

WG II

legal and political integration



1. 2 Working in Austria



Roubaix, 27. Juni - 1. Juli 07
Aygül Aslan, Austria



Table of content

- What is your citizenship part I
- What is your citizenship part II
- Work permit
- Residence permit
- Settlement permit
- Permanent stay - unlimited residence card
- Agreement on integration



What is your citizenship?



Austrian nationals, EU/
EEA citizens, Swiss
nationals

- 15 states of the European Union : Belgium, Denmark, Germany, Finland, France, Greece, Great Britain, Ireland, Italy, Luxembourg, Netherlands, Austria, Portugal, Sweden and Spain.
- States of the EEA (= European Economic Area): all the aforementioned 15 states of the European Union plus Iceland, Liechtenstein and Norway.



you will be allowed to work without any restrictions or limitations, and everywhere in Austria.

You will not need a special work permit nor a special residence permit.

Citizen of a new EU country

- New member states: Estonia, Lithuania, Latvia, Poland, Slovakia, Slovenia, Hungary, the Czech Republic
- Exceptions: Citizens from Malta, Cyprus, Romania, Bulgaria do not need a work permit nor a residence permit.



You need a valid work permit:

- Either: **Employment Permit**

For migrants who have been integrated and who have got a residence permit; valid for a maximum period of 1 year

- or: **Work Permit**

can be obtained only after 52 weeks of employment in Austria; valid for just one of the Federal States; for a maximum period of 2 years

- or: **Certificate of Exemption**

valid everywhere in Austria; for a maximum period of 5 (five) years



What is your citizenship ? II

Third country nationals

a valid **residence permit**:

Different kinds of residence permits :	
Either :	Settlement permit
	Valid for a maximum period of 1 (one) year
Or :	Residence permit
	Valid for a maximum period of 6 (six) months
Or:	Entitlement to residence
	“Family dependant”
Or :	Permanent stay - European Community respectively proof of residence
	are replacing the settlement permit and the certificate of exemption, and are valid for an unlimited period of time

a valid **work permit**:

Different kinds of work permits :	
Either :	Employment permit
	for migrants who have been integrated and who have got a residence permit; valid for a maximum period of 1 (one) year
Or :	Work Permit
	this can be obtained only after 52 weeks of employment in Austria; valid only for just one of the Federal States ; valid for a maximum period of 2 (two) years
Or:	Certificate of Exemption
	will be valid everywhere in Austria; valid for a maximum period of 5 (five) years
Or :	Permanent stay - European Community respectively proof of residence
	are replacing the settlement permit and the certificate of exemption, and are valid for an unlimited period of time



Work permit

Citizens and migrants as following do not need a work permit:

- Austrians, EU / EEA citizens (with the exception of nationals from the new EU states)
- Swiss nationals
- Spouses and minor children of Austrian nationals or of EU / EEA nationals
- Migrants who have got a “Permanent Stay – European Community”, a proof of residence or a “Settlement Permit – unlimited”

Important note !

A valid residence permit is the condition for the performance of a legal job activity.



work permit

3 different forms : Employment Permit - Work permit - Certificate of exemption

Specific provisions and characteristic regulations for Turkish nationals:

Employment permits for Turkish nationals will be issued on the basis of the following conditions:

In the case of continued employment with the same employer after a one employment

- Or after a at least 3-year-lasting legal stay in Austria as a family member of a Turkish family with common residence
- Or for children with a Turkish mother or a Turkish father who had been employed in Austria for a period of time of at least 3 (three) years

The certificate of exemption will also be issued for Turkish nationals on the basis of more favoured conditions:

- In the case of a 4-year-lasting legal employment in Austria
- Or in the case of a 5-year-lasting legal stay in Austria as a family member of a Turkish family with common residence



Residence permit

- If you have got a **residence permit**
 - You are allowed to stay in Austria for a maximum period of 6 (six) months.
 - You have only limited access the labour market
 - You are not allowed to settle down in Austria permanently
- *The following persons are in the position **to apply for a residence permit**:*
 - Pupils, students and trainees / interns
 - Migrants with short-term employment (e.g. skiing instructors)
 - Persons in gainful employment who do not have their residence in Austria (cross-border commuters)
 - Family dependants of the aforementioned groups of persons

● You have to file the application for a residence permit either in your home country at an official Austrian representative authority (for example: the embassy) or at the local governmental authority of the district commissioner where you are living.

For the application you will have to pay € 100. Once having been granted the residence permit, it can be extended by up to one year by means of a respective application for renewal and extension.



Settlement permit

- By being granted the **settlement permit**, this document will allow you permanent settlement in Austria. You have to
 - to proof guaranteed living and subsistence
 - secure accommodation and lodging
 - to present a certificate of a health insurance company
 - In case you have been granted your residence permit from 1st January 1998 on, you are obliged to meet and to comply with the integration agreement .
- You must file the **application for a settlement** permit either in your home country at an official Austrian representative authority (for example: the embassy) or at the local governmental authority of the district commissioner where you are living.

When applying for the first time, you will be granted the settlement permit for a maximum period of one year, and if you apply for renewal and extension, this permit will then be valid for another period of up to 2 years. For the application you will have to pay € 100. There are the following special and particular forms of settlement permits:

- Settlement permit - key workers
- Settlement permit – limited
- Settlement permit - unlimited



“Permanent stay - European Community” / Unlimited residence card

- From January 1st, 2006 on, the “Permanent stay - European Community” is being issued, and it entitles you to
 - an unlimited stay and
 - to entering into employment or to taking up a job without a work permit.
 - If you have got an unlimited residence card, you are entitled to the same, aforementioned rights, but this card has no longer been issued since December 31st, 2005, although the bearers of this unlimited residence card can still continue enjoying the above indicated rights and entitlements.
- After 5 years of stay in Austria, as well as after having met the **agreement on integration**, the bearers of a settlement permit are allowed to file an application for a “Permanent stay – European Community”



Agreement on Integration

- All persons who need a residence permit and who are/will be living in Austria as from January 1st, 1998 on, have to attend an integration course for the German language, or have to present the proof that they have attended such courses.
- The goal of the agreement on integration is the acquisition of basic knowledge of the German language (and culture). If you keep to the fixed periods and time-limits, the Austrian government will take over 50 % of the course fees.