

Guide

to Residence and Employment
of Foreign Researchers in Austria



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Editor:

Federal Ministry of the Interior, 1014 Vienna, Herrngasse 7, PO Box 100,
phone +43(0)/53126-0, fax +43(0)1/53126-108613

OeAD-GmbH, 1010 Vienna, Ebendorferstraße 7,
phone +43 1/534 08-0, fax +43 1/534 08-999

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**The male form is generally used for reasons of easier readability.
However, any terminology related to persons refers to persons
of both genders.**

1.

Foreword

Based on an amendment to the Aliens Employment Act (AuslBG), in force since January 2008, Austria has opened up its labour market completely to foreign 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. In January 2010 a revision of this law came into force that brought essential improvements for researchers. On July 1st 2011, an amendment to the Austrian Residence & Settlement Act came into force that introduced a new criteria based immigration system. The intention of this system is to provide clear and transparent criteria for highly qualified persons planning to work in Austria.

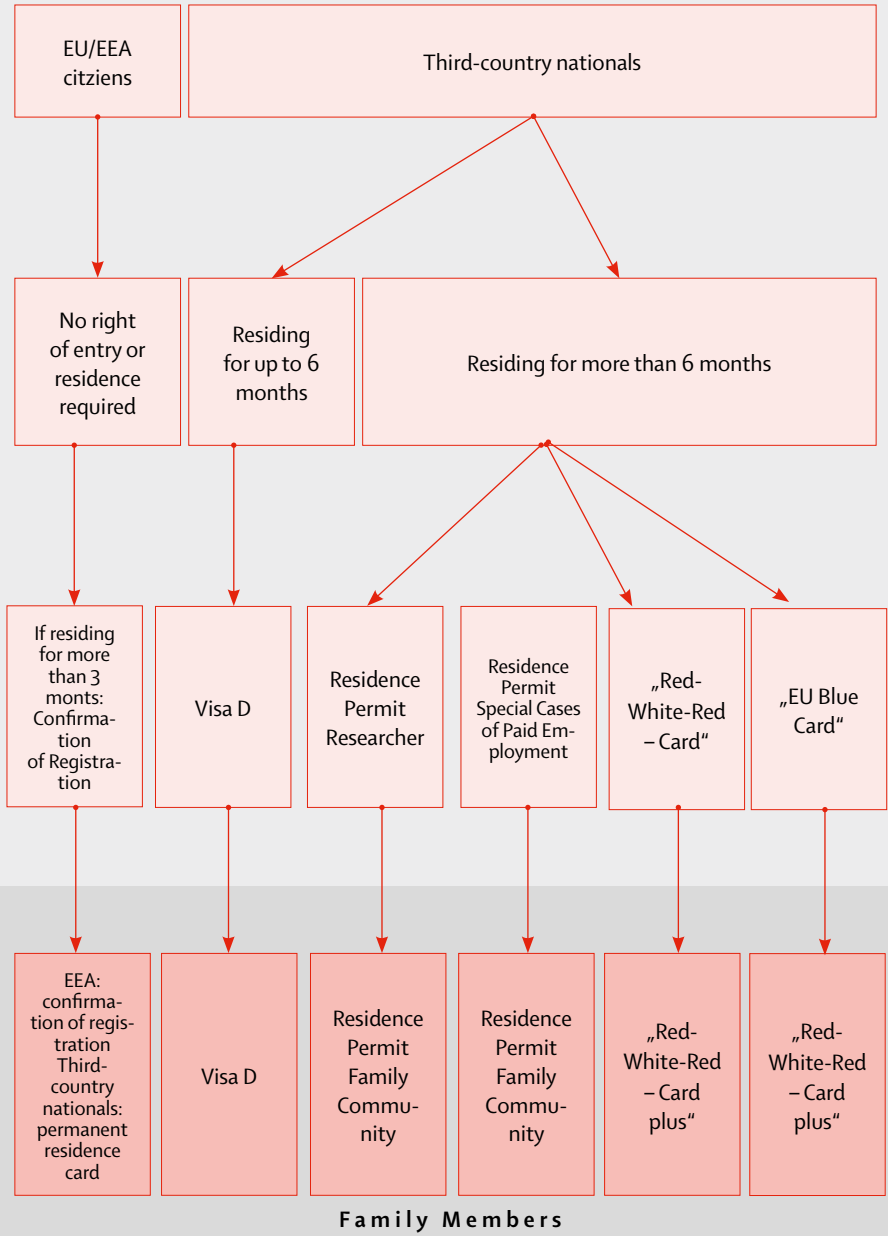
The aim of the new regulation is to strengthen Austria's position when competing internationally for the most capable minds, and to make it even more attractive for employment of researchers from all over the world. The regulation applies equally to employment at public as well as private institutions and enterprises.

In order to additionally facilitate the decision to take up an employment in Austria, accompanying spouses and children of researchers are also granted free access to the labour market.

The purpose of this brochure is to present an overview of the various options, and provide assistance in the steps required.

Terms: The terms highlighted in the text are explained in the glossary and list of links on pages 39 to 42.

Overview of Entry and Residence Rights / Regulations for Researchers and their Family Members



2.

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) comprises 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)

Accordingly and within the meaning of 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.

The Austrian Settlement and Residence Act provides four residence titles for researchers, which will be explained in detail further down.

- Residence Permit – Researcher
- Residence Permit – Special Cases of Paid Employment
- Residence Permit “Red-White-Red – Card”
- Residence Permit “EU Blue Card”

The **Residence Permit – Researcher** can only be applied for if the researcher and the hosting institution have concluded a **Hosting Agreement**. For an engagement in Research without a **Hosting Agreement** the three other residence titles are applicable. Details when and how a **Hosting Agreement** can be issued will be explained further down.

3.

Information for the employer

3.1. 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 foreign citizen is dedicated to scientific research within the scope of the operational purpose; the enterprise is not required to have its own research department.

3.2. What must the employer of researchers observe during the residence procedure?

1. Generally, the choice of the right of residence is determined by the researcher's intended period of stay.
2. As under certain circumstances the procedure may have to be conducted from abroad by the researcher, the planned duration, the employment contract and the accommodation must be clarified as soon as possible. An expiry of deadlines must be avoided, particularly if staying within the country.
3. Sufficiently reliable communication with the researcher when abroad is important, as well as with the respective Austrian representation authority.
4. A "Hosting Agreement" is required in order to obtain a "Residence Permit – Researcher" (see page 8).
5. Applications for issuance of a "Residence Permit – Researcher" are submitted by researchers in person, depending on the relevant regulations applicable to them within Austria or abroad (page 18). The same applies to their family members.
6. Applications for issuance of a "Red-White-Red – Card" (researcher) are submitted exclusively by the employer.
7. Private enterprises who wish to employ researchers must be certified as research institutions (see next paragraph) if a simplified right of residence procedure is planned ("Residence Permit – Researcher", see also page 18).

3.3. In which cases must the research institution be certified?

The issuance of a “Residence Permit – Researcher” is only possible if documentation of a Hosting Agreement (see also page 8) between the research institution and the researcher is provided. However, only certified research institutions and research institutions which, to an extent of at least 50 %, are operated by a public body are permitted to conclude Hosting Agreements with researchers.

For this reason, a certification of the research institution is only required if the research institution wishes to conclude a Hosting Agreement with foreign researchers so that these can obtain a “Residence Permit – Researcher”.

3.4. What does the certification procedure look like?

Research institutions not operated by a public body may apply for certification of the research institution with the Federal Minister of the Interior.

The following must be observed when applying for certification:

- 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 Österreichische Forschungsförderungsgesellschaft, an Austrian organisation for research grants, must be enclosed with the application. The application form for issuance of the survey can be downloaded from www.ffg.at and contains all information required to apply for expert opinion. A decision on 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 research purpose of the institution exists (see expert opinion)
 - the liability for researchers is declared on the basis of Hosting Agreements to be entered
 - the funds for the conclusion of Hosting Agreements are available (documentation e.g. by presentation of the financial statement of the previous year, profit and loss account and company profile standard of the Association for the Protection of Creditors of 1870).
 - the requirements of other federal or provincial regulatory constraints for operation of research institutions are fulfilled.
- Furthermore, it should be specified in the application how many foreign researchers are expected to work at the research institution per year.

