



## Research in Austria



### **Guide to Residence and Employment of International Researchers**

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1. Januar 2016

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# 1 Preface

The Austrian Agency for International Cooperation in Education and Research (OeAD-GmbH) supports international researchers and their host institutions in pursuing a successful stay in Austria. One important aspect in the preparation of a research period abroad is the clarification of the entry and employment regulations. Although there have been numerous improvements in the last few years the current legal framework conditions are not always sufficiently known.

Based on an amendment to the Act Governing Employment of Foreign Nationals (AuslBG) (AuslBG), effective as of January 2008, Austria has opened up its labour market completely to international researchers. Anyone intending to conduct scientific work in research and teaching in Austria, including the arts sector, is able to do this under significantly easier framework conditions. Since July 2011 a new, criteria-driven immigration system (residence title “Red-White-Red – Card”) has been in place, the aim of which is that the influx of people to Austria and access to the labour market for qualified people should be based on clearly specified, clear and transparent criteria and without quotas applying. These regulations apply equally to employment at public as well as private research institutions and enterprises. Accompanying spouses and children of researchers are also granted free access to the labour market. In the course of the amendment of the law relating to aliens 2015 a further simplification has been created with the extended possibility to apply for the residence permit “Residence Permit – Special Cases of Gainful Employment” in Austria for researchers and their families. The aim of these new regulations is to strengthen Austria’s position when competing internationally for the most capable minds and to make it even more attractive for researchers from all over the world. Moreover, qualified researchers will now have the possibility to settle in Austria permanently.

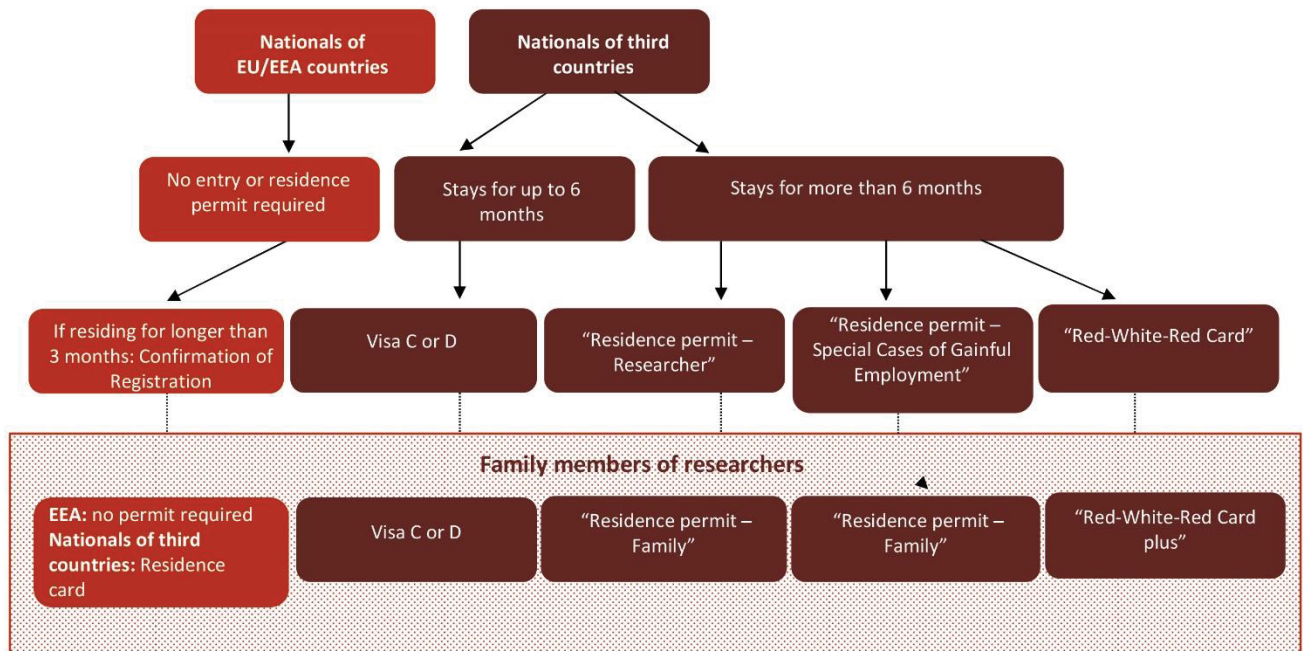
This brochure was developed in cooperation with the Federal Ministry of the Interior (BM.I) and the Federal Ministry for Europe, Integration and External Affairs (BMEIA). The purpose of this brochure is to present an overview of the various options and provide assistance in the steps required.

If you have any further questions or suggestions for improvement, please contact [recht@oead.at](mailto:recht@oead.at).

## About the text:

Following the terminology of the Settlement and Residence Act (NAG) the German titles for residence titles (when used in this brochure) apply both to male and female students, even if only the masculine form is used. Spelling and punctuation of the translated residence titles is also based on the terminology of the Settlement and Residence Act (NAG) in the original language (e.g. Red-White-Red Card - “Red-White-Red – Card”). The underlined terms in the text are explained in the glossary (chapter 14).

## 2 Overview of entry and residence titles for researchers and their families



## 3 What is meant by research? Who is a researcher?

The following definitions provide orientation for the authorities in charge:

“Research and experimental development (R&D) comprise creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications.” (Proposed Standard Practice for Surveys on Research and Experimental Development, Frascati Manual, OECD, 2002). Thus, according to the Frascati Manual, researchers are “professionals engaged in the conception or creation of new knowledge, products, processes, methods and systems, and in the management of the projects concerned.”

The following activities are not considered to be scientific nor research work (including the arts sector):

- purely pedagogical and administrative activities in scientific institutions;
- activities related to the arts in enterprises of industrial art or during arts events, such as variety theatre, dance and circus shows or similar, or the soliciting of artists;
- pure laboratory activities without any scientific requirements.

## 4 Information for employers and Austrian research institutions

### 4.1 Who can employ researchers?

- Universities and equivalent research institutions; equivalent are all public or non-profit making private institutions (e.g. universities of applied sciences, private universities, private scientific institutes) serving the purpose of further developing science and research in Austria.
- Any private enterprise, if the employment of the researcher is dedicated to scientific research within the scope of the operational purpose; the enterprise is not required to have its own research department.

### 4.2 What must the employer and the researcher observe when planning a research period in Austria?

- Generally, the choice of the appropriate residence title is determined by the researcher's intended period of stay; if researchers think they might want to settle down in Austria later on, they should take this into consideration when deciding about their intended stay.
- Since the procedure may have to be conducted from abroad by the researcher it is recommended to clarify the planned duration and possible settlement intention, the employment contract and the accommodation as soon as possible.
- Clear and timely communication between the researcher and research institution before the planned stay in Austria is important, as well as with the respective Austrian representative authority in the country of residence of the researcher.
- Visas and residence titles must be applied for in time – some residence titles several months before the planned entry to Austria – since the processing and granting of the title can take some time.
- A Hosting Agreement is required to obtain a “Residence Permit – Researcher” (see chapter 4.5).
  - Applications for a “Residence Permit – Researcher” or a “Residence Permit – Special Cases of Gainful Employment” must be submitted in person to the competent authority by the researchers, depending on the relevant regulations applicable to them (8.1, 8.2). The same applies to their families.
  - Applications for a “Red-White-Red – Card” can be submitted by the employer to the competent residence authority in Austria. The application must be accompanied by a written declaration of the employer that the employment conditions will be observed (declaration of the employer) (8.3).
  - Private companies wishing to employ researchers must be certified as research institutions (see 4.3, 4.4) if a simplified entry and residence title procedure is planned (“Residence Permit – Researcher”, see 8.1).

### 4.3 In which cases must a research institution be certified?

As a rule we distinguish between research institutions which require certification and research institutions that do not require certification. Research institutions that do not require certification are institutions which are operated by a public body to an extent of at least 50%.

If a research institution has been certified and in the case of research institutions which do not require certification a simplified entry procedure for researchers who are staying for less than 6 months is possible. In case of stays of more than 6 months researchers may apply for a “Residence Permit – Researcher” (for further information about the requirements see 8.1).

A list of all certified research institutions is published on the website of the Federal Ministry of the Interior:

[www.bmi.gv.at/cms/BMI\\_Niederlassung/zertifizierung/Forschungseinrichtun.aspx](http://www.bmi.gv.at/cms/BMI_Niederlassung/zertifizierung/Forschungseinrichtun.aspx)

There you can also find a list of the research institutions that do not require certification:

[www.bmi.gv.at/cms/BMI\\_Niederlassung/zertifizierung/Forschung\\_ohne.aspx](http://www.bmi.gv.at/cms/BMI_Niederlassung/zertifizierung/Forschung_ohne.aspx)

Research institutions which do not require certification and are interested in being published are invited to send an excerpt from the commercial register or a comparable document documenting that the research institution is operated by a public body to an extent of at least 50 % to the Federal Ministry of the Interior, Department III/4, [bmi-iii-4@bmi.gv.at](mailto:bmi-iii-4@bmi.gv.at)).

