie&text=Die%20Organe%20von%20Bund%2C%20L%C3%A4ndern,Volksbegehren%2C%20Volksabstimmungen%20und%20Volksbefragungen%20bzw.>

### **EMIGRANT\_22. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_23. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_24. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_27. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Consultative bodies at the consular level*

**EMIGRANT\_28. Existence of a consultative body of emigrants at the consular level.**

Answer: No

Code: 0

Explanation: Consultative bodies on emigrant issues at the consular level is non-existent.

Sources: Not applicable

**EMIGRANT\_29. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_30. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_31. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_34. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 2.1.5. Funding of emigrant associations

### **EMIGRANT\_35. Existence of consular support (in kind or financial) to independent emigrant associations**

Answer: Yes

Code: 1

Explanation: The Ministry of Foreign Affairs (BMEIA) and the Ministry of Interior (BMI) are two of the sponsors of the Austrian World Alliance Abroad (Auslandsösterreicher-Weltbund- AÖWB), the main association, in charge of the lobby and services of the Austrian associations operating abroad.

Sources: AÖWB. "Willkommen beim AUSLANDSÖSTERREICHER-WELTBUND [Welcome to the World Federation of Austrians Abroad] ". Accessed July 29, 2019. <https://www.weltbund.at/>.

## 2.2. Economic Policies

### 2.2.1. Remittances

#### **EMIGRANT\_36. Government program/strategy to attract remittances from emigrants.**

##### **Existence of a government program to attract remittances from emigrants:**

Answer: No

Code: 0

Explanation: Emigrants, however, are advised to maintain their bank account in Austria, as they can pay by card and transfer money within the SEPA-area (EU and EWR countries, Iceland, Liechtenstein and Norway) without extra charges. This does benefit Austrian banks, in the form of taxation on the emigrants' bank credit.

Sources: Oesterreich.gv.at. "Geldüberweisungen [Money Transfer]". Accessed July 30, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/auslandsoesterreicher/Seite.480600.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/auslandsoesterreicher/Seite.480600.html).

##### **Measures to improve banking channels for remittances:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Existence of fee controls for remittances:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **2.2.2. Investment**

#### **EMIGRANT\_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):**

Answer: No

Code: 0

Explanation: There are no government programs or strategies to attract investments from emigrants.

Sources: BMEIA, Außenministerium Österreich. "Leben im Ausland [Living Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/>.

### **2.2.3. Brain circulation networks**

#### **EMIGRANT\_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?**



Answer: Yes

Code: 1

Explanation: The Austrian embassies abroad aim to promote cultural and scientific exchange (professors, lecturers and student exchange) via an inter-cultural or inter-religious dialogue. In addition, the Austrian Cultural Forums (ÖKF) organize and promote cultural and scientific projects and events with the aim of bringing people closer to a comprehensive, contemporary image of Austria.

Sources: BMEIA, Außenministerium Österreich. "Welche Arten von österreichischen Vertretungen gibt es? [What Types of Austrian Representations Are There?]", Accessed July 30, 2019. <https://www.bmeia.gv.at/botschaften-konsulate/suche-nach-oesterreichischen-vertretungen/welche-arten-von-vertretungen-gibt-es/>. / Österreichisches Kulturforum Berlin. "Das Österreichische Kulturforum [The Austrian Cultural Forum]", Accessed June 20, 2018. <https://kulturforumberlin.at/>. / Das Kulturforum – Österreichisches Kulturforum Teheran. "Das Kulturforum [The Cultural Forum]", Accessed July 30, 2019. <https://www.bmeia.gv.at/kf-teheran/das-kulturforum/>.

## 2.2.4. Return policies

**EMIGRANT\_39. Recognition of academic and professional qualifications acquired in the state of residence:**

**Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:**

Answer: Yes

Code: 1

Explanation: A process needs to be started in order for an academic and/or professional qualification to be recognized. The Austrian Integration Fund offers an online platform where applicants can inform themselves about the procedure, the costs, etc. There are different authorities in charge of the recognition depending on the qualification that has to be recognized. For example, for the recognition of occupational education it is the Federal Ministry of Education, Science and Research (Bundesministerium für Bildung, Wissenschaft und Forschung) that oversees the question of the academic value of foreign diplomas. However, the recognition itself is carried out by the authority responsible for the administration of the profession in question. Meanwhile, the universities are in charge of the recognition of university and high school diplomas.

Sources: Anerkennungs- und Bewertungsgesetz [Recognition and Evaluation Law]. 2016 (2019). § 4 and 7. / Bundesministerium für Bildung, Wissenschaft und Forschung. "Berufliche Anerkennung [Occupational Recognition]", Accessed July 30, 2019. URL not available. / Berufsanerkennung.at in Österreich. "Übersicht: Verfahren zur formalen Anerkennung [Procedure for Formal Recognition]", Accessed July 30, 2019. <https://www.berufsanerkennung.at/berufsanerkennung/verfahren-zur-anerkennung/>.

**Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:**

Answer: 6 months or less

Code: 1

Explanation: The processing of applications should not take longer than 4 months (§7).

Sources: Anerkennungs- und Bewertungsgesetz [Recognition and Evaluation Law]. 2016 (2019). § 4 and 7.

**EMIGRANT\_40. Communication campaigns aiming to convince emigrants to return to home country:**

Answer: No

Code: 0

Explanation: There are no campaigns encouraging emigrants to return to Austria.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung nach Österreich [Moving to Austria]". Accessed July 24, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-nach-oesterreich/>. / Bundesministerium für Bildung und Forschung. "Bundesministerium für Bildung, Wissenschaft und Forschung: Aktuelles [Federal Ministry of Education, Science and Research: News]". Accessed July 30, 2019. <https://www.bmbwf.gv.at/public.html>.

**EMIGRANT\_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:**

Answer: No

Code: 0

Explanation: Austria does not have any programs directed for the highly qualified emigrants.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung nach Österreich [Moving to Austria]". Accessed July 24, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-nach-oesterreich/>.

**EMIGRANT\_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:**

Answer: No

Code: 0

Explanation: There are no welfare provision benefits for Austrian wanting to return.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung nach Österreich [Moving to Austria]". Accessed July 24, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-nach-oesterreich/>.

## 2.3. Social Policies

### 2.3.1. Retirement benefits

#### **EMIGRANT\_43. Retirement benefits after emigration (i.e. pensions):**

Answer: Yes

Code: 1

Explanation: In general, retirement benefits can be maintained under certain conditions. The retirement benefits can be retained and added onto those gained in the country of residence only in the case of certain states. These include, apart from all EU- and EWR- states: Australia, Bosnia-Herzegovina, Chile, India, Israel, Canada (and Quebec), Macedonia, Moldova, Montenegro, Philippines, South Korea, Serbia, Tunisia, Turkey, Uruguay and USA.

Sources: Oesterreich.gv.at. "Pensionsansprüche in mehreren Staaten [Pension Entitlements in Several Countries]". Accessed July 24, 2019.  
[https://www.oesterreich.gv.at/themen/arbeit\\_und\\_pension/pension/Seite.270218.html](https://www.oesterreich.gv.at/themen/arbeit_und_pension/pension/Seite.270218.html).

### 2.3.2. Health care benefits

#### **EMIGRANT\_44. Health care benefits.**

**Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):**

Answer: No

Code: 0

Explanation: Generally, health coverage is not extended abroad. In Austria, health coverage runs through the employment, depending on the kind of employment and on the state the person leaves in, a person is assigned to a health insurance company. The insurance is the paid by the employer. Only when the employee is sent to work abroad, and the stay does not exceed five years and if the nature of the occupation justifies it, he/she can submit an application to the Federal Ministry of Labour, Health and Social Affairs if the nature of the employment justifies it, extend the period for which the person is covered by the insurance.

Sources: Österreichische Sozialversicherung. "Entsendung ins Ausland [Assignment Abroad]". Accessed August 6, 2019. URL not available. / Allgemeines Sozialversicherungsgesetz [General Social Insurance Act]. 1955 (2019). § 3, 23, 122 and 123.

**Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:**

Answer: No

Code: 0

Explanation: In Austria, health coverage runs through the employment, depending on the kind of employment and on the state the person leaves in, a person is assigned to a health insurance company. The insurance is the paid by the employer.

Sources: Allgemeines Sozialversicherungsgesetz [General Social Insurance Act]. 1955 (2019). § 3, 23, 122 and 123.

**Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:**

Answer: No

Code: 0

Explanation: In Austria, health coverage runs through the employment, depending on the kind of employment and on the state the person leaves in, a person is assigned to a health insurance company. The insurance is the paid by the employer.

Sources: Allgemeines Sozialversicherungsgesetz [General Social Insurance Act]. 1955 (2019). § 3, 23, 122 and 123.

### 2.3.3. Education

**EMIGRANT\_45. Education programs for emigrants.**

**Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:**

Answer: Yes

Code: 1

Explanation: Austrian emigrants who want to study in Austria can apply for a scholarship under the same conditions as resident citizens. The law does not differentiate between residents and non-residents. The tuition aid agency (Studienbeihilfenbehörde) is the authority in responsible for the processing of applications (§ § 2 3 StudFG).

Sources: Studienförderungsgesetz [Student Grants Law]. 1992 (2019). § 2 and 3.

**State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):**

Answer: Yes

Code: 1

Explanation: There are eight Austrians schools abroad, which is supported by the Education, Science and Research Ministry and offer education following the Austrian system. Classes are taught in German and students receive the Austrian high school diploma (Matura).

Sources: Bundesministerium für Bildung, Wissenschaft und Forschung. "Österreichische Auslandsschulen [Austrian Schools Abroad]". Accessed July 30, 2019. [https://www.bmbwf.gv.at/Themen/euint/im/wwu/mp\\_asn/oeas.html](https://www.bmbwf.gv.at/Themen/euint/im/wwu/mp_asn/oeas.html).

**State of origin offers language courses to emigrants to learn the language of the state of reception:**

Answer: No

Code: 0

Explanation: Language and cultural courses for children of emigrants are non-existent.

Sources: Online research

## **2.4. Cultural policies**

### **2.4.1. Visits to country of origin**

**EMIGRANT\_46. State of origin organizes visits to the origin country for emigrants on a regular basis:**

Answer: No

Code: 0

Explanation: There are no such visits organized by the state.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>. / BMEIA, Außenministerium Österreich. "Leben im Ausland [Living Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/>.

### **2.4.2. Language courses for emigrants**

**EMIGRANT\_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):**

Answer: No

Code: 0

Explanation: The Austrian Foreign Ministry does not offer German courses for emigrants. However, the Ministry, together with the Integration Funds (Ingrationfonds – ÖIF) and the Austrian Institutions ("Österreich-Institutionen"), has a database with all the language schools in Austria. It is also possible to take the Austrian language test (Österreichische Sprachdiplom Deutsch -ÖSD) abroad.

Sources: BMEIA, Außenministerium Österreich. "Leben im Ausland [Living Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/>. / Mein Sprachportal. n.d. "Österreichische Kursinstitute [Austrian Institutes]". Accessed August 6, 2019. <https://sprachportal.integrationsfonds.at/deutschkurse/oesterreichische-kursinstitute/>. / ÖSD. "Home ÖSD". Accessed August 6, 2019. <https://www.osd.at/en/>.

## 2.5. Obligations

### 2.5.1. Military service

**EMIGRANT\_48. Emigrants have the obligation to comply with military service:**

Answer: Military service mandatory for residents, but not for nonresidents

Code: 0

Explanation: According to Article 9a of the Federal Constitutional Law, Austria subscribes to comprehensive national defense. Male Austrian citizens liable to military service, who move abroad for more than 6 months, must inform the local Provincial Military Command without delay of this change of residence. However, they do not have to fulfil the requirement to enlist. On reaching the age of 17, all male Austrian citizens liable to military service are required to report to the competent local Austrian representation authority without delay and inform the authority of their place of residence abroad. This includes all male emigrants who have never been registered in Austria. Male Austrian emigrants that move back to Austria at some later date must register within three weeks at the Military Command.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1995 (2019). § 9. / BMEIA, Außenministerium Österreich. "Military Service". Accessed August 6, 2019. <https://www.bmeia.gv.at/en/travel-stay/living-abroad/military-and-civilian-service/military-service/>. / BMEIA, Außenministerium Österreich. "Compulsory Military Service and Basic Military Service for Austrians Abroad". Accessed August 6, 2019. <https://www.bmeia.gv.at/en/austrian-embassy-singapore/service-for-citizens/military-and-civilian-service/compulsory-military-service-and-basic-military-service-for-austrians-abroad/>.

### 2.5.2. Social service

**EMIGRANT\_49. Emigrants have the obligation to comply with social service:**

Answer: Social service mandatory for residents, but not for nonresidents

Code: 0

Explanation: There is no mandatory social service. However, those who on grounds of moral conscience refuse to present the mandatory military service, have the option to do a nine months social service instead.

Sources: BMEIA, Außenministerium Österreich. "Alternative Civilian Service". Accessed August 6, 2019. URL not available.

### 2.5.3. Taxes

#### EMIGRANT\_50. Obligation to pay taxes in state of origin

##### Emigrant must pay income taxes in state of origin:

Answer: No

Code: 0

Explanation: Only emigrants who have their domicile registered in Austria are compelled to pay taxes.

Sources: Einkommensteuergesetz [Income Tax Law]. 1988 (2018). §1 Abs. 2.

##### There are special taxes for emigrants:

Answer: No

Code: 0

Explanation: Only emigrants who have their domicile registered in Austria are compelled to pay taxes.

Sources: Einkommensteuergesetz [Income Tax Law]. 1988 (2018). §1 Abs. 2.

## 2.6. Administration

### 2.6.1. Home country administration

#### EMIGRANT\_51. Existence of a home country administration agency/body for emigrants in state of origin.

##### Existence of institution/agency with competencies for emigrant policies:

Answer: Yes

Code: 1

Explanation: The ministry that superficially deals with emigrant issues is the Federal Agency of Europe, Integration and Foreign Issues (Bundesministerium für Europa, Integration und Äußeres). It provides information on becoming an emigrant and is the central organ that ties together the embassies and consulates abroad.

Sources: BMEIA, Außenministerium Österreich. "Übersiedlung ins Ausland [Moving Abroad]". Accessed July 22, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/uebersiedlung/uebersiedlung-ins-ausland/>.

**Name of the institution with competencies for emigrant policies in original language:**

Answer: Bundesministerium für Europa, Integration und Äußeres

**Name of the institution with competencies for emigrant policies in English:**

Answer: Federal Agency of Europe, Integration and Foreign Issues

**EMIGRANT\_52. Place in the administrative hierarchy:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 2.6.2. Consular network

**EMIGRANT\_53: Number of consulates.**

**Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):**

Answer: 110

Code: 110

Explanation: As of August 2019, there were 93 embassies (with consular sections) and 17 consulates.

Sources: BMEIA, Außenministerium Österreich. "Directory of Austrian Representations". Accessed August 13, 2019. <https://www.bmeia.gv.at/en/embassies-consulates/search-for-austrian-representations/>.

**Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):**

Answer: 110

Code: 110

Explanation: As of August 2019, there were 93 embassies (with consular sections) and 17 consulates.

Sources: BMEIA, Außenministerium Österreich. "Directory of Austrian Representations". Accessed August 13, 2019. <https://www.bmeia.gv.at/en/embassies-consulates/search-for-austrian-representations/>.



### 2.6.3. New consular functions

#### EMIGRANT\_54: Extensions to the consular network services.

##### Existence of mobile consulates:

Answer: No

Code: 0

Explanation: Mobile consulates are not available.

Sources: BMEIA, Außenministerium Österreich. "Directory of Austrian Representations". Accessed August 13, 2019. <https://www.bmeia.gv.at/en/embassies-consulates/search-for-austrian-representations/>.

##### Consulates open on weekends on a regular basis (e.g. once monthly):

Answer: No

Code: 0

Explanation: No weekend hours are found

Sources: BMEIA, Außenministerium Österreich. "Directory of Austrian Representations". Accessed August 13, 2019. <https://www.bmeia.gv.at/en/embassies-consulates/search-for-austrian-representations/>.

##### Consulates offer some services online:

Answer: Yes

Code: 1

Explanation: The Austrian Ministry of Foreign Affairs (BMEIA) offers a mobile signature which allows you to do certain procedures online such as issuance of certificates, registration in the electoral roll and request for a voting card, tax return, pension application among others. Registration is only possible at eight consulates in Europe (Berlin, Bern, München, London, Madrid, Milano, Stockholm) or at a registration office in Austria.

Sources: BMEIA, Außenministerium Österreich. "Handy-Signatur [Mobile Signature]". Accessed August 14, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/treffpunkt-auslandsoesterreicherinnen/handy-signatur/#:~:text=Mit%20der%20Aktivierung%20einer%20Handy,und%20privaten%20Anbietern%20zur%20Verf%C3%BCgung.>

#### EMIGRANT\_55: Adoption of new consular functions.

##### Consulates offer financial consultancy:

Answer: Yes

Code: 1

Explanation: Consulates offer information and preparation for Austrian companies in the country of residence (e.g. interventions with authorities, talks with government agencies, brokerage of business contacts). They also promote a business-friendly environment for Austrian and European companies (e.g. conclusion of investment protection agreements, lobbying for market openings).

Sources: BMEIA, Außenministerium Österreich. "Welche Arten von österreichischen Vertretungen gibt es? [What Types of Austrian Representations Are There?]" . Accessed July 30, 2019. <https://www.bmeia.gv.at/botschaften-konsulate/suche-nach-oesterreichischen-vertretungen/welche-arten-von-vertretungen-gibt-es/>.

#### **Consulates offer psychological consultancy:**

Answer: No

Code: 0

Explanation: Consulates do not offer any psychological consultancy.

Sources: BMEIA, Außenministerium Österreich. "Directory of Austrian Representations". Accessed August 13, 2019. <https://www.bmeia.gv.at/en/embassies-consulates/search-for-austrian-representations/>.

#### **Consulates offer health services:**

Answer: Yes

Code: 1

Explanation: Consulates offer help for Austrian citizens in emergency situations (e.g. Car crashes, illnesses, legal health counselling).

Sources: BMEIA, Außenministerium Österreich. "Welche Arten von österreichischen Vertretungen gibt es? [What Types of Austrian Representations Are There?]" . Accessed July 30, 2019. <https://www.bmeia.gv.at/botschaften-konsulate/suche-nach-oesterreichischen-vertretungen/welche-arten-von-vertretungen-gibt-es/>.

### **2.6.4. Special offices**

#### **EMIGRANT\_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):**

Answer: No

Code: 0

Explanation: There are no such offices created by the Austrian government.

Sources: BMEIA, Außenministerium Österreich. "Directory of Austrian Representations". Accessed August 13, 2019. <https://www.bmeia.gv.at/en/embassies-consulates/search-for-austrian-representations/>.

### 3. Emigrant citizenship and nationality policies

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**CITNAT: Does the country make a distinction between citizenship and nationality?**

Answer: No, it uses the terms 'nationality' and 'citizenship' indistinctly

Code: 0

Explanation: Although in the German language there is a distinction between citizenship (Staatsbürgerschaft) and nationality (Nationalität/Staatsangehörigkeit), the Austrian laws and rhetoric use only the former term when defining both types of statuses.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019).

#### 3.1. Emigrant nationality

##### 3.1.1. Dual nationality for emigrants

**EMINAT\_1. Deprivation of nationality for having acquired a foreign nationality.**

**Loss of nationality for acquisition of foreign citizenship (nationals by birth):**

Answer: Lapse upon acquisition of foreign citizenship

Code: 0

Explanation: According to § 27 (1), Austrian nationality is lost automatically as soon as a foreign nationality is willingly acquired.

Sources: SStaatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 27.

**Nationality can be withdrawn only if person resides abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person was born abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Loss of nationality can be prevented:**

Answer: Yes

Code: 1

Explanation: There are two exceptions: when the person requests to retain the Austrian nationality before acquiring a new foreign one, and this request has been authorized and granted via a written decision; if it is in the best interests of the child in the case of minors. Children who have acquired another nationality together with their parents will also lose the Austrian one, unless one of the parents still has the Austrian citizenship. Furthermore, children who are born with the right to another nationality through „ius sanguinis“ or „ius soli“ will not lose their right to the Austrian citizenship by acquiring their other nationality. Dual nationals have to pay special attention if they want to enlist at a foreign military, since this would lead to the loss of their Austrian nationality.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 26-29.