If all the above requirements are fulfilled, the certificate is issued for a period of five years.

3.5. Information for research institutions that do not require certification

Research institutions operated by a public body do not require certification for the conclusion of Hosting Agreements. The Federal Ministry of the Interior has published research institutions which do not require certification and have approached the Federal Ministry of the Interior on its homepage www.bmi.gv.at/niederlassung/zertifizierungen_forschungseinrichtungen.asp. Research institutions that do not require certification and wish to be published on this website are therefore invited to submit an extract from the Business Register or a similar document to the Federal Ministry of the Interior, Department III/4, bmi-iii-4@bmi.gv.at, which indicates that the research institution is operated by a public body to an extent of at least 50 %.

3.6. Information for research institutions that do not wish to be certified

Research institutions that do not wish to be certified are of course also permitted to employ foreign researchers. In such a case, researchers would have to apply for a “Residence Permit – Special Cases of Paid Employment” from the respective Austrian representation authority abroad (researchers entitled to enter without the need for a visa are permitted to submit the application to the competent settlement authority in Austria during the legal term of their stay). Further details regarding this right of residence can be found on page 23.

3.7. What is a Hosting Agreement?

The research institution must verify the qualification of the researcher for the concrete research project prior to the conclusion of a Hosting Agreement.

The Hosting Agreement must contain

- the contractual partners,
- the purpose, duration, scope and financing of the concrete research project as well as
- a liability declaration towards all territorial bodies for the costs of residence and repatriation (the liability ceases six months after expiry of the Hosting Agreement, unless fraudulently obtained).

By presenting a Hosting Agreement during the right of residence procedure, the examination and proof of sufficient maintenance means, of accommodation and of a health insurance become obsolete.

3.8. Example of a Hosting Agreement

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

concluded between

<research institution> <address>

represented by

<function> <title, first name, surname>

and

<title, first name, surname> <date of birth> <citizenship>

<residential address in home country>

regarding the participation of the researcher named above in the following research project during the period from to

Project title:

Objective of project:

Duration of project:

Scope and financing of project:

Organisational unit/institute:

Project manager:

It is recommended that a copy of the employment contract, the scholarship confirmation or similar is enclosed.

<research institution> herewith declares that it shall be liable towards all territorial bodies for the costs of residence and repatriation of the researcher named above in accordance with § 68 Settlement and Residence Act (NAG). The liability shall cease six months after expiry of the Hosting Agreement, unless fraudulently obtained.

For <research institution>

<place>, <date>

<place>, <date>

Seal, <title, first name, surname>

<title, first name, surname>

Notes:

Legalisation or notarial attestation of the signatures is not required.

The research institution must verify the qualification of the researcher for the concrete research project prior to the conclusion of a Hosting Agreement. Aside from funding of the residence, an appropriate health insurance as well as accommodation in accordance with local standards must be ensured in order to avoid an availment of the liability.

The research institution must notify the locally competent authority immediately of any premature termination of a Hosting Agreement, of any circumstance related to the person of the researcher making his/her further participation within the scope of the research project unlikely, or of the termination of the research project and the agreed termination of the Hosting Agreement within a period of two months.

Source: OeAD (V2)

4.

EEA and Swiss citizens

EEA citizens and citizens of Switzerland who have the right of free movement within member states are free to enter and settle in Austria without requiring a permit. However, they require a Confirmation of Registration for documentation of their right of settlement if they reside in Austria for more than three months. The Confirmation of Registration must be applied for at the locally competent settlement authority at the latest after expiry of four months after the foreign citizen's settlement.

Researchers from the Bulgaria and Romania are also free to enter and settle in Austria without requiring a permit and do not need a residence permit, but merely a Confirmation of Registration. An employment permit is not required for work in scientific teaching and research. If, however, they aim for full mobility of labour (= free access to the labour market in Austria) after one year, they require an employment permit as key worker from the employment services (AMS).

5.

Residences of third-country nationals for up to 6 months

5.1. Researchers without letter of guarantee by research institution

The researcher applies for a visa at the competent Austrian representation authority. Even in the case of a general right to enter without the need for a visa (based on citizenship), a visa is required due to the planned commencement of work.

The work may be taken up immediately after entering the territory of Austria. The documents required for the visa application are listed on page 12.

The visa is free of charge.

An application for a visa may be submitted exclusively to an Austrian representation authority.

5.2. Researchers with letter of guarantee by research institution

Under the premise that

- the future employer is either a certified research institution or a research institution owned to an extent of at least 50% by a public body, and
 - this research institution presents a letter of guarantee for the future employee,
- the following procedure applies for the purpose of entry, residence within the territory of Austria and a prompt commencement of work:
- The research institution contacts the competent Austrian representation authority and presents the letter of guarantee, the employment contract and the contact address of the foreign researcher.
 - Due to this notification, the researcher receives an interview date (active notification) directly from the Austrian representation authority and submits an application for issuance of a visa (free of charge), which provides a right to reside with simultaneous start of work.
 - The documents required for the visa application are listed on page 12.

Family members: In case of use of the simplified procedure, the letter of guarantee must also include the family members.

Letter of guarantee for foreign researchers planning to start work within the territory of Austria

Text of the letter of guarantee:

(research institution) invites, born on, resident in, to a visit for the period of

Mr. / Ms. will be working as a researcher in

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

Furthermore, (research institution) undertakes to pay to the Republic of Austria, the provinces, the municipalities and other public bodies 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 Foreigners' Office within a period of 14 days from payment request on pain of assertion in court.

Notes:

- Costs of care services and expenses for medical treatment, for example, are also included via this letter of guarantee.
- The letter of guarantee must be signed by an authorised signatory.
- The letter of guarantee must be issued on official stationery.

Checklist for „Visa “

A. Residence with a planned length of stay for up to six months

1. Personal application for a visa at the competent Austrian representation authority.
Note: The processing times may vary regionally or seasonally (e.g. due to periods of strong demand). As an orientation, it is recommended to apply for the visa at least four weeks before the planned entry.
2. Documents:
 - a. valid travel document with two empty pages (at least valid for three months beyond the visa applied for), not older than 10 years
 - b. ICAO-fitting passport photos, (criteria on www.passbildkriterien.at/oesterreich.html)
 - c. completed and signed visa application (retrievable on www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/5-Buergerservice_Zentrale/ReiseGrenzverkehr/Visa_application.pdf or available from the Austrian representation authority)
 - d. contract or preliminary contract with the employer in Austria (salary, planned length of research stay, accommodation if applicable, etc)
 - e. proof of accommodation (unless regulated in the contract with the employer)

- f. documentation of an accident and health insurance covering the start of work (valid for the entire Schengen area with an insurance cover of at least € 30,000.–). In the case that a compulsory insurance already exists, this must be documented during application. Otherwise, a short-term insurance is required in any case until the insurance cover based on the compulsory insurance becomes effective.
 - g. proof of family and business ties in the home country, e.g. proof of employment, study record, family ties in the home country (married, widowed, parents, children, etc)
3. The visa is free of charge.
 4. **Family members:**
Also receive a visa under the abovementioned conditions after personal application, but not free of charge.

B. Simplified procedure for residences with a planned length of stay for up to six months

1. As a first step, the research institution contacts the competent embassy and submits the letter of guarantee, the employment contract and the contact details of the researcher.
2. The Austrian representation authority contacts the researcher and invites him to an interview date and to submit the application.
3. Application in person for a visa at the competent Austrian representation authority.
4. Documents:
 - a. valid travel document with two empty pages (at least valid for three months beyond the visa applied for), not older than 10 years
 - b. ICAO-fitting passport photos (criteria on www.passbildkriterien.at/oesterreich.html)
 - c. completed and signed visa application (retrievable on www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/5-Buergerservice_Zentrale/ReiseGrenzverkehr/Visa_application.pdf or available from the Austrian representation authority)
 - d. letter of guarantee from either a certified research institution or a research institution owned to an extent of at least 50 % by a public body
5. The visa is free of charge.
6. **Family members:**
Also receive a visa upon application in accordance with the abovementioned requirements, but not free of charge.