### 4.4 How can a research institution obtain certification?

Research institutions which are interested in obtaining certification can apply for it at the Federal Ministry of the Interior:

- A well-founded application must be submitted to the Federal Ministry of the Interior, Department III/4, PO Box 100, 1014 Vienna.
- An expert opinion on the research purpose of the institution issued by the Austrian Research Promotion Agency must be enclosed with the application. The application form for the expertise can be downloaded from [www.ffg.at](http://www.ffg.at) and contains all information required to apply for expert opinion. A decision about applications for expert opinion submitted in full can be made within a fortnight.

It must be evident in particular from the application and the documents enclosed that

- the institution carries out research (see expert opinion)
- it fulfils the requirements of other federal or provincial regulatory constraints for operation of research institutions

Moreover, they have to state in the application how many international researchers are expected to work at the research institution per year. If all requirements are met, the certificate will be issued for a period of five years.



## 4.5 What is a Hosting Agreement?

Researchers planning to stay in Austria for more than 6 months can apply for a “Residence Permit – Researcher”. One of the requirements for obtaining this type of residence title (for all other requirements see 8.1) is the conclusion of a hosting agreement with a certified research institution or a research institution that does not require certification. Before concluding a hosting agreement the research institution must verify the qualification of the researcher for the concrete research project.

The hosting agreement must contain

- the contractual partners,
- the purpose, duration, scope and financing of the concrete research project as well as
- a monthly gross salary or equivalent income (e.g. scholarship/grant)



## 4.6 Example of a Hosting Agreement

Hosting Agreement (in accordance with § 68 Settlement and Residence Act)

concluded between

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 4.7 Research institutions without certification

Research institutions that are not certified are also permitted to employ international researchers. In such case researchers wishing to stay for longer than 6 months will have to apply for alternative residence titles (for further details regarding this see 8.2, 8.3, 8.4, etc.).

## 5 EU/EEA and Swiss nationals

Researchers who are EU or EEA nationals or nationals of Switzerland are free to enter and settle in Austria without requiring a visa or residence title. They only need a valid passport or identity card to enter Austria. They, however, require a confirmation of registration to document their right of settlement if they reside in Austria for more than 3 months. They must apply for this confirmation of registration at the competent residence authority in Austria within 4 months of entering Austria.

Researchers from Croatia are also free to enter and settle in Austria without a visa and only need a confirmation of registration. They still need a work permit except for academic teaching and research. After working in Austria for at least twelve months without interruption they can apply at the Austrian Public Employment Service (Arbeitsmarktservice (AMS)) for a confirmation for freedom of movement<sup>1</sup>. This confirmation permits them to work anywhere in Austria.

## 6 Legalisation

Legalisation is often necessary to be able to submit international documents at Austrian authorities and institutions. Legalisation verifies the authenticity of a signature or a seal or stamp and thus attests the issuer of the document.

Austria has concluded bilateral agreements with numerous countries which allow submitting documents without any formalities (legalisation waiver). Moreover, the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents may apply, which provides for a simplified legalisation procedure (legalisation by means of an apostille). In all other cases specific legalisation requirements must be fulfilled (full diplomatic legalisation).

There are **three possibilities**:

- No legalisation is required (legalisation waiver)
- Legalisation by means of an apostille is required (legalisation according to the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents)
- Full diplomatic legalisation is required

**Legalisation waiver:** The countries for which the legalisation requirement is waived are in general certain EU member countries and a few non-European countries.

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<sup>1</sup> This rule applies to nationals of Croatia until 2020 because of the transitional provisions.

**Legalisation according to the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (by means of an apostille):** Apostilles are stamps or stickers which have to be affixed in a standardised form on public documents by the local authorities. Currently approximately 100 countries have joined the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents.

**Full diplomatic legalisation:** Documents from countries with which no legalisation waiver agreement has been concluded and which have not joined the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents require full diplomatic legalisation. This means that first the domestic legalisation procedures of the country of residence must be completed; then final legalisation of the document will be carried out by the foreign ministry of that country. After that the document must be legalised by the competent Austrian representative authority for final confirmation of its authenticity.

You have to distinguish between legalisation and translation of documents. The Austrian authorities often only accept documents in languages other than German if a certified interpreter (translator) has translated them.

It is recommended to enquire at the relevant Austrian representative authority in your country of origin whether or not and in which form documents must be legalised and translated in each case. Moreover, you can find further information on the website of the Federal Ministry for Europe, Integration and External Affairs: [www.bmeia.gv.at/reise-aufenthalt/urkunden-und-beglaubigung/beglaubigung/](http://www.bmeia.gv.at/reise-aufenthalt/urkunden-und-beglaubigung/beglaubigung/).

## 7 Residence of third-country nationals for up to six months

### 7.1 Researchers with declaration of guarantee of the research institution

Researchers have the possibility to apply for a Viša C for gainful employment (if staying up to 90 days) or a Viša D for gainful employment (if staying for more than 90 and a maximum of 180 days) free of charge at the competent Austrian representative authority in their country of residence. Due to the planned taking up of employment a visa for gainful employment is required even in the case of a general right to enter without a visa. In this way research work may be taken up immediately after entering Austria. Family members can also apply in person for a Viša C or D under the conditions mentioned below but not free of charge.

With a declaration of guarantee the institution inviting the researcher commits itself to cover all costs that may incur for the public bodies as a result of the stay of the researcher.

Provided that the future employer is either a research institution owned to an extent of at least 50% by a public body or a certified research institution and this research institution presents a declaration of guarantee for the future employee the following simplified procedure applies for the purpose of entry, residence within the territory of Austria and a prompt commencement of work:

#### **Procedure:**

- The research institution contacts the competent Austrian representative authority in the country of residence of the researcher and submits the declaration of guarantee, the work contract and the contact addresses for the researcher. It is also possible to submit the declaration of guarantee in electronic form free of charge (electronic declaration of guarantee – EVE).
- As a result of this the researcher will get a prompt special appointment with the Austrian representative authority and will submit an application for a visa for gainful employment, which is free of charge (Viša C for gainful employment for stays of up to 90 days, or Viša D for gainful employment for stays of more than 90 and a maximum of 180 days).
- If the simplified procedure is to be applied to family members, too, the declaration of guarantee must also include the family members.

Family members can also apply in person for a Viša C or D under the conditions mentioned below but not free of charge.

## Checklist Visa for Gainful Employment (with Declaration of Guarantee)

Application in person at the competent .....  
of residence.

**Please note:** The processing times can vary greatly regionally or seasonally (e.g. due to high demand). As an orientation it is recommended to apply for the visa at least 4 weeks before intending to enter Austria.

- Application form (fully completed and signed by the researcher him/herself)
  - Visa C:  
[www.bmeia.gv.at/fileadmin/user\\_upload/bmeia/media/5-Buergerservice\\_Zentrale/ReiseGrenzverkehr/Visumantrag.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/5-Buergerservice_Zentrale/ReiseGrenzverkehr/Visumantrag.pdf)
  - Visa D:  
[www.bmeia.gv.at/fileadmin/user\\_upload/Allgemein/Formulare/Formular\\_D\\_-\\_Antrag.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Allgemein/Formulare/Formular_D_-_Antrag.pdf)
- Valid travel document the validity period of which must exceed the validity period of the visa by at least 3 months; the travel document must contain at least 2 empty pages and it must have been issued within the past 10 years.
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Declaration of guarantee of a research institution which is owned to an extent of at least 50% by a public body or of a certified research institution
- Presentation of a travel health insurance for the planned duration of the researcher's stay in Austria or the start of insurance as part of their employment contract (compulsory insurance), respectively. The insurance must cover all risks (amount of coverage: EUR 30,000.00) and it must be valid in the whole Schengen area. Should a researcher already have compulsory insurance, he/she must provide proof of this when applying for the visa.

## Declaration of guarantee for international researchers intending to take up employment in the federal territory of Austria

### Text of the

in \_\_\_\_\_, for a visit for the period from \_\_\_\_\_ to \_\_\_\_\_.

<Mr/Ms> <first name, last name> will be working as a researcher in

\_\_\_\_\_.

<research institution> undertakes to bear the living costs and costs for accommodation of the person(s) invited.

<research institution> also undertakes to indemnify the Republic of Austria, the federal provinces, the municipalities and other public bodies for any costs incurring in connection with the entry, the residence – even if the same exceeds the term of the invitation for whatever reason – and the departure from the country as well as any actions related to the aliens' police within a period of 14 days from payment request on pain of assertion in court.