### **3.1.2. Dual nationality only for some countries of residence**

**EMINAT\_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.**

**Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:**

Answer: No

Code: 1

Explanation: There are no provisions indicating the existence of such exceptions.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 27.

**Which countries:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **3.1.3. Loss of nationality after residence abroad**

**EMINAT\_3: Loss of nationality after residence abroad.**

**Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: There is no provision on the loss of nationality after residence abroad.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 26.

**Nationality can be withdrawn only if person resides abroad for 20 years or more:**

Answer: Not applicable

Code: Not applicable

Explanation: There are no provisions in the main regulations (§§ 26 33 StbG) on the loss of the nationality due to residence abroad.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 27 and 33.

**Nationality can be withdrawn only if person has another citizenship:**

Answer: Not applicable

Code: Not applicable

Explanation: According to §27 StbG, all Austrian citizens who willingly acquire a foreign nationality will lose the Austrian citizenship.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 27.

**Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:**

Answer: No provision = 1

Code: 1

Explanation: There are no provisions in the main regulations (§§ 26 33 StbG) on the loss of the nationality due to residence abroad.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 27 and 33.

### 3.1.4. Jus sanguinis for emigrants

**EMINAT\_4: Transfer of nationality to children born abroad.**

**Country of origin permit parents to confer their nationality on their children who are born abroad:**

Answer: Yes

Code: 1

Explanation: According to article §7 (3), children born abroad are able to acquire the Austrian nationality if their mother or father are Austrian nationals, and if they would otherwise be stateless. This is only transferable to the first generation, or second generation, in the case that the first generation is also included.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 6 and 7.

**Transfer of nationality is applicable to:**

Answer: More than one generation

Code: 0.25

Explanation: Nationality is transferable to the first and second generation, in the case that the first generation is also included.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 6 and 7.

### 3.1.5. Jus sanguinis across generations

**EMINAT\_5: Transfer of nationality to children born abroad from former citizens.**

**Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens**

Answer: No

Code: 0

Explanation: According to article §7 (3), children born abroad are able to acquire the Austrian nationality if their mother or father are Austrian nationals

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 6 and 7.

**Transfer of nationality is applicable to:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **3.1.6. Renunciation of nationality is possible**

**EMINAT\_6: Voluntary renunciation of nationality abroad is possible.**

**Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:**

Answer: Renunciation is possible

Code: 1

Explanation: According to Article §37 (1), a national citizen can voluntarily renounce his/her nationality if he/she has another nationality.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 37.

**Renunciation abroad is only possible if person has another nationality:**

Answer: Yes, person renouncing has to show prove of another nationality

Code: 1

Explanation: According to Article §37 (1), a national citizen can voluntarily renounce his/her nationality if he/she has another nationality

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 37.

**Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:**

Answer: Yes

Code: 1

Explanation: According to Article §37 (1), a national citizen can voluntarily renounce his/her nationality if he/she has another nationality.



Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 37.

### 3.1.7. Reacquisition of nationality

**EMINAT\_7. Country of origin provides for reacquisition of nationality for former nationals:**

Answer: Yes

Code: 1

Explanation: The country provides for the reacquisition of nationality for former nationals if the nationality was lost as a minor and the re-application was claimed within two years of becoming legally self-entitled; if the nationality was lost as a result of marrying a foreign national and attaining their nationality, and the application was claimed within 5 years of the resolution of the marriage; if the citizens had to flee abroad before 09/05/1945 due to the fear of persecution of the NSDAP, or the authorities of the Third Reich.

Sources: BMEIA, Außenministerium Österreich. "Wiedererwerb [Reacquisition of Citizenship]". Accessed August 14, 2019. <https://www.bmeia.gv.at/gk-new-york/service-fuer-buergerinnen/staatsbuergerschaft/wiedererwerb/>.

## 3.2. Emigrant citizenship

### 3.2.1. Citizenship restrictions for dual nationals

**EMICIT\_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):**

Answer: No restrictions

Code: 1

Explanation: There are no provisions in the main regulation.

Sources: Oesterreich.gv.at. "Doppelstaatsbürgerschaft [Dual-Citizenship]". Accessed August 14, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/staatsbuergerschaft/Seite.260430.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/staatsbuergerschaft/Seite.260430.html).

### 3.2.2. Different citizenship for emigrants

**EMICIT\_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?**

Answer: No

Code: 0

Explanation: Austrian citizenship law does not differentiate between those living in the country and those living abroad.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 6 and 7.

### **3.2.3. Loss or suspension of citizen rights after residence abroad**

**EMICIT\_3: Country deprives their national citizens by birth who emigrated of their citizen rights.**

**Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: Citizen rights are not suspended after residence abroad.

Sources: Nationalrats-Wahlordnung [National Council Election Ordinance]. 1992 (2019). § 21.

**Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) \*If it is not specified in the regulation, it is coded as restrictions not conditional to return:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4. Immigration policies

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### 4.1. General

#### 4.1.1. Number of entry tracks

##### **IMMIGRATION\_1. How many visa types does the country have?**

Answer: 24

Code: 24

Explanation: There are three different types, one of them with 10 different categories. In addition, there are twelve different residence visas.

Sources: Oesterreich.gv.at. "Visumkategorien [Visa Types]". Accessed August 20, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/visum\\_fuer\\_oesterreich/Seite.3550020.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/visum_fuer_oesterreich/Seite.3550020.html).

##### **IMMIGRATION\_2: Categorical organization of visas**

###### **Are the visas organized by overarching categories?**

Answer: Yes

Code: 1

Explanation: 1. Air transit visa (visa A) 2. Tourist visa (Visa C) 3. Residence Visa (Visa D) or Aufenthaltsbewilligung (for a restricted amount of time) is divided in the following sub-categories: Visa for a long-term stay in Austria; Visa for humanitarian reasons; Visa for work purposes; Visa to seek employment; Visa to issue a residence permit; Visa for family reunification under the Asylum Act 2005; 7. visa for re-entry; Visa for reasons particularly worthy of consideration; Visa for seasonal workers; Visa for trainees.

Sources: Oesterreich.gv.at. "Visumkategorien [Visa Types]". Accessed August 20, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/visum\\_fuer\\_oesterreich/Seite.3550020.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/visum_fuer_oesterreich/Seite.3550020.html).

###### **How many categories?**

Answer: 4

Code: 4

Explanation: 1. Air transit visa (visa A); 2. Tourist visa (Visa C); 3. Residence Visa (Visa D) or Aufenthaltsbewilligung (for a restricted amount of time); 4. In addition there are the following residence visas (Aufenthaltstitel).

Sources: Oesterreich.gv.at. "Visumkategorien [Visa Types]". Accessed August 20, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/visum\\_fuer\\_oesterreich/Seite.3550020.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/visum_fuer_oesterreich/Seite.3550020.html).

### 4.1.2. Biometric information

#### **IMMIGRATION\_3: Collection of biometric information.**

**Does the state collect biometric information from all citizens for example for passports?**

Answer: Yes

Code: 1

Explanation: For the year 2017, the state collected biometric photographs and two fingerprints

Sources: Bundesministerium Inneres. "Reisepass [Passport]". Accessed July 22, 2019. <https://www.bmi.gv.at/607/Reisepass.aspx>.

**Does the state collect biometric information from immigrants for example for passports?**

Answer: Yes

Code: 1

Explanation: According to Article §8 (2) of the Settlement and Residence Law (Staatsbürgerschaftsgesetz, 2018), the residence permit must contain a biometric photograph.

Sources: Bundesministerium Inneres. "Reisepass [Passport]". Accessed July 22, 2019. <https://www.bmi.gv.at/607/Reisepass.aspx>.

### 4.1.3. Visa waivers

**IMMIGRATION\_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spätaussiedler or Jewish immigrants in Germany)?**

Answer: Yes

Code: 1

Explanation: Turkish nationals who meet the requirements of the EWG-Turkey Association Council Decision of 1980 can issue an exemption certificate (Befreiungsschein) under special conditions. These are: four years of employment in Austria or legal residence in Austria for 5 years as a member of the family of a Turkish citizen who belongs to the Austrian labor market. A communal residence must exist in the latter case. The certificate is valid for five (5) years.

Sources: § 4c Ausländerbeschäftigungsgesetz – AuslBG 1975 [Foreigners Employment Act—AuslBG 1975]., BGBl. Nr. 218/1975 § (1975). / WKO. (2019, January 1). Beschäftigung türkischer Staatsangehöriger [Employment of Turkish nationals]. Retrieved August 29, 2019, from <https://www.wko.at/pdf/gen?url=https%3A/www.wko.at/service/arbeitsrecht->

sozialrecht/Beschaefigung\_tuerkischer\_Staatsangehoeriger.html&key=658f3f3a61c2b87457ddd2e910f55a86&pdfoptions=%7B%22header-html%22%3A%22%5C/service%5C/templates%5C/header\_html.php%22%2C%22footer-html%22%3A%22https%3A%5C/%5C/www.wko.at%5C/service%5C/templates%5C/footer\_html.php%3Furl%3Dhttps%253A%252F%252Fwww.wko.at%252Fservice%252F%252Fsozialrecht%252FBeschaefigung\_tuerkischer\_Staatsangehoeriger.html%22%2C%22print-media-type%22%3A%22%22%2C%22title%22%3A%22Besch%5Cu00e4ftigung+t%5Cu00fcrkischer+Staatsangeh%5Cu00f6rger%22%7D

## 4.2. Documentation

### IMMIGRATION\_5: Issue of legal compulsory identification documents.

**Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?**

Answer: Yes

Code: 1

Explanation: According to article § 9 (3) of the NAG, residence or permanent residence cards were issued for all immigrants and ID cards for all citizen.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 9 (3). / Fremdenpolizeigesetz [Foreign Police Law]. 2005.

**Are they required to carry them at all times?**

Answer: Yes

Code: 1

Explanation: According to §32 of the FPG, immigrants are to carry their cards at all times, or have it in such a distance of their current location that a delay in attaining it is not substantial. Citizens are also to carry their ID at all times.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 9. / Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 17, 32, 94a, 95.

## 4.3. Quotas and restrictions

### 4.3.1. General quota

#### IMMIGRATION\_6: General quota for immigration.

**Is there a general quota (numerical limit) for immigration?**

Answer: Yes

Code: 0

Explanation: In 2017, only 5853 residence permits could be granted. In Austria, immigrants cannot enter the country, with an intent to stay for longer than 6 months, without a legal settlement permit.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2017. § 2.

**Number of people that make up the quota:**

Answer: 5853

Code: 5853

Explanation: In 2017, only 5853 residence permits could be granted. In Austria, immigrants cannot enter the country, with an intent to stay for longer than 6 months, without a legal settlement permit.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2017. § 1.

### 4.3.2. Specific quotas

**IMMIGRATION\_7: Quota for high-skilled migrants.**

**Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?**

Answer: No

Code: 1

Explanation: There is no quota for high skilled migrants.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. § 2. / Niederlassungsverordnung [Settlement Regulation]. 2017. § 2.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_8: Quota for low-skilled migrants.**

**Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?**

Answer: Yes

Code: 0

Explanation: According to article §2 has a quota of up to 4,000 immigrants. In addition, there is a quota, for up to 600 seasonal agricultural workers. For the year 2019 the quota remains the same.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. § 2. / Niederlassungsverordnung [Settlement Regulation]. 2017. § 2.

**Number of people that make up the quota:**

Answer: 4000

Code: 4000

Explanation: According to article §2 has a quota of up to 4,000 immigrants. In addition, there is a quota, for up to 600 seasonal agricultural workers. For the year 2019 the quota remains the same.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. § 2. / Niederlassungsverordnung [Settlement Regulation]. 2017. § 2.

**IMMIGRATION\_9: Quota for refugees.**

**Is there a quota (numerical limit) on the number of refugees?**

Answer: No

Code: 1

Explanation: Neither Austria nor the EU have a quota for recognized refugees.

Sources: Asylgesetz 2005 [Asylum Act]. 2005. / BFA-Verfahrensgesetz [BFA Process Law]. 2012.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_10: Quota for co-ethnics.**

**Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?**

Answer: Not applicable (no co-ethnic proxy)

Code: Not applicable

Explanation: There are no co-ethnics in Austria.

Sources: Not applicable

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.3.3. List of excluded persons**

**IMMIGRATION\_11: Categories of excluded persons.**

**Are there categories of excluded persons from immigration?**

Answer: No

Code: 1

Explanation: There are no persons excluded from immigrating.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. / Niederlassungsverordnung [Settlement Regulation]. 2017.

**List of categories of excluded persons:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.3.4. List of excluded countries**

**IMMIGRATION\_12: Countries excluded.**



**Is there a list of countries whose nationals are banned for immigration in this country?**

Answer: No

Code: 1

Explanation: There are no nationalities excluded from immigrating.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. / Niederlassungsverordnung [Settlement Regulation]. 2017. / Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

**List of countries excluded:**

Answer: Not applicable

Code: Not applicable

Explanation: There are no nationalities excluded from immigrating.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. / Niederlassungsverordnung [Settlement Regulation]. 2017. / Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005.

## **4.4. Policy incentives**

### **4.4.1. Recognized brokers**

**IMMIGRATION\_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):**

Answer: No

Code: 0

Explanation: There are no provisions in the main regulations indicating the recognition of immigration brokers (BFA, NLV 2019, FPG).

Sources: BFA-Verfahrensgesetz [BFA Process Law]. 2012. / Niederlassungsverordnung [Settlement Regulation]. 2019. / Fremdenpolizeigesetz [Foreign Police Law]. 2005.

**IMMIGRATION\_14. State offers pecuniary incentives to citizens willing to immigrate:**

Answer: No

Code: 0

Explanation: There are no provisions in the main regulations indicating the existence of such incentives (BFA, NPG).

Sources: BFA-Verfahrensgesetz [BFA Process Law]. 2012. / Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

## **4.5. Immigration control and penalties**

### **4.5.1. Irregular residence**

**IMMIGRATION\_15: Illegal residence.**

**Is illegal residence in the country considered a criminal offense?**

Answer: No

Code: 1

Explanation: According to §120 (1a), anyone who is not legally residing in Austria commits an administrative offense and is punished with a fine of €500-2,500. In the event of their being incapable of paying this fine, they are liable of up to 2 weeks detention. In the event of the migrant having been punished legally for such an act before, they are liable to a fine of €2,500-7,500 or detention of up to 4 weeks.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. §120 (1a).

**Is illegal residence considered an administrative offense?**

Answer: Yes

Code: 0

Explanation: According to §120 (1a), anyone who is not legally residing in Austria commits an administrative offense and is punished with a fine of €500-2,500. In the event of their being incapable of paying this fine, they are liable of up to 2 weeks detention. In the event of the migrant having been punished legally for such an act before, they are liable to a fine of €2,500-7,500 or detention of up to 4 weeks.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. §120 (1a).

### **4.5.2. Forged documents**

**IMMIGRATION\_16: Penalties for immigrants with forged documents.**

**Are there penalties for immigrants for forged documents?**

Answer: Yes

Code: 0

Explanation: According to Article §63c (1), immigrants who attempt to enter the country, or attain a citizenship, via forged documents, are liable to a fine ranging from €1,000-5,000. In case of non-payment, the immigrant is liable to 3 weeks detention. In case of a repeated attempt, they are liable for a fine ranging from €5,000-15,000 or a detention of up to 6 weeks.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 63c (1).

**Penalty is expulsion:**

Answer: No

Code: 1

Explanation: Forged documents are penalized with fine and detention.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 63c (1).

**Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: According to Article §63c (1), immigrants who attempt to enter the country, or attain a citizenship, via forged documents, are liable to a fine ranging from €1,000-5,000. In case of non-payment, the immigrant is liable to 3 weeks detention. In case of a repeated attempt, they are liable for a fine ranging from €5,000-15,000 or a detention of up to 6 weeks.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 63c (1).

**Penalty is detention:**

Answer: Yes

Code: 2

Explanation: According to Article §63c (1), immigrants who attempt to enter the country, or attain a citizenship, via forged documents, are liable to a fine ranging from €1,000-5,000. In case of non-payment, the immigrant is liable to 3 weeks detention. In case of a repeated attempt, they are liable for a fine ranging from €5,000-15,000 or a detention of up to 6 weeks.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 63c (1).

**Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: Forged documents are penalized with fine and detention.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 63c (1).

## **IMMIGRATION\_17: Penalties for immigrants with expired documents.**

### **Are there penalties for immigrants with expired documents?**

Answer: Yes

Code: 0

Explanation: Expired documents are penalized with fine and detention.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. § 77 (4).

### **Penalty is expulsion:**

Answer: No

Code: 1

Explanation: Expired documents are penalized with fine and detention.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. § 77 (4).

### **Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: According to §77 (4), an immigrant that has an expired document and has not applied for new documents in time, can be charged with a fine ranging from €50-250. In the case of their incapacity of payment, a detention of up to one week can be charged.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. § 77 (4).

### **Penalty is detention:**

Answer: Yes

Code: Yes

Explanation: According to §77 (4), an immigrant that has an expired document and has not applied for new documents in time, can be charged with a fine ranging from €50-250. In the case of their incapacity of payment, a detention of up to one week can be charged.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. § 77 (4).

### **Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: Expired documents are penalized with fine and detention.

Sources: Niederlassungsverordnung [Settlement Regulation]. 2019. § 77 (4).

### 4.5.3. Aiding undocumented migrants

**IMMIGRATION\_18: Penalties for aiding undocumented migrants.**

**Are there penalties for aiding undocumented migrants?**

Answer: Yes

Code: 0

Explanation: According to §114 (3), whoever facilitates a migrant's unauthorized stay in the territory without the intent of a financial transaction, and aiding less than 3 migrants, is liable to 6 months – 5 years imprisonment. According to §114 (1), anyone facilitating a migrant's unauthorized stay in the territory of Austria, or of a member state of the European Union, in return for a financial transaction, shall be sentenced by the court for up to two years imprisonment. According to §115 (2), whoever aids a bigger group of migrants, or aims at developing this offence on a professional/business level, is liable for up to 3 years imprisonment.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 114 and 115.

**Penalty is a fine:**

Answer: No

Code: 1

Explanation: The action of aiding undocumented migrants is penalized with imprisonment.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 114 and 115.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: According to §114 (3), whoever facilitates a migrant's unauthorized stay in the territory without the intent of a financial transaction, and aiding less than 3 migrants, is liable to 6 months – 5 years imprisonment. According to §114 (1), anyone facilitating a migrant's unauthorized stay in the territory of Austria, or of a member state of the European Union, in return for a financial transaction, shall be sentenced by the court for up to two years imprisonment. According to §115 (2), whoever aids

a bigger group of migrants, or aims at developing this offence on a professional/business level, is liable for up to 3 years imprisonment.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 114 and 115.

#### 4.5.4. Employment obligations

**IMMIGRATION\_19: Penalties for employers who hire migrant workers without a legal work permit.**

**Are there sanctions for employers hiring migrant workers without a legal work permit?**

Answer: Yes

Code: 0

Explanation: Employers will be sanctioned if he/she knowingly employs someone with improper immigration status.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 116.

**Sanction is a fine:**

Answer: No

Code: 1

Explanation: Exploitation of persons with improper immigration status is punishable by imprisonment.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 116.

**Penalty is imprisonment:**

Answer: Yes

Code: 2

Explanation: Exploitation of persons with improper immigration status is punishable by imprisonment. The length of imprisonment depends on the degree of seriousness, between 6 months to 10 years.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 116.

#### 4.5.5. Landlord obligations

**IMMIGRATION\_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.**

**Are there penalties for landlords who rent shelter to migrants without a regular migrant status?**

Answer: No

Code: 1

Explanation: There are no provisions in the main regulations.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005.

**Penalty is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is imprisonment:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.5.6. Airline penalties**

**IMMIGRATION\_21: Penalties for airlines carrying immigrants without documentation.**

**Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?**

Answer: No

Code: 1

Explanation: Airlines or other carriers are not subject to penalties for bringing passengers lacking relevant documentation to Austria.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005.

