

Information Leaflet for Key Workers

Austria offers a possibility for qualified persons from third countries to migrate to Austria and take up employment here.

Prerequisites for key worker status

In order to obtain a settlement permit as a key worker, applicants have to meet the following **prerequisites**:

- Concrete offer of employment
- Special training or special know-how and skills in demand on the Austrian labour market, as well as prior work experience
- Minimum remuneration: at least 60% of the maximum assessment base under the Austrian General Social Security Act (i.e. € 2,466 gross salary per month in 2010)

Filing an application

The application for a “Settlement Permit - Key Worker” (*Niederlassungsbewilligung – Schlüsselkraft*), complete with the necessary supporting documents (including passport, birth certificate, etc.), must be filed and signed by the non-EEA citizen applying for key worker status. The application is then submitted to the competent district administrative authority by the prospective employer. The application must contain a statement of approval by the employer, giving reasons (employer declaration) as well as a detailed description of how the applicant meets the prerequisites to qualify as a key worker.

The authority in charge is the district administrative authority of the key worker’s (intended) place of residence. To find the competent district administrative authority, please consult the homepage of the Austrian province concerned (www.help.gv.at).

Procedure

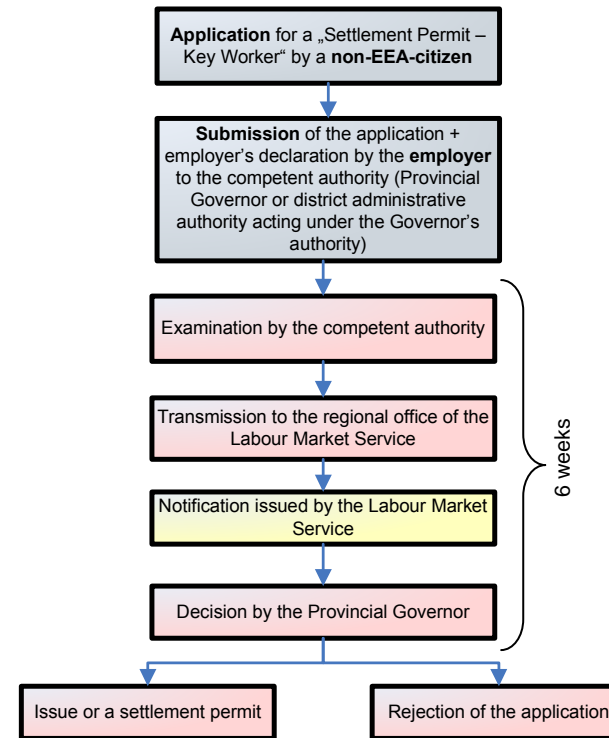
The district administrative authority submits the application to the regional office of the Labour Market Service (AMS) for an examination of the key worker criteria and

the labour market situation. Before granting the applicant key worker status, the Labour Market Service has to ascertain that there are no suitably qualified job-seekers on the domestic labour market able to fill the vacancy for which the employer wishes to recruit the non-EEA citizen (substitute labour procedure).

After having received a positive notification from the Labour Market Service, the governor of the province concerned grants the applicant a “Settlement Permit - Key Worker”, which authorises him/her to work for the employer named in the application. An additional employment permit is not required.

Provided the documents submitted are complete, the authority in charge of granting the “Settlement Permit - Key Worker” has to take its decision within a period of six weeks. The employer is informed of the decision by the authority in charge.

Charges payable for the application amount to € 100, plus € 10 for the compilation of personal data.



Term of validity and extension of the settlement permit

First permit: valid for 18 months

Extension:

If a person has been employed as a key worker for 12 out of the past 18 months, he/she can apply for an extension and will be granted an “Unrestricted Settlement Permit”, which allows its holder free access to the Austrian labour market and remains valid for 12 months. After a five-year period of residence in Austria, the key worker may be granted a permanent residence title for the European Union.

Conditions applicable to relatives of key workers

Relatives of key workers (spouses and unmarried underage children) are granted a “Restricted Settlement Permit”. Relatives must file their applications personally with the authority in charge.

Relatives authorised to enter Austria without a visa may file their application during their lawful stay in Austria. In this case, applications are to be submitted to the district administrative authority.

Relatives requiring a visa to enter Austria must file their application with the diplomatic mission representing Austria in their country of residence.

Relatives of key workers may obtain a work permit from the Labour Market Service under facilitated conditions (no substitute labour procedure after one year of residence). After eighteen months of residence in Austria, at the latest, relatives of key workers are granted an “Unrestricted Settlement Permit”, which allows them free access to the Austrian labour market (prerequisite: “Unrestricted Settlement Permit” granted to key worker).

Authorities to be contacted by applicants

Abroad: Diplomatic missions representing Austria

(www.bmeia.gv.at)

In Austria: Provincial Governor or district administrative authority acting under the Governor’s authority

(www.help.gv.at)

Questions regarding labour market law: Labour Market Service (www.ams.or.at)

For further information (e.g. application forms), please consult www.bmi.gv.at/niederlassung or the websites of the authorities mentioned above as well as the homepage of the Federal Economic Chamber www.wko.at.