5.3 Visa for the purpose of searching for employment

Researchers who want to seek employment in Austria may apply for a Visa D for 6 months. Beside the fulfillment of all general requirements for the issuance of a Visa researchers also have to prove their qualifications. The application has to be filed at the Austrian representation authority of the state of living. In case the researcher finds employment within the validity of the Visa he/she may file an application for "Red-White-Red – Card".

Checklist for „Visa “

1. Personal application for a visa at the competent Austrian representation authority.
Note: The processing times may vary regionally or seasonally (e.g. due to periods of strong demand). As an orientation, it is recommended to apply for the visa at least four weeks before the planned entry.
2. Documents:
 - a. valid travel document with two empty pages (at least valid for three months beyond the visa applied for), not older than 10 years
 - b. ICAO-fitting passport photos, (criteria on www.passbildkriterien.at/oesterreich.html)
 - c. completed and signed visa application (retrievable on www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/5-Buergerservice_Zentrale/ReiseGrenzverkehr/Visa_application.pdf) or available from the Austrian representation authority)
 - d. contract or preliminary contract with the employer in Austria (salary, planned length of research stay, accommodation if applicable, etc)
 - e. proof of accommodation (unless regulated in the contract with the employer)
 - f. documentation of an accident and health insurance covering the start of work (valid for the entire Schengen area with an insurance cover of at least € 30,000.-). In the case that a compulsory insurance already exists, this must be documented during application. Otherwise, a short-term insurance is required in any case until the insurance cover based on the compulsory insurance becomes effective.
 - g. proof of sufficient financial means
 - h. University graduation in course with four years minimum duration:
 - a) diploma/graduation certificate
 - b) certificate about the status of the university;
 - i. certificate about the habilitation;
 - j. proof of salary in a senior management position with a company listed on the stock exchange or a company for whose activities or field of trade the competent foreign trade office has issued a positive report:
 - a) tax statement or pay slip,
 - b) confirmation of employer about the management position
 - c) confirmation that the company is listed on the stock exchange or a positive report by the competent foreign trade office;
 - i. certificate about the habilitation; k. documentation of research or innovation activities:
 - a) list of publications,

- b) confirmation of university or research institution about the scientific engagement of the applicant
- c) in case of a patent excerpt of the international patent register;
- j. certificate of awards;
- k. documentation of professional experience:
 - a) recommendation letter of the employer
 - b) confirmation of employment;
- l. internationally recognised certificates of language course of English or German language;
- m. documentation of studying/graduation in Austria; exam certificates/diploma of the Austrian University

6.

Residences of third-country nationals for more than 6 months

Researchers from third countries who wish to work at a research institution or a researching company in Austria may choose from three rights of residence, depending on the intended period of stay and activity. Although a change to a different right of residence is possible, it is easier for researchers and the Austrian employer if they have clarified the length of stay before submitting the application, as this will result in direct consequences in the choice of the right of residence.

Accordingly, the following rights of residence are available for third-country nationals wishing to work in research and teaching in Austria:

- “Residence Permit – Researcher”
- “Residence Permit – Special Cases of Paid Employment”
- “Red-White-Red – Card”
- “EU Blue Card”

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

Employers can be:

- Universities and equivalent academic or non-academic 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. However, it must document representable research activities and projects.

A comparison of the different rights of residence for researchers can be found on the following page.

Overview of Residence Rights / Regulations for Researchers

	“Residence Permit – Researcher”	“Residence Permit – Special Cases of Paid Employment”	“Red-White-Red – Card” – “EU Blue Card”
Application	by the researcher in person; application within Austria at the competent settlement authority is possible following legal entry (entry without the need for a visa or with a visa); researchers of an Austrian state university may submit the application at the university directly	by the researcher in person; application at the competent Austrian representation authority and waiting for decision abroad; application within Austria at the competent settlement authority is only permitted for foreign citizens entitled to enter without the need for a visa and during their legal period of stay without a visa	by researcher at the competent Austrian representation authority; applicants who are entitled to enter without the need for a visa at the competent settlement authority.
Documentations*	mandatory presentation of a Hosting Agreement by a certified research institution or a research institution that does not require certification (no documentation of accommodation, maintenance and health insurance required)	documentation of employment contract/preliminary contract (for maintenance and health insurance) and accommodation (e.g. rent contract or confirmation by student hostel) as well as police clearance certificate (if demanded by the authority)	birth certificate, travel document, documentation for employment, proof of research activity, work experience, proof of language ability, pay slip
Term of validity	24 months**	12 months**	“Red-White-Red – Card”: 12 months** “EU Blue Card”: 24 months**
Family Members	Family members may apply for a quota-free “Residence Permit – Family Community”	Family members may apply for a quota-free “Residence Permit – Family Community”	Family members may apply for a “Red-White-Red – Card plus”

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

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

6.1. Residence Permit – Researcher

1) Who can receive 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 on pages 6 and 7.

2) Which requirements must be fulfilled?

The application for issuance of 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 on the checklist on page 10.

3) To whom must the application be submitted?

- Researchers may submit the application for issuance of a “Residence Permit – Researcher” to the locally competent settlement authority in Austria following entry without the need for a visa or entry with a visa or the right of residence of a different Schengen state, or
- they may submit the application to the competent Austrian representation authority in the home country.
- Researchers with a Hosting Agreement by an Austrian state university may submit the application in person at the Austrian university. The university will forward the application to the competent settlement authority.

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.

Important Information:

- Researchers are advised to submit the application for issuance of a “Residence Permit – Researcher” to the competent authority at least two to three months prior to the planned commencement of work, in order to ensure due processing of the application.
- If the application is submitted within Austria, it is recommended to submit the application to the locally competent settlement authority as soon as possible after entry, so that the authority is able to make a decision within the period of stay permitted without the need for a visa or enabled by a visa and/or the right of residence of a different Schengen state, as otherwise the researchers must return to the country of origin.

- It must be observed that it is not permissible to take up any employment activity until the Austrian right of residence has been received and that a residence without the need for a visa and/or a residence enabled by a visa or the right of residence of a different Schengen state do not entitle to pursue any form of employment. If the start of work is planned immediately after entry, researchers would have to apply for a resident visa (= visa) in advance (whether they are entitled to enter without the need for a visa or not) from the competent Austrian representation authority before entering. An immediate start of work after entry in Austria is not permitted until the visa has been received (see also 8).

4) Which authority decides on the application?

The decision is made by the locally competent state governor in Austria and/or the administrative district authorities authorised by him (district administration or magistrate). The local competence depends on the (planned) place of residence of the third-country national in Austria.

5) Is this right of residence subject to quotas?

The “Residence Permit – Researcher” is quota-free.

6) How long is the right of residence valid and can it be extended within Austria?

In the case that the requirements for issuance are satisfied, the “Residence Permit – Researcher” will be issued for a period of 24 months, unless a shorter term was applied for or the travel document does not have the appropriate term of validity.

The “Residence Permit – Researcher” may be extended within Austria. Researchers who were in possession of a “residence permit - Researcher” for at least 24 month are eligible to change to “Red-White-Red – Card plus”, this means an unrestricted (without working permit) access to the labour market. A change to any other right of residence (e.g. “Red-White-Red – Card”) is permitted prior to expiry of the residence permit issued last.

7) Which right of residence do family members receive?

Family members who are in possession of a “Residence Permit - Researcher” may apply for a quota-free “Residence Permit – Family Community”. Family members, who are in possession of a “Red-White-Red – Card” or “EU Blue Card” may apply for “Red-White-Red – Card plus”. The application has to be filed personally at the competent Austrian representation authority or, during the permitted period of stay in Austria (without the need for a visa, based on a visa or on the basis of a valid right of residence of a different Schengen state), at the competent settlement authority in Austria.

8) How do researchers with a Hosting Agreement obtain visas for an entry to Austria?

The simplified procedure described on page 13 applies if a Hosting Agreement is available.

The letter of guarantee becomes obsolete.