**Sanction is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is more than a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4.6. Amnesty programs

**IMMIGRATION\_22: Existence of amnesty program.**

**In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?**

Answer: No

Code: 0

Explanation: In general, Austria has not offered any amnesty program for irregular migrants. However, regularization is possible in exceptional circumstances on a case by case basis.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National Contact Point Austria within the European Migration Network. Access date not available. / European Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

**The amnesty program is/was:**

Answer: Exceptional (once in the timeframe analyzed)

Code: 1

Explanation: In general, Austria has not offered any amnesty program for irregular migrants. However, regularization is possible in exceptional circumstances on a case by case basis.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National Contact Point Austria within the European Migration Network. Access date not available. / European



Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

**Being employed is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: In general, Austria has not offered any amnesty program for irregular migrants. However, regularization is possible in exceptional circumstances on a case by case basis.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National Contact Point Austria within the European Migration Network. Access date not available. / European Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

**A given duration of stay is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: In general, Austria has not offered any amnesty program for irregular migrants. However, regularization is possible in exceptional circumstances on a case by case basis.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National Contact Point Austria within the European Migration Network. Access date not available. / European Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

**Having a certain nationality is/was a condition to qualify for the amnesty program:**

Answer: No

Code: 0

Explanation: In general, Austria has not offered any amnesty program for irregular migrants. However, regularization is possible in exceptional circumstances on a case by case basis.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National Contact Point Austria within the European Migration Network. Access date not available. / European Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

**Does a case by case regularization for irregular immigrants existed?**

Answer: Yes

Code: 1

Explanation: In general, Austria has not offered any amnesty program for irregular migrants. However, regularization is possible in exceptional circumstances on a case by case basis.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National Contact Point Austria within the European Migration Network. Access date not available. / European Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

**Being employed is a condition to qualify for the case by case regularization program:**

Answer: No

Code: 0

Explanation: Regularization is possible on a case by case basis. Being employed, however, is not a condition to qualify for the amnesty program.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National Contact Point Austria within the European Migration Network. Access date not available. / European Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

**A given duration of stay is a condition to qualify for the case by case regularization program:**

Answer: No

Code: 0

Explanation: Regularization is possible on a case by case basis. Being employed, however, is not a condition to qualify for the amnesty program.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National Contact Point Austria within the European Migration Network. Access date not available. / European Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

**Having a certain nationality is a condition to qualify for the case by case regularization program:**

Answer: No

Code: 0

Explanation: Regularization is possible on a case by case basis. Having a certain nationality, however, is not a condition to qualify for the amnesty program.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National

Contact Point Austria within the European Migration Network. Access date not available. / European Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

#### **Is regularization through marriage possible:**

Answer: No

Code: 0

Explanation: Regularization is possible on a case by case basis. However, it is not possible through marriage.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National Contact Point Austria within the European Migration Network. Access date not available. / European Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

#### **IMMIGRATION\_23. The amnesty defines the types of irregular migrants as:**

Answer: Victims of human trafficking or have been victims of an action that facilitated illegal immigration

Code: Victims of human trafficking or have been victims of an action that facilitated illegal immigration

Explanation: Austria has not offered any amnesty program for irregular immigrants, however, a humanitarian residence title may be offered in exceptional circumstances.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. / Hofbauer, Sophie., & Gächter, August. Illegal Immigration in Austria: A Survey of Recent Austrian Migration Research, 2005. Vienna: National Contact Point Austria within the European Migration Network. Access date not available. / European Migration Network. Illegal employment of third-country nationals in the European Union – Synthesis Report, 2017. Brussels: European Migration Network. Access date not available.

## **4.7. Administration**

#### **IMMIGRATION\_24\_1: Administration in charge of immigration regulation.**

##### **Which institution is in charge of immigration regulation (in original language)?**

Answer: Bundesministerium für Inneres

Code: Bundesministerium für Inneres

Explanation: The Federal Ministry of the Interior is in charge of the documentation of the right of residence and establishment.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 3b, 7, 8 and 9.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Federal Ministry of the Interior

**IMMIGRATION\_24\_2: Administration in charge of implementing immigration policies.**

**Which institution is in charge of the implementation of immigration policies (in original language)?**

Answer: Bundesministerium für Inneres

Code: Bundesministerium für Inneres

Explanation: The Federal Ministry of the Interior is in charge of the documentation of the right of residence and establishment.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 3b, 7, 8 and 9.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Federal Ministry of the Interior

**IMMIGRATION\_24\_3: Administration in charge of border control.**

**Which institution is in charge of border control (in original language)?**

Answer: Fremdenpolizei und Grenzkontrollwesen

Code: Fremdenpolizei und Grenzkontrollwesen

Explanation: The migrant police (Fremdenpolizei) and the border control police (Grenzkontrollwesen) are in charge of border control. This includes entrance into Austria and Visa-affairs, such as documents for migrants.

Sources: Not applicable

**Which institution is in charge of border control (in English language)?**

Answer: Migrant Police and Border Control Police

**IMMIGRATION\_24\_4: Administration in charge of detentions.**

**Which institution is in charge of detentions (in original language)?**

Answer: Bundesamt für Fremdenwesen und Asyl (BFA) Fremdenpolizei

Code: Bundesamt für Fremdenwesen und Asyl (BFA) Fremdenpolizei

Explanation: The Federal Office for Immigration and Asylum Migrant police

**Which institution is in charge of detentions (in English language)?**

Answer: Federal Ministry of Asylum and Migrants The migrant police

#### **4.8. Proxy: Labor migration (high- and low-skilled)**

**IMMIGRATION\_25: Visas applied to labor migration.**

**Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?**

Answer: No

Code: 0

**Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?**

Answer: No

Code: 0

##### **4.8.1. Domestic workers**

**Is there a visa scheme (entry track) for domestic workers?**

Answer: No

Code: 0

Explanation: In general there is no scheme that allows foreign domestic workers to apply for a visa. However, domestic workers for diplomatic personnel, could apply for a Visa D.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 20.

**IMMIGRATION\_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in explanation).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_30: Restrictions based on age.**

**Are there age limits for migrant domestic workers in order to be admitted to the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_33. Do migrant domestic workers need to prove the ability to support themselves?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_36. How long is the domestic work permit valid for? Indicate the period in months.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_37. Is it possible to renew the work permit granted under the domestic worker entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_38: Possibility of changing jobs.**

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_41. Is a minimum level of education required to apply to the domestic entry track?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_42. Is a test of good health required for migrant domestic worker?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.8.2. Agricultural workers**

#### **Is there a visa scheme (entry track) for agricultural workers?**

Answer: Yes

Code: 1

Explanation: Schengen Visa C (for a validity of up to 5 years, which covers several short seasons, without prejudice to the maximum length of stay of 90 days per 180-day period. However, there must be an employment permit for every season) or Visa D, visa for seasonal workers (maximum stay 6 months).

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>. / Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 5. / Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 20.

#### **IMMIGRATION\_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?**

Answer: Yes

Code: 0

Explanation: The employer has to apply for an official request at the relevant regional labour market service (AMS), in order for the agricultural worker to immigrate into Austria via a work permit.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 21. / Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>.

**IMMIGRATION\_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?**

Answer: Yes, required

Code: 0.25

Explanation: The employer has to apply for an official request at the relevant regional labour market service (AMS), in order for the seasonal agricultural worker to immigrate into Austria. Therefore, a concrete job offer is imperative in order to begin with the application process.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019.  
<https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>.

**IMMIGRATION\_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: Yes

Code: 0.5

Explanation: One of the conditions for hiring an immigrant is to proof that no native worker or an already integrated labour force can be hired for the job. This is done via a Labour Market Examination of the AMS. Seasonal workers that worked in Austria in agriculture between 2006 and 2010 for at least 4 months per year can register at the AMS. Registered workers are exempted from the labour market test. The working period cannot exceed 9 months and nine months per year. The registration was only possible until April 2012.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019.  
<https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>. /  
Ausländerbeschäftigungsgesetz [Foreigners Employment]. 1975. § 4b.

**IMMIGRATION\_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: However, Croatian Nationals are favored before other Third Country Nationals.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019.  
<https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>. /  
Ausländerbeschäftigungsgesetz [Foreigners Employment]. 1975. § 4b.

**IMMIGRATION\_47: Restrictions based on age.**

**Are age limits for migrant agricultural workers in order to be admitted to the country?**

Answer: No

Code: 1

Explanation: There is no age limit for agricultural workers.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaefigung/saisoniers/>. / Ausländerbeschäftigungsgesetz [Foreigners Employment]. 1975. § 5. / Consultation with the Austrian Embassy in Berlin. December 4, 2019.

#### **Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_48. Is having a certain gender a requisite to be admitted to the country under this entry track?**

Answer: No

Code: 1

Explanation: No specific gender is required for this entry track.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaefigung/saisoniers/>.

#### **IMMIGRATION\_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: Having a certain marital status is not required for this entry track.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaefigung/saisoniers/>. / Ausländerbeschäftigungsgesetz [Foreigners Employment]. 1975. § 5.

#### **IMMIGRATION\_50. Do migrant agricultural workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: Through the verification from the AMS, they proof that the employer complies with the wage and working conditions in force.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019.  
<https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaefigung/saisoniers/>.

**IMMIGRATION\_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: Language proficiency is neither beneficial nor required for seasonal agricultural workers.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019.  
<https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaefigung/saisoniers/>.

**IMMIGRATION\_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 108.60

Code: 108.60

Explanation: It costs € 100.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019.  
<https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaefigung/saisoniers/>.

**IMMIGRATION\_53. How long is the work permit valid for? Indicate the period in months.**

Answer: 9

Code: 9

Explanation: The work permit for agricultural workers is valid for 9 months within a 12 months period. It is longer than the regular D-Visa permit which is valid for up to 6 months.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019.  
<https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaefigung/saisoniers/>.

**IMMIGRATION\_54. Is it possible to renew the work permit granted under the agricultural worker entry track?**

Answer: Yes

Code: 1

Explanation: If the work permit wants to be renewed, the migrant has to leave the country and apply for a new one in the relevant Austrian representative authority abroad.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>.

#### **IMMIGRATION\_55: Possibility of changing jobs.**

**Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?**

Answer: Yes

Code: 1

Explanation: Seasonal workers can change employers. In the case of a change of employers an available quota place will not be necessary.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>. / Ausländerbeschäftigungsgesetz [Foreigners Employment]. 1975. § 5.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?**

Answer: No

Code: 0

Explanation: Seasonal workers may not switch sector/profession.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>. / Ausländerbeschäftigungsgesetz [Foreigners Employment]. 1975. § 5.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?**

Answer: No

Code: 0

Explanation: Seasonal workers may not switch location.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>. / Ausländerbeschäftigungsgesetz [Foreigners Employment]. 1975. § 5.

**IMMIGRATION\_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?**

Answer: No

Code: 0

Explanation: There are no provisions in the main regulation.

Sources: Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 23.

**IMMIGRATION\_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: The employer has to guarantee to offer the currently authorized wage and job conditions of Austria.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>. / Ausländerbeschäftigungsgesetz [Foreigners Employment]. 1975. § 5.

**IMMIGRATION\_58. Is a minimum level of education required to apply to the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: No minimum level of education is required.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>.

**IMMIGRATION\_59. Is a test of good health required for migrant agricultural workers?**

Answer: Yes

Code: 0

Explanation: If the migrants have been in a country with a high risk of tuberculosis, an easily transmissible disease in the sense of the Epidemic Act or with high risk of infection over the last 6 months, they are required to have a health certificate (Gesundheitszeugnis).

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]". Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>. / Fremdenpolizeigesetz [Foreign Police Law]. 2005. § 23.

#### **4.8.3. Medical doctors**

**Is there a visa scheme (entry track) for medical doctors?**

Answer: Yes

Code: 1

Explanation: Medical doctors must obtain a Red-White-Red Card.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 41.

**IMMIGRATION\_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: There is a possibility to enter Austria via a Job-Seeking Visa, in order to find work once already in the country. When successfully having acquired a job in the valid time period, a Red-White-Red card can be applied for.

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

**IMMIGRATION\_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?**

Answer: Yes, required

Code: 0.25

Explanation: There is a possibility to enter Austria via a Job-Seeking Visa, in order to find work once already in the country within six-months after the visa is issued. The Red-White-Red Card is only granted once a job offer has been made.

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

**IMMIGRATION\_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?**

Answer: No

Code: 1

Explanation: According to §12, the national labour market test does not apply in the case of medical doctors.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 12.



**IMMIGRATION\_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: There are no provisions on any restriction to certain nationalities.

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

**IMMIGRATION\_64: Restrictions based on age.**

**Are there age limits for migrant medical doctors to be admitted to the coun-try?**

Answer: No

Code: 1

Explanation: There are no provisions regarding age limit.

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No specific gender is required for this entry track.

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

**IMMIGRATION\_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: Having a certain marital status is not required for this entry track.

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

**IMMIGRATION\_67. Do migrant medical doctors need to prove the ability to support themselves?**

Answer: Yes

Code: 0.5

Explanation: There are different ranges of desirability depending on their previous year's gross annual salary, affecting the overall success of the application. But the starting requirement for a Job Seeker Visa lies at €50,000 gross annual salary. Highly desirable: over €70,000 Desirable: €60,000 - €70,000 Less Desirable: €50,000 - €60,000

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

**IMMIGRATION\_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?**

Answer: Yes, required

Code: 0.25

Explanation: There is a minimum requirement of German (or English) language competence to an elementary level (A1). A beneficial level, which affects the overall success of the application of a Job Seeker Visa, lies at an A2 German language competence.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 21a. / Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

**IMMIGRATION\_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 337.07

Code: 337.07

Explanation: The Red-White-Red card costs € 310

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

**IMMIGRATION\_70. How long is the medical doctor work permit valid for? Indicate the period in months.**

Answer: 24

Code: 24

Explanation: The Red-White-Red card is normally given for a time period of 2 years. If the working contract is shorter than that, the permit will be valid for a time frame of three months or for the time the contract is valid.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 41.

**IMMIGRATION\_71. Is it possible to renew the work permit granted under the medical doctor entry track?**

Answer: Yes

Code: 1

Explanation: Initially, high skilled labour migrants can renew their Red-White-Red Card from within the country before its validity has run out. However, once the permit has expired, and a new one has not been applied for, the migrant will have to leave the country for the duration of the procedure.

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

**IMMIGRATION\_72: Possibility of changing jobs.**

**Is it possible for a migrant medical doctor to switch employers?**

Answer: Yes

Code: 1

Explanation: This proxy can only switch their employer once they have applied for and received a new Red-White-Red card through their new employer. However, those with a Red-White-Red Plus card are able to change their employer and location of the job at any time (§ 21d AuslBG).

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 21d. / Consultation with the Austrian Embassy in Berlin. December 4, 2019.

**Is it possible for a migrant medical doctor to switch professional sectors?**

Answer: No

Code: 0

Explanation: It is not possible to change professions with Red-White-Red card since it was granted under conditions of employment. If a person wishes to switch sector/profession he/she will have to submit another application for a visa at an Austrian embassy.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 21d. / Consultation with the Austrian Embassy in Berlin. December 4, 2019.

**Is it possible for a migrant medical doctor to switch locations?**

Answer: Yes

Code: 1

Explanation: This proxy can only switch their employer once they have applied for and received a new Red-White-Red card through their new employer. However, those with a Red-White-Red Plus card are able to change their employer and location of the job at any time (§ 21d AuslBG).

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 21d. / Consultation with the Austrian Embassy in Berlin. December 4, 2019.

**IMMIGRATION\_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?**

Answer: Yes, after 1-3 months

Code: 2

Explanation: it expires if -within a maximum of 1.5 months the holder of a permit does not find another job. According to §7, (6) of the AuslBG: "6) The employment permit expires 1. upon termination of employment of the foreigner; 2. if employment is not started within six weeks after the start of the employment permit."

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975.

**IMMIGRATION\_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: According to § 8 (1), the migrant worker has to receive equal pay and working conditions than those applicable to native workers comparable in terms of performance and qualification

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 8.

**IMMIGRATION\_75. Is a minimum level of education required to apply to the medical doctor entry track?**

Answer: Yes

Code: 0

Explanation: A certificate concerning the successful completion of a 4-year study at a university or a similar educational institution is necessary for the application. The migrant also has to give proof of status of the university or educational institution. They have to showcase a certificate of successful completion of a “MINT” subject (mathematics, computer science, natural science, technology) and a document proving habilitation.

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

#### **IMMIGRATION\_76. Is a test of good health required for migrant medical doctors?**

Answer: No

Code: 0

Explanation: However, they have to show proof of health insurance that can cover all risks in their field of profession.

Sources: Migration.gv.at. "Besonders Hochqualifizierte [Especially Highly Qualified]". Accessed October 23, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/besonders-hochqualifizierte/>.

### **4.9. Proxy: Refugees**

#### **4.9.1. Existence of track**

#### **IMMIGRATION\_77. Does the country grant refugee status?**

Answer: Yes

Code: 1

Explanation: According to article §3 (1), Austria grants subsidiary/humanitarian protection.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 3 (1).

#### **IMMIGRATION\_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?**

Answer: Yes

Code: 0

Explanation: According to §§§ 4 4a 5 AszIG 2005 an asylum claim can be denied if it is determined that a third country is responsible for the asylum claim. With the decision, it has to be determined which country is responsible to take over the case. According to the Dublin III Regulation, which establishes which EU member state is responsible for the revision of an asylum claim, the EU member state through which the third country national entered EU territory is the one responsible to examine the case. An asylum claim can also be denied in the case that the third-country national has already been in another safe country according to international agreements.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 4, 4a and 5. / BMI. "The Process for the Asylum" Accessed November 27, 2019. <http://www.refugee-guide.at/en/ablauf.html>. / Dublin-Verfahren. "Dublin-Verfahren [Dublin Procedure]". Accessed November 29, 2019.

#### **IMMIGRATION\_79: Safe countries of origin.**

**Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?**

Answer: No

Code: 1

Explanation: There are no provisions in the main regulation (AsylG 2005).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 4, 4a and 5.

#### **How many countries?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.9.2. Restrictions**

#### **IMMIGRATION\_80: Refugee status restricted for certain nationalities.**

**Is refugee status restricted to certain nationalities?**

Answer: No

Code: 1

Explanation: There are no provisions in the main regulation (AsylG 2005).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 4, 4a and 5.

**Which nationalities?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_81: Restrictions based on age.****Are there age limits for potential refugees to be admitted to the country?**

Answer: No

Code: 1

Explanation: There are no provisions in the main regulation (AsylG 2005).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 4, 4a and 5.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?**

Answer: No

Code: 1

Explanation: There are no provisions in the main regulation (AsylG 2005).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 4, 4a and 5.

**Below which age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_82. Is having a certain gender a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: §69 from AsylG 2005 explicitly establishes that the Asylum Act grants women and men equal rights

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 69.

**IMMIGRATION\_83. Is having a certain marital status a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: There are no provisions in the main regulation indication that having a certain marital status is a requisite to be granted refugee status (AsylG 2005).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 3.

### **4.9.3. Place of application**

**IMMIGRATION\_84: Place of application**

**Can asylum seekers file an application for asylum from outside the destination country's territory?**

Answer: No

Code: 0

Explanation: Applications for asylum are filed at police stations or departments. There, they take fingerprints, the first interview and a personal search are done.

Sources: Oesterreich.gv.at. "Asylverfahren [Asylum Procedure]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren).

**Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?**

Answer: Yes

Code: 1



Explanation: Applications for asylum are filed at police stations or departments. There, they take fingerprints, the first interview and a personal search are done.

Sources: Oesterreich.gv.at. "Asylverfahren [Asylum Procedure]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren).

#### **Can asylum seekers file an application for asylum on the destination country's territory?**

Answer: Yes

Code: 1

Explanation: Applications for asylum are filed at police stations or departments. There, they take fingerprints, the first interview and a personal search are done.

Sources: Oesterreich.gv.at. "Asylverfahren [Asylum Procedure]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren).

### **4.9.4. Permit validity**

#### **IMMIGRATION\_85. How long is the initial residence permit for recognized refugees valid for?**

Answer: Temporary, between 25 and 36 months

Code: 4

Explanation: According to §3 (4) the temporary residence can be renewed indefinitely, if, after the first 3 years the residence permit is valid, the conditions of initiating a procedure for withdrawing the status of refugee are not met, or if the withdrawal procedure is terminated.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 3 (4).