**Please note:** Costs of care services and expenses for medical treatment, for example, are also included in this declaration of guarantee.

- The declaration of guarantee must be signed by an authorised signatory.
- The declaration of guarantee must be issued on official stationery.
- If the simplified procedure is to be applied to family members, too, the declaration of guarantee must also include the family members.

## 7.2 Researchers without declaration of guarantee of the research institution

In this case researchers may also apply for a Viša C for gainful employment (if staying up to 90 days) or a Viša D for gainful employment (if staying for more than 90 and a maximum of 180 days) free of charge at the competent Austrian representative authority in their country of residence. Due to the planned taking up of employment a visa for gainful employment is required even in the case of a general right to enter without a visa. In this way research work may be taken up immediately after entering Austria.

Family members can also apply in person for a Viša C or D under the conditions mentioned below but not free of charge.

## Checklist Visa for Gainful Employment (without Declaration of Guarantee)

Application in person at the competent .....  
of residence.

**Please note:** The processing times can vary greatly regionally or seasonally (e.g. due to high demand). As an orientation it is recommended to apply for the visa at least 4 weeks before intending to enter Austria.

- Application form (fully completed and signed by the researcher him/herself)
  - Visa C: [www.bmeia.gv.at/fileadmin/user\\_upload/bmeia/media/5-Buergerservice\\_Zentrale/ReiseGrenzverkehr/Visumantrag.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/5-Buergerservice_Zentrale/ReiseGrenzverkehr/Visumantrag.pdf)
  - Visa D:  
[www.bmeia.gv.at/fileadmin/user\\_upload/Allgemein/Formulare/Formular\\_D\\_-\\_Antrag.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Allgemein/Formulare/Formular_D_-_Antrag.pdf)
- Valid travel document which must be valid until at least three months after leaving the Schengen territory; the travel document must contain at least two empty pages and it must have been issued within the past ten years.
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Employment contract or preliminary contract with the employer in Austria (salary, planned duration, accommodation where required, etc.)
- Proof of accommodation (unless settled in the contract with the employer)
- Presentation of a travel health insurance for the planned duration of the researcher's stay in Austria or the start of insurance as part of their employment contract (compulsory insurance), respectively. The insurance must cover all risks (amount of coverage: EUR 30,000.00) and it must be valid in the whole Schengen area. Should a researcher already have compulsory insurance, he/she must provide proof of this when applying for the visa.
- Proof of family ties and/or economic ties with the home country (e.g. proof of employment, proof of being a student there, spouse, children, etc.).

### 7.3 Job-seeking visa for particularly highly qualified persons<sup>2</sup>

Researchers wishing to seek employment in Austria can apply for a “Job-Seeking Visa D”, which is valid for 6 months. Researchers must provide proof of their qualifications when applying. Moreover, they must fulfil the general entry requirements. The application must be submitted at the competent Austrian representative authority in the country of residence. If the researcher finds a job within the validity period of the visa, he/she can apply for a “Red-White-Red – Card” (for particularly highly qualified persons) in Austria (see also 8.4).

<sup>2</sup> § 24a FPG and § 12 AuslBG



## Checklist for “Job-Seeking Visa D” (1/2)

Application in person at the competent .....  
of residence.

**Please note:** The processing times may vary regionally or seasonally (e.g. due to high demand). As an orientation it is recommended to apply for the visa at least 8 weeks before intending to enter Austria.

- Valid travel document which must be valid until at least three months after leaving the Schengen territory; the travel document must contain at least 2 empty pages and it must have been issued within the past 10 years
- Birth certificate or equivalent document
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Fully completed visa application signed by the researcher him/herself; the form is available on the website of the Federal Ministry for Europe, Integration and External Affairs ([www.bmeia.gv.at/fileadmin/user\\_upload/Allgemein/Formulare/Formular\\_D\\_-\\_Antrag.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Allgemein/Formulare/Formular_D_-_Antrag.pdf)); it can also be obtained from the Austrian representative authority.
- Proof of accommodation – at least at the moment of the first entry
- Proof of health insurance liable to pay for medical treatment in Austria and covering all risks. Should the researcher already have compulsory insurance, this must be proven when applying for the visa. Otherwise a short-term (travel) insurance valid until compulsory insurance starts is required.
- Proof of ability to cover the living costs (e.g. pay slip, document confirming the amount of the salary, employment contracts, confirmation about insurance benefits, investment capital or sufficient assets of one’s own)
- To prove completion of a degree:
  - Certificate of successful completion of a four-year degree course
  - Proof of the status of the higher education institution by the competent authority in the home country
- Document to prove a postdoctoral lecture qualification
- Document confirming the amount of the salary and proof of leadership position:
  - Tax assessment note or document confirming the amount of the salary
  - Confirmation of the former employer about work in a leadership position
  - Proof that the company is listed on the stock exchange or an affirmative statement of the competent Austrian foreign trade office regarding activities and line of business of the company
- Proof of research or innovation activities:
  - List of publications
  - Confirmation of the public or private higher education institution or research institution about work in research and development or in academic teaching
  - If available, proof of patent registration by means of an excerpt from the national or regional patent register

### Checklist for “Job-Seeking Visa D” (2/2)

- 
- Proof of professional experience (recommendation, employment verification)
- Language skills
  - certificates (e.g. Austrian language diploma ÖSD, Goethe Institute, Telc GmbH, Austrian Integration Fund)
  -
- Proof of studies in Austria:
  - Record of study (*Studienbuchblatt*)
  - Exam certificates
  - Certificate about the successful completion of a degree programme in Austria

## 8 Residence of third-country nationals for more than 6 months

Researchers who wish to work in research and teaching in Austria may choose between four residence titles, depending on their intended period of stay and activity.

Although a change to a different residence title is possible it is easier for researchers and the Austrian employer if they have clarified the length of stay and possible intention for permanent settlement in Austria before submitting the application as this will result in direct consequences for the choice of the residence title.

The following residence titles are available:

### Temporary residence in Austria:

- “Residence Permit – Researcher”
- “Residence Permit – Special Cases of Gainful Employment”

### Intended permanent settlement in Austria:

- Residence title “Red-White-Red – Card”
- Residence title “Blue Card EU”

Researchers must specify a concrete employer who is planning to employ them when applying for the residence title.

Employers can be:

- Universities and equivalent university or non-university research institutions. Equivalent institutions are all public or non-profit making private institutions (e.g. universities of applied sciences, private universities, competence centres, private scientific institutes) serving the purpose of further developing science and research in Austria.

→ Any private enterprise, if the employment of the researchers is dedicated to scientific research or experimental development within the scope of the operational purpose. The enterprise is not required to have its own research department for this purpose. It, however, must document representable research activities and projects. An overview of the residence titles for researchers can be found below.

"Residence Permit – Special			
	Application <b>in person</b> by the researcher; <b>application in Austria</b> at the competent <u>residence authority</u> is possible following legal entry ( <u>entry without the need for a visa</u> or <b>with a visa</b> )	Application <b>in person</b> by the researcher; <b>application in Austria</b> at the competent <u>residence authority</u> is possible following legal entry ( <u>entry without the need for a visa</u> or <b>with a visa</b> )	Application <b>in person</b> by the researcher or by the <b>employer</b> at the competent <u>residence authority</u> in Austria; applicants who are not entitled to enter <u>without the need for a visa</u> must await the outcome of the procedure abroad
	Mandatory submission of a <b>hosting agreement</b> of a certified research institution or a research institution that does not require certification; proof of <b>accommodation</b> , health insurance (provided that the researcher does not or will not have compulsory insurance) and ability to cover the living costs	Proof of <b>employment contract/preliminary contract/grant/scholarship</b> (to cover living costs and health insurance) and <b>accommodation</b> (e.g. rental contract or confirmation by a student hall of residence) as well as <b>police clearance certificate</b> if demanded by the authority	Proof of <b>accommodation, funding for living costs, declaration of the employer, health insurance</b> (in case that there will be no compulsory insurance) as well as <b>police clearance certificate</b> if demanded by the authority <b>and documents that are required for fulfilling the labour market criteria</b>
	<b>24 months**</b>	<b>12 months**</b>	<b>12 months**</b>
	possible in Austria	possible in Austria	possible in Austria
	<u>Family members</u> may apply for a " <b>Residence Permit – Family</b> "	<u>Family members</u> may apply for a " <b>Residence Permit – Family</b> "	<u>Family members</u> may apply for a " <b>Red-White-Red – Card plus</b> "

\* In addition to birth certificate, passport, photograph and any country-specific documents.

\*\* Shorter validity period of the residence title if a shorter term was applied for or the travel document does not have the appropriate validity period.