Once the visa has been issued free of charge, the entry to Austria may follow and the occupational activities be taken up immediately on the basis of the visa. An application for a “Residence Permit – Researcher” must be submitted to the competent Austrian authority as soon as possible.

The documents required for application for the “Residence Permit – Researcher” are listed on page 19.

Family members:

Visas with a six-month length of stay are also issued to family members upon application. These persons may immediately upon entry apply for a residence permit (quota-free) deriving from the researcher within Austria. If these persons are entitled to enter without the need for a visa, they may submit the applications for a residence permit even without a visa and within Austria after entering. It must be observed that any residence without the need for a visa is generally limited to three months.

9) Checklist for “Residence Permit – Researcher”

1. Application by the researcher in person at the competent Austrian representation authority in the country of origin or at the competent settlement authority in Austria or the state university (in the case of research work at a state university).
2. Researchers must enclose the following documents (original & copy) with the completed application form:
 - a. Copy of valid travel document
 - b. Birth certificate or equivalent document (only in the case of initial applications)
 - c. Recent photograph
 - d. Hosting Agreement by a certified research institution or a research institution that does not require certification
3. The issuing fee is EUR 100. EUR 80 have to be paid when filing the application, EUR 20 are due after the application has been approved. In addition, EUR 20 for the collection of Police identification data (Personalisierungsgebühr) and additional fees may arise.

Procedure for family members:

1. Application by family members in person (children up to the age of 14 by the legal representative) either at the competent Austrian representation authority in the country of origin or at the competent settlement authority in Austria or at the state university
2. The right of residence to be applied for is called “Residence Permit – Family Community” (an application must be submitted for each family member);
3. The following documents (original & copy) must be enclosed with the completed application form:

- a. Copy of valid travel document
- b. Birth certificate or equivalent document (only in the case of initial applications)
- c. Recent photograph
- d. Documentation of legal entitlement to accommodation in Austria according to local standards (e.g. rent or subtenancy contracts, legally valid preliminary contracts of husband/wife).
- e. Documentation of sufficient maintenance (e.g. by presentation of employment contract of wife/husband).
- f. If no legal compulsory insurance exists or will exist, documentation of a health insurance protection liable to benefits in Austria and covering all risks (generally, a co-insurance exists).
- g. Marriage certificate
- h. Police clearance certificate from the country of origin (if demanded by the authority)
- i. The issuing fee is EUR 100. EUR 80 have to be paid when filing the application, EUR 20 are due after the application has been approved. In addition, EUR 20 for the collection of Police identification data (Personalisierungsgebühr) and additional fees may arise.

It is recommended that all foreign documents are presented as certified German translations and all certificates and documentations as certified versions in accordance with the regulations as amended

10) Checklist for combination of visa and “Residence Permit – Researcher”

1. The research institution contacts the competent Austrian representation authority and presents the Hosting Agreement and the contact details of the researcher.
2. The embassy contacts the researcher immediately and treats him/her in timely preference.
3. Application by the researcher in person for a visa at the competent Austrian representation authority.
4. Documents:
 - a. a valid travel document with two empty pages (at least valid for three months beyond the visa applied for), but not older than 10 years
 - b. ICAO-fitting passport photo (criteria on www.passbildkriterien.at/oesterreich.html)
 - c. completed and signed visa application (retrievable on www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/5-Buergerservice_Zentrale/ReiseGrenzverkehr/Visa_application.pdf or available from the representation authority)
 - d. Hosting Agreement
5. The visa is free of charge.
6. The application for a right of residence must be submitted after entry in Austria.

7. Documents needed to apply for “Residence Permit – Researcher”: see checklist on previous page.

8. Family members

Also receive visas with a six-month length of stay after application in person. These persons may immediately upon entry apply for a residence permit (quota-free) deriving from the researcher within Austria. If these persons are entitled to enter without the need for a visa, they may submit the applications for a residence permit at the competent settlement authority even without a visa and within Austria after entering. It must be observed that any residence without the need for a visa is generally limited to three months.

6.2. Residence Permit – Special Cases of Paid Employment

Internationally recognised researchers and other researchers who do not have a Hosting Agreement with a research institution require a “Residence Permit – Special Cases of Paid Employment” for their residence in Austria.

1) Who can receive a “Residence Permit – Special Cases of Paid Employment”?

- a. All internationally recognised researchers (see next paragraph)
- b. All other researchers, if the research institution has not concluded a Hosting Agreement with the researcher (see page 18)

a. Internationally recognised researchers¹

Researchers known internationally due to their works or their publications or are of outstanding importance amongst experts are deemed as internationally recognised researchers. In general, they have an international reputation amongst the “scientific community” and can boast a scientific oeuvre.

Internationally recognised researchers

- whose intended employment in Austria serves the development or extension of sustainable economic relationships or the creation or protection of qualified jobs, and
- who receive a monthly gross payment of currently at least EUR 5,076² for this (= 120 % of the maximum contribution basis under the General Social Insurance Act [ASVG]),

are exempted from the scope of application of the Aliens Employment Act [AusIBG] and permitted to work without an employment permit.

They are also permitted to bring along their spouses and children (up to the age of 18) to Austria. These persons are also exempted from the AusIBG and permitted to pursue any occupation without an employment permit, as long as the nature of the relationship remains upright.

1 Under Austrian law, the definition “internationally recognised researcher” is a legal and not a qualitative/evaluative definition.

2 This amount is adjusted annually.

In addition, internationally recognised researchers may also bring along their foreign employees (e.g. secretary, household staff, etc), if they have already been in their employment for at least one year, and continue to employ them in Austria without an employment permit.

Members of the executive and supervisory board of a stock corporation are not considered as employees/workers a priori, and are therefore not governed by the Aliens Employment Act.

b. Other researchers

Researchers wishing to pursue an employment activity with scientific and/or research-related duties in public or private institutions and companies in Austria are exempted from the Aliens Employment Act [AuslBG] and permitted to work without an employment permit.

Family members are also exempted and permitted to pursue any occupation in Austria without an employment permit, as long as the nature of the relationship remains upright.

In any case, all activities serving research and development, scientific, including research-driven academic teaching and dedicated to the discovery of new scientific knowledge are considered as scientific activities in research and teaching, the enhancement and development of arts as well as in the teaching of art.³

The term “research” comprises all scientific activities in basic research, in applied research as well as in experimental development and the teaching associated therewith.

2) Which requirements must be fulfilled?

The employment contract/preliminary contract underlying the research-related or scientific work must be enclosed with the application for issuance of a “Residence Permit – Special Cases of Paid Employment”.

All other documents required to obtain the residence permit can be found on the checklist on page 27.

3) To whom must the application be submitted?

Researchers must submit the application for issuance of a “Residence Permit – Special Cases of Paid Employment” in person at the locally competent Austrian representation authority in the country of origin.

If they are entitled to enter without the need for a visa or hold a right of residence of a different Schengen state, researchers may also submit the application to the competent settlement authority within Austria.

³ See for example § 1 of the Universities Act of 2002

Important Information:

- Researchers are advised to submit the application for issuance of a “Residence Permit – Special Cases of Paid Employment” to the competent authority at least two to three months prior to the planned commencement of work, in order to ensure due processing of the application.
- If the application is submitted within Austria after entry without the need for a visa or on the basis of a right of residence of a different Schengen state, then it is recommended to submit the application to the locally competent settlement authority as soon as possible after entry, so that the authority is able to make a decision within the period of the allowed 3 month stay, as otherwise the researchers must return to the country of origin.
- It must be observed that it is not permissible to take up an employment activity until the Austrian right of residence has been received and that a residence without the need for a visa does not entitle to pursue any form of employment. If taking up work is planned immediately after entry, researchers entitled to enter without the need for a visa or holding a right of residence of a different Schengen state would have to apply for a resident visa (= visa D) in advance at the competent Austrian representation authority before entering. An immediate start of work after entry in Austria is not permitted until the visa has been received. However, it is pointed out explicitly that this regulation does not apply to persons who are subject to the need for a visa. These persons must await the outcome of the right of residence procedure abroad.

4) Which authority decides on the application?

The decision is made by the locally competent state governor in Austria and/or the administrative district authorities authorised by him (district administration or magistrate). The local competence depends on the (envisaged) place of residence of the third-country national in Austria.