#### **IMMIGRATION\_86: Permit renewal.**

##### **Is it possible to renew a temporary residence permit?**

Answer: Yes

Code: 1

Explanation: Recognized refugees obtain an asylum status which is valid for three years. It can be renewed indefinitely as long as the individual still fulfils the requirements as a refugee (§3 AsylG 2005). Every year, the State runs an analysis in which it looks at the political situation of every country and revises if there has been any change in the situation endangering the person in question. (§7 AsylG 2005).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 3 and 7.

### **Is it possible to apply for a permanent resident permit for recognized refugees?**

Answer: Yes, possible to apply for a permanent permit after 5-6 years

Code: 3

Explanation: According to the website of the Austrian Government, it is possible for recognised refugees to apply for a permanent residence (Daueraufenthalt – EU) if they have lived continuously in Austria for at least five (5) years or if after five years their status as refugees has not been withdrawn.

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU" [Residence title "Permanent residence - EU"]". Accessed November 29, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen).

### **IMMIGRATION\_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?**

Answer: Yes

Code: 0

Explanation: According to §7 (2a), the recognized refugee could lose their status, if there has been a substantial and continuous change of the specific, political circumstances, which have caused the fear of prosecution in the first place.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 7 (2a).

## **4.9.5. Maximum timeframe for application resolution**

### **IMMIGRATION\_88: Timeframe for resolution.**

#### **Is there a maximum of days to process the application of asylum seekers?**

Answer: Yes

Code: 1

Explanation: The authorities have a maximum of 20 days to process the application (§20 AsylG 2005).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 20. / Oesterreich.gv.at. "Asylverfahren [Asylum Procedure]". Accessed November 29, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren).

#### **What is the maximum of days?**

Answer: 20

Code: 20

Explanation: The authorities have a maximum of 20 days to process the application (§20 AsylG 2005).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 20. / Oesterreich.gv.at. "Asylverfahren [Asylum Procedure]". Accessed November 29, 2019.

[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren).

#### 4.9.6. Possibility to change migratory status

**IMMIGRATION\_89. If an application on refugee status is rejected, does the applicant have the right to appeal?**

Answer: Yes

Code: 1

Explanation: In the case of rejection it is possible to appeal to the Federal Office of Foreign Affairs and Asylum (Bundesamt für Fremdenwesen und Asyl - BFA). Depending on the case the person has between 1 to 6 weeks to appeal from the date of notification of the decision. Normally the individual will have four weeks to file the claim.

Sources: Oesterreich.gv.at. "Asylverfahren [Asylum Procedure]". Accessed November 29, 2019.

[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren).

**IMMIGRATION\_90. Is it possible for recognized refugees to change their migratory status?**

Answer: Yes

Code: 1

Explanation: According to §51a AsylG 2005, migrants with a regular asylum card (Karte für Asylberechtigte (blau)) can apply for permanent residence after five years. Meanwhile, recognized refugees, victims of family violence, with a residence permit under the protection of Art. 8 of the European Rights Convention and whose permit is only valid for 12 months, can apply for a Red-White-Red plus card.

Sources: Bundesgesetz über die Gewährung von Asyl [Federal Law on Granting Asylum]. 2005. § 51a, 55 (2) and 56. / Bogdanovic-Govedarica, Dunja. 2008. "Österreichische fremden- und asylrechtliche Dokumente Stand Jänner 2018 [Austrian Documents on Aliens and Asylum Law as of January 2018].

#### 4.9.7. Detention

**IMMIGRATION\_91: Detention**

**Are asylum seekers detained while their claims are being processed?**

Answer: No

Code: 4

Explanation: Once the procedure has started, asylum seekers can access the accommodations provided as part of the basic care (§15b AsylG 2005).

Sources: Oesterreich.gv.at. "Allgemeines zum Asyl [General Information on Asylum]". Accessed November 29, 2019. <https://www.oesterreich.gv.at/themen/...> / Bundesgesetz über die Gewährung von Asyl [Federal Law on Granting Asylum]. 2005. § 15b.

#### **Are asylum seekers detained after their claims are processed?**

Answer: No

Code: 2

Explanation: Once the procedure has started, asylum seekers can access the accommodations provided as part of the basic care (§15b AsylG 2005).

Sources: Oesterreich.gv.at. "Allgemeines zum Asyl [General Information on Asylum]". Accessed November 29, 2019. <https://www.oesterreich.gv.at/themen/...> / Bundesgesetz über die Gewährung von Asyl [Federal Law on Granting Asylum]. 2005. § 15b.

### **4.9.8. Status after rejection**

#### **IMMIGRATION\_92. What is the status of asylum seekers whose applications are rejected?**

Answer: Immediate deportation

Code: 1

Explanation: If the rejected asylum seeker does not depart voluntarily, immediate transfer is necessary.

Sources: Oesterreich.gv.at. "Allgemeines zum Asyl [General Information on Asylum]". Accessed November 29, 2019. <https://www.oesterreich.gv.at/themen/...> / Bundesgesetz über die Gewährung von Asyl [Federal Law on Granting Asylum]. 2005. § 15b.

#### **IMMIGRATION\_93. Do asylum seekers have the possibility to work during the process of application?**

Answer: Yes

Code: 1

Explanation: Recognised refugees have open access to the job market.

Sources: Oesterreich.gv.at. "Allgemeines zum Asyl [General Information on Asylum]". Accessed November 29, 2019. <https://www.oesterreich.gv.at/themen/...> / Bundesgesetz über die Gewährung von Asyl [Federal Law on Granting Asylum]. 2005. § 15b.

#### 4.9.9. Translation and interpretation

**IMMIGRATION\_94. Does the state provide official translation or interpretation for the process of asylum seekers?**

Answer: Yes

Code: 1

Explanation: The entire application procedure is conducted in a language that the asylum seeker understands. An interpreter translates the discussions. The ruling and the information on rights of appeal are also translated into a language that the asylum seeker understands.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 15a. / Oesterreich.gv.at. "Asylverfahren [Asylum Procedure]". Accessed November 29, 2019.

[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren).

#### 4.10. Proxy: Co-ethnics

##### 4.10.1. General

**IMMIGRATION\_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).**

**Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?**

Answer: No

Code: 0

Explanation: There are no co-ethnics in Austria.

Sources: Not applicable

**IMMIGRATION\_96. Register the name of the group(s).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4.10.2. Reasons for co-ethnicity

### IMMIGRATION\_97. Reasons for co-ethnicity.

#### Shared language:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### Shared religion:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### Shared ancestry:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### Citizen of former colony:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### Ill treatment by country in the past:

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Self-declaration: avowal to be of country's ethnicity:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Other:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_98. May converts apply?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.3. Language test**

**IMMIGRATION\_100. What is the required level of language skills?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.4. Place of residence**

**IMMIGRATION\_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.5. Place of application**

**IMMIGRATION\_102. Place of application.**

**Can applicants file an application from outside the territory of the host country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can applicants file an application on host country's territory?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

#### **4.10.6. Date of birth**

**IMMIGRATION\_103. Do applicants need to be born before or after a certain date to be eligible?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.10.7. Permit validity**

**IMMIGRATION\_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_105. Permit renewal.**

**Is it possible to renew a temporary residence permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is it possible to apply for a permanent resident permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 5. Immigrant policies

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### 5.1. Permanent residence

#### 5.1.1. Eligibility

##### **IMMIGRANT\_1: General existence of a permanent residence scheme.**

Answer: Yes

Code: 1

Explanation: Among the residence permits, this is the Daueraufenthalt- EU. Refugees can already have an unlimited residence permit after three years, or be eligible for the Daueraufenthalt after five, as all other eligible foreigners.

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU" [Residence title "Permanent residence - EU"]. Accessed November 29, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen.](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen.) / Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 8.

##### **IMMIGRANT\_2: Existence of a permanent residence scheme for different proxies. Do asylum seekers have access to permanent residence?**

Answer: No

Code: 0

Explanation: They do not have a valid residence permit as asylum seekers; only as recognized holders of asylum (refugees). While the process is pending, they get a Procedure card (green card) pursuant to art. 50 AsylG (Austrian Asylum Act) or a Temporary Resident Card (white card) pursuant to art. 51 AsylG. Neither of them is a residence permit, but the time which they are held can be halfway counted towards residence, shall they be recognized as refugees.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 50 and 51.

##### **Do refugees have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: If they complete 3 years of residence and there are no grounds to retrieve from them the recognition as refugees. Half of time that they spend waiting for their asylum process to get solved can be counted towards the residence requirement as long as it exceeds 18 months.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 3 (4). / Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 45.

##### **Do co-ethnics have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do domestic workers have access to permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do agricultural workers have access to permanent residence?**

Answer: No

Code: 0

Explanation: They can only apply for a seasonal permit (visas C or D), which entitles them to a maximum of 6 months residence. Even if they get a permit for a validity of up to 5 years, which would cover several short seasons, this may not exceed the maximum length of stay of 90 days per 180-day period and there must be an employment permit for every season.

Sources: Oesterreich.gv.at. "Visumkategorien [Visa Types]". January 1, 2019. Accessed August 20, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/visum\\_fuer\\_oesterreich/Seite.3550020.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/visum_fuer_oesterreich/Seite.3550020.html).

### **Do medical doctors have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: If they complete 5 years of residence, completed the integration course level 2, besides the other standard requirements to get any residence permit: 1. Secured livelihood 2. Health insurance 3. Accommodation 4. Not endanger public order or security or be connected to terrorist or extremist activities or significantly impair Austria's relations with other countries.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 45 (2).

### **IMMIGRANT\_3: Required time of habitual residence.**

**How many months of habitual residence are required from asylum seekers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from refugees for accessing permanent residence?**

Answer: 36

Code: 36

Explanation: If they complete 3 years of residence and there are no grounds to retrieve from them the recognition as refugees, authorities may grant them unlimited residence permit. Otherwise, after 5 years they may apply for the Daueraufenthalt-EU.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 3 (4). / Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 45.

**How many months of habitual residence are required from co-ethnics for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from domestic workers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from agricultural workers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from medical doctors for accessing permanent residence?**

Answer: 60

Code: 60

Explanation: §45 of the NAG (1) Third-country nationals who have actually been resident continuously for the past five years can be issued a residence permit "permanent residence - EU" if they 1. meet the requirements of Part 1 and 2. have fulfilled module 2 of the integration agreement (§ 10 IntG). Those 5 years must be uninterrupted. If more than 10 months are accounted within 5 years (accumulated) or 6 months at once, the period is taken as broken.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 45 (1).

**IMMIGRANT\_4: Periods of absence allowed.**

**Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 2

Code: 2

Explanation: §45, (4) of the NAG states that the five-year period is breached if the third-country national has stayed outside of the federal territory for a total of longer than ten months or continuously more than six months. In these cases, the period begins again from the last lawful entry. Because the 10 months are stipulated for a five-year period, we calculate the average as 2 months per year.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 45, (4).

**Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 2

Code: 2

Explanation: §45, (4) of the NAG states that the five-year period is breached if the third-country national has stayed outside of the federal territory for a total of longer than ten months or continuously more than six months. In these cases, the period begins again from the last lawful entry. Because the 10 months are stipulated for a five-year period, we calculate the average as 2 months per year.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 45, (4).

### **IMMIGRANT\_5. Result of a regularization process.**

**The regularization process leads to:**

Answer: temporal residence permit

Code: 0.25

Explanation: Regularization in Austria only applies for people who have failed to renew their permits; as such, the permit it leads to depends on the permit that the person had before.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 24 (1).

### **IMMIGRANT\_6: Language test.**

**Is there a language requirement for asylum seekers to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for refugees to access permanent residence?**

Answer: yes, fluency in language of reception is required

Code: 0

Explanation: They have to comply with the Integration Module 2. §45, (12) of the NAG: "Persons entitled to asylum who have had the status of the person entitled to asylum without interruption in the last five years (Section 3 AsylG 2005) and persons entitled to subsidiary protection who were legally resident and have been continuously entitled to subsidiary protection in the past five years due to a residence permit (Section 8 (4) Asylum Act 2005), can be issued a residence permit "permanent residence - EU" if they 1. meet the requirements of Part 1 and 2. have fulfilled module 2 of the integration agreement (§ 10 IntG)."



Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 45, (12).

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for domestic workers to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for medical doctors to access permanent residence?**

Answer: yes, fluency in language of reception is required

Code: 0

Explanation: The NAG specifies that third-country nationals who have actually been resident continuously for the past five years can be issued a residence permit "permanent residence - EU" if they 1. meet the requirements of Part 1 and 2. have fulfilled module 2 of the integration agreement (§ 10 IntG). This module is a mix of a language and civic test, and is defined with reference to an intermediate level of language competence in the Integrationsgesetz from 2018 [1] as: "Module 2 serves to acquire knowledge of the German language for independent language use at language level B1 in accordance with the Common European Framework of Reference for Languages and the in-depth communication of the fundamental values of the legal and social order".

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 45, (1) and 2. / Integrationsgesetz [Integration Act]. 2017. § 10-13.

## **IMMIGRANT\_7: Economic resources.**

**Is there an economic resources requirement for applying to permanent residence for asylum seekers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for refugees?**

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Proof of secured livelihood is required. This can be proven through payslips, wage confirmations, service contracts, confirmations of pension, pension or other insurance benefits, proof of investment capital or own assets in sufficient amount. The authority may only issue a residence permit if the stranger has regular income during the stay, so that there is no financial burden on local authorities (federal, state, or municipalities).

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU [Residence title "Permanent residence - EU"]". Accessed November 29, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen). / Oesterreich.gv.at. "Allgemeine Voraussetzungen für die Erteilung von Aufenthaltstiteln [General Requirements for the Issuance of Residence Permits]". Accessed April 7, 2020.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/Seite.120217.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/Seite.120217.html).

**Is there an economic resources requirement for applying to permanent residence for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for domestic workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for agricultural workers?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for medical doctors?**

Answer: income source linked to employment or no use of social assistance

Code: 0

Explanation: Proof of secured livelihood is required. This can be proven through payslips, wage confirmations, service contracts, confirmations of pension, pension or other insurance benefits, proof of investment capital or own assets in sufficient amount. The authority may only issue a residence permit if the stranger has regular income during the stay, so that there is no financial burden on local authorities (federal, state, or municipalities).

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU [Residence title "Permanent residence - EU"]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen). / Oesterreich.gv.at. "Allgemeine Voraussetzungen für die Erteilung von Aufenthaltstiteln [General Requirements for the Issuance of Residence Permits]". Accessed April 7, 2020. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/Seite.120217.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/Seite.120217.html).

**IMMIGRANT\_8: Cost of application.**

**What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?**

Answer: 230

Code: 230

Explanation: To start the application: 120 Eur or 75 euros for children under 6 years. If granted: 70 euros more, 100 euros for children under 6 years. Personalization costs (acceptance of photo and signature): 20 euros This implies a minimum of 140 Euros just to start the application, and a maximum of 230 Euros (248,5 USD) is successful.

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU [Residence title "Permanent residence - EU"]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen).

**What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?**

Answer: 248.5

Code: 248.5

Explanation: To start the application: 120 Eur or 75 euros for children under 6 years. If granted: 70 euros more, 100 euros for children under 6 years. Personalization costs (acceptance of photo and signature): 20 euros This implies a minimum of 140 Euros just to start the application, and a maximum of 230 Euros (248,5 USD) is successful.

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU [Residence title "Permanent residence - EU"]". Accessed November 29, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen).

**IMMIGRANT\_9: Employer sponsorship.**

**Do asylum seekers have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: This is not listed either as a requirement on top of or as a possibility to skip/substitute for assuring living conditions.

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU [Residence title "Permanent residence - EU"]". Accessed November 29, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen).

**Do co-ethnics have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do domestic have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do agricultural workers have to be sponsored by an employer?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do medical doctors have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: This is not listed either as a requirement on top of or as a possibility to skip/substitute for assuring living conditions.

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU [Residence title "Permanent residence - EU"]". Accessed November 29, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen).

## **5.1.2. Security of status**

### **IMMIGRANT\_10: Maximum length of application procedure.**

#### **Maximum length of application procedure for asylum seekers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for asylum seekers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for refugees in months:**

Answer: 997

Code: 997

Explanation: There is no general information on the duration of the procedure given by authorities. According to the website describing the procedure: "Information on the duration of the individual process can be obtained directly from the respective migration authority where foreigners start it. It depends on whether the documentation is complete."

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU [Residence title "Permanent residence - EU"]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen).

**Maximum length of application procedure for refugees:**

Answer: no regulation on maximum length

Code: 0

Explanation: There is no general information on the duration of the procedure given by authorities. According to the website describing the procedure: "Information on the duration of the individual process can be obtained directly from the respective migration authority where foreigners start it. It depends on whether the documentation is complete."

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU [Residence title "Permanent residence - EU"]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen).

**Maximum length of application procedure for co-ethnics in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for co-ethnics:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for domestic workers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for domestic workers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for agricultural workers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for agricultural workers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for medical doctors in months:**

Answer: 997

Code: 997

Explanation: There is no general information on the duration of the procedure given by authorities. According to the website describing the procedure: "Information on the duration of the individual process can be obtained directly from the respective migration authority where foreigners start it. It depends on whether the documentation is complete"

Sources: Oesterreich.gv.at. "Aufenthaltstitel Daueraufenthalt – EU [Residence title "Permanent residence - EU"]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/aufenthalt/3/2/Seite.120402.html#Voraussetzungen).

**Maximum length of application procedure for medical doctors:**

Answer: no regulation on maximum length

Code: 0

Explanation: There is no general information on the duration of the procedure given by authorities. According to the website describing the procedure: "Information on the duration of the individual process can be obtained directly from the respective migration authority where foreigners start it. It depends on whether the documentation is complete"

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 28 and 3.

**IMMIGRANT\_11: Grounds for rejection.**

**Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:**

Answer: yes

Code: 1

Explanation: Residence permits are to be withdrawn if the special requirements for granting no longer exist. Withdrawal can be waived if there is a case under Section 27 (1) to (3) or if the foreigner has to be given another residence permit as part of a change of purpose procedure (Section 26). Section 10 (3) 1 applies. Residence permits are also to be withdrawn if the regional office of the Labor Market Service informs the authority that the respective requirements in accordance with Sections 12 to 12c, 14 or 18a AuslBG no longer available. In the event of withdrawal of a residence permit pursuant to sections 58.

Sources: §28 and §3, (5), 3 of the NAG [Gesamte Rechtsvorschrift für Niederlassungs- und Aufenthaltsgesetz, Fassung vom 22.07.2019].

**IMMIGRANT\_12: Legal guarantees.**



**Rejection of applications must be reasoned:**

Answer: no

Code: 0

Explanation: No such provision

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 3 (3).

**Rejected applicants have the right to appeal:**

Answer: yes

Code: 1

Explanation: There is a right to appeal, as evidenced by its mention in the law (NAG, see for instance, §35, (1), but §3 states that the right to appeal is not valid if the process of requesting a residence or settlement permit failed out of formal grounds (not presenting the required documents).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 3 (3).

**IMMIGRANT\_13: Expulsion is precluded for victims of violence or crime.**

**Expulsion is precluded for immigrants of all categories who are victims of violence or crime:**

Answer: yes

Code: 1

Explanation: There is a special provision for family members of immigrants to get an independent permit on their own in special circumstances, those being particularly if the family member is the victim of a forced marriage or partnership or has been the victim of violence and an injunction has been issued.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 27, (2) (3) and 1.

## **5.2. Policies of representation**

**IMMIGRANT\_14: Regulation of electoral rights.**

**Subnational electoral rights can be regulated at the subnational level:**

Answer: yes

Code: 1

Explanation: Federal voting rights are defined in the Constitution, but the laws for the election of parliaments of each of the Bundesländer may regulate different further provisions on local voting rights.

Sources: BMEIA, Außenministerium Österreich. Wahlrecht [Right to Vote]". Accessed April 9, 2020. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/wahlen/wahlrecht/>.

### 5.2.1. Electoral rights

#### IMMIGRANT\_15: Voting eligibility for non-citizens.

##### Does the country have presidential elections?

Answer: yes

Code: 1

##### Does the country have a bicameral system (composed of a lower house and an upper house)?

Answer: yes

Code: 1

##### Can non-citizen residents vote in national presidential elections?

Answer: generally disenfranchised

Code: 0

Explanation: Art. 26, 2, (4) of Bundes-Verfassungsgesetz: "Eligible for election are those being entitled to vote for the National Council, who are in the possession of the Austrian nationality on the key date and have completed their eighteenth year of life on the day of election".