## 8.1 “Residence Permit – Researcher”

### 8.1.1 Who can get a “Residence Permit – Researcher”?

The “Residence Permit – Researcher” is intended for third-country nationals who can provide proof of a hosting agreement with a certified research institution or a research institution that does not require certification. Details regarding the certification of research institutions can be found in 4.3, 4.4.

### 8.1.2 Which requirements must be fulfilled?

The application for a “Residence Permit – Researcher” must be accompanied by a hosting agreement concluded between the research institution and the researcher. All other documents required to obtain the residence permit can be found in the checklist at the end of this chapter.

### 8.1.3 Where must the application be submitted?

Researchers may submit their application for a “Residence Permit – Researcher” at the competent residence authority in Austria after entering Austria with a visa, entry without the need for a visa or entry with a residence title of another Schengen country. Alternatively they can apply for it at the competent Austrian representative authority in their country of residence (in this case longer processing times have to be expected).

The application must always be submitted to the relevant authority by the researcher in person. Submission of an application by the employer or a legal representative is not permitted.

- Researchers are advised to submit their application for a “Residence Permit – Researcher” to the competent authority at least 3 months prior to the planned commencement of work in order to ensure due processing of the application.
- If the application is submitted in Austria, it is recommended to submit the application to the locally competent residence authority as soon as possible after entry so that the authority is able to decide about the application within the period of stay permitted without a visa, with a visa, or with a residence title country of residence at when the permitted duration of stay expires.
- Please note that it is not permitted to take up employment in Austria before you have received your Austrian residence title. During your permitted visa-free stay or your stay with a visa or a residence title of another Schengen country working is not permitted. If you want to start working immediately after entering Austria, you have to apply – no matter whether you are allowed to enter Austria without a visa or not – for a visa for gainful employment at the competent Austrian representative authority in your country of residence prior to travelling to Austria. Only with such a visa immediate commencement of work in Austria is permitted (see also e.g. chapter 7.2).

### 8.1.4 How long is the residence title valid and can it be renewed in Austria?

If the requirements are met, the “Residence Permit – Researcher” will be issued for a period of 24 months, unless a shorter term was applied for or the travel document is valid for a shorter period of time. The residence permit may only be renewed in Austria before it expires. Researchers who had been in possession of a “Residence Permit – Researcher” for at least 2 years can apply for a “Red-White-Red – Card plus” in Austria before expiry of their residence permit. This card provides unlimited access to the labour market.

### 8.1.5 Which residence title do family members receive?

Family members of researchers who are in possession of a “Residence Permit – Researcher” can apply for a “Residence Permit – Family” (*Aufenthaltsbewilligung Familiengemeinschaft*). Applications can be submitted in person at the competent residence authority in Austria. Alternatively they can also apply at the competent Austrian representative authority in their country of residence (in this case longer processing times have to be expected). Family members have free access to the labour market as soon as they receive their residence permit and can work in any job without a work permit as long as the family relations remain upright.

### 8.1.6 How do researchers with a hosting agreement obtain visas for entering Austria?

The simplified procedure described in 7.1 applies if a declaration of guarantee is available. After issuance of a visa free of charge the researcher can enter Austria and immediately take up employment on the basis of the visa for gainful employment. A “Residence Permit – Researcher” should be applied for at the competent Austrian residence authority as quickly as possible. The documents required for applying for the “Residence Permit – Researcher” are listed at the end of this chapter.

## Checklist for a “Residence Permit – Researcher”

### Application in person

- Valid travel document
- Birth certificate or equivalent document (only in case of first-time applications)
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Hosting agreement by a certified research institution or a research institution that does not require certification
- Proof of legal claim to accommodation in Austria according to local standards (e.g. rental or subtenancy contracts, legally valid preliminary contracts, accommodation agreement)
- Proof of health insurance (if no legal compulsory insurance exists or will exist)

## Checklist for a “Residence Permit – Family”

Application in person by the

- Valid travel document
- Birth certificate or equivalent document (only in case of first-time applications)
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Proof of legal claim to accommodation in Austria according to local standards (e.g. rental or subtenancy contracts, legally valid preliminary contracts of husband/wife, accommodation agreement)
- Proof of sufficient funds to cover the living costs (e.g. by presentation of an employment contract of husband/wife)
- If no legal compulsory insurance exists or will exist, proof of health
  
- Marriage certificate
- If demanded by the authority: police clearance certificate from the country of residence (to avoid the risk of a delay in the processing of the application it is recommended to enclose a police clearance certificate with the application in any case).

## 8.2 “Residence Permit – Special Cases of Gainful Employment”

### 8.2.1 Who can get a “Residence Permit – Special Cases of Gainful Employment”?

Researchers wishing to pursue an employment activity with scientific and/or research-related duties in public or private institutions and companies in Austria and do not have a hosting agreement with a research institution can apply for a “Residence Permit – Special Cases of Gainful Employment”. They are exempted from the Act Governing Employment of Foreign Nationals [AuslBG] and are permitted to take up the occupation in Austria without a work permit.



## 8.2.2 Which requirements must be fulfilled?

An employment contract/preliminary contract for the research-related or scientific work must be enclosed with the application for a “Residence Permit – Special Cases of Gainful Employment”. All other documents required to obtain the residence permit can be found in the checklist at the end of this chapter.

## 8.2.3 Where must the application be submitted?

Researchers can submit the application for a “Residence Permit – Special Cases of Gainful Employment” in person at the locally competent residence authority in Austria. Alternatively they can submit their application at the competent Austrian representative authority in their country of residence (in this case longer processing times have to be expected).

The application must always be submitted to the relevant authority by the researcher in person. An application by the employer or a legal representative is not permitted.

- Researchers are advised to submit their application for a “Residence Permit –
- 
- Please note that you are not permitted to take up an employment activity in Austria before you have received your Austrian residence title and that permitted residence without a visa or with a visa or a residence title of another Schengen country does not entitle to pursue any form of employment. If taking up work is planned immediately after entry, you have to apply – no matter whether you are allowed to enter Austria without a visa or not – for a visa for gainful employment at the competent Austrian representative authority in your country of residence prior such a visa immediate commencement of work in Austria is permitted, see also e.g. chapter 7.2).

## 8.2.4 How long is the residence title valid and can it be renewed in Austria?

If the requirements are met, the “Residence Permit – Special Cases of Gainful Employment” will be issued for a period of 12 months unless a shorter term was applied for or the travel document is valid for a shorter period of time. The residence permit may only be renewed in Austria before it expires. A change to any other residence title (e.g. “Red-White-Red – Card”) is permitted prior to expiry of the residence permit.

## 8.2.5 Which residence title will family members get?

Family members of researchers can apply for a “Residence Permit – Family” (*Aufenthaltsbewilligung Familiengemeinschaft*). If the researcher is employed in a research position it is possible to apply for the residence permit at the competent residence authority in Austria. In this case family members of researchers also have free access to the labour market and can work in any job without a work permit as long as the family relations remain upright. Alternatively they can also apply at the competent Austrian representative authority in their country of residence (in this case longer processing times have to be expected).

### Checklist for a “Residence Permit – Special Cases of Gainful Employment”

Application in person by the researcher at the competent

- Valid travel document
- Birth certificate or equivalent document (only in case of first-time applications)
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Employment contract/preliminary contract underlying this work
- Proof of legal claim to accommodation in Austria according to local standards (e.g. rental or subtenancy contracts, legally valid preliminary contracts, accommodation agreement)
- Proof of health insurance (if no legal compulsory insurance exists or will exist)
- If demanded by the authority: police clearance certificate from the country of residence (to avoid the risk of a delay in the processing of the application it is recommended to enclose a police clearance certificate with the application in any case).

## Checklist for a “Residence permit – Family”

### Application in person b

- Valid travel document
- Birth certificate or equivalent document (only in case of first-time applications)
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Proof of legal claim to accommodation in Austria according to local standards (e.g. rental or subtenancy contracts, legally valid preliminary contracts of husband/wife, accommodation agreement)
- Proof of sufficient funds to cover the living costs (e.g. by presentation of an employment contract of husband/wife)
- Proof of health insurance liable to pay for medical treatment in Austria
  
- Marriage certificate
- If demanded by the authority: police clearance certificate from the country of residence (to avoid the risk of a delay in the processing of the application it is recommended to enclose a police clearance certificate with the application in any case).

## 8.3 “Red-White-Red – Card”

The “Red-White-Red – Card” entitles its holder to temporary settlement and employment with a specific employer. It is suitable for people who are intending to settle in Austria permanently.

The following categories of persons can get a “Red-White-Red – Card”:

- a) Particularly highly qualified persons
- b) Specialists in occupations in which there is a lack of qualified employees
- c) Other key workers
- d) Graduates of Austrian higher education institutions
- e) Self-employed key workers

Due to their qualifications and the salary they receive researchers often fulfil the criteria for particularly highly qualified persons or other key workers.

