

Family Members of EEA, Swiss and Austrian Nationals who have not claimed their right under EU law or under the EC-Swiss Agreement on Free Movement of Persons to reside in Austria for more than three months

If the sponsoring EEA or Swiss national, by failing to meet individual requirements (e.g. due to lack of means), or the sponsoring Austrian national by lack of cross-border activities cannot claim a right under EU law (or under the EU-Swiss Agreement on free movement of persons) to reside in Austria for more than three months, his/her family members or other dependants may apply for the residence titles mentioned below.

“Family members” shall mean spouses/registered partners aged 21 years or more and unmarried minors (including step and adoptive children)

“Other dependants” shall mean:

- Relatives of sponsor or his/her spouse or registered partner in direct ascending line, if they receive actual maintenance;
- Life partners in a proven long-term relationship
- Other relatives who already lived in the same household with sponsor in their country of origin and received maintenance there.

From the local authority of first instance you can receive information about the documents to be submitted when applying. Competence of such local authority depends on your domicile in Austria.

The following residence titles can be applied for:

I) Residence title “Family Member” (not subject to the quota system)

This residence title shall apply to family members of Austrian, EEA or Swiss nationals who have not claimed their right under EU law or under the EC-Swiss Agreement on Free Movement of Persons to reside in Austria for more than three months.

Holders of such residence titles are exempted from the Aliens Employment Act (and therefore have access to the labour market without further approval). If the conditions for family reunification no longer exist, the holder of such a residence title may obtain a residence title “Red-White-Red - Card”.

Your local authority will provide you with more detailed information.

II) Residence title “Long-term Resident – Family Member” (not subject to the quota system)

Family members of Austrian, EEA or Swiss nationals, who have not claimed their right under EU law or under the EC-Swiss Agreement on Free Movement of Persons to reside in Austria for more than three months, may obtain such residence title after having resided in Austria

for five years without interruption and having complied with the Integration Agreement. Half of earlier times of lawful residence on the Federal Territory on the basis of a stay permit or a residence entitlement under subsidiary protection shall be taken into account when calculating such a five-year period. Marriage with the sponsor must have existed for a minimum of two years. Holders of such residence titles are exempted from the Aliens Employment Act (and therefore have access to the labour market without further approval).

Local authorities will provide you with further information about the documents that have to be submitted and how such a residence title can be obtained more easily.

III) Residence permit “Dependant” (not subject to the quota system)

This residence title may be issued to other dependants. Submission of a liability declaration is mandatory. Holders of such a residence title may **not** engage in **gainful employment** (subject to the quota system). It is possible to change the residence purpose to a residence title “Settlement Permit”, which will allow gainful employment.

What is a Liability declaration?

- A declaration authenticated by an Austrian notary public or an Austrian court,
- Minimum validity 5 years,
- Liability must cover the following: health insurance, accommodation, livelihood, refund of possible public expenditure (e.g. welfare aid) or costs of measures executed by the Aliens Police (e.g. pre-deportation detention, residence ban, expulsion),
- Evidence of affordability when issuing the declaration must be given,
- Issuing an unsustainable liability declaration shall constitute an administrative offence,
- Only one liability declaration is permissible. Several parties may assume liability in such a declaration, but they shall be jointly and severally liable for the total amount.