Sources: Bundes-Verfassungsgesetz. [Federal Constitutional Law]. 1999 (2019). Art. 26, 2, (4).

##### Can non-citizen residents vote in national legislative elections (lower house)? :

Answer: generally disenfranchised

Code: 0

Explanation: In 2002 the Vienna Provincial Parliament enacted a law allowing third country nationals after five years of residence in the city to vote and be elected at district level. However, it was cancelled.

Sources: Stern, Joachim., and Valchars, Gerd. Access to Electoral Rights Austria. Florence: EUDO Citizenship Observatory, 2013. Access date not available.

**Can non-citizen residents vote in national legislative elections (upper house)? :**

Answer: Not applicable

Code: Not applicable

Explanation: There are no upper house elections in the country.

Sources: Bundes-Verfassungsgesetz. [Federal Constitutional Law]. 1999 (2019).

**IMMIGRANT\_16: Residence duration-based requirements for active electoral rights.**

**Previous residence required for being eligible to vote in presidential elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in lower house elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in upper house elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_17: Registration in the electoral roll for non-citizen residents.**

**Registration in the electoral roll for non-citizen residents:**

Answer: Not applicable (non-citizen residents cannot vote)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRANT\_18: Passive electoral rights for non-citizen residents.**

##### **Can non-citizen residents stand as candidates in national presidential elections?**

Answer: generally disenfranchised

Code: 0

Explanation: Art. 26, 2, (4) of Bundes-Verfassungsgesetz: "Eligible for election are those being entitled to vote for the National Council, who are in the possession of the Austrian nationality on the key date and have completed their eighteenth year of life on the day of election".

Sources: Bundes-Verfassungsgesetz. [Federal Constitutional Law]. 1999 (2019). Art. 26, 2, (4).

##### **Can non-citizen residents stand as candidates in national legislative elections (lower house)?**

Answer: generally disenfranchised

Code: 0

Explanation: Art. 26, 2, (4) of Bundes-Verfassungsgesetz: "Eligible for election are those being entitled to vote for the National Council, who are in the possession of the Austrian nationality on the key date and have completed their eighteenth year of life on the day of election".

Sources: Bundes-Verfassungsgesetz. [Federal Constitutional Law]. 1999 (2019). Art. 26, 2, (4).

##### **Can non-citizen residents stand as candidates in national legislative elections (upper house)?**

Answer Not applicable (no presidential elections)

Code: Not applicable

Explanation: There are no upper house elections in the country.

Sources: Bundes-Verfassungsgesetz. [Federal Constitutional Law]. 1999 (2019).

#### **IMMIGRANT\_19: Residence duration-based restrictions for passive electoral rights.**

##### **Previous residence required for being eligible to stand as candidate in presidential elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to stand as candidate in lower house elections:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **5.2.2. Regulation of participation in parties**

**IMMIGRANT\_20: Emigrant membership to home country political parties.**

**Non-citizen resident membership to state or reception political parties:**

Answer: legally allowed and same status for citizens and non-citizen residents

Code: 1

Explanation: This depends on the party, but parties may accept members regardless of nationality. An example is the SPÖ, which includes in its statutes, §3 that: "Any person who is committed to their principles and is willing to fulfill the obligations set out in this statute can become a member of the SPÖ". An almost identical formulation is to be found in the statutes of the other biggest party in Austria, the ÖVP (§13, 1).

Sources: SPÖ. "Das neue Organisationsstatut [The New Organisational Statute]". Access date not available. <https://www.spoe.at/wp-content/uploads/sites/739/2019/01/Statut2018.pdf>. / ÖVP. Bundespartei-Organisationsstatut der österreichischen Volkspartei [Federal Party Organizational Statute of the Austrian People's Party]. Access date not available. <https://res.dieneuevolkspartei.at/Files/Organisationsstatut-sjKWLM.pdf>.

### **5.2.3. Consultative bodies**

**IMMIGRANT\_21: Existence of a consultative body of immigrants acting at the national level.**

**Existence of a consultative body on immigrant issues:**

Answer: no

Code: 0

Explanation: Neither in the migration.gv.at Website nor in the Österreichische Integrationsfonds Website is there any content related to or any indication of the existence of a consultative body for immigrants acting at the national level. At the subnational level, provinces (Bundesländer) and cities do have such councils.

Sources: Beratung: Österreichischer Integrationsfonds ÖIF. "Beratung [Consulting]". Accessed April 9, 2020. <https://www.integrationsfonds.at/themen/beratung/>. / Migration.gv.at. "Sitemap".

<https://www.migration.gv.at/de/fusszeile/sitemap/. /GRAZ>. "Graz Stadtportal Startseite - Stadtportal der Landeshauptstadt Graz [Graz Stadtportal Homepage - City Portal of the City of Graz]". Accessed April 9, 2020. [www.graz.at](http://www.graz.at).

**IMMIGRANT\_22: Structural or ad hoc consultation.**

**The consultation is:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_23: Composition of the consultative body.**

**Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_24: Leadership of the consultative body.**

**Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_25: Right of initiative to make its own reports or recommendations.**

**The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_26: Right to get a response from the government to recommendation.**

**Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_27: Selection criteria to ensure representativeness.**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographic-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **5.3. Economic policies**

### **5.3.1. Access to labor market**

**IMMIGRANT\_28: Migrant access to labor market.**

**Can asylum seekers access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Asylum-seekers may access the labor market after three months and only in a few sectors of the economy that have a demand (under a labor market test).

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 4 (1).

#### **Can refugees access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: Recognized refugees and persons granted subsidiary protection are not treated as foreigners for the purposes of the labor market, but are treated like nationals.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975.

#### **Can co-ethnics access the labor market?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can domestic workers access the labor market?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can agricultural workers access the labor market?**

Answer: no

Code: 0

Explanation: There is no possibility for seasonal workers to access the labor market with the same conditions as nationals.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]." Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaeftigung/saisoniers/>.



### **Can medical doctors access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: First-time holders of a red-white-red card have a residence permit for two years and a permit to work for a specific employer. If the holder changes employers within the first two years, he/she must apply for a new red-white-red card. After 21 months of lawful employment, the holder may apply for a red-white-red card plus, which gives its holder unlimited access to the labor market. Holders of a red-white-red card plus can change employers at any time without having to apply for a new permit.

Sources: Migration.gv.at. "Fragen & Antworten [Questions and Answers]". Access date not available. <https://www.migration.gv.at/de/fragen-antworten/>.

### **Can permanent residents access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: Permanent residents has equal access to the labor market as nationals.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 17.

### **IMMIGRANT\_29: Migrant access to self-employment.**

#### **Can asylum seekers access self-employment?**

Answer: no

Code: 0

Explanation: Asylum seekers has no access to self-employment, even after three months into their asylum-seeking process.

Sources: Flüchtlinge "Asyl & Arbeit [Asylum & Work]". Accessed April 9, 2020. [https://fluechtlinge.wien/asyl\\_und\\_arbeit/](https://fluechtlinge.wien/asyl_und_arbeit/).

#### **Can refugees access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Recognized refugees and persons granted subsidiary protection are not treated as foreigners for the purposes of the labor market, but are treated like nationals.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975.

### **Can co-ethnics access self-employment?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers access self-employment?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access self-employment?**

Answer: no

Code: 0

Explanation: The entry track for seasonal agricultural workers is limited to the agricultural sector and must be tied to an employer who complies with the applicable wage and working conditions.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]." Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-beschaefigung/saisoniers/>.

### **Can medical doctors access self-employment?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Only if they have the red-white-red plus card (after two years of having resided in Austria with employment under the red-white-red card).

Sources: Migration.gv.at. "Fragen & Antworten [Questions and Answers]". Access date not available. <https://www.migration.gv.at/de/fragen-antworten/>.

### **Can permanent residents access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Permanent residents have unrestricted access to the labor market.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 17.

### **IMMIGRANT\_30: Migrant access to civil service.**

#### **Can asylum seekers access employment in schools (primary and secondary)?**

Answer: no

Code: 0

Explanation: After three months into their asylum-seeking process, Asylum-seekers may apply for work permits. They, however, are not allowed to access employment in schools.

Sources: DER STANDARD. "Lehrer gesucht - aber nicht aus dem Ausland [Teachers Wanted - But not from Abroad]". Accessed April 9, 2020. <https://www.derstandard.at/story/1360161394113/lehrer-gesucht---aber-nicht-aus-dem-ausland>.

#### **Can refugees access employment in schools (primary and secondary)?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Refugees and permanent residents, as holders of the red-white-red card plus may, but the conditions are not equal.

Sources: DER STANDARD. "Lehrer gesucht - aber nicht aus dem Ausland [Teachers Wanted - But not from Abroad]". Accessed April 9, 2020. <https://www.derstandard.at/story/1360161394113/lehrer-gesucht---aber-nicht-aus-dem-ausland>.

#### **Can co-ethnics access employment in schools (primary and secondary)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can domestic workers access employment in schools (primary and secondary)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access employment in schools (primary and secondary)?**

Answer: no

Code: 0

Explanation: No access to employment in schools

Sources: DER STANDARD. "Lehrer gesucht - aber nicht aus dem Ausland [Teachers Wanted - But not from Abroad]". Accessed April 9, 2020. <https://www.derstandard.at/story/1360161394113/lehrer-gesucht---aber-nicht-aus-dem-ausland>.

### **Can medical doctors access employment in schools (primary and secondary)?**

Answer: no

Code: 0

Explanation: No access to employment in schools

Sources: DER STANDARD. "Lehrer gesucht - aber nicht aus dem Ausland [Teachers Wanted - But not from Abroad]". Accessed April 9, 2020. <https://www.derstandard.at/story/1360161394113/lehrer-gesucht---aber-nicht-aus-dem-ausland>.

### **Can permanent residents access employment in schools (primary and secondary)?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Refugees and permanent residents, as holders of the red-white-red card plus may, but the conditions are not equal.

Sources: DER STANDARD. "Lehrer gesucht - aber nicht aus dem Ausland [Teachers Wanted - But not from Abroad]". Accessed April 9, 2020. <https://www.derstandard.at/story/1360161394113/lehrer-gesucht---aber-nicht-aus-dem-ausland>.

### **Can asylum seekers access employment in public administration?**

Answer: no

Code: 0

Explanation: After three months into their asylum-seeking process, Asylum-seekers may apply for work permits. However, they are not allowed to access employment in public administrations.

Sources: Flüchtlinge "Asyl & Arbeit [Asylum & Work]". Accessed April 9, 2020. [https://fluechtlinge.wien/asyl\\_und\\_arbeit/](https://fluechtlinge.wien/asyl_und_arbeit/).

### **Can refugees access employment in public administration?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Up to a certain level foreigners with unlimited access to the labor market may be eligible to become civil servants, but for positions that require “direct or indirect participation in the performance of official tasks and the perception of general interests of the state” the Austrian nationality might be required.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. / Beamten-Dienstrechtsgesetz [Civil Service Law Act].1979 (2020). / Polizei Österreich.“Einstellungsvoraussetzungen Prüfen [Recruitment Requirements Check]”. Accessed April 9, 2020. [http://www.polizeikarriere.gv.at/einstellungsvoraussetzung\\_pruefen.html](http://www.polizeikarriere.gv.at/einstellungsvoraussetzung_pruefen.html). / Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). / Wehrgesetz [Military Code]. 2001 (2020).

### **Can co-ethnics access employment in public administration?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers access employment in public administration?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access employment in public administration?**

Answer: no

Code: 0

Explanation: Up to a certain level foreigners with unlimited access to the labor market may be eligible to become civil servants, but for positions that require “direct or indirect participation in the performance of official tasks and the perception of general interests of the state” the Austrian nationality might be required.

Sources: Beamten-Dienstrechtsgesetz [Civil Service Law Act].1979 (2020). § 4 and 42a.

### **Can medical doctors access employment in public administration?**

Answer: no

Code: 0

Explanation: Up to a certain level foreigners with unlimited access to the labor market may be eligible to become civil servants, but for positions that require “direct or indirect participation in the performance of official tasks and the perception of general interests of the state” the Austrian nationality might be required.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. / Beamten-Dienstrechtsgesetz [Civil Service Law Act]. 1979 (2020). / Polizei Österreich.“Einstellungsvoraussetzungen Prüfen [Recruitment Requirements Check]”. Accessed April 9, 2020. [http://www.polizeikarriere.gv.at/einstellungsvoraussetzung\\_pruefen.html](http://www.polizeikarriere.gv.at/einstellungsvoraussetzung_pruefen.html). / Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). / Wehrgesetz [Military Code]. 2001 (2020).

### **Can permanent residents access employment in public administration?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Permanent residents have access to employment in public administrations. However, the access is limited to low-level positions.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. / Beamten-Dienstrechtsgesetz [Civil Service Law Act]. 1979 (2020). / Polizei Österreich.“Einstellungsvoraussetzungen Prüfen [Recruitment Requirements Check]”. Accessed April 9, 2020. [http://www.polizeikarriere.gv.at/einstellungsvoraussetzung\\_pruefen.html](http://www.polizeikarriere.gv.at/einstellungsvoraussetzung_pruefen.html). / Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). / Wehrgesetz [Military Code]. 2001 (2020).

### **Can asylum seekers access employment in the police?**

Answer: no

Code: 0

Explanation: Only Austrian nationals have access to employment in the police force.

Sources: Polizei Österreich.“Einstellungsvoraussetzungen Prüfen [Recruitment Requirements Check]”. Accessed April 9, 2020. [http://www.polizeikarriere.gv.at/einstellungsvoraussetzung\\_pruefen.html](http://www.polizeikarriere.gv.at/einstellungsvoraussetzung_pruefen.html).

### **Can refugees access employment in the police?**

Answer: no

Code: 0

Explanation: Only Austrian nationals have access to employment in the police force.

Sources: Polizei Österreich. "Einstellungsvoraussetzungen Prüfen [Recruitment Requirements Check]". Accessed April 9, 2020.  
[http://www.polizeikarriere.gv.at/einstellungsvoraussetzung\\_pruefen.html](http://www.polizeikarriere.gv.at/einstellungsvoraussetzung_pruefen.html).

#### **Can co-ethnics access employment in the police?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can domestic workers access employment in the police?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can agricultural workers access employment in the police?**

Answer: no

Code: 0

Explanation: Only Austrian nationals can access employment in the police force

Sources: Polizei Österreich. "Einstellungsvoraussetzungen Prüfen [Recruitment Requirements Check]". Accessed April 9, 2020.  
[http://www.polizeikarriere.gv.at/einstellungsvoraussetzung\\_pruefen.html](http://www.polizeikarriere.gv.at/einstellungsvoraussetzung_pruefen.html).

#### **Can medical doctors access employment in the police?**

Answer: no

Code: 0

Explanation: Only Austrian nationals have access to employment in the police force.

Sources: Polizei Österreich. "Einstellungsvoraussetzungen Prüfen [Recruitment Requirements Check]". Accessed April 9, 2020.  
[http://www.polizeikarriere.gv.at/einstellungsvoraussetzung\\_pruefen.html](http://www.polizeikarriere.gv.at/einstellungsvoraussetzung_pruefen.html).

#### **Can permanent residents access employment in the police?**

Answer: no

Code: 0

Explanation: Only Austrian nationals have access to employment in the police force.

Sources: Polizei Österreich. "Einstellungsvoraussetzungen Prüfen [Recruitment Requirements Check]". Accessed April 9, 2020.  
[http://www.polizeikarriere.gv.at/einstellungsvoraussetzung\\_pruefen.html](http://www.polizeikarriere.gv.at/einstellungsvoraussetzung_pruefen.html).

**Quotas for preferential hiring of asylum seekers exist:**

Answer: no

Code: 0

Explanation: On the contrary, labor market tests exist to limit foreign workers.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

**Quotas for preferential hiring of refugees exist:**

Answer: no

Code: 0

Explanation: On the contrary, labor market tests exist to limit foreign workers.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

**Quotas for preferential hiring of co-ethnics exist:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Quotas for preferential hiring of domestic workers exist:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



**Quotas for preferential hiring of agricultural workers exist:**

Answer: no

Code: 0

Explanation: On the contrary, labor market tests exist to limit foreign workers.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

**Quotas for preferential hiring of medical doctors:**

Answer: no

Code: 0

Explanation: On the contrary, labor market tests exist to limit foreign workers.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

**Quotas for preferential hiring of permanent residents:**

Answer: no

Code: 0

Explanation: On the contrary, labor market tests exist to limit foreign workers.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

**Can asylum seekers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Only Austrian nationals have access to employment in the armed forces.

Sources: Wehrgesetz [Military Code]. 2001 (2020).

**Can refugees access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Only Austrian nationals have access to employment in the armed forces.

Sources: Wehrgesetz [Military Code]. 2001 (2020).

**Can co-ethnics access employment in the armed forces?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers access employment in the armed forces?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can agricultural workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Only Austrian nationals have access to employment in the armed forces.

Sources: Wehrgesetz [Military Code]. 2001 (2020).

**Can medical doctors access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Only Austrian nationals have access to employment in the armed forces.

Sources: Wehrgesetz [Military Code]. 2001 (2020).

**Can permanent residents access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Only Austrian nationals have access to employment in the armed forces.

Sources: Wehrgesetz [Military Code]. 2001 (2020).

### 5.3.2. Access to support

#### IMMIGRANT\_31: Public employment services.

##### Can asylum seekers access public employment services?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### Can refugees access public employment services?

Answer: Yes, equal access

Code: 1

Explanation: The requirements to get unemployment support (in form of transfers, money, employment search support) is available to people as workers, not as nationals, if they fulfil the standard conditions of having worked long enough (52 weeks) paying unemployment insurance, or less (26) for certain age groups and previously unemployed people.

Sources: Arbeitsmarktservice Österreich. " Arbeitslosengeld in Österreich " alle Informationen: AMS [Unemployment Benefits in Austria " All Information: AMS]". Accessed April 10, 2020. <https://www.ams.at/arbeitsuchende/arbeitslos-was-tun/geld-vom-ams/arbei...>

##### Can co-ethnics access public employment services?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### Can domestic workers access public employment services?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: The requirements to get unemployment support (in form of transfers, money, employment search support) is available to people as workers, not as nationals, if they fulfil the standard conditions of having worked long enough (52 weeks) paying unemployment insurance, or less (26) for certain age groups and previously unemployed people.

Sources: Arbeitsmarktservice Österreich. " Arbeitslosengeld in Österreich " alle Informationen: AMS [Unemployment Benefits in Austria " All Information: AMS]". Accessed April 10, 2020. <https://www.ams.at/arbeitsuchende/arbeitslos-was-tun/geld-vom-ams/arbei...>

### **Can medical doctors access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: The requirements to get unemployment support (in form of transfers, money, employment search support) is available to people as workers, not as nationals, if they fulfill the standard conditions of having worked long enough (52 weeks) paying unemployment insurance, or less (26) for certain age groups and previously unemployed people.

Sources: Arbeitsmarktservice Österreich. " Arbeitslosengeld in Österreich " alle Informationen: AMS [Unemployment Benefits in Austria " All Information: AMS]". Accessed April 10, 2020. <https://www.ams.at/arbeitsuchende/arbeitslos-was-tun/geld-vom-ams/arbei...>

### **Can permanent residents access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Unemployment support (in form of transfers, money, employment search support) is available to people as workers, not as nationals, if they fulfill the standard conditions of having worked long enough (52 weeks) paying unemployment insurance, or less (26) for certain age groups and previously unemployed people.

Sources: Arbeitsmarktservice Österreich. " Arbeitslosengeld in Österreich " alle Informationen: AMS [Unemployment Benefits in Austria " All Information: AMS]". Accessed April 10, 2020. <https://www.ams.at/arbeitsuchende/arbeitslos-was-tun/geld-vom-ams/arbei...>

### **IMMIGRANT\_32: Recognition of qualifications.**

#### **Recognition of qualifications acquired abroad by asylum seekers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: All information on the complex process of recognition of qualifications (university qualifications, notification and permission for employment, as well as special processes for regulated professions) are directed to any person with qualifications obtained abroad, not only to foreigners.