### 8.3.1 Which requirements must be fulfilled?

A “Red-White-Red – Card” can only be issued if the researcher can document a specific job offer corresponding to his/her qualification and which is paid adequately and which fulfils the special eligibility criteria for the “Red-White-Red – Card” (=achievement of a minimum score; graduates of Austrian higher education institutions need not fulfil this minimum score). The eligibility criteria for the different “Red-White-Red – Cards” and the documents required for them will be explained in more detail in the following chapters.

### 8.3.2 Where must the application be submitted?

The application for a “Red-White-Red – Card” must, together with a written declaration of the employer confirming that the employment requirements will be fulfilled (=declaration of the employer), as a rule be submitted to the competent Austrian representative authority in the researcher's country of residence. In certain cases it is also possible to apply at the competent residence authority in Austria (e.g. in case of entry without the need for a visa). Since 2013 it has been possible that employers can also submit the application for a “Red-White-Red – Card” at the competent residence authority in Austria on behalf of the researcher.

Persons who are in possession of a “visa D for job-seeking” can apply for a “Red-White-Red – Card” for particularly highly qualified persons at the competent residence authority in Austria during the validity period of their visa.

The Public Employment Service (AMS) will automatically carry out a labour market check after the application has been submitted at the residence authority in Austria (only in case of other key workers). The residence authority must decide about the application on the basis of this expertise within 8 weeks.

### 8.3.3 How long is the residence title valid and can it be renewed in Austria?

If the above-mentioned requirements are fulfilled, the researcher will receive a “Red-White-Red – Card” for a maximum period of 12 months and is permitted to work with this without any further labour market permit. After having been in possession of a “Red-White-Red – Card” the researcher may receive a “Red-White-Red – Card plus” (8.7) for another 12 months. The application for this must be submitted to the competent residence authority before expiry of the “Red-White-Red – Card”.

The requirement for the “Red-White-Red – Card plus” is that the researcher was employed according to the requirements for at least 10 months during the last 12 months. The “Red-White-Red – Card plus” provides unlimited access to the labour market. After settlement in Austria with a “Red-White-Red – Card” or a “Red-White-Red – Card plus” for at least two years the “Red-White-Red – Card plus” can be issued for a validity period of 3 years. After a total settlement period in Austria of five years researchers may obtain the residence title “Permanent Residence EU” (8.9) if they fulfil the requirements for this title.

### 8.3.4 Which residence title do family members receive?

Family members of holders of a “Red-White-Red – Card” or a “Red-White-Red – Card plus” will receive a “Red-White-Red – Card plus” for up to 12 months, which grants them unlimited access to the labour market. They must apply for the “Red-White-Red – Card plus” in person at the competent Austrian representative authority in their country of residence or – in case that the family members are permitted to enter Austria without the need for a visa or are in possession of a valid residence title of another Schengen country – at the competent residence authority in Austria.

- Family members provide proof of knowledge of German at the time of application. Family members of researchers applying for a “Red-White-Red – Card” as other key workers must provide proof of knowledge of German (level A1) at the time of application.
- After settlement in Austria for a total period of five years family members of researchers may obtain the residence title “Permanent Residence EU” if they fulfil the requirements for this title.

### 8.3.5 Change from residence permits to “Red-White-Red – Cards”

If researchers and their families at first lived in Austria on the basis of a residence permit and do not decide in favour of permanent settlement in Austria until later, they are able to change to a “Red-White-Red – Card” at any time before expiry of their residence permit provided that they fulfil the requirements. In this case the information specified on the following pages applies. Researchers who have been in possession of a “Residence Permit – Researcher” for at least 2 years can receive a “Red-White-Red – Card plus”. They have to apply for it at the competent residence authority in Austria before expiry of the residence permit.

## Checklist for a “Red-White-Red – Card”

### Applicati

in Austria (residence in Austria for job-seeking, see 8.6.1), a job-seeking visa (see 7.3) or a valid residence title of another Schengen country – at the competent residence authority in Austria.

Researchers must enclose the following documents (originals plus photocopies) with the completed application form, which must be signed by the researcher him/herself:

- Valid travel document
- Birth certificate or equivalent document (only in case of first-time applications)
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Proof of legal claim to accommodation in Austria according to local standards (e.g. rental or subtenancy contracts, legally valid preliminary contracts, accommodation agreement)
- Declaration of the employer
- Marriage certificate
- Police clearance certificate from the country of residence (to avoid the risk of a delay in the processing of the application it is recommended to enclose a police clearance certificate with the application in any case).
- Proof of the special qualifications and skills (for the types of titles described in 8.4, 8.5, 8.6)
  - Proof of completion of a degree programme or part of a degree programme at an Austria higher education institution:
  - Certificates, diplomas and confirmations of the employer
  - Proof of professional experience adequate to one’s education by means of recommendations and employment verification
- Proof of sufficient funds to cover the living costs (e.g. by presentation of an employment contract of husband/wife)
- Proof of health insurance liable to pay for medical treatment in Austria and covering all risks (as a rule family members will be covered by the researcher’s health insurance)

**Costs:** EUR 120.00; fee for the title: EUR 100.00 (EUR 80.00 when submitting the application plus EUR 20.00 when collecting the residence title) and EUR 20.00 fee for the collection of police identification data (photo and signature)

## Checklists for family members: “Red-White-Red – Card plus”

Application in person by the

.....  
at the competent residence authority in Austria.

The following documents (originals plus photocopies) must be enclosed with the completed and signed application form:

- Valid travel document
- Birth certificate or equivalent document (only in case of first-time applications)
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Proof of legal claim to accommodation in Austria according to local standards (e.g. rental or subtenancy contracts, legally valid preliminary contracts of husband/wife, accommodation agreement)
- Proof of health insurance liable to pay for medical treatment in Austria and covering all risks (as a rule family members will be covered by the researcher’s health insurance)
- Marriage certificate
- If demanded by the authority: police clearance certificate from the country of residence (to avoid the risk of a delay in the processing of the application it is recommended to enclose a police clearance certificate with the application in any case).

**Costs:** EUR 120.00; fee for the title: EUR 100.00 (EUR 80.00 when submitting the application plus EUR 20.00 when collecting the residence title) and EUR 20.00 fee for the collection of police identification data (photo and signature)

## 8.4 “Red-White-Red – Card” for particularly highly qualified persons

### 8.4.1 Visa for job-seeking for particularly highly qualified persons

Researchers wishing to search for a job in Austria can apply for a visa D for job-seeking, which is valid for six months, at the Austrian representative authority competent for their country of residence if they can provide proof of their qualifications when applying. For further information see 7.3.

If the researcher finds a job during the validity period of his/her visa, he/she can apply for a “Red-White-Red – Card” for particularly highly qualified persons in Austria.

People who are allowed to enter Austria without the need for a visa or with a residence title of another Schengen country can apply for a “Red-White-Red – Card” for particularly highly qualified persons in Austria during their permitted stay if they can prove having a job offer (employment contract) or find a job according to their qualifications within this period of time (usually 3 months).



## 8.4.2 Who is regarded as a particularly highly qualified person?

Particularly highly qualified researchers may get a “Job-seeking Visa D” or a “Red-White-Red – Card” for particularly highly qualified persons if they achieve a score of at least 70 according to the following criteria:

Eligibility criteria for particularly highly qualified persons	Points
<b>Special qualifications and skills</b>	<b>maximum points creditable: 40</b>
→	
→	
→ 50,000.00 to 60,000.00 EUR	
→ 60,000.00 to 70,000.00 EUR	
→ more than 70,000.00 EUR	
Professional experience (adequate to their education or in a leadership position)	maximum points creditable: 20
Language skills	maximum points creditable: 10
Age	maximum points creditable: 20
Studies in Austria	maximum points creditable: 10
.....	
<b>Total maximum score</b>	<b>100</b>
<b>Required minimum score</b>	<b>70</b>

## Checklist for a “Red-White-Red – Card” for particularly highly qualified persons

- Proofs of a degree with a minimum duration of four years completed at a tertiary educational institution:
  - document proving the successful completion of the degree programme and
  - documentation of the status of the university or other higher education institution
- Proof of postdoctoral lecture qualification: document confirming the postdoctoral lecture qualification
- Proof of last year’s gross annual salary in a leadership position
  - Tax assessment note or document confirming the amount of the salary
  - Confirmation of the former employer that the applicant worked in a leadership position, and
  - Documentation that the company is listed on the stock exchange or an
- Proof of research or innovation activities:
  - Documentation of scientific
  - Confirmation by a university or a public or private research institution that the applicant worked in research and development or in academic, including research-led academic teaching, or
  - Documentation of a patent registration by means of an excerpt from the national or regional register of patents
- Evidence of recognised awards and prizes by a document confirming
- Proof of professional qualification:
  - Recommendation and
  - Employment verification
- 
- To prove studies in Austria (second stage of a degree programme or half of the required ECTS credits) by means of the record of studies (*Studienbuch*) examination certificates
- To prove a diploma degree or a bachelor’s or master’s degree in Austria a certificate documenting the successful completion of this degree programme
- Declaration of the employer according to the Act Governing Employment of Foreign Nationals (AuslBG)