5) Is the right of residence subject to quotas?

The “Residence Permit – Special Cases of Paid Employment” is quota-free.

6) How long is the right of residence valid and can it be extended within Austria?

If the requirements for issuance are satisfied, the “Residence Permit – Special Cases of Paid Employment” is issued for a period of 12 months, unless a shorter term was applied for or the travel document does not have the appropriate term of validity.

The residence permit may be extended within Austria. A change to “Red-White-Red – Card” is permitted prior to expiry of the residence permit that was issued last.

7) Which right of residence do the family members receive?

Family members must apply in person for a quota-free “Residence Permit – Family Community” at the locally competent Austrian representation authority or, insofar as they are entitled to enter without the need for a visa or hold a valid right of residence of a different Schengen state, at the competent settlement authority in Austria.

8) Embassy procedure for residences with an intended length of stay for more than six months (“Residence Permit – Special Cases of Paid Employment” – scientific personnel)

As mentioned already on page 25, the application for issuance of a “Residence Permit – Special Cases of Paid Employment” must be submitted to the locally competent Austrian representation authority abroad and the decision be awaited abroad.

Following the decision by the settlement authority, the Austrian representation authority issues the entry visa for obtainment of the right of residence within Austria.

The documents required for the application for issuance of a “Residence Permit – Special Cases of Paid Employment” (scientific personnel) are listed on page 27.

Third-country nationals entitled to enter without the need for a visa are exempted from the regulations governing an application abroad during their legal period of stay. Any start of work is not permitted during the period of stay without the need for a visa and may not take place until the right of residence has been received within Austria. Therefore, researchers entitled to enter without the need for a visa, who are planning to start work immediately, also require a visa D. However, they are permitted to finalise the residence permit procedure within Austria.

Family members:

Family members receive a derivative (quota-free) residence permit. All other regulations related to an application within Austria / abroad apply accordingly.

9) Checklist for “Residence Permit – Special Cases of Paid Employment”

1. Application by the researcher in person at the competent Austrian representation authority in the country of origin or, insofar as he/she is entitled to enter without the need for a visa or holds a valid right of residence of a different Schengen state, at the competent settlement authority in Austria.
2. Researchers must enclose the following documents with the completed application form:
 - a. Copy of valid travel document
 - b. Birth certificate or equivalent document (only in the case of initial applications)
 - c. Recent photograph
 - d. Documentation of legal entitlement to accommodation in Austria according to local standards (e.g. rent or subtenancy contract, legally valid preliminary contracts)
 - e. Employment contract/preliminary contract underlying this work
 - f. Optional: official clearance certificate from the country of origin
3. The issuing fee is EUR 100. EUR 80 have to be paid when filing the application, EUR 20 are due after the application has been approved. In addition, EUR 20 for the collection of Police identification data (Personalisierungsgebühr) and additional fees may arise.

Procedure for family members:

1. Personal application by family members (children up to the age of 14 by the legal representative) at the competent Austrian representation authority in the country of origin or, insofar as they are entitled to enter without the need for a visa or hold a valid right of residence of a different Schengen state, at the competent settlement authority in Austria.
2. The right of residence to be applied for is called “Residence Permit – Family Community” (an application must be submitted for each family member);
3. The following documents must be enclosed with the completed application form:
 - a. Copy of valid travel document
 - b. Birth certificate or equivalent document (only in the case of initial applications)
 - c. Recent photograph
 - d. Documentation of legal entitlement to accommodation in Austria according to local standards (e.g. rent or subtenancy contracts, legally valid preliminary contracts of husband/wife)
 - e. Documentation of sufficient maintenance (e.g. by presentation of employment contract of wife/husband)
 - f. Documentation of a health insurance protection liable to benefits in Austria and covering all risks (generally, a co-insurance exists)
 - g. Marriage certificate
 - h. Police clearance certificate from the country of origin (if demanded by the authority)

4. The issuing fee is EUR 100. EUR 80 have to be paid when filing the application, EUR 20 are due after the application has been approved. In addition, EUR 20 for the collection of Police identification data (Personalisierungsgebühr) and additional fees may arise.

It is recommended that all foreign documents are presented as certified German translations and all certificates and documentations as certified versions in accordance with the regulations as amended.

10) Checklist for combination of Visa and "Residence Permit – Special Cases of Paid Employment"

Persons without the need for a visa:

1. Entry requirements for Austria:
www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/5-Buergerservice_Zentrale/ReiseGrenzverkehr/Einreisevoraussetzungen_nach_OEsterreich.pdf
2. The application for issuance of a "Residence Permit – Special Cases of Paid Employment" can be submitted to the competent settlement authority in Austria by the researcher in person following entry without the need for a visa within the period of stay permitted without the need for a visa.
3. Documents required for the residence permit: see checklist on page 27
4. If taking up work is planned immediately after entry, a visa must be applied for at the Austrian representation authority, since a start of work is not permitted until after issuance of the "Residence Permit – Special Cases of Paid Employment":
 - Personal application for a visa at the competent Austrian representation authority
 - Documents:
 - a. valid travel document with two empty pages (at least valid for three months beyond the visa applied for), not older than 10 years
 - b. ICAO-fitting passport photos, (criteria on www.passbildkriterien.at/oesterreich.html)
 - c. completed and signed visa application (retrievable on www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/5-Buergerservice_Zentrale/ReiseGrenzverkehr/Visa_application.pdf or available from the Austrian representation authority)
 - d. contract with the employer in Austria (salary, planned length of stay, accommodation if applicable, etc)
 - e. proof of accommodation (unless regulated in the contract with the employer)
 - f. documentation of an accident and health insurance covering the start of work (valid for the entire Schengen area with an insurance cover of at least € 30,000.–). In the case that a compulsory insurance already exists, this must be documented at the application stage. Otherwise, a short-term insurance is required in any case until the insurance cover based on the compulsory insurance becomes effective.

- g. proof of family and business ties in the home country, e.g. proof of employment, study record, family ties in the home country (married, widowed, parents, children, etc)
5. The visa is free of charge.
 6. Family members:
Receive a derivative (quota-free) residence permit after personal application; they may either enter without the need for a visa or apply for a visa under the conditions mentioned above, but not free of charge.

Persons requiring a visa:

1. The application for the right of residence must be submitted abroad and the outcome must be awaited abroad.
2. The embassy informs the researcher about the issuance of the right of residence and issues a visa D for obtainment of the right within Austria.
3. The documents required for application for a right of residence are listed on page 27.
4. Family members:
Receive a derivative (quota-free) residence permit after personal application.

6.3. Red-White-Red – Card

1) Who can receive a “Red-White-Red – Card”?

In many cases researchers also meet the requirements for key workers with regard to their qualifications and the payment offered to them.

If researchers together with their families wish to live and work in Austria permanently, they may apply for a Red-White-Red – Card.

2) Which requirements must be fulfilled?

Admission criteria for highly qualified persons (please follow the link for detailed information):

- special qualifications and abilities:
 - University graduation in course with four years minimum duration or
 - Last year’s gross salary of above Euro 50,000/year in a senior management position with a company listed on the stock exchange or a company for whose activities or field of trade the competent foreign trade office has issued a positive report
 - Research and innovation activity (patent applications, publications) or
 - Awards (approved prize winner)
- Work experience (per year), language skills (German or English) und age

Admission criteria for key workers (please follow the link for detailed information):

- Qualifications:
 - completed professional education or special knowledge and abilities regarding the intended occupation or
 - graduation in university course of studies with a minimum duration of three years
- minimum income:
 - under 30 years of age: 50 % of the maximum assessment base under the Austrian General Social Security Act (2012: Euro 2,115⁴ gross per month, plus special payments)
 - over 30 years of age: 60 % of the maximum assessment base under the Austrian General Social Security Act (2012: Euro 2,538⁴ gross per month, plus special payments)
- professional experience adequate to education, language skills (German or English), age

In both cases the „Red-White-Red – Card“ will only be issued if the employment is adequate to the applicant’s education.

⁴ This amount is adjusted annually.

3) To whom must the application be submitted?