Sources: AST. "Anlaufstellen für Personen mit im Ausland erworbenen Qualifikationen [Contact Points for Persons with Qualifications Acquired Abroad]". Accessed April 10, 2020. <https://www.anlaufstelle-erkennung.at/sites/view/3>.

#### **Recognition of qualifications acquired abroad by refugees:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: All information on the complex process of recognition of qualifications (university qualifications, notification and permission for employment, as well as special processes for regulated professions) are directed to any person with qualifications obtained abroad, not only to foreigners.

Sources: AST. "Anlaufstellen für Personen mit im Ausland erworbenen Qualifikationen [Contact Points for Persons with Qualifications Acquired Abroad]". Accessed April 10, 2020. <https://www.anlaufstelle-erkennung.at/sites/view/3>.

#### **Recognition of qualifications acquired abroad by co-ethnics:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Recognition of qualifications acquired abroad by domestic workers:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Recognition of qualifications acquired abroad by agricultural workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: All information on the complex process of recognition of qualifications (university qualifications, notification and permission for employment, as well as special processes for regulated professions) are directed to any person with qualifications obtained abroad, not only to foreigners.

Sources: AST. "Anlaufstellen für Personen mit im Ausland erworbenen Qualifikationen [Contact Points for Persons with Qualifications Acquired Abroad]". Accessed April 10, 2020. <https://www.anlaufstelle-erkennung.at/sites/view/3>.

#### **Recognition of qualifications acquired abroad by medical doctors:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: All information on the complex process of recognition of qualifications (university qualifications, notification and permission for employment, as well as special processes for regulated professions) are directed to any person with qualifications obtained abroad, not only to foreigners.

Sources: AST. "Anlaufstellen für Personen mit im Ausland erworbenen Qualifikationen [Contact Points for Persons with Qualifications Acquired Abroad]". Accessed April 10, 2020. <https://www.anlaufstelle-erkennung.at/sites/view/3>.

#### **Recognition of qualifications acquired abroad by permanent residents:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: All information on the complex process of recognition of qualifications (university qualifications, notification and permission for employment, as well as special processes for regulated professions) are directed to any person with qualifications obtained abroad, not only to foreigners.

Sources: AST. "Anlaufstellen für Personen mit im Ausland erworbenen Qualifikationen [Contact Points for Persons with Qualifications Acquired Abroad]". Accessed April 10, 2020. <https://www.anlaufstelle-erkennung.at/sites/view/3>.

### **5.3.3. Worker's rights**

#### **IMMIGRANT\_33: Membership in trade unions.**

##### **Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: In the past, Austrian nationality was required to be elected to leadership positions in trade unions. This is no longer the case.

Sources: Arbeitsverfassungsgesetz [Labor Constitution Act]. 1974 (2020).

**Can refugees be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: In the past, Austrian nationality was required to be elected to leadership positions in trade unions. This is no longer the case.

Sources: Arbeitsverfassungsgesetz [Labor Constitution Act]. 1974 (2020).

**Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: In the past, Austrian nationality was required to be elected to leadership positions in trade unions. This is no longer the case.

Sources: Arbeitsverfassungsgesetz [Labor Constitution Act]. 1974 (2020).

**Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: In the past, Austrian nationality was required to be elected to leadership positions in trade unions. This is no longer the case.

Sources: Arbeitsverfassungsgesetz [Labor Constitution Act]. 1974 (2020).

**Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, equal access

Code: 1

Explanation: In the past, Austrian nationality was required to be elected to leadership positions in trade unions. This is no longer the case.

Sources: Arbeitsverfassungsgesetz [Labor Constitution Act]. 1974 (2020).

**IMMIGRANT\_34: Job transferability.**

**Can asylum seekers change their employer without risking their immigration status?**

Answer: No

Code: 0

Explanation: § 4. (1) of the AuslBG: "An employer is to be granted an employment permit for the foreigner specified in the application if the situation and development of the labor market permits employment (labor market test), important public and macroeconomic interests do not conflict and the foreigner has a right of residence under the NAG or the Aliens Police Act 2005 (FPG), Federal Law Gazette I No. 100, which does not preclude the pursuit of employment, or has been admitted to the asylum procedure for three months and has a de facto protection against deportation or a Right of residence according to §§ 12 or 13 AsylG 2005 or has a right of residence according to § 54 para. 1 no. 2 or 3 AsylG 2005 or is tolerated according to § 46a FPG... "

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 4 (1).

**Can refugees change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Recognized refugees and persons granted subsidiary protection are not treated as foreigners for the purposes of the labor market, but like nationals.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975.

**Can co-ethnics change their employer without risking their immigration status?**



Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers change their employer without risking their immigration status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Seasonal workers can change employers. In the case of a change of employers an available quota place will not be necessary.

Sources: Migration.gv.at. "Saisoniers [Seasonal Workers]." Accessed September 7, 2019. <https://www.migration.gv.at/de/formen-der-zuwanderung/befristete-bescha....> / Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 5.

### **Can medical doctors change their employer without risking their immigration status?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: First-time holders of a red-white-red card have a residence permit for two years and a permit to work for a specific employer. If the holder changes employers within the first two years, he/she must apply for a new red-white-red card. After 21 months of lawful employment, the holder may apply for a red-white-red card plus, which gives its holder unlimited access to the labor market. Holders of a red-white-red card plus can change employers at any time without having to apply for a new permit.

Sources: Migration.gv.at. "Fragen & Antworten [Questions and Answers]". Access date not available. <https://www.migration.gv.at/de/fragen-antworten/>.

### **Can permanent residents change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Permanent residents are not treated as foreigners for the purposes of the labor market, but like nationals.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975. § 17.

#### **IMMIGRANT\_35: Right to redress.**

**Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?**

Answer: No

Code: 0

Explanation: No provision found on this in the Gesamte Rechtsvorschrift für Ausländerbeschäftigungsgesetz.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975.

**Do refugees have the right to redress if the terms of their employment contracts have been violated?**

Answer: No

Code: 0

Explanation: No provision found on this in the Gesamte Rechtsvorschrift für Ausländerbeschäftigungsgesetz.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975.

**Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: No

Code: 0

Explanation: No provision found on this in the Gesamte Rechtsvorschrift für Ausländerbeschäftigungsgesetz.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975.

**Do medical doctors have the right to redress if the terms of their employment contracts have been violated?**

Answer: No

Code: 0

Explanation: No provision found on this in the Gesamte Rechtsvorschrift für Ausländerbeschäftigungsgesetz.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975.

**Do permanent residents have the right to redress if the terms of their employment contracts have been violated?**

Answer: No

Code: 0

Explanation: No provision found on this in the Gesamte Rechtsvorschrift für Ausländerbeschäftigungsgesetz.

Sources: Ausländerbeschäftigungsgesetz [Foreigners Employment Act]. 1975.

#### **5.3.4. Property rights**

**IMMIGRANT\_36: Property rights.**

**Can asylum seekers acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: The private rights and duties defined in the General Civil Rights Law (ABGB - Allgemeines bürgerliches Gesetzbuch), which defines property, cover all the residents of the State (§1).

Sources: Allgemeines Bürgerliches Gesetzbuch - Bundesrecht Konsolidiert [General Civil Code - Federal Law Consolidated]. 2013 (2020).

### **Can refugees acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: The private rights and duties defined in the General Civil Rights Law (ABGB - Allgemeines bürgerliches Gesetzbuch), which defines property, cover all the residents of the State (§1).

Sources: Allgemeines Bürgerliches Gesetzbuch - Bundesrecht Konsolidiert [General Civil Code - Federal Law Consolidated]. 2013 (2020).

### **Can co-ethnics acquire property in the state of reception?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers acquire property in the state of reception?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: The private rights and duties defined in the General Civil Rights Law (ABGB - Allgemeines bürgerliches Gesetzbuch), which defines property, cover all the residents of the State (§1).

Sources: Allgemeines Bürgerliches Gesetzbuch - Bundesrecht Konsolidiert [General Civil Code - Federal Law Consolidated]. 2013 (2020).

#### **Can medical doctors acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: The private rights and duties defined in the General Civil Rights Law (ABGB - Allgemeines bürgerliches Gesetzbuch), which defines property, cover all the residents of the State (§1).

Sources: Allgemeines Bürgerliches Gesetzbuch - Bundesrecht Konsolidiert [General Civil Code - Federal Law Consolidated]. 2013 (2020).

#### **Can permanent residents acquire property in the state of reception?**

Answer: Yes, without restrictions

Code: 1

Explanation: The private rights and duties defined in the General Civil Rights Law (ABGB - Allgemeines bürgerliches Gesetzbuch), which defines property, cover all the residents of the State (§1).

Sources: Allgemeines Bürgerliches Gesetzbuch - Bundesrecht Konsolidiert [General Civil Code - Federal Law Consolidated]. 2013 (2020).

## **5.4. Social policies**

### **5.4.1. Family reunification**

#### **Can asylum seekers bring their families to their country of residence?**

Answer: no

Code: 0

Explanation: Asylum seekers have no access to family reunification. Only recognized refugees can access family reunification.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 35 (1).

#### **Can refugees bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Recognized refugees can access family reunification. The application for family reunification can be submitted after the recognition process of the applicant has been finalized. Since 2016, the application for family reunification must be done during the three months after the recognition of the status of the applicant. If done after three months of the recognition of the status, applicant must address additional requirements (e.g. financial means).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 35 (1).

### **Can co-ethnics bring their families to their country of residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can domestic workers bring their families to their country of residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can agricultural workers bring their families to their country of residence?**

Answer: no

Code: 0

Explanation: Seasonal agricultural workers do not have the right to family reunification.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46.

### **Can medical doctors bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Migrants with a Red-White-Red Card can apply for family reunification after obtaining the residence permit (§ 46 (1) Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46 (1).

**Can permanent residents bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Migrants with a Red-White-Red Card can apply for family reunification after obtaining the residence permit (§ 46 (1) Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46 (1).

*Eligibility*

**IMMIGRANT\_37: Resident requirement for ordinary legal residents.**

**Residence requirement for ordinary legal residents (asylum seekers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (refugees). In months:**

Answer: 0

Code: 0

Explanation: The application for family reunification can be submitted after the recognition process of the applicant has been finalized. Since 2016, the application for family reunification must be done during the three months after the recognition of the status of the applicant.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). §35 (1).

**Residence requirement for ordinary legal residents (refugees):**

Answer: no residence requirement

Code: 1

Explanation: There is no minimum permit duration required. The application for family reunification can be submitted after the recognition process of the applicant has been finalized. Since 2016, the application for family reunification must be done during the three months after the recognition of the status of the applicant.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). §35 (1).

**Residence requirement for ordinary legal residents (co-ethnics). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (domestic workers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (domestic workers):**

Answer: Not applicable

Code: Not applicable



Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (agricultural workers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Residence requirement for ordinary legal residents (medical doctors). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement. Migrants with a Red-White-Red Card can apply for family reunification after obtaining the residence permit (§ 46 (1) Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46.

**Residence requirement for ordinary legal residents (medical doctors):**

Answer: no residence requirement

Code: 1

Explanation: Migrants with a Red-White-Red Card can apply for family reunification after obtaining the residence permit (§ 46 (1) Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46.

**Residence requirement for ordinary legal residents (permanent residents). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement. Migrants with permanent residence (Daueraufenthalt- EU) can apply for family reunification after obtaining the residence permit (§ 46 (1) Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46 (1).

**Residence requirement for ordinary legal residents (permanent residents):**

Answer: no residence requirement

Code: 1

Explanation: Migrants with permanent residence (Daueraufenthalt- EU) can apply for family reunification after obtaining the residence permit (§ 46 (1) Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46 (1).

**IMMIGRANT\_38: Family members considered for reunification.**

**Family member eligible for reunification (asylum seekers): Spouse.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Children.**

Answer: Not applicable

Code: Not applicable

Explanation:

Sources:

**Family member eligible for reunification (asylum seekers): Parents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Grandparents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (refugees): Spouse.**

Answer: yes

Code: 1

Explanation: Refugees are eligible for family reunification. Based on the Asylgesetz (§2 (22)), the concept of family includes spouses, minor children and recognized partners (in a civil union).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 2 (22).

**Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Refugees are eligible for family reunification. Based on the Asylgesetz (§2 (22)), the concept of family includes spouses, minor children and recognized partners (in a civil union).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 2 (22).

**Family member eligible for reunification (refugees): Children.**

Answer: yes

Code: 1

Explanation: Refugees are eligible for family reunification. Based on the Asylgesetz (§2 (22)), the concept of family includes spouses, minor children and recognized partners (in a civil union).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 2 (22).

**Family member eligible for reunification (refugees): Parents.**

Answer: no

Code: 0

Explanation: Refugees are eligible for family reunification. Based on the Asylgesetz (§2 (22)), the concept of family includes spouses, minor children and recognized partners (in a civil union).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 2 (22).

**Family member eligible for reunification (refugees): Grandparents.**

Answer: no

Code: 0

Explanation: Refugees are eligible for family reunification. Based on the Asylgesetz (§2 (22)), the concept of family includes spouses, minor children and recognized partners (in a civil union).

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 2 (22).

**Family member eligible for reunification (co-ethnics): Spouse.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Children.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Parents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (co-ethnics): Grandparents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Spouse.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Children.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Parents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (domestic workers): Grandparents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Spouse.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Children.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Parents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (agricultural workers): Grandparents.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (medical doctors): Spouse.**

Answer: yes

Code: 1

Explanation: Based on § 2 (1) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act], family members are the spouse, partners in civil unions and children.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 2 (1).

**Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Based on § 2 (1) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act], family members are the spouse, partners in civil unions and children.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 2 (1).

**Family member eligible for reunification (medical doctors): Children.**

Answer: yes

Code: 1

Explanation: Based on § 2 (1) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act], family members are the spouse, partners in civil unions and children.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 2 (1).

**Family member eligible for reunification (medical doctors): Parents.**

Answer: no

Code: 0

Explanation: Based on § 2 (1) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act], family members are the spouse, partners in civil unions and children.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 2 (1).

**Family member eligible for reunification (medical doctors): Grandparents.**

Answer: no

Code: 0

Explanation: Based on § 2 (1) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act], family members are the spouse, partners in civil unions and children.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 2 (1).

**Family member eligible for reunification (permanent residents): Spouse.**

Answer: yes

Code: 1

Explanation: Based on § 2 (1) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act], family members are the spouse, partners in civil unions and children.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 2 (1).



**Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Based on § 2 (1) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act], family members are the spouse, partners in civil unions and children.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 2 (1).

**Family member eligible for reunification (permanent residents): Children.**

Answer: yes

Code: 1

Explanation: Based on § 2 (1) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act], family members are the spouse, partners in civil unions and children.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 2 (1).

**Family member eligible for reunification (permanent residents): Parents.**

Answer: no

Code: 0

Explanation: Based on § 2 (1) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act], family members are the spouse, partners in civil unions and children.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 2 (1).

**Family member eligible for reunification (permanent residents): Grandparents.**

Answer: no

Code: 0

Explanation: Based on § 2 (1) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act], family members are the spouse, partners in civil unions and children.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 2 (1).

*Security of status*

**IMMIGRANT\_39: Length of application procedure.**

**Length of application procedure in months (asylum seekers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Length of application procedure (asylum seekers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Length of application procedure in months (refugees).**

Answer: 97

Code: 97

Explanation: No regulation of maximum length. Main regulations (i.e. Asylgesetz) do not establish a maximum length for the application procedure.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 2, 17, 17a, 34 and 35.

#### **Length of application procedure (refugees).**

Answer: no regulation of maximum length

Code: 0

Explanation: No regulation of maximum length. Main regulations (i.e. Asylgesetz) do not establish a maximum length for the application procedure.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 2, 17, 17a, 34 and 35.

#### **Length of application procedure in months (co-ethnics).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (co-ethnics).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (domestic workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (domestic workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (agricultural workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (agricultural workers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (medical doctors).**

Answer: 97

Code: 97

Explanation: No regulation of maximum length. Main regulations (i.e. Niederlassungs- und Aufenthaltsgesetz) do not establish a maximum length for the application procedure.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46.

**Length of application procedure (medical doctors).**

Answer: no regulation of maximum length

Code: 0

Explanation: Main regulations (i.e. Niederlassungs- und Aufenthaltsgesetz) do not establish a maximum length for the application procedure.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46.

**Length of application procedure in months (permanent residents).**

Answer: 97

Code: 97

Explanation: Main regulations (i.e. Niederlassungs- und Aufenthaltsgesetz) do not establish a maximum length for the application procedure.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46.

**Length of application procedure (permanent residents).**

Answer: no regulation of maximum length

Code: 0

Explanation: Main regulations (i.e. Niederlassungs- und Aufenthaltsgesetz) do not establish a maximum length for the application procedure.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46.

**IMMIGRANT\_40: Duration of permit.**

**Duration of validity of permit (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (refugees):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Family members of persons entitled to asylum can apply for an entry title (visa) within three months of the legal status of the sponsor being granted. If this is granted, they can travel to Austria to apply for asylum and have the same protection status as their family members.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 2, 17, 17a, 34 and 35.

**Duration of validity of permit (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (medical doctors):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Family members of this proxy receive a Red-White-Red Plus Card with a permit duration that is equal to the one of the sponsor.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46.

**Duration of validity of permit (permanent residents):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Family members of this proxy receive a Red-White-Red Plus Card with a permit duration that is equal to the one of the sponsor.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46.

**IMMIGRANT\_41: Grounds for rejection, withdrawing or refusing to renew status.**

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: § 35 (4) of the Asylgesetz establishes the grounds for rejection. Within the grounds, the regulations include being a threat to the public interest of Austria, proven fraud and not satisfying original conditions.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 35 (4).

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: § 35 (4) of the Asylgesetz establishes the grounds for rejection. Within the grounds, the regulations include being a threat to the public interest of Austria, proven fraud and not satisfying original conditions.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 35 (4).

**Break-up of family relationship is a ground for rejecting family reunification application (refugees):**

Answer: no

Code: 0

Explanation: § 35 (4) of the Asylgesetz establishes the grounds for rejection. Within the grounds, the regulations include being a threat to the public interest of Austria, proven fraud and not satisfying original conditions.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 35 (4).

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):**



Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: § 11 (1 and 2) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that a residence permit can be rejected when a person poses a threat to the public interest and when there has been fraud in the acquisition of the permit.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 11 (1 and 2).

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: § 11 (1 and 2) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that a residence permit can be rejected when a person poses a threat to the public interest and when there has been fraud in the acquisition of the permit.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 11 (1 and 2).

**Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: § 11 (1 and 2) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that a residence permit can be rejected when a person poses a threat to the public interest and when there has been fraud in the acquisition of the permit.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 11 (1 and 2).

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: § 11 (1 and 2) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that a residence permit can be rejected when a person poses a threat to the public interest and when there has been fraud in the acquisition of the permit.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 11 (1 and 2).

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: § 11 (1 and 2) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that a residence permit can be rejected when a person poses a threat to the public interest and when there has been fraud in the acquisition of the permit.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 11 (1 and 2).

**Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: § 11 (1 and 2) of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that a residence permit can be rejected when a person poses a threat to the public interest and when there has been fraud in the acquisition of the permit.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 11 (1 and 2).

**IMMIGRANT\_42: Special circumstances.**

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):**

Answer: no

Code: 0

Explanation: Solidity of sponsor's family relationships are not taken into account before refusal or withdrawal.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 35.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):**

Answer: no

Code: 0

Explanation: Durations of sponsor's residence in the country is not taken into account before refusal or withdrawal.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 35.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):**

Answer: no

Code: 0

Explanation: Existing links with country of origin are not taken into account before refusal or withdrawal.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 35.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):**

Answer: no

Code: 0

Explanation: Physical or emotional violence are not taken into account before refusal or withdrawal.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 35.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):**

Answer: no

Code: 0

Explanation: § 27 of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that family members that have been victims of violence (only concrete cases) can keep their residence permit even if their sponsor is no longer allowed to stay in the country.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 27.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):**

Answer: no

Code: 0

Explanation: § 27 of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that family members that have been victims of violence (only concrete cases) can keep their residence permit even if their sponsor is no longer allowed to stay in the country.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 27.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):**

Answer: no

Code: 0

Explanation: § 27 of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that family members that have been victims of violence (only concrete cases) can keep their residence permit even if their sponsor is no longer allowed to stay in the country.