## 8.5 “Red-White-Red – Card” for other key workers

Researchers wishing to take up employment as key workers in a company due to their qualifications can get a “Red-White-Red – Card” if the following requirements are fulfilled:

- The company pays them the stipulated minimum salary, which in 2016 is:
  - For people under the age of 30: monthly gross salary of EUR 2,430.00 plus bonus payments
  - For people over the age of 30: monthly gross salary of EUR 2,916.00 plus bonus payments
- The Public Employment Service (AMS) is not able to find other equally qualified people who are registered as unemployed with the Public Employment Service for the company to fill the position (labour market check).
- They achieve a score of at least 50 in the following criteria:

Eligibility criteria for key workers	Points
<b>Qualification</b>	<b>maximum points creditable: 30</b>
Professional experience adequate to the education	maximum points creditable: 10
Language skills	maximum points creditable: 15
Age	maximum points creditable: 20
<b>Total maximum score</b>	<b>75</b>
Additional points for professional athletes and professional sports coaches	20
<b>Required minimum score</b>	<b>50</b>

### Checklist for a “Red-White-Red – Card” for other key workers

- Proof of completed professional education and training by means of a certificate or diploma
- Proof of special knowledge and skills:
  - Recommendation or certificate confirming the completion of a specific education or training and
  - Employment verification
- Proof of the general university entrance qualification by means of a school leaving certificate qualifying for university studies according to §64 para.
- Document of successful completion of the degree programme and
  - Documentation of the status of the university or other higher education institution
- Proof of professional experience adequate to the education:
  - Recommendation and
  - Employment verification
- Proof of German or English language skills by means of an internationally recognised
- Declaration of the employer according to the .....  
Nationals (AuslBG)

## 8.6 “Red-White-Red – Card” for University Graduates

### 8.6.1 Job-seeking

Nationals of third countries who have completed at least the second stage of a diploma degree programme or a complete master’s programme at an Austrian higher education institution can apply for a permission to stay in Austria for job-seeking at the competent residence authority in Austria once before expiry of their residence permit.

This confirmation allows them to stay in Austria for another 6 months to look for a job.

Graduates of higher education institutions who can prove a job offer corresponding to their education level by means of an employment contract within these 6 months will receive a “Red-White-Red – Card” for graduates without labour market check upon application at the competent residence authority in Austria if they are paid the monthly minimum gross salary for Austrian graduates according to local standards of EUR 2,187.00<sup>3</sup> (2016) plus bonus payments and fulfil other requirements (such as accommodation according to local standards, health insurance, etc.).

Provided that the necessary requirements are fulfilled graduates of higher education institutions can also apply for other types of “Red-White-Red – Cards” at the competent residence authority in Austria during their job-seeking period.

<sup>3</sup> This amount is adjusted every year

## 8.7 “Red-White-Red – Card plus”

The following categories of persons can receive a “Red-White-Red – Card plus”:

- Holders of a “Red-White-Red – Card”, if they were employed for at least 10 months according to the requirements within the last 12 months
- Holders of a “Blue Card EU” or a “Residence Permit – Researcher”, if they were employed for at least 21 months according to the requirements within the last 24 months
- Family members of holders of a “Red-White-Red – Card” or a “Blue Card EU”
- Family members of permanently settling nationals of third countries

The “Red-White-Red – Card plus” entitles them to temporary residence in Austria and grants them unlimited access to the labour market.

### Checklist for the “Red-White-Red – Card plus”

- Valid travel document
- Birth certificate
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- If required: marriage certificate / divorce certificate, civil union certificate / certificate of dissolution of the civil union, adoption certificate
- Documentation of legal claim to accommodation in Austria according to local standards (e.g. rental or subtenancy contracts, legally valid preliminary contracts of husband/wife, accommodation agreement)
- Proof of health insurance liable to pay for medical treatment in Austria a
  
- If required, proof that the person reuniting his/her family has the necessary residence title

## 8.8 “Blue Card EU”

### 8.8.1 Who can receive a “Blue Card EU”?

Nationals of third countries who fulfil the general criteria for this title and can provide a written confirmation of the Public Employment Service (AMS) that they fulfil the criteria of a key worker have good chances to get a residence title “Blue Card EU”. Researchers may also fulfil the requirements for the residence title “Blue Card EU” due to their qualifications and their salary, especially if they already possess a “Blue Card EU” of another Schengen country.

#### **Eligibility criteria:**

- Completed higher education degree programme with a minimum duration of three years
- Proof of a guaranteed job offer for a highly qualified job for at least one year (it must correspond to the education of the third country national!)
- Minimum annual salary of currently at least EUR 58,434.00 (approximate gross salary of EUR 4,174.00 per month plus bonus payments)
- No unemployed job-seeker registered with the Public Employment Service (AMS) in Austria is available for this position (labour market check)

### 8.8.2 Where must the application be submitted?

Applications for a “Blue Card EU” must be submitted in person at the competent Austrian representative authority in the country of residence; in case of permitted entry without the need for a visa or with a residence title of another Schengen country they can also be submitted at the competent residence authority in Austria. The application can also be submitted by the employer in Austria on behalf of the researcher. The Public Employment Service (AMS) will submit a written confirmation to the competent residence authority stating that the researcher fulfils the eligibility criteria of a key worker.

### 8.8.3 How long is the residence title valid and can it be renewed in Austria?

The researcher will – depending on the term of his/her employment contract – receive a “Blue Card EU” for up to two years and is permitted to work with it without any further labour market permit. After 2 years the researcher can apply for a “Red-White-Red – Card plus” for residence of up to 3 years. The application for this card must be submitted to the competent residence authority in Austria before expiry of the “Blue Card EU”. The requirement for the “Red-White-Red – Card plus” is that the researcher was employed according to the requirements for at least 21 months within the last 24 months. After a total settlement period in Austria of five years researchers may obtain the residence title “Permanent Residence EU” if they fulfil the requirements for this title.

## 8.8.4 Which residence title will family members receive?

Family members of holders of a “Blue Card EU” or of another residence title who formerly had a “Blue Card EU” will receive a “Red-White-Red – Card plus” for up to 12 months, which grants them unlimited access to the labour market. They must apply for the “Red-White-Red – Card plus” in person at the competent Austrian representative authority in their country of residence or – in case that the family members are permitted to enter Austria without the need for a visa or are in possession of a valid residence title of another Schengen country – at the competent residence authority in Austria.

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 knowledge of German at the time of application. After settlement in Austria for a total period of five years the family members of researchers may obtain the residence title “Permanent Residence EU” if they fulfil the requirements for this title.

### Checklist for “Blue Card – EU”

**Application by the researcher in person at the competent Austrian representative authority in their country of residence or – in case he/she is entitled to enter Austria without the need for a visa or is in possession of a valid residence title of another Schengen country – at the competent residence authority in Austria.**

Researchers must enclose the following documents (originals plus photocopies) with the completed and signed application form:

- Valid travel document
- Birth certificate or equivalent document (only in case of first-time applications)
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Declaration of the employer
- Optional: police clearance certificate from the country of residence
- Proof of completion of a degree programme with a minimum duration of three years by means of a degree certificate and documentation of the status of the higher education institution

It is recommended to submit all foreign documents in a legalised German translation as well as documents and proofs in legalised form according to the applicable regulations.

**Costs:** EUR 120.00; fee for the title: EUR 100.00 (EUR 80.00 when submitting the application plus EUR 20.00 when collecting the residence title) and EUR 20.00 fee for the collection of police identification data (photo and signature)

## 8.9 Residence title “Permanent Residence EU”

### 8.9.1 Who can receive a residence title “Permanent Residence EU”?

Nationals of third countries who were entitled to settle in Austria without interruption for the last 5 years (e.g. with a “Red-White-Red – Card”, “Red-White-Red – Card plus”, “Blue Card EU”) and who fulfil the general criteria for residence titles and have fulfilled the module 2 of the Integration Agreement (i.e. German language skills according to level B1 of the Common European Framework of Reference for Languages). In case of holders of a residence permit (e.g. “Special Cases of Gainful Employment”, “Student”, “Researcher” or “Family”) only half of the time can be credited towards the five-year period.

### 8.9.2 Where must the application be submitted?

Applications for a residence title “Permanent Residence EU” must be submitted in person to the competent residence authority in Austria.

### 8.9.3 How long is the residence title valid?

The residence title “Permanent Residence EU” entitles its holder to unlimited settlement and provides unlimited access to the labour market. It will be issued for five years. Although the residence title as such is valid for an unlimited period of time, you have to have it extended after 5 years.



### Checklist for “Permanent Residence EU”

- Valid travel document
- Birth certificate or equivalent document (only in case of first-time applications)
- Passport-sized photograph according to the ICAO criteria (colour photograph, size 3.5 x 4.5 cm); criteria at [www.passbildkriterien.at/oesterreich.html](http://www.passbildkriterien.at/oesterreich.html)
- Declaration of the employer
- Optional: police clearance certificate from the country of residence
- 
  
- Proof of legal claim to accommodation in Austria according to local standards (e.g. rental or subtenancy contracts, legally valid preliminary contracts or proof of ownership, accommodation agreement)
- Proof of health
  
- Proof of ability to cover the living costs (payslip, documents confirming the amount of the salary, employment contracts, documentation about old-
  
  
- Proof of having fulfilled module 2 of the Integration Agreement
- Proof of uninterrupted legal settlement in Austria in the last 5 years

## 9 Services

The Researcher's Mobility Portal and the network of Austrian mobility centres provide researchers who are planning to move to Austria as well as their families with information about:

- the Austrian research landscape
- scholarships and research grants
- vacancies in scientific research
- entry and employment regulations
- social insurance and taxes
- practical issues of daily life (e.g. accommodation, childcare, language courses, etc.)

Additional information is available on the website [www.euraxess.at](http://www.euraxess.at).

In case of further questions the two Austrian mobility centres can be contacted directly:

- Austrian Agency for International Cooperation in Education and Research (OeAD-GmbH): [info@oead.at](mailto:info@oead.at) (especially for questions related to entry and employment regulations in Austria)
- Austrian Research Promotion Agency (FFG): [mobility@ffg.at](mailto:mobility@ffg.at) (especially for questions related to social insurance and taxes)

The mobility centres are supported by local service centres of the network located in numerous Austrian cities (for addresses and contacts see the website [www.euraxess.at](http://www.euraxess.at)). Enquiries related to any regionally-specific information will be forwarded accordingly by the mobility centres. The Austrian mobility centres are members of the European network of mobility centres (Euraxess: [www.ec.europa.eu/euraxess](http://www.ec.europa.eu/euraxess)).

## 10 Points of contact

### **For questions related to residence titles (residence of more than 6 months), certification procedure, Hosting Agreement:**

Federal Ministry of the Interior, Department III/4, Tel. +43 153126-0

E-mail: [bmi-iii-4@bmi.gv.at](mailto:bmi-iii-4@bmi.gv.at), Web: [www.bmi.gv.at](http://www.bmi.gv.at)

### **For questions related to visas, entry without the need for a visa (residence of less than 6 months):**

Federal Ministry of the Interior, Department II/3, Tel. +43 153126-0

E-mail: [bmi-ii-3@bmi.gv.at](mailto:bmi-ii-3@bmi.gv.at), Web: [www.bmi.gv.at](http://www.bmi.gv.at)

Federal Ministry for Europe, Integration and External Affairs, Department IV/2, Tel.: +43 501150-0

E-mail: [abtiv2@bmeia.gv.at](mailto:abtiv2@bmeia.gv.at), Web: [www.bmeia.gv.at](http://www.bmeia.gv.at)

### **For questions related to employment and jobs:**

Federal Ministry of Labour, Social Affairs and Consumer Protection, Department VI/7,

Tel. +43 171100-5555, E-mail: [post@bmask.gv.at](mailto:post@bmask.gv.at), Web: [www.bmask.gv.at](http://www.bmask.gv.at)

### **For questions related to research projects and residence of researchers in Austria:**

Austrian Research Promotion Agency, Tel. +43 57755-0

E-mail: [office@ffg.at](mailto:office@ffg.at), Web: [www.ffg.at](http://www.ffg.at)

Austrian Agency for International Cooperation in Education and Research (OeAD-GmbH), Tel. +43 153408-201

E-mail: [info@oead.at](mailto:info@oead.at), Web: [www.oead.at](http://www.oead.at)

Austrian Economic Chamber, Tel. +43 590900-0,

E-mail: [wkoe@wko.at](mailto:wkoe@wko.at), Web: [www.wko.at/innovation](http://www.wko.at/innovation)

Abroad: Austrian embassies and consulates-general: [www.bmeia.gv.at/botschaften-konsulate/suche-nach-oesterreichischen-vertretungen/](http://www.bmeia.gv.at/botschaften-konsulate/suche-nach-oesterreichischen-vertretungen/)

Scholarships and research grants: [www.grants.at](http://www.grants.at)

## 11 EU/EEA Countries

Austria	Germany	Netherlands
Belgium	Great Britain	Poland
Bulgaria	Greece	Portugal
Croatia	Hungary	Romania
Cyprus	Ireland	Slovakia
Czech Republic	Italy	Slovenian
Denmark	Latvia	Spain
Estonia	Lithuania	Sweden
Finland	Luxemburg	
France	Malta	

The European Economic Area (EEA) includes all member countries of the European Union as well as Iceland, Liechtenstein and Norway.

## 12 Schengen Countries

Austria	Greece	Netherlands
Belgium	Hungary	Norway
Bulgaria	Iceland	Poland
Czech Republic	Italy	Portugal
Denmark	Latvia	Slovakia
Estonia	Liechtenstein	Slovenia
Finland	Lithuania	Spain
France	Luxemburg	Sweden
Germany	Malta	Switzerland

## 13 Countries the nationals of which are permitted to enter Austria without a visa

Albania*	Guatemala	Panama
Andorra	Honduras	Paraguay
Antigua and Barbuda	Hong Kong	Peru
Argentina	Israel	Samoa
Australia	Japan (6 months)	San Marino
Bahamas	Republic of Korea (South)	Serbia*
Barbados	Macau	Seychelles
Bosnia and Herzegovina*	Macedonia*	Singapore
Brazil	Malaysia	St. Christopher und Nevis
Brunei	Mauritius	Taiwan**
Canada	Mexico	Timor-Leste (East Timor)
Chile	Moldova*	Kingdom of Tonga
Colombia	Monaco	United Arab Emirates
Costa Rica	Montenegro*	United States of America
Dominica	New Zealand	Uruguay
El Salvador	Nicaragua	Vatican State
Grenada	Palau	Venezuela

\* only applies to holders of biometric passports

\*\* only applies to passports with identity card number

## 14 Glossary

**Accommodation agreement:** By means of an accommodation agreement the necessary claim to accommodation in Austria, which is required for a visa or a residence title, can be proven also in the case of rent-free private accommodation:

[www.oead.at/fileadmin/oead\\_zentrale/willkommen\\_in\\_oe/Recht/Wohnrechtsvereinbarung.pdf](http://www.oead.at/fileadmin/oead_zentrale/willkommen_in_oe/Recht/Wohnrechtsvereinbarung.pdf)

**Act Governing Employment of Foreign Nationals (Ausländerbeschäftigungsgesetz, AuslBG):** regulates access to the labour market of nationals of third countries (and Croatians until 2020) who want to work in Austria and to whom none of the exception rules applies. Researchers (as long as they work in a research job) and their families are exempted from the Act Governing Employment of Foreign Nationals (AuslBG).

**Application form:** forms for applying for a residence title and/or documentation of the right to reside and settle under Community law are available on the website of the Federal Ministry of the Interior: [www.bmi.gv.at/cms/bmi\\_forscher](http://www.bmi.gv.at/cms/bmi_forscher), forms for applying for a visa are available on the website of the Federal Ministry for Europe, Integration and External Affairs ([www.bmeia.gv.at/fileadmin/user\\_upload/Allgemein/Formulare/Formular\\_C\\_-\\_Schengenvisum.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Allgemein/Formulare/Formular_C_-_Schengenvisum.pdf)).

**Austrian representative authority:** an authority entrusted with consular duties or the professional representation of Austria abroad. Honorary consulates, however, are no professional representation authorities and therefore generally not permitted to issue visas. The local competence depends on the researcher's place of residence. Details regarding the Austrian representative authorities are available on the website of the Federal Ministry for Europe, Integration and External Affairs ([www.bmeia.gv.at/botschaften-konsulate/such-nach-oesterreichischen-vertretungen/](http://www.bmeia.gv.at/botschaften-konsulate/such-nach-oesterreichischen-vertretungen/))

**Certified interpreters:** a list of the certified interpreters in Austria is available on the following website: [www.sdgliste.justiz.gv.at/edikte/sv/svliste.nsf/suche!OpenForm&subf=df](http://www.sdgliste.justiz.gv.at/edikte/sv/svliste.nsf/suche!OpenForm&subf=df).

**Certified research institutions:** These are private enterprises which have been certified by the Federal Ministry of the Interior in order to be able to conclude Hosting Agreements with researchers from third countries. The certified research institutions are published on the website of the Federal Ministry of the Interior ([www.bmi.gv.at/cms/BMI\\_Niederlassung/zertifizierung/Forschungseinrichtung.aspx](http://www.bmi.gv.at/cms/BMI_Niederlassung/zertifizierung/Forschungseinrichtung.aspx)).

**Confirmation of registration:** serves to document the right to reside and settle for EU/EEA nationals and Swiss nationals under Community law: [www.bmi.gv.at/cms/BMI\\_Niederlassung/Formulare\\_2014/Anmeldebescheinigung\\_Aufenthaltskarte\\_Formular.pdf](http://www.bmi.gv.at/cms/BMI_Niederlassung/Formulare_2014/Anmeldebescheinigung_Aufenthaltskarte_Formular.pdf).

**Country of residence:** This is the country in which the researcher has his/her legal residence (not for short-time residence with a visa but with a proper residence title). The country of residence can both be the country whose nationality the researcher possesses and the country where he/she resides with a residence title.

**Declaration of the employer:** The declaration of the employer must be completed by the employer; it is part of the application for a "Red-White-Red – Card" or a "Blue Card EU". A sample declaration is available on the website of the Federal Ministry of the Interior

(Arbeitgeberklärung):

([www.bmi.gv.at/cms/bmi\\_forscher/Antragsformulare/01\\_07\\_2011/Arbeitgebererklaerung.pdf](http://www.bmi.gv.at/cms/bmi_forscher/Antragsformulare/01_07_2011/Arbeitgebererklaerung.pdf)).

**Declaration of guarantee /Electronic declaration of guarantee (EVE):** may be necessary when applying for a visa. A sample form is available on the website of the Federal Ministry for Europe, Integration and External Affairs

([www.bmeia.gv.at/fileadmin/user\\_upload/bmeia/media/5-Buergerservice\\_Zentrale/ReiseGrenzverkehr/Verpflichtungserklaerung.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/5-Buergerservice_Zentrale/ReiseGrenzverkehr/Verpflichtungserklaerung.pdf))

**ECTS:** European Credit Transfer System; system for crediting academic achievements at European universities.

**Public Employment Service (AMS):** The Public Employment Service places workers in open positions and supports companies by providing consulting and information. Which branch office of the Public Employment Service is competent depends on the place of residence of the employee and the head office of the company, respectively; [www.ams.at](http://www.ams.at)

**Entry without the need for a visa / residence without the need for a visa:** Nationals of certain countries do not require a visa to enter Austria and are permitted to reside in the territory of Austria without a visa for a period of up to 3 months (e.g. nationals of Brazil, Canada, USA). An up-to-date list of visa obligations by countries is available on the website of the Federal Ministry of the Interior

([www.bmi.gv.at/cms/BMI\\_Fremdenpolizei/visumspflichten/files/EN\\_HP\\_BMI\\_Visaliste\\_8\\_Dez\\_2015.pdf](http://www.bmi.gv.at/cms/BMI_Fremdenpolizei/visumspflichten/files/EN_HP_BMI_Visaliste_8_Dez_2015.pdf))

**Family members:** spouses and partners in a civil union as well as their unmarried children up to the age of 18, including adopted children or stepchildren. Spouses and partners in a civil union must be at least 21 years old at the moment of application.

**Hague Convention Abolishing the Requirement of Legalisation for Foreign Public**

**Documents:** This agreement shall apply to public documents which have been executed in the territory of one contracting state of the Hague Convention and which have to be produced in the territory of another contracting state: <http://fabsits.heimat.eu/> (information only available in German).

**Hosting Agreement:** required to apply for a “Residence Permit – Researcher”. The Hosting Agreement must contain:

- the contractual partners,
- the purpose, duration, scope and financing of the concrete research project as well as
- the monthly gross salary or equivalent income; an example of a hosting agreement is available on the website of the Federal Ministry of the Interior ([www.bmi.gv.at/cms/BMI\\_Niederlassung/formulare/files/Aufnahmevereinbarung\\_neu\\_2015.pdf](http://www.bmi.gv.at/cms/BMI_Niederlassung/formulare/files/Aufnahmevereinbarung_neu_2015.pdf))

**Labour market check:** Work permits (see below) for nationals of third countries who are subject to the Law Governing Employment of Foreign Nationals (*Ausländerbeschäftigungsgesetz (AuslBG)*) can be issued by the Public Employment Service (Arbeitsmarktservice/AMS) with or without labour market check. The labour market check verifies whether or not the position can be filled with other equally qualified Austrians or integrated foreigners.

**Legalisation waiver:** The following link lists the countries for which no legalisation is required: <http://fabsits.heimat.eu/> (information only available in German)

**Nationals of third countries:** People who are not nationals of an EU/EEA country or Switzerland.

**Public bodies:** the federal government, the federal provinces, the districts, the municipalities, other public body corporations and the social insurance agencies.

**Residence titles:** entitle nationals of third countries to residence in Austria for more than 6 months; if all requirements are met, they can be renewed in Austria. Residence titles are for example “Residence Permit – Researcher” or “Red-White-Red – Card”.

**Residence authority:** This is the authority in Austria which is in charge of granting or renewal of residence titles and issue of confirmations of registration; the local competence depends on the researcher's (planned) place of residence. The locally competent authority is the provincial governor who can authorise the administrative district authorities to decide on his/her behalf. The individual authorities can be found in the Government Agency Help Site: <https://www.help.gv.at/Portal.Node/hlpd/public/behoerden>.

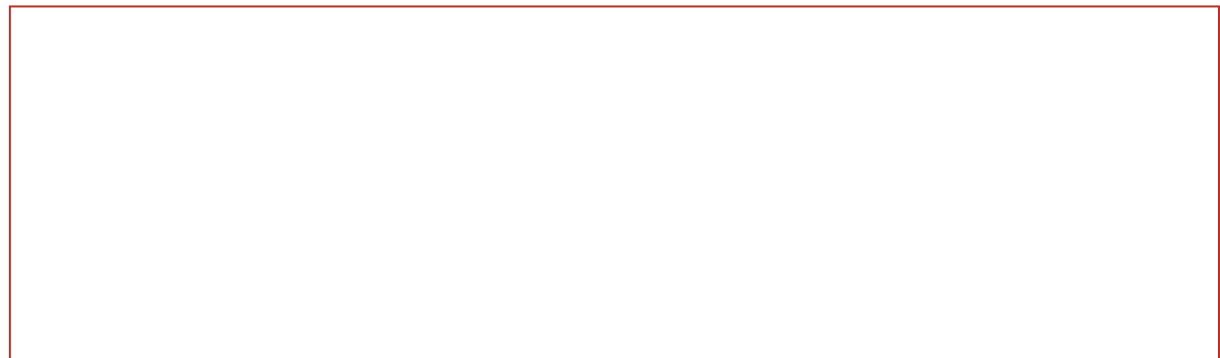
**Visas:** are issued for entry and stays for no longer than 6 months. Applying for visas is only possible at the Austrian representative authorities. Visas cannot be extended in Austria. There are different categories of visas – depending on the duration of stay (but for no longer than 6 months) and the purpose (e.g. for work or tourism).

**Work permit:** Nationals of third countries (and Croatian nationals) who are subject to the regulations of the Austrian Act Governing the Employment of Foreign Nationals in most cases need a work permit for gainful employment in Austria. Upon application employers are granted work permits which permit them to employ the specific person in the specified job.



## Acronyms and Abbreviations

AMS	Public Employment Service (Arbeitsmarktservice)
AuslBG	Act Governing Employment of Foreign Nationals
BMEIA	Federal Ministry for Europe, Integration and External Affairs
BMI	Federal Ministry of the Interior
BMASK	Federal Ministry of Labour, Social Affairs and Consumer Protection
e.g.	for example
EEA	European Economic Area
EU	European Union
ICAO	International Civil Aviation Organisation
i.e.	this means
OeAD	Austrian Agency for International Cooperation in Education and Research



**Acknowledgements:** Editor and Publisher: OeAD (Österreichische Austauschdienst)-Gesellschaft mit beschränkter Haftung | Austrian Agency for International Cooperation in Education and Research | 1010 Wien Ebendorferstraße 7 | T +43 1 534 08-201 | F +43 1 534 08 999 | [recht@oead.at](mailto:recht@oead.at) | [www.oead.at](http://www.oead.at) | Headquarters: Vienna | FN 320219 k | Commercial Court Vienna

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