The application for issuance for residence purposes must be submitted to the competent state governor in accordance with the (envisaged) place of residence by the potential employer.

4) Which authority decides about the application?

The admission is performed within a simplified one-stop-shop procedure. The decision about the application for the issuance of a "Red-White-Red – Card" is made by the settlement authority in Austria. A labour - market policy survey is presented by the employment services, in which the applicability of the criteria for key workers, the framework conditions of the planned employment and the possibilities for provision of an alternative working capacity out of the existing manpower potential are assessed.

The authority has to decide within **8 weeks**.

5) How long is the right of residence valid and can it be extended in Austria?

If the requirements mentioned above are satisfied, the key worker researcher receives a "Red-White-Red – Card" for a maximum period of 12 months and is permitted to work with this without any further permit related to labour market law.

After 12 months the key worker researcher receives a "Red-White-Red – Card plus" for 12 months, if the key worker researcher was employed as key worker for twelve months during this period of time (inspection by the employment services office). The "Red-White-Red – Card plus" provides unlimited access to the labour market.

After settlement in Austria for a period of five years in total researchers may obtain the right of residence "Long-Term Resident's EC Residence Permit".

6) Which right of residence do the family members receive?

Family members of key worker researchers must apply personally for a "Red-White-Red – Card plus" at the competent Austrian representation authority or, insofar as they are entitled to enter without the need for a visa or hold a valid right of residence of a different Schengen state, at the competent settlement authority in Austria.

Initially, the family members of key worker researchers receive a "Red-White-Red – Card plus" for the period of 12 months, with limited access to the labour market.

Notice: Family members of highly qualified researchers do not have to prove knowledge of the German language at the time of the application. Family members of researchers who are key employees have to prove knowledge of the German language of Level A1.

After settlement in Austria for a period of five years in total the family members of the researcher may obtain the right of residence "Long-Term Resident's EC Residence Permit".

7) Change from (limited) residence permit to “Red-White-Red – Card”

If researchers and their family members have at first worked in Austria on the basis of the exemption rule and a residence permit and do not decide in favour of a permanent settlement until later, they are able to change to a settlement permit at any time. In this case the points specified on pages 30 to 31 apply. This regulation also applies to any foreign students holding a valid “Residence Permit – Student”.

8) Checklist for “Red-White-Red – Card”

1. Application by the researcher in person at the competent Austrian representation authority in the country of origin or, insofar as he/she is entitled to enter without the need for a visa or if he/she has a jobseeker visa or holds a valid right of residence of a different Schengen state, at the competent settlement authority in Austria. Highly qualified persons are eligible to apply in Austria only.

2. Researchers must enclose the following documents with the completed application form:

- a. photocopy of valid travel document
- b. Birth certificate or equivalent document (only in the case of initial applications)
- c. Recent photograph
- d. Documentation of legal entitlement to accommodation in Austria according to local standards (e.g. rent or subtenancy contract, legally valid preliminary contracts)
- e. Employer’s declaration (Arbeitgebererklärung)
- f. Optional: official clearance certificate from the country of origin
- g. Documentation of the qualification named on p. 30 with certification or confirmation of the employer (details see: appendix 3 and 4)
- h. Documentation of professional experience adequate to education with letter of recommendation and confirmation of employment
- i. Documentation of knowledge of German or English language with an internationally acknowledged diploma (e.g. ÖSD)

The issuing fee is EUR 100. EUR 80 have to be paid when filing the application, EUR 20 are due after the application has been approved. In addition, EUR 20 for the collection of police identification data (Personalisierungsgebühr) and additional fees may arise.

It is recommended that all foreign documents are presented as certified German translations and all certificates and documentations as certified versions in accordance with the regulations as amended.

Procedure for family members:

1. Personal application by family members (children up to the age of 14 by the legal representative) at the competent Austrian representation authority or, insofar as they are entitled to enter without the need for a visa or hold a valid right of residence of a different Schengen state, at the competent settlement authority in Austria.

2. The right of residence to be applied for is called “Red-White-Red – Card plus” (an application must be submitted for each family member);
3. The following documents must be enclosed with the completed application form:
 - a. photocopy of valid travel document
 - b. Birth certificate or equivalent document (only in the case of initial applications)
 - c. Recent photograph
 - d. Documentation of legal entitlement to accommodation in Austria according to local standards (e.g. rent or subtenancy contracts, legally valid preliminary contracts of wife/husband)
 - e. Documentation of a health insurance protection liable to benefits in Austria and covering all risks (generally, a co-insurance exists)
 - f. Marriage certificate
 - g. Police clearance certificate from the country of origin (if demanded by the authority)
4. The issuing fee is EUR 100. EUR 80 have to be paid when filing the application, EUR 20 are due after the application has been approved. In addition, EUR 20 for the collection of Police identification data (Personalisierungsbüher) and additional fees may arise.

It is recommended that all foreign documents are presented as certified German translations and all certificates and documentations as certified versions in accordance with the regulations as amended.

6.4. „EU Blue Card“

1) Who can receive an “EU Blue Card”?

Possibly researchers have the qualifications and an income that meets the requirements to apply for the “EU Blue Card” but especially if the researcher already has an “EU Blue Card” of another Schengen country.

2) Which requirements must be fulfilled?

1. Graduation in university course with a minimum duration of three years
2. minimum gross salary of EUR 50,100/year (1.5 of the average income in Austria)

3) To whom must the application be submitted?

The application has to be filed personally by you with the Austrian representation authority of the country of your residence. In case you are allowed to stay in Austria without a visa with the competent authority in Austria.

4) Which authority decides about the application?

The issuance of the “EU Blue Card” is performed in a one-stop-shop procedure. The Austrian employment service provides an expertise about the fulfillment of the criteria of the applicant, that the requirements for employment according to the Austrian employment regulations are met and that no equally qualified unemployed person is registered with the Austrian Public Employment Service (mandatory labour market test). The authority has to decide upon the application within 8 weeks after filing.

5) How long is the right of residence valid and can it be extended within Austria?

The “EU Blue Card” is issued for 2 years, the researcher is allowed to work without the need for any other permit.

After 2 years the researcher may apply for the “Red-White-Red – Card plus” issued for a maximum validity of 3 years if the researcher has worked for 21 months within the last 24 months before applying. The holder of a “Red-White-Red – Card plus” has unlimited access to the Austrian labour market.

After 5 years of settlement in Austria the researcher may apply for “Permanent Residence EG”.

6) Which right of residence do the family members receive?

Family members of researchers holding an “EU Blue Card” may apply for a “Red-White-Red – Card plus” with unlimited access to the Austrian labour market.

The application has to be filed personally by you with the Austrian representation authority of the country of your residence. In case you are allowed to stay in Austria without a visa with the competent authority in Austria.

Notice: family members of “EU Blue Card” holders do not need to provide any knowledge of the German language when filing the application.

After 5 years of settlement family members may apply for permanent residence.

7) Checkliste für „EU Blue Card“

1. Application by the researcher in person at the competent Austrian representation authority in the country of origin or, insofar as he/she is entitled to enter without the need for a visa or if he/she has a jobseeker visa or holds a valid right of residence of a different Schengen state, at the competent settlement authority in Austria.
2. Researchers must enclose the following documents with the completed application form:
 - a. photocopy of valid travel document
 - b. Birth certificate or equivalent document (only in the case of initial applications)
 - c. Recent photograph
 - d. Documentation of legal entitlement to accommodation in Austria according to local standards (e.g. rent or subtenancy contract, legally valid preliminary contracts)
 - e. Employer’s declaration *Arbeitgebererklärung*
 - f. Optional: official clearance certificate from the country of origin
 - g. Documentation of graduation in university course with a minimum duration of three years
 - h. Documentation of professional experience adequate to education with letter of recommendation and confirmation of employment
 - i. Documentation of knowledge of German or English language with an internationally acknowledged diploma (e.g. ÖSD)

The issuing fee is EUR 100. EUR 80 have to be paid when filing the application, EUR 20 are due after the application has been approved. In addition, EUR 20 for the collection of police identification data (Personalisierungsgebühr) and additional fees may arise.

It is recommended that all foreign documents are presented as certified German translations and all certificates and documentations as certified versions in accordance with the regulations as amended.

Procedure for family members:

1. Personal application by family members (children up to the age of 14 by the legal representative) at the competent Austrian representation authority or, insofar as they are entitled to enter without the need for a visa or hold a valid right of residence of a different Schengen state, at the competent settlement authority in Austria.
2. The right of residence to be applied for is called "Red-White-Red – Card plus" (an application must be submitted for each family member);
3. The following documents must be enclosed with the completed application form:
 - a. photocopy of valid travel document
 - b. Birth certificate or equivalent document (only in the case of initial applications)
 - c. Recent photograph
 - d. Documentation of legal entitlement to accommodation in Austria according to local standards (e.g. rent or subtenancy contracts, legally valid preliminary contracts of wife/husband)
 - e. Documentation of a health insurance protection liable to benefits in Austria and covering all risks (generally, a co-insurance exists)
 - f. Marriage certificate
 - g. Police clearance certificate from the country of origin (if demanded by the authority)
4. The issuing fee is EUR 100. EUR 80 have to be paid when filing the application, EUR 20 are due after the application has been approved. In addition, EUR 20 for the collection of police identification data (Personalisierungsgebühr) and additional fees may arise.

It is recommended that all foreign documents are presented as certified German translations and all certificates and documentations as certified versions in accordance with the regulations as amended.

7.

Services

The Researcher's Mobility Portal and the network of mobility centres

The Austrian mobility centres provide researchers who are planning to reside in Austria as well as their family members with information about

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

Additional information can be found on the Website www.euraxess.at.

The two Austrian mobility centres can be contacted directly in case of any further questions:

- Austrian Agency for International Cooperation in Education and Research (OeAD): info@oead.at (in particular for questions related to entry and employment regulations in Austria)
- Österreichische Forschungsförderungsgesellschaft (FFG): mobility@ffg.at (in particular for questions related to social insurance and taxes)

The mobility centres are supported by local service centres within the network located in numerous Austrian cities (addresses and contacts on the Website). Enquiries related to any regionally specific information will be forwarded accordingly.

The Austrian mobility centres are a member of the European Network of Mobility Centres (Euraxess; www.ec.europa.eu/euraxess).

8.

The Austrian Integration Fund

The influx of researchers to Austria represents a significant element of the migration of highly-qualified experts to Austria as well as an important contribution in order to stand one's ground in the international competition for the most capable minds.

The Austrian Integration Fund, which was founded in 1960 by the United Nations High Commissioner for Refugees (UNHCR) and the Federal Ministry of the Interior (BM.I), supports the linguistic, occupational and social integration of asylum beneficiaries and migrants in Austria. On the basis of a comprehensive integration programme, the Fund ensures that asylum beneficiaries are able to become integrated in Austria rapidly and permanently.

We promote research and knowledge!

The scholarly debate of the issue of migration and integration of migrants is gaining more and more importance for the purpose of analysing migration and integration processes in a sustainable manner. The Austrian Integration Fund promotes the theoretical analysis of this issue by means of publication projects, scholarships for diploma theses and subject-specific training modules.

Scholarships for diploma theses: The Austrian Integration Fund (ÖIF) specifically promotes the scholarly debate on this core issue of society by granting scholarships for diploma theses in the field of integration of refugees and migrants.

Managing Migration study course: In cooperation with Salzburg University and St. Virgil Salzburg, the Austrian Integration Fund has drawn up the university study course "Managing Migration". The analytical capabilities and competences to act, which are required for a successful leadership, management and organisational function within migration management, are conveyed in this study course on an interdisciplinary and scientific basis.

Managing Intercultural Conflict: The study course "Managing Intercultural Conflict" was called into life with the objective of de-escalation, prevention of violence and promotion of respect as well as the mutual understanding of foreign cultures. This is an initiative by the Austrian Integration Fund (ÖIF), the Federal Ministry of the Interior (BM.I) and the Federal Ministry of Health and Women's Issues.

9.

Points of contact

- **for questions related to rights of residence (residences for more than 6 months), certification procedure, Hosting Agreement:**

Federal Ministry of the Interior, Department III/4:

phone +43 (0)1/53126-0, e-mail: bmi-iii-4@bmi.gv.at, www.bmi.gv.at

- **for questions related to visas, entry without the need for a visa (residence shorter than 6 months):**

Federal Ministry of the Interior, Department II/3:

phone +43 (0)1/53126-0; e-mail: bmi-ii-3@bmi.gv.at, www.bmi.gv.at

Federal Ministry of European and International Affairs, Department IV.2:

phone +43 (0)50 11 50-0; e-mail: abtiv2@bmeia.gv.at, www.bmeia.gv.at

- **for questions related to employment activity, employment:**

Federal Ministry of Labour, Social Stability and Consumer Protection VI/7:

phone +43 (0)1/71100-5555, e-mail: post@bmsk.gv.at, www.bmsk.gv.at

- **for questions related to research projects and residences in Austria, etc:**

Österreichische Forschungsförderungsgesellschaft:

phone +43 (0)5 7755-0, e-mail: office@ffg.at, www.ffg.at

Austrian Agency for International Cooperation in Education and Research (OeAD):

phone +43 (0)1/53408-201, e-mail: info@oead.at, www.oead.at

Austrian Chamber of Economics:

phone +43 (0)5 90 900-0, e-mail: wkoe@wko.at, www.wko.at/innovation

- **abroad:**

Austrian embassies and consulates general:

www.bmeia.gv.at/aussenministerium/buergerservice/oesterreichische-vertretungen

- **scholarships and research grants:**

www.grants.at

10.

List of EU, EEA and Schengen states

10.1. EU states (European Union)

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

All citizens from the states marked with * require an employment permit as key worker if they are aiming for permanent settlement and/or free access to the labour market in Austria; otherwise they do not require an employment permit for their work within research.

10.2. EEA states (European Economic Area)

All member states of the European Union plus Iceland, Liechtenstein and Norway

10.3. Schengen states

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

11.

Glossary and list of links

1. **Aliens Police Act 2005 (FPG):** regulates the police enforcement of legislation related to foreigners, the issuance of documents for foreigners and the granting of rights of entry
2. **Application form:** forms for the purpose of application for a right of residence and/or a documentation (e.g. Confirmation of Registration for EEA/Swiss citizens) can be found on www.bmi.gv.at/cms/BMI_Niederlassung/formulare/Antragsformulare.aspx, forms for the purpose of application for a visa can be retrieved on www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/5-Buergerservice_Zentrale/ReiseGrenzverkehr/Visa_application.pdf
3. **Austrian representation authority:** an authority appointed with consular duties or the professional representation of Austria abroad. Honorary consulates, however, are not permitted to issue any visas. The local competence depends on the foreigner's place of residence. Details regarding the Austrian representation authorities can be found on www.bmeia.gv.at/aussenministerium/buergerservice/oesterreichische-vertretungen.html
4. **Certified research institutions:** private enterprises, which were 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 www.bmi.gv.at/Niederlassung/zertifizierte_forschungseinrichtungen.asp
5. **Confirmation of Registration:** serves for documentation of the right to reside and settle for EEA citizens under Community law.
6. **Country of origin:** means the country in which the foreigner has taken up abode law fully (not by means of a visa for temporary residence, but on the basis of an appropriate right of abode)
7. **EEA citizen:** a foreigner, who is a citizen of one of the contracting parties to the agreement on the European Economic Area (EEA Agreement)
8. **Employer's certificate:** the employer's certificate must be completed by the employer of the key worker; this represents an integrated part of the application for issuance of a "Settlement Permit – Key Worker" and must be submitted to the settlement authority by the employer. The employer's certificate can be found on www.bmi.gv.at/downloadarea/niederlassung/Niederlassungsbewilligung-Schlusskraft/Arbeitgeber.pdf
9. **Employment services:** responsible for the issuance of documents related to labour market law (e.g. employment permit). Further information can be found on: www.ams.or.at
10. **Entry without the need for a visa / residence without the need for a visa:** third-country nationals of certain countries do not require a visa to enter Austria and are

permitted to reside within the territory of Austria without a visa for a period of up to 3 months (e.g. citizens of Brazil, Canada, USA). An up-to-date list of visa obligations by countries can be found on www.bmi.gv.at/einreise

11. **Family member:** spouse and unmarried children up to the age of 18, including adopted children or stepchildren
12. **Foreigner:** person, who is not an Austrian citizen
13. **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
 - a liability declaration towards all territorial bodies for the costs of residence and repatriation (the liability ceases six months after expiry of the Hosting Agreement, unless fraudulently obtained).

An example of a **Hosting Agreement** can be found on www.bmi.gv.at/forscher

14. **Letter of guarantee:** might be required for visa applications; examples of such letters of guarantee can be found on www.bmeia.gv.at/aussenministerium/buergerservice/pass-und-visum.html
15. **Public bodies:** the Federal Government, the provinces, the districts, the municipalities, other public body corporations and the social insurance agencies
16. **Quota:** every year, the Federal Government determines how many settlement permits subject to quotas are permitted to be granted in the federal provinces annually in the relevant regulation governing settlement
17. **Residence permit:** for a temporary/time-limited residence within the territory of Austria for a specific purpose, with the option of obtaining a settlement permit afterwards
18. **Residence titles:** entitle a third-country national to a permanent stay in Austria for more than 6 months; the following rights of residence are available especially for researchers:
 - a. **Residence title “Red-White-Red – Card”:** entitles to a limited stay in Austria with the right to work as key employee
 - b. **Residence title “Red-White-Red – Card plus”:** entitles to a limited stay in Austria with free access to the labour market with possibility to get permanent residence EC
 - c. **“EU Blue Card”:** entitles to a limited stay in Austria and to work
 - d. **Residence permit:** for time-limited settlement within the territory of Austria for a specific purpose with the possibility of obtain to change to other residence titles.
 - I. Residence permit for the residence purpose as “researcher” (“Residence Permit – Researcher”)
 - II. Residence permit for the purpose “special cases of employment activity”

(“Residence Permit – Special Cases of Paid Employment”)

- e. Residence title “Permanent Residence EC”: for documentation of the unrestricted right of settlement, irrespective of the term of validity of the document
19. **Rights of entry** are visas issued for entry for a period of residence that does not exceed six months. The resident visa (visa D) is available for the purpose of a gainful employment activity. A visa cannot be extended within Austria!
 20. **Right to free movement:** the right of EU and Swiss citizens to freely move and reside in an other member states according to Free Movement Directive of the Council
 21. **Research institutions that do not require certification** and have approached the Federal Ministry of the Interior up until now can be found on www.bmi.gv.at/forscher
 22. **Research institutions that have been certified** can be retrieved on www.bmi.gv.at/forscher
 23. **Settlement:** is the actual or future residence planned within the territory of Austria for the purpose of establishing a place of residence lasting for more than 6 months during the year, the establishment of a centre of main interests or the start of a gainful employment activity that is not just temporary. However, the lawful residence of a foreigner on the basis of a residence permit does not qualify as settlement.
 24. **Settlement and Residence Act (NAG):** regulates the granting, denial and withdrawal of rights of residence to and from foreigners who are residing or wish to reside in Austria for more than 6 months, as well as the documentation of existing rights of residence and settlement
 25. **Settlement authority:** the locally competent state governor in Austria and/or the administrative district authorities authorised by him (district administration or magistrate). The local competence depends on the foreigner’s (planned) place of residence. Information regarding the individual authorities can be found on www.help.gv.at/behoerdenadressen/anfrage.jsf
 21. **Settlement permit:** for time-limited settlement within the territory of Austria for a specific purpose and which is not just temporary, with the possibility of obtaining a right of residence “Long-Term Resident’s EC Residence Permit” afterwards (see rights of residence for further details)
 27. **Third-country national:** a foreigner, who is not an EEA citizen or a Swiss citizen
 28. **Under-age children:** children up to the age of 18
 29. **Visa:** see rights of entry

12.

List of abbreviations

Par.	paragraph
ASVG	General Social Insurance Act
AuslBG	Aliens Employment Act
etc.	et cetera
EU	European Union
EEA	European Economic Area
ICAO	International Civil Aviation Organisation
NAG	Settlement and Residence Act
e.g.	for example

13.

Appendix

Appendix 1: Admission criteria for highly qualified persons

Admission criteria for highly qualified persons	Points
Special qualifications and abilities	Maximum of allowable points: 40
University graduation in course with four years minimum duration	20
- in the fields of mathematics, informatics, natural sciences or engineering (the "MINT subjects")	30
- PhD or higher graduation	40
Last year's gross salary in a senior management position with a company listed on the stock exchange or a company for whose activities or field of trade the competent foreign trade office has issued a positive report:	
50 000 to 60 000 euros	20
60 000 to 70 000 euros	25
more than 70 000 euros	30
Research and innovation activity (patent applications, publications)	20
Awards (approved prize winner)	20
Work experience (matching the qualification or senior management position)	Maximum of allowable points: 20
Work experience (per year)	2
Six months work experience in Austria	10
Language skills	Maximum of allowable points: 10
German or English language skills:	
elementary use of the language on a basic level or	5
intensified elementary use of the language	10
Age	Maximum of allowable points: 20
Up to 35 years	20
Up to 40 years	15
Up to 45 years	10
Studies in Austria	Maximum of allowable points: 10
Second part of the course or half of the required total of ECTS points	5
Complete university course (Diplomstudium) or Bachelor's and Master's degree studies in Austria	10
Maximum total of allowable points	100
Minimum of required points	70

Appendix 2: Admission criteria for key workers

Admission criteria for key workers	Points
Qualifications	Maximum of allowable points: 30
Completed professional education or special knowledge and abilities regarding the intended occupation	20
General university entrance qualification according to § 64 Abs. 1 University Act 2002, BGBl. I Nr. 120	25
Graduation in university course of studies with a minimum duration of three years	30
Work experience according to qualification	Maximum of allowable points: 10
Work experience (per year)	2
Work experience in Austria (per year)	4
Language skills	Maximum of allowable points: 15
German language skills: elementary use of the language on a basic level or	10
English language skills: independent use of the language	15
Age	Maximum of allowable points: 20
Up to 30 years	20
Up to 40 years	15
Maximum total of allowable points	75
Additional points for professional athletes and professional sports coaches	20
Minimum required points	50

Appendix 3: Special documentation for highly qualified⁵

Necessary documents for high qualified persons:

1. University graduation in course with four years minimum duration:
 - a) diploma/graduation certificate
 - b) certificate about the status of the university;
2. certificate about the habilitation;
3. proof of salary in a senior management position with a company listed on the stock exchange or a company for whose activities or field of trade the competent foreign trade office has issued a positive report:
 - a) tax statement or pay slip,
 - b) confirmation of employer about the management position


⁵ additionally to the documents listed in the checklists

- c) confirmation that the company is listed on the stock exchange or a positive report by the competent foreign trade office;
- 4. documentation of research or innovation activities:
 - a) list of publications,
 - b) confirmation of university or research institution about the scientific engagement of the applicant
 - c) in case of a patent excerpt of the international patent register;
- 5. certificate of awards;
- 6. documentation of professional experience:
 - a) recommendation letter of the employer
 - b) confirmation of employment;
- 7. internationally recognised certificates of language course of English or German language;
- 8. documentation of studying/graduation in Austria; exam certificates/diploma of the Austrian university
- 9. employer's declaration according to the Austrian Act governing the employment of aliens;

Appendix 4: special documentation for key workers⁶

- 1. diploma of successfully completed professional training;
- 2. documentation of special skills and abilities:
 - a) letter of recommendation of employer
 - b) confirmation of employment;
- 3. confirmation about university entrance qualification;
- 4. documentation of graduation:
 - a) diploma of university graduation
 - b) confirmation about the status of the university;
- 5. documentation of professional experience adequate to education:
 - a) letter of recommendation of employer
 - b) confirmation of employment;
- 6. internationally recognised diploma of language course in English or German language;
- 7. employer's declaration according to the Austrian Act governing the employment of aliens.

⁶ additionally to the documents listed in the checklists

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