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 27.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):**

Answer: yes

Code: 1

Explanation: Not applicable

Sources: Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 27.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):**



Answer: no

Code: 0

Explanation: § 27 of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that family members that have been victims of violence (only concrete cases) can keep their residence permit even if their sponsor is no longer allowed to stay in the country.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 27.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):**

Answer: no

Code: 0

Explanation: § 27 of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that family members that have been victims of violence (only concrete cases) can keep their residence permit even if their sponsor is no longer allowed to stay in the country.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 27.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):**

Answer: no

Code: 0

Explanation: § 27 of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that family members that have been victims of violence (only concrete cases) can keep their residence permit even if their sponsor is no longer allowed to stay in the country.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 27.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):**

Answer: yes

Code: 1

Explanation: § 27 of the Niederlassungs- und Aufenthaltsgesetz [Settlement and Residence Act] establishes that family members that have been victims of violence (only concrete cases) can keep their residence permit even if their sponsor is no longer allowed to stay in the country.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 27.

**IMMIGRANT\_43: Legal guarantees and redress in case of refusal or withdrawal.**

**Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):**

Answer: yes

Code: 1

Explanation: After the recognition process has ended, applicants receive a reasoned decision issued by the Bundesamt für Fremdenwesen und Asyl (Federal Office for Foreign Affairs and Asylum). This decision can be appealed to the Bundesamt für Fremdenwesen und Asyl (BFA) and to the Bundesverwaltungsgericht (Federal Administrative Court), an independent administrative court.

Sources: Oesterreich.gv.at. "Asylverfahren [Asylum Procedure]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren). / BVwG. "Fremdenwesen und Asyl [Foreigners and Asylum]". Access date not available. [https://www.bvwg.gv.at/fachbereiche/fremdenwesen\\_asyl\\_neu\\_start.html](https://www.bvwg.gv.at/fachbereiche/fremdenwesen_asyl_neu_start.html).

**Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):**

Answer: yes

Code: 1

Explanation: After the recognition process has ended, applicants receive a reasoned decision issued by the Bundesamtes für Fremdenwesen und Asyl (Federal Office for Foreign Affairs and Asylum). This decision can be appealed to the Bundesamtes für Fremdenwesen und Asyl (BFA) and to the Bundesverwaltungsgericht (Federal Administrative Court), an independent administrative court.

Sources: Oesterreich.gv.at. "Asylverfahren [Asylum Procedure]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren). / BVwG. "Fremdenwesen und Asyl [Foreigners and Asylum]". Access date not available. [https://www.bvwg.gv.at/fachbereiche/fremdenwesen\\_asyl\\_neu\\_start.html](https://www.bvwg.gv.at/fachbereiche/fremdenwesen_asyl_neu_start.html).

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):**

Answer: yes

Code: 1

Explanation: After the recognition process has ended, applicants receive a reasoned decision issued by the Bundesamtes für Fremdenwesen und Asyl (Federal Office for Foreign Affairs and Asylum). This decision can be appealed to the Bundesamtes für Fremdenwesen und Asyl (BFA) and to the Bundesverwaltungsgericht (Federal Administrative Court), an independent administrative court.

Sources: Oesterreich.gv.at. "Asylverfahren [Asylum Procedure]". Accessed November 29, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210002.html#Zulassungsverfahren). / BVwG. "Fremdenwesen und Asyl [Foreigners and Asylum]". Access date not available. [https://www.bvwg.gv.at/fachbereiche/fremdenwesen\\_asyl\\_neu\\_start.html](https://www.bvwg.gv.at/fachbereiche/fremdenwesen_asyl_neu_start.html).

**Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):**

Answer: yes

Code: 1

Explanation: Medical doctors under the Red-White-Red card have the right to appeal the decision of family reunification and elevate the appeal to the regional administration court. In some cases, they can raise a complain to the Federal Administration Court (§ 3-4 of the Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 3, 4, 46 and 47.

**Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):**

Answer: yes

Code: 1

Explanation: Medical doctors under the Red-White-Red card have the right to appeal the decision of family reunification and elevate the appeal to the regional administration court. In some cases, they can raise a complain to the Federal Administration Court (§ 3-4 of the Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 3, 4, 46 and 47.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):**

Answer: yes

Code: 1

Explanation: Medical doctors under the Red-White-Red card have the right to appeal the decision of family reunification and elevate the appeal to the regional administration court. In some cases, they can raise a complain to the Federal Administration Court (§ 3-4 of the Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 3, 4, 46 and 47.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):**

Answer: yes

Code: 1

Explanation: Permanent residents have the right to appeal the decision of family reunification and elevate the appeal to the regional administration court. In some cases, they can raise a complain to the Federal Administration Court (§ 3-4 of the Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 3, 4, 46 and 47.

**Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):**

Answer: yes

Code: 1

Explanation: Permanent residents have the right to appeal the decision of family reunification and elevate the appeal to the regional administration court. In some cases, they can raise a complain to the Federal Administration Court (§ 3-4 of the Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 3, 4, 46 and 47.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):**

Answer: yes

Code: 1

Explanation: Permanent residents have the right to appeal the decision of family reunification and elevate the appeal to the regional administration court. In some cases, they can raise a complain to the Federal Administration Court (§ 3-4 of the Settlement and Residence Act).

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 3, 4, 46 and 47.

**IMMIGRANT\_44: Right to autonomous permit.**

**Right to autonomous residence permit for partners and children at age of majority (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (refugees):**

Answer: after less or equal 3 years

Code: 0.75

Explanation: Family members of persons entitled to asylum can apply for an entry title (visa) within three months of the legal status of the sponsor being granted. If this is granted, they can travel to Austria to apply for asylum in the family procedure and to have the same protection status as their family members.

Sources: Asylgesetz [Asylum Act]. 2005 (2019). § 2, 17, 17a, 34 and 35.

**Right to autonomous residence permit for partners and children at age of majority (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (medical doctors):**

Answer: after less or equal 3 years

Code: 0.75

Explanation: Family members receive a Red-White-Red Plus Card which is an independent residence permit that also allow reunified members to work.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 46.

**Right to autonomous residence permit for partners and children at age of majority (permanent residents):**

Answer: after less or equal 3 years

Code: 0.75

Explanation: Family members receive a Red-White-Red Plus Card which is an independent residence permit that also allow reunified members to work.

Sources: § 46 . Niederlassungs- und Aufenthaltsgesetz – NAG [Settlement and Residence Act—NAG]. , BGBl. I Nr. 100/2005 § GP XXII RV 952 AB 1055 S. 116. BR: AB 7338 S. 724. (2006).

## 5.4.2. Education

**IMMIGRANT\_45: Access to education.**

**Children of asylum seekers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Compulsory School Law enacted in 1985 establishes that all children that reside in Austria must attend school following the child's sixth birthday and during 9 school years (§ 1-3 Compulsory School Law). Residence is usually interpreted as more than six months of residence in Austria. Since the process of recognition of the refugee status usually lasts more than six months, it is understood that the obligation to attend school also applies to the children of asylum seekers.

Sources: Schulpflichtgesetz [Compulsory School Law]. 1985. § 1-3.



**Children of refugees have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Compulsory School Law enacted in 1985 establishes that all children that reside in Austria must attend school following the child's sixth birthday and during 9 school years (§ 1-3 Compulsory School Law).

Sources: Schulpflichtgesetz [Compulsory School Law]. 1985. § 1-3.

**Children of co-ethnics have access to compulsory education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Children of domestic workers have access to compulsory education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Children of agricultural workers have access to compulsory education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Children of medical doctors have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Compulsory School Law enacted in 1985 establishes that all children that reside in Austria must attend school following the child's sixth birthday and during 9 school years (§ 1-3 Compulsory School Law).

Sources: Schulpflichtgesetz [Compulsory School Law]. 1985. § 1-3.

**Children of permanent residents have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: The Compulsory School Law enacted in 1985 establishes that all children that reside in Austria must attend school following the child's sixth birthday and during 9 school years (§ 1-3 Compulsory School Law).

Sources: Schulpflichtgesetz [Compulsory School Law]. 1985. § 1-3.

**IMMIGRANT\_46: Access to higher education.**

**Asylum seekers and their children have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: The University Law does not include any restriction for migrant residents to access higher education within the requisites for accessing the university (§ 50-53).

Sources: Hochschulgesetz [University Law]. 2005. § 50-53.

**Refugees have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: The University Law does not include any restriction for migrant residents to access higher education within the requisites for accessing the university (§ 50-53).

Sources: Hochschulgesetz [University Law]. 2005. § 50-53.

**Co-ethnics have access to higher education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Domestic workers have access to higher education:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Agricultural workers have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: The University Law does not include any restriction for migrant residents to access higher education within the requisites for accessing the university (§ 50-53).

Sources: Hochschulgesetz [University Law]. 2005. § 50-53.

**Medical doctors have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: The University Law does not include any restriction for migrant residents to access higher education within the requisites for accessing the university (§ 50-53).

Sources: Hochschulgesetz [University Law]. 2005. § 50-53.

**Permanent residents have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: The University Law does not include any restriction for migrant residents to access higher education within the requisites for accessing the university (§ 50-53).

Sources: Hochschulgesetz [University Law]. 2005. § 50-53.

**IMMIGRANT\_47: Support for language instruction.**

**Provision of education support in language(s) of instruction for migrant pupils:**

Answer: yes

Code: 1

Explanation: The law that regulates the organization of schools in Austria (School Organization Act) includes a provision to create special courses/classes to teach children German as a second language (§ 6 and 8e-h).

Sources: Schulorganisationsgesetz [School Organization Act]. 1963. § 6 and 8e-h.

#### **IMMIGRANT\_48: Intercultural education.**

**Intercultural education is included in pre-service training in order to qualify as a teacher:**

Answer: no

Code: 0

Explanation: No provision for intercultural education in the regulation of the studies for becoming a teacher.

Sources: Bundesgesetz über die Organisation der Pädagogischen Hochschulen und Ihre Studien [Federal Law on the Organization of Universities of Education and their Studies]. 2005.

#### **IMMIGRANT\_49: Integration in teachers' syllabus.**

**Migration and integration are obligatory topics in professional development training:**

Answer: no

Code: 0

Explanation: No provision for the inclusion of migration and integration topics in obligatory in-service professional development training.

Sources: Bundesgesetz über die Organisation der Pädagogischen Hochschulen und Ihre Studien [Federal Law on the Organization of Universities of Education and their Studies]. 2005.

### **5.4.3. Health care**

#### **IMMIGRANT\_50: Conditions for inclusion in the health care system**

**Conditions for inclusion of asylum seekers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Asylum seekers and refugees have in Austria access to the health care system.

Sources: Refugees.Wien. "Gesundheit [Healthcare]". Access date not available.  
<https://www.refugees.wien/infos-fuer-gefluechtete/gesundheit/>.

**Conditions for inclusion of refugees in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Asylum seekers and refugees have in Austria access to the health care system.

Sources: Refugees.Wien. "Gesundheit [Healthcare]". Access date not available.  
<https://www.refugees.wien/infos-fuer-gefluechtete/gesundheit/>.

**Conditions for inclusion of co-ethnics in the health care system:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Conditions for inclusion of domestic workers in the health care system:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Conditions for inclusion of agricultural workers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: In Austria, compulsory health care applies to almost all of those in paid employment, self-employed persons, persons claiming unemployment benefits, pensioners and dependents of the previous groups. This proxy, as a paid employee, has access in the same conditions as nationals to health care.

Sources: Migration.gv.at. "Health Insurance". Access date not available.  
<https://www.migration.gv.at/en/living-and-working-in-austria/health/health-insurance/>.

**Conditions for inclusion of medical doctors in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: In Austria, compulsory health care applies to almost all of those in paid employment, self-employed persons, persons claiming unemployment benefits, pensioners and dependents of the previous groups. This proxy, as a paid employee, has access in the same conditions as nationals to health care.

Sources: Migration.gv.at. "Health Insurance". Access date not available.  
<https://www.migration.gv.at/en/living-and-working-in-austria/health/health-insurance/>.

#### **Conditions for inclusion of permanent residents in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: In Austria, compulsory health care applies to almost all of those in paid employment, self-employed persons, persons claiming unemployment benefits, pensioners and dependents of the previous groups. This proxy, as a paid employee, has access in the same conditions as nationals to health care.

Sources: Migration.gv.at. "Health Insurance". Access date not available.  
<https://www.migration.gv.at/en/living-and-working-in-austria/health/health-insurance/>.

#### **IMMIGRANT\_51: Coverage of health care services.**

##### **Health care coverage for asylum seekers.**

Answer: same coverage as nationals

Code: 1

Explanation: This proxy has access to the same coverage as nationals regarding health insurance.

Sources: Migration.gv.at. "Health Insurance". Access date not available.  
<https://www.migration.gv.at/en/living-and-working-in-austria/health/health-insurance/>.

##### **Health care coverage for refugees.**

Answer: same coverage as nationals

Code: 1

Explanation: This proxy has access to the same coverage as nationals regarding health insurance.

Sources: Migration.gv.at. "Health Insurance". Access date not available.  
<https://www.migration.gv.at/en/living-and-working-in-austria/health/health-insurance/>.

##### **Health care coverage for co-ethnics.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Health care coverage for domestic workers.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Health care coverage for agricultural workers.**

Answer: same coverage as nationals

Code: 1

Explanation: This proxy has access to the same coverage as nationals regarding health insurance.

Sources: Migration.gv.at. "Health Insurance". Access date not available.  
<https://www.migration.gv.at/en/living-and-working-in-austria/health/health-insurance/>.

#### **Health care coverage for medical doctors.**

Answer: same coverage as nationals

Code: 1

Explanation: This proxy has access to the same coverage as nationals regarding health insurance.

Sources: Migration.gv.at. "Health Insurance". Access date not available.  
<https://www.migration.gv.at/en/living-and-working-in-austria/health/health-insurance/>.

#### **Health care coverage for permanent residents.**

Answer: same coverage as nationals

Code: 1

Explanation: This proxy has access to the same coverage as nationals regarding health insurance.

Sources: Migration.gv.at. "Health Insurance". Access date not available.  
<https://www.migration.gv.at/en/living-and-working-in-austria/health/health-insurance/>.

#### 5.4.4. Unemployment benefits

##### **IMMIGRANT\_52: Unemployment benefits.**

###### **Access of asylum seekers to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: In the cases in which asylum seekers are allowed to work, they have also access to unemployment benefits.

Sources: Oesterreich.gv.at. "Allgemeines zum Asyl [General Information on Asylum]". Accessed November 29, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210001.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210001.html).

###### **Access of refugees to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Refugees have access to the job market in equal conditions as nationals and, thus, equal access to unemployment benefits.

Sources: Oesterreich.gv.at. "Allgemeines zum Asyl [General Information on Asylum]". Accessed November 29, 2019.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210001.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210001.html).

###### **Access of co-ethnics to unemployment benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

###### **Access of domestic workers to unemployment benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

###### **Access of agricultural workers to unemployment benefits as compared to citizen residents:**



Answer: limited access

Code: 0.5

Explanation: Seasonal workers can only reside and work in Austria for a certain period. They have access to unemployment benefits only if they meet the minimum working time required.

Sources: Migration.gv.at. "Seasonal Workers". <https://www.migration.gv.at/en/types-of-immigration/fix-term-employment/seasonal-workers/>.

#### **Access of medical doctors to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Medical doctors have equal access to unemployment benefits as national workers.

Sources: Migration.gv.at. "Ending Employment". <https://www.migration.gv.at/en/living-and-working-in-austria/working/ending-employment/>.

#### **Access of permanent residents to unemployment benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Permanent residents have access to the job market in equal conditions as nationals and, thus, equal access to unemployment benefits.

Sources: Migration.gv.at. "Ending Employment". <https://www.migration.gv.at/en/living-and-working-in-austria/working/ending-employment/>.

### **5.4.5. Retirement benefits**

#### **IMMIGRANT\_53: Retirement benefits.**

#### **Access of asylum seekers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: This proxy has access to retirement benefits as long as he or she meets the general requirements for accessing old age pension in Austria.

Sources: Migration.gv.at. "Ending Employment". <https://www.migration.gv.at/en/living-and-working-in-austria/working/ending-employment/>.

**Access of refugees to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: This proxy has access to retirement benefits as long as he or she meets the general requirements for accessing old age pension in Austria.

Sources: Migration.gv.at. "Ending Employment". <https://www.migration.gv.at/en/living-and-working-in-austria/working/ending-employment/>.

**Access of co-ethnics to retirement benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of domestic workers to retirement benefits as compared to citizen residents:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Access of agricultural workers to retirement benefits as compared to citizen residents:**

Answer: no access

Code: 0

Explanation: Since agricultural workers can only work in Austria as seasonal workers for a given amount of time, they cannot access old age pension.

Sources: Migration.gv.at. 2019. "Seasonal Workers". <https://www.migration.gv.at/en/types-of-immigration/fixed-term-employment/seasonal-workers/>.

**Access of medical doctors to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: This proxy has access to retirement benefits as long as he or she meets the general requirements for accessing old age pension in Austria.

Sources: Migration.gv.at. "Ending Employment". <https://www.migration.gv.at/en/living-and-working-in-austria/working/ending-employment/>.

#### **Access of permanent residents to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: This proxy has access to retirement benefits as long as he or she meets the general requirements for accessing old age pension in Austria.

Sources: Migration.gv.at. "Ending Employment". <https://www.migration.gv.at/en/living-and-working-in-austria/working/ending-employment/>.

## **5.5. Cultural policies**

### **IMMIGRANT\_54: Funding for bilingual education.**

**Is there public funding for bilingual education in the language of majoritarian migrant groups?**

Answer: no

Code: 0

Explanation: No provision for funding for bilingual education of majoritarian migrant groups in main regulations. The only provisions in the regulations about language regard to teaching German as a second language to migrant students.

Sources: Schulorganisationsgesetz [School Organization Act]. 1963. § 6 and 8e-h.

### **IMMIGRANT\_55: Funding for media on main migrant group's language.**

**Is there public funding for media in the language of the main migrant group?**

Answer: no

Code: 0

Explanation: No provision found in main regulations.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

## 5.6. Mobility policies

### 5.6.1. Identity documents

#### **IMMIGRANT\_56: Confiscation of identification documents.**

**Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: yes

Code: 1

Explanation: Based on the federal law, only public authorities can require and confiscate identification documents under limited circumstances.

Sources: Sicherheitspolizeigesetz [Security Police Act]. 1991. § 35.

**Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: yes

Code: 1

Explanation: Based on the federal law, only public authorities can require and confiscate identification documents under limited circumstances.

Sources: Sicherheitspolizeigesetz [Security Police Act]. 1991. § 35.

**Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: yes

Code: 1

Explanation: Based on the federal law, only public authorities can require and confiscate identification documents under limited circumstances.

Sources: Sicherheitspolizeigesetz [Security Police Act]. 1991. § 35.

**Do medical doctors have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: yes

Code: 1

Explanation: Based on the federal law, only public authorities can require and confiscate identification documents under limited circumstances.

Sources: Sicherheitspolizeigesetz [Security Police Act]. 1991. § 35.

**Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: yes

Code: 1

Explanation: Based on the federal law, only public authorities can require and confiscate identification documents under limited circumstances.

Sources: Sicherheitspolizeigesetz [Security Police Act]. 1991. § 35.

## **5.6.2. Freedom of movement**

**IMMIGRANT\_57: Freedom of movement within country.**

**Do asylum seekers have the right to move freely within the country?**

Answer: no

Code: 0

Explanation: During the process of recognition, asylum seekers receive a “green card” that allows them to stay in the country, but only in a given region.

Sources: Oesterreich.gv.at. “Ausweise und Dokumente [Identity Cards and Documents].”.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210004.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210004.html).

### **Do refugees have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Recognized refugees receive a “Blue Card” which allows them free of movement within the Austrian territory. Refugees can also apply for a passport, which allows them travelling to other countries (with some exceptions).

Sources: Oesterreich.gv.at. “Ausweise und Dokumente [Identity Cards and Documents].”.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asyl/Seite.3210004.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asyl/Seite.3210004.html).

### **Do co-ethnics have the right to move freely within the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do domestic workers have the right to move freely within the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Do agricultural workers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: Although agricultural seasonal workers are linked to a work contract (and, thus, most of their residence time will be spent in the region where the work takes place), there is no provision in the regulation restricting mobility within the Austrian territory.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

**Do medical doctors have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no provision in the regulation of the Red-White-Red Card restricting mobility within the Austrian territory.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

**Do permanent residents have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no provision in the regulations of permanent residence restricting mobility within the Austrian territory.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

**IMMIGRANT\_58: Freedom to move outside the country.**

**Do asylum seekers have the right to leave the country?**

Answer: no

Code: 0

Explanation: During the process of recognition, asylum seekers receive a “green card” that allows them to stay in the country, but only in a given region.

Sources: Oesterreich.gv.at. “Ausweise und Dokumente [Identity Cards and Documents].”  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asy/Seite.3210004.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asy/Seite.3210004.html).

**Number of months of absence allowed per year (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Recognized refugees receive a “Blue Card” which allows them free of movement within the Austrian territory. Refugees can also apply for a passport, which allows them travelling to other countries (with some exceptions).

Sources: Oesterreich.gv.at. “Ausweise und Dokumente [Identity Cards and Documents]”.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asy/Seite.3210004.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asy/Seite.3210004.html).

**Number of months of absence allowed per year (refugees):**

Answer: 12

Code: 12

Explanation: There is no provision in the main regulation.

Sources: Oesterreich.gv.at. “Ausweise und Dokumente [Identity Cards and Documents]”.  
[https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/asy/Seite.3210004.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/asy/Seite.3210004.html).

**Do co-ethnics have the right to leave the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of months of absence allowed per year (co-ethnics):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the right to leave the country?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



**Number of months of absence allowed per year (domestic workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the right to leave the country?**

Answer: restrictions may apply for a specific time or for a specific region

Code: 0.5

Explanation: However, the permission is restricted to Schengen countries and only for a period of maximum 3 months within 180 days.

Sources: Technische Universität Wien. "Information der Rechtsabteilung zum Fremdenrecht [Information from the Legal Department on Aliens Law]". Access date not available.  
[https://www.tuwien.at/fileadmin/Assets/dienstleister/personaladministration/FB\\_wiss.\\_Personal/Leitfaeden\\_und\\_Richtlinien/Fremdenrecht\\_Fassung12072011.pdf](https://www.tuwien.at/fileadmin/Assets/dienstleister/personaladministration/FB_wiss._Personal/Leitfaeden_und_Richtlinien/Fremdenrecht_Fassung12072011.pdf).

**Number of months of absence allowed per year (agricultural workers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do medical doctors have the right to leave the country?**

Answer: yes

Code: 1

Explanation: No provision in main regulations restricting international mobility.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

**Number of months of absence allowed per year (medical doctors):**

Answer: 12

Code: 12

Explanation: No provision in main regulations restricting international mobility.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

### **Do permanent residents have the right to leave the country?**

Answer: yes

Code: 1

Explanation: No provision in main regulations restricting international mobility

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

### **Number of months of absence allowed per year (permanent residents):**

Answer: 12

Code: 12

Explanation: No provision in main regulations restricting international mobility

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019).

## **5.6.3. Obligations**

### **5.6.4. Military service**

#### **IMMIGRANT\_59: Military service.**

#### **Do asylum seekers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male Austrian nationals must comply with the military service.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999. Art. 9a.

#### **Do refugees have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male Austrian nationals must comply with the military service.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999. Art. 9a.

**Do co-ethnics have the obligation to comply with military service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the obligation to comply with military service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male Austrian nationals must comply with the military service.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999. Art. 9a.

**Do medical doctors have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male Austrian nationals must comply with the military service.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999. Art. 9a.

**Do permanent residents have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only male Austrian nationals must comply with the military service.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999. Art. 9a.

### **5.6.5. Social service**

**IMMIGRANT\_60: Social service.**

**Do asylum seekers have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: This obligation only applies to Austrian nationals and not migrants.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999. Art. 9a.

**Do refugees have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: This obligation only applies to Austrian nationals and not migrants.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999. Art. 9a.

**Do co-ethnics have the obligation to comply with social service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do domestic workers have the obligation to comply with social service?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do agricultural workers have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: This obligation only applies to Austrian nationals and not migrants.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999. Art. 9a.

**Do medical doctors have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: This obligation only applies to Austrian nationals and not migrants.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999. Art. 9a.

**Do permanent residents have the obligation to comply with social service?**

Answer: social service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: This obligation only applies to Austrian nationals and not migrants.

Sources: Bundes-Verfassungsgesetz [Federal Constitutional Law]. 1999. Art. 9a.

### **5.6.6. Taxes**

**IMMIGRANT\_61: Income taxes.**

**Do asylum seekers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: All residents in Austria must pay income taxes regardless nationality.

Sources: Bundesministerium Finanzen. "Einkommensteuer [Income Tax]". Accessed April 14, 2020. <https://www.bmf.gv.at/themen/steuern/fuer-unternehmen/einkommensteuer.html>.

**Do refugees have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: All residents in Austria must pay income taxes regardless nationality.

Sources: Bundesministerium Finanzen. "Einkommensteuer [Income Tax]". Accessed April 14, 2020. <https://www.bmf.gv.at/themen/steuern/fuer-unternehmen/einkommensteuer.html>.

#### **Do co-ethnics have to pay income taxes in state of reception?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Do domestic workers have to pay income taxes in state of reception?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Do agricultural workers have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: All residents in Austria must pay income taxes regardless nationality.

Sources: Bundesministerium Finanzen. "Einkommensteuer [Income Tax]". Accessed April 14, 2020. <https://www.bmf.gv.at/themen/steuern/fuer-unternehmen/einkommensteuer.html>.

#### **Do medical doctors have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: All residents in Austria must pay income taxes regardless nationality.

Sources: Bundesministerium Finanzen. "Einkommensteuer [Income Tax]". Accessed April 14, 2020. <https://www.bmf.gv.at/themen/steuern/fuer-unternehmen/einkommensteuer.html>.

#### **Do permanent residents have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: All residents in Austria must pay income taxes regardless nationality.

Sources: Bundesministerium Finanzen. "Einkommensteuer [Income Tax]". Accessed April 14, 2020. <https://www.bmf.gv.at/themen/steuern/fuer-unternehmen/einkommensteuer.html>.

## 5.7. Administration

**IMMIGRANT\_62: Existence of immigrant integration agency in state of reception.**

**Existence of institution/agency with competencies for immigrant policies:**

Answer: yes

Code: 1

Explanation: The "Federal Bureau for Foreigners and Asylum" (Bundesamt für Fremdenwesen und Asyl). It is a branch of the Federal Bureau of the Interior (Bundesamt für Inneres). The main tasks of the BFA are the execution of first-instance asylum and foreign law proceedings (with the exception of criminal proceedings and visa matters). It also concerns the issue of residence permits of migrants.

Sources: Bundesministerium Inneres. "Bundesamt für Fremdenwesen und Asyl [Federal Office for Immigration and Asylum]". Accessed July 22, 2019. <https://www.bmi.gv.at/304/start.aspx>.

**Name of the institution with competencies for immigrant policies in original language:**

Answer: Bundesamt für Fremdenwesen und Asyl

**Name of the institution with competencies for immigrant policies in English:**

Answer: Federal Bureau for Foreigners and Asylum

**Access to antidiscrimination body.**

**Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):**

Answer: Yes

Code: 1

Explanation: The Ombudsperson in Austria is called Volksanwaltschaft. Its regulations do not contain any provision banning migrant residents to make a complain.

Sources: Volksanwaltschaftsgesetz [People's Advocacy Act]. 1982.



## 6. Immigrant citizenship and nationality

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### 6.1. Immigrant nationality

#### 6.1.1. Immigrant dual nationality

##### IMNAT\_1: Renunciation of previous nationality.

**Does the country require applicants to naturalization by residence to renounce their previous nationality?**

Answer: Yes

Code: 0

Explanation: It is possible to naturalize by renouncing to the previous nationality. Only foreigners who have contributed to Austria and who have received the citizenship in the interest of the Austrian state, may retain their citizenship.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985. § 10 (6) and 28. / Oesterreich.gv.at. "Doppelstaatsbürgerschaft [Dual Citizenship]". Accessed December 2, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/staatsbuergerschaft/Seite.260430.html](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/staatsbuergerschaft/Seite.260430.html).

**Citizenship can be withdrawn only if person resides outside the country:**

Answer: No

Code: 0

Explanation: There are no provisions in the main regulations (§§ 26 33 StbG) on the loss of the nationality due to residence abroad.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 26 and 33.

**Are there exceptions?**

Answer: Only in exceptional personal circumstances

Code: 3

Explanation: Only foreigners who have contributed to Austria and who have received the citizenship in the interest of the Austrian state, may retain their citizenship.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985. § 10 (6) and 28. / Oesterreich.gv.at. "Doppelstaatsbürgerschaft [Dual Citizenship]". Accessed December 2, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/staatsbuenger....](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/staatsbuenger....)

**IMNAT\_1\_1: Sanctions.**

**Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?**

Answer: Yes

Code: 1

Explanation: Anyone who does not comply with §63 or who fails to fulfill their obligations under §56 is liable to a fine of €50-250. In case of a failure to provide payment, it leads to up to one week of incapacitation. §63: Passports, citizenship certificates and other personal documents identifying a person as a foreign national are to be withdrawn if that person loses the foreign nationality by acquiring this citizenship.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 56 and 63.

### **6.1.2. Emigrant dual nationality for immigrants who naturalized**

**IMNAT\_2: Emigrant dual nationality for naturalized immigrants.**

**Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?**

Answer: Authorities have arbitrary power to withdraw citizenship

Code: 0

Explanation: According to §27 StbG, all Austrian citizens who willingly acquire a foreign nationality will lose the Austrian citizenship. However, if the continued possession of citizenship is in the interest of the Republic because of the services the nationalized citizen has already provided or is expected to provide to the country they can retain their Austrian citizen (§28, 1). The retention of citizenship in the case of the acquisition of a foreign nationality may only be granted upon written application and on the condition that the foreign nationality is to be acquired within two years (§28 (3)).

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 27 and 28 (1,3).

### **6.1.3. Loss of nationality after residence abroad for naturalized immigrants**

**IMNAT\_3: Loss after residence abroad for naturalized immigrants**

**For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad**

Answer: No provision

Code: 1

Explanation: There are no provisions in the main regulations (§§ 26 33 StbG) on the loss of the nationality due to residence abroad.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 27 and 33.

#### **After how many years abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **6.1.4. Unrestrictive jus soli**

#### **IMNAT\_4: Unrestrictive jus soli.**

**Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?**

Answer: No

Code: 0

Explanation: According to § 7 StbG, a child only acquires the Austrian nationality if at least one of the parents is an Austrian citizen at the time of birth.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 7 and 11a (4).

### **6.1.5. Qualified jus soli**

#### **IMNAT\_5: Qualified jus soli.**

**Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?**

Answer: No

Code: 0

Explanation: According to § 7 StbG, a child only acquires the Austrian nationality if at least one of the parents is an Austrian citizen at the time of birth.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 7.

## 6.1.6. Standard naturalization procedure for immigrants due to residence

### IMNAT\_6: Ordinary naturalization.

**Does the country provide for standard naturalization procedure for immigrants due to residence in it?**

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: According to article § 10 (1), the country provides for ordinary naturalization based on residence if the person has been a legal and continuous resident in the federal territory for at least 10 years, of which they have had permanent residence for at least 5 years.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 10 (1).

### **Number of years of residence required for naturalization:**

Answer: 10

Code: 10

Explanation: According to article § 10 (1), the country provides for ordinary naturalization based on residence if the person has been a legal and continuous resident in the federal territory for at least 10 years, of which they have had permanent residence for at least 5 years.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 10 (1).

### **Number of continuous years of residence required for naturalization:**

Answer: 10

Code: 10

Explanation: According to article § 10 (1), the country provides for ordinary naturalization based on residence if the person has been a legal and continuous resident in the federal territory for at least 10 years, of which they have had permanent residence for at least 5 years.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 10 (1).

### **Permanent residence status is required for naturalization:**

Answer: Yes

Code: 1

Explanation: According to article § 10 (1), the country provides for ordinary naturalization based on residence if the person has been a legal and continuous resident in the federal territory for at least 10 years, of which they have had permanent residence for at least 5 years;

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 10 (1).

### **Renunciation of previous nationality is required:**

Answer: No exceptions to renunciation requirement specified in law

Code: 1

Explanation: Renunciation of previous nationality is one of the requisites to naturalization.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985. § 10 (6) and 28. / Oesterreich.gv.at. "Doppelstaatsbürgerschaft [Dual Citizenship]". Accessed December 2, 2019. [https://www.oesterreich.gv.at/themen/leben\\_in\\_oesterreich/staatsbuerger....](https://www.oesterreich.gv.at/themen/leben_in_oesterreich/staatsbuerger...)

### **Language condition for naturalization:**

Answer: With certification or test at B1 level

Code: 0.75

Explanation: Applications for permanent residency have to comply with the Integration Module 2. Naturalization follows the same process.

Sources: Niederlassungs-und Aufenthaltsgesetz [Settlement and Residence Act]. 2005 (2019). § 45.

### **Civil knowledge is a requisite for naturalization:**

Answer: Formal naturalization test containing civic and cultural knowledge questions, more demanding or questions and study material not available or no exemptions for applicants who have attended schools in the country

Code: 1

Explanation: Prove of knowledge of the democratic principles and the history of Austria (§ 10 a) is needed for naturalization process.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 10.

### **Clean criminal record is a requisite:**

Answer: No criminal record or good character condition

Code: 0

Explanation: One of the requisites of naturalization is not to have been sentenced to imprisonment by a domestic or foreign court for one or more criminal acts.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 10 (1).

### **Economic resources as requisite for naturalization:**

Answer: Includes employment condition or no welfare dependency for SEVERAL years before application

Code: 1

Explanation: Proof of having enough economic means to live in Austria (§ 10 (1-7)) is one of the requisites for naturalization.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 10 (1-7).

### **6.1.7. Socialization based acquisition of citizenship**

**IMNAT\_7: Naturalization by socialization.**

**Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?**

Answer: No provision

Code: 0

Explanation: There is no special acquisition of nationality of minors who reside for a certain period in Austria.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 10 (1) and 10a (3).

### **6.1.8. Special procedure for immigrants with very long residence in country**

**IMNAT\_8: Long residence.**

**Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?**

Answer: Yes

Code: 1

Explanation: According to Article §12 (1), the country provides for the acquisition of nationality by a person who has continuously resided in the federal territory for at least 30 years or has been a legal and permanent resident for at least 15 years and has demonstrate their personal and professional integration to the federal republic.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 12 (1).

### **6.1.9. Preferential naturalization for immigrants from specific countries**

#### **IMNAT\_9: Preferential naturalization by country.**

**Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?**

Answer: Yes

Code: 1

Explanation: According to article §11a (4.2), the country provides for a special acquisition of nationality by a person who is in possession of citizenship of a contracting state according to the agreement of the European Economic Area.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 11a (4).

### **6.1.10. Cultural affinity/Ethnic ties**

#### **IMNAT\_10: Preferential naturalization due to cultural or ethnic ties.**

**Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?**

Answer: No

Code: 0

Explanation: There are no co-ethnics in Austria.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 10 and 11a.

### **6.1.11. Spousal transfer**

#### **IMNAT\_11: Spousal transfer.**

**Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?**

Answer: Yes

Code: 1

Explanation: According to article §11a (1), the country provides for the acquisition of nationality under the conditions of having lived lawfully and continuously in Austria for a minimum of 6 years. They are eligible for the acquisition of nationality after being married to an Austrian national and having lived in a communal residence with them for a minimum of 5 years.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 11a (1-2).

### **6.1.12. Filial transfer**

**IMNAT\_12: Filial transfer.**

**Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?**

Answer: Yes

Code: 1

Explanation: According to article §17 (1), a child can acquire nationality if either their mother, father, or both are Austrian citizens. This is also the case in naturalization of the parents.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 17 (1).

### **6.1.13. Special naturalization for refugees**

**IMNAT\_13: Refugees.**

**Does the country facilitate the acquisition of nationality by a refugee in its territory?**

Answer: No

Code: 0

Explanation: Refugees have to undergo through the same process as other immigrants. According to § 11a (4) StbG, refugees can apply for naturalization if they have been living in the country for at least 10 years and fulfill the requirements mentioned in § 10 (1) Z 2 to 8, which apply to everyone.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 11a (4).

### **6.1.14. Naturalization for special achievements/talents**

**IMNAT\_14: Special talents.**

**Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?**

Answer: Yes

Code: 1



Explanation: According to §11a Abs. 4 Z 4 the acquisition of nationality is awarded to a person who generated, in the interest of the Austrian republic, extraordinary achievements in a scientific, economic, artistic or athletic domain.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 11a Abs. 4 Z 4.

### **6.1.15. Naturalization due to investment/financial assets**

**IMNAT\_15: Special talents.**

**Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?**

Answer: No

Code: 0

Explanation: There are no provisions in the main regulation (StbG)

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019).

### **6.1.16. Transfer to other relatives**

**IMNAT\_16: Transfer to other relatives.**

**Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?**

Answer: Yes

Code: 1

Explanation: The acquisition of nationality can be given to grandchildren, under the condition that their legal parent also gains the nationality.

Sources: BMEIA, Außenministerium Österreich. "Erwerb [Acquisition]". Accessed December 2, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/staats-und-unionsbuergerschaft/erwerb/>.

### **6.1.17. Nationality for the stateless**

**IMNAT\_17: Stateless.**

**Does the country facilitate the naturalization of a stateless person in its territory?**

Answer: Yes

Code: 1

Explanation: Children that were not born in the federal territory can acquire nationality if either the mother or father are an Austrian citizen, and if the child would otherwise be stateless. A person that was born in Austria but has been stateless since their birth can also acquire nationality.

Sources: BMEIA, Außenministerium Österreich. "Erwerb [Acquisition]". Accessed December 2, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/staats-und-unionsbuergerschaft/erwerb/>.

### **6.1.18. Nationality for regularized immigrants**

**IMNAT\_18: Regularization.**

**Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?**

Answer: No differentiation

Code: 0.5

Explanation: There is no provision regarding differentiation of naturalization for regularized persons.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 10 and 11a.

### **6.1.19. Naturalization possible even if applicant had irregular status before**

**IMNAT\_19: Irregular status.**

**Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?**

Answer: Yes

Code: 1

Explanation: According to Article §12 (1), an irregular migrant has the right to apply for naturalization under the condition of having continuously resided in the federal territory for at least 30 years or has been a legal and permanent resident for at least 15 years and has demonstrate their personal and professional integration to the federal republic.

Sources: Staatsbürgerschaftsgesetz [Citizenship Law]. 1985 (2019). § 12 (1).

## 6.2. Immigrant citizenship

### 6.2.1. Restrictions on citizenship for naturalized immigrants

**IMCIT\_1: Restrictions for naturalized immigrants.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?**

Answer: No

Code: 0

Explanation: The law does not differentiate between naturalized citizens and citizens by birth.

Sources: Bundespräsidentenwahlgesetz [Presidential Election Act]. 1971 (2019). / Nationalrats-Wahlordnung [Federal Act on the Election of the National Council]. 1992 (2019) (2019). § 21.

**For how long are the restrictions applied?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to electoral rights?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to public office posts?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Other type of restrictions**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized**

**IMCIT\_2. Loss or suspension of citizenship.**

**Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: However, any Austrian citizenship (also those under jus soli and jus sanguinis) that does not have a primary residence in Austria cannot take part in federal territorial elections (subnational).

Sources: BMEIA, Außenministerium Österreich. "Wahlrecht [Right to Vote]". Accessed July 24, 2019. <https://www.bmeia.gv.at/reise-aufenthalt/leben-im-ausland/wahlen/wahlrecht/>.

**Are these rights recovered upon return?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals**

**IMCIT\_3: Restrictions for naturalized immigrants who are dual nationals.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?**

Answer: No

Code: 0

Explanation: There are no provisions in the main regulation (NRWO, BPräsWG)

Sources: Bundespräsidentenwahlgesetz [Presidential Election Act]. 1971 (2019). / Nationalrats-Wahlordnung [Federal Act on the Election of the National Council]. 1992 (2019) (2019). § 21.

#### **How long do the restrictions apply?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Do the restrictions apply to electoral rights?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Do the restrictions apply to public office post?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Other type of restrictions (beyond electoral and public office posts).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable