

Guide

to Residence and Employment
of Foreign Researchers in Austria



Version: 1 January 2008

IMPRINT

Editor:

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

Austrian Integration Fund, A-1030 Vienna, Schlachthausgasse 30,
phone +43(0)710 12 03-0, fax +43(0)1/710 12 03-500

Cover-Illustration: © iStockphoto.com / Michael Monu

Layout and print: AV+Astoria Druckzentrum GmbH

Date of publication: July 2008

Table of Contents

1. Foreword	3
2. What is meant by research? Who is a researcher?	5
3. Information for the employer	6
4. EEA and Swiss citizens	10
5. Residences of third-country nationals for up to 6 months	11
5.1. <i>Researchers without letter of invitation by research institution</i>	11
5.2. <i>Researchers with letter of invitation by research institution</i>	11
6. Residences of third-country nationals for more than 6 months	14
6.1. <i>Residence Permit – Researcher</i>	16
6.2. <i>Residence Permit – Special Cases of Paid Employment</i>	21
6.3. <i>Settlement Permit – Key Worker</i>	28
7. Services	31
8. The Austrian Integration Fund	32
9. Points of contact	33
10. List of EU, EEA and Schengen states	34
11. Glossary and list of links	35
12. List of abbreviations	38

**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), effective as of 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.

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 or simplified 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 35 to 37.

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.”*

Within the meaning of the Settlement and Residence Act (NAG), researchers are persons with whom a research institution has concluded a **Hosting Agreement**. The research institution must verify the qualification of the relevant researcher for the concrete research project prior to concluding such a **Hosting Agreement**. In general, it is thus the intention that in any case the research institutions should decide who is to be considered a researcher.

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.

Additional requirements apply to the **“Residence Permit – Special Cases of Paid Employment”** as well as the **“Settlement Permit – Key Worker”**, which are explained separately under **rights of residence**.

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 16). The same applies to their **family members**.
6. Applications for issuance of a "**Settlement Permit – Key Worker**" (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 16).

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 (→ 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 Register of Companies 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 21.

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: ÖAD (V2)

4.

EEA and Swiss citizens

EEA citizens and citizens of Switzerland who have made use of their right to free movement 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 3 months. The Confirmation of Registration must be applied for at the locally competent settlement authority at the latest after expiry of three months after the foreign citizen's settlement.

Researchers from the **new EU Member States** are also free to enter and settle in Austria without requiring a permit and do not need a settlement 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 invitation by research institution

The researcher applies for a visa D+C 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 D+C 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 D+C is free of charge.

An application for a visa D+C may be submitted exclusively to an Austrian representation authority. The representation authority of a different Schengen state representing Austria is only permitted to grant a Schengen visa with a maximum length of stay of three months. However, this visa does not entitle to take up work in Austria.

Family members:

Spouses and unmarried under-age children receive the visa D+C free of charge from the Austrian representation authorities.

5.2. Researchers with letter of invitation 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 invitation 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 invitation, 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 D+C (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 invitation must also include the family members.

5.3. Letter of invitation for foreign researchers planning to start work within the territory of Austria

Text of the letter of invitation:

(*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 invitation.
- The letter of invitation must be signed by an authorised signatory.
- The letter of invitation must be issued on official stationery.

5.4. Checklist for „Visa D+C“

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

1. Personal application for a visa D+C at the competent Austrian representation authority. Note: The processing times may vary regionally or seasonally (e.g. due to “Schengen consultation duties” or 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 an empty page (valid for three months beyond the visa applied for),
 - b. 2 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/171_visumantrag.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 D+C** under the abovementioned conditions after personal application.

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 invitation**, 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 D+C at the competent **Austrian representation authority**.
4. Documents:
 - a. valid travel document with an empty page (valid for three months beyond the **visa** applied for),
 - b. 2 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/171_visumantrag.pdf or available from the **Austrian representation authority**)
 - d. **letter of invitation** 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 D+C** upon application in accordance with the abovementioned requirements

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” (quota-free)
- “Residence Permit – Special Cases of Paid Employment” (quota-free)
- “Settlement Permit – Key Worker” (subject to quotas)

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”	“Settlement Permit – Key Worker”
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 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 employer at the competent settlement authority; applicants who are not entitled to enter without the need for a visa must await the outcome of the procedure abroad
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)	documentation of accommodation, maintenance, employer’s certificate, health insurance (insofar as there will be no legal compulsory insurance) as well as police clearance certificate (if demanded by the authority)
Term of validity	12 months**	12 months**	18 months**
Subject to quotas	No	No	Yes
Extension	possible within Austria	possible within Austria	possible within Austria
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 “Settlement Permit – Restricted”

* 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 7 and 8.

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 19.

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 tourist visa (= **visa D+C**) 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 D+C** 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**” 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 – Researcher**” may be extended within Austria. A change to any other **right of residence** (e.g. “**Settlement Permit – Key Worker**”) is permitted prior to expiry of the **residence permit** issued last.

7) Which right of residence do family members receive?

Spouses of researchers as well as their unmarried under-age children must apply in person (children by means of the legal representative) for a quota-free “**Residence Permit – Family Community**” 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 or at the university. It must be observed that the family community must have previously existed in the **country of origin** in order for the family members to be able to receive a “**Residence Permit – Family Community**”. This regulation does not apply to **later-born children**.

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

The simplified procedure described on page 15 applies if a **Hosting Agreement** is available. The **letter of invitation** 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 D+C. 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 D+C with a six-month length of stay are also issued free of charge to spouses and unmarried under-age children 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 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.–. However, additional fees may arise (e.g. for official translations).

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 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. However, additional fees may arise (e.g. for official translations).

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, and that at all times a copy of the original document is enclosed with the application form.

10) Checklist for combination of visa D+C 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 D+C at the competent Austrian representation authority.
4. Documents:
 - a. a valid travel document with an empty page (valid for three months beyond the visa applied for),
 - b. 2 ICAO-fitting passport photos (criteria on www.passbildkriterien.at/oesterreich.html)
 - c. completed and signed visa application (retrievable on www.bmeia.gv.at/up-media/171_Visumantrag.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 D+C free of charge and 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 22)

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 € 4.716,⁻² 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 [Aus/BG] 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 Aus/BG and permitted to pursue **any** occupation without an employment permit, as long as the nature of the relationship remains upright.

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.

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

2 This amount is adjusted annually.

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 [*Aus/BG*] and permitted to work without an employment permit.

Spouses and **under-age children** 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 25.

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.

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 stay permitted without the need for a visa or enabled by a visa, as otherwise the researchers must return to the **country of origin**.

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

- 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 tourist visa (= visa D+C) 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 D+C 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 any other right of residence (e.g. “Settlement Permit – Key Worker”) is permitted prior to expiry of the residence permit that was issued last.

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

Spouses of researchers as well as their unmarried under-age children 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. It must be observed that the family community must have previously existed in the country of origin in order for the family members to be able to receive a “Residence Permit – Family Community”. This regulation does not apply to later-born children.

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 22, 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 25.

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+C. However, they are permitted to finalise the residence permit procedure within Austria.

Family members:

Spouses and unmarried under-age children 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.–. However, additional fees may arise (e.g. for official translations).

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.–. However, additional fees may arise (e.g. for official translations).

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, and that at all times a copy of the original document is enclosed with the application form.

10) Checklist for combination of Visa D+C und “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/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 25

4. If taking up work is planned immediately after entry, a visa D+C 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 D+C at the competent Austrian representation authority
- Documents:
 - a. valid travel document with an empty page (valid for three months beyond the visa applied for),
 - b. 2 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/171_visumantrag.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 D+C** under the conditions mentioned above.

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 25.
4. **Family members:**
Receive a derivative (quota-free) **residence permit** after personal application.

6.3. Settlement Permit – Key Worker

1) Who can receive a “Settlement Permit – Key Worker”?

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 family wish to live and work in Austria permanently, they may obtain a **settlement permit** within the scope of the quota for key workers.

2) Which requirements must be fulfilled?

Criteria for key workers:

Particular qualification demanded on the Austrian labour market **or special expertise** and capabilities with work experience; **minimum payment** of currently € 2.358,-⁴ gross/month (= 60 % of the maximum contribution basis under the General Social Insurance Act (ASVG)).

In addition, at least one of the following criteria:

- Particular importance for a region or a partial labour market,
- Creation of new or protection of existing jobs;
- Significant influence on management (executive);
- Transfer of investment capital;
- University education or education at university of applied sciences or other qualifications particularly recognized.

An **employer's certificate** must be enclosed with the application.

All other documents required to obtain the **settlement permit** can be found on the checklist on page 30.

3) To whom must the application be submitted?

The application for issuance of a **settlement permit** for residence purposes as “Key Worker” (for researchers) must be submitted to the competent state governor in accordance with the (envisaged) place of residence by the potential employer.

4) Which authority decides on the application?

The admission is performed within a **simplified one-stop-shop procedure**. The decision on the application for issuance of a “**Settlement Permit – Key Worker**” is made by the locally competent state governor in Austria and/or the administrative district authorities authorised by him (district administration or magistrate). A labour-market policy survey is presented by the *employment services*, in which the applicability of the criteria for key worker, 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.

⁴ This amount is adjusted annually.

5) Is this right of residence subject to quotas?

The “Settlement Permit – Key Worker” is subject to quotas. This means that the settlement permit cannot be issued unless an appropriate quota place is available.

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

If the requirements above are satisfied, the key worker researcher receives a “Settlement Permit – Key Worker” out of the quota for key workers for a period of maximum 18 months, and is permitted to work with this without any further permit related to labour market law.

After 18 months, the key worker researcher receives a “Settlement Permit – Unrestricted” 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 “Settlement Permit – Unrestricted” 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”.

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

Spouses of key worker researchers as well as their unmarried children up to the age of 18 must apply personally for a “Settlement Permit – Restricted” subject to quotas 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 “Settlement Permit – Restricted” subject to quotas for the period of 18 months, with which they are able to obtain an employment permit more easily in accordance with the new regulation effective as of 1 January 2008.

After 18 months, these family members receive a “Settlement Permit – Unrestricted” (no longer subject to quotas) 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). The “Settlement Permit – Unrestricted” provides unlimited access to the labour market. The respective application must be submitted by the family members personally to the competent settlement authority.

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”.

8) Change from (limited) residence permit to settlement permit

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 28 to 29 apply. This regulation also applies to any foreign students holding a valid “Residence Permit – Student”.

9) Checklist for “Settlement Permit – Key Worker”

1. Application by the potential employer at the competent settlement authority in Austria.
2. The following documents must be enclosed with the completed application form:
 - a. Copy of valid travel document of key worker
 - b. Birth certificate or equivalent document (only in the case of initial applications) of key worker
 - c. Recent photograph of key worker
 - d. Documentation of legal entitlement to accommodation of key worker in Austria according to local standards (e.g. rent or subtenancy contracts, legally valid preliminary contracts)
 - e. Employer's certificate
 - f. Optional: official clearance certificate from the country of origin
3. The issuing fee is EUR 100.–. However, additional fees may arise (e.g. for official translations).

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 “Settlement Permit – Restricted” (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 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.–. However, additional fees may arise (e.g. for official translations).

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, and that at all times a copy of the original document is enclosed with the application form.

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 Exchange Service (ÖAD):** 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 ÖAD also offers a **reminder service** for the extension of the researchers' right of residence (insofar as this is not performed by the respective research institution): For this purpose, researchers may provide the following details by e-mail to info@oead.at:

- first name and family name
- his/her e-mail address
- his/her research institution in Austria
- term of validity of the right of residence obtained last

The ÖAD also offers a reminder service for the extension of the researchers' right of residence 4 weeks ahead of expiry of their right of residence. (It must be observed that "visas" cannot be extended.)

The Austrian mobility centres are a member of the European Network of Mobility Centres (ERA-More; 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 Economics and Labour, Department II/7:

phone +43 (0)1/71100-5555, e-mail: post@ii7.bmwa.gv.at, www.bmwa.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 Exchange Service (ÖAD):

phone +43 (0)1/4277-28102, 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 states⁵

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

⁵ As of: 21.12.2007

11.

Glossary and list of links

1. **Confirmation of Registration:** serves for documentation of the right to reside and settle for EEA citizens under Community law.
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/Niederlassung/formulare_antraege.asp, 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/171_visumantrag.pdf
3. **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
4. **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
5. **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
6. **Rights of residence:** 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. **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" (see c.) afterwards
 - I. Settlement permit for the residence purpose as "key worker" ("Settlement Permit – Key Worker")
 - b. **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
 - I. Residence permit for the residence purpose as "researcher" ("Residence Permit – Researcher")
 - II. Residence permit for the residence purpose "special cases of employment activity" ("Residence Permit – Special Cases of Paid Employment")
 - c. Right of residence "Long-Term Resident's EC Residence Permit": for documentation of the unrestricted right of settlement, irrespective of the term of validity of the document

7. **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/downloadarea/niederlassung/Aufenthaltsbewilligung-Forscher/AufnahmevereinbarungV1.doc
8. **Third-country national:** a foreigner, who is not an **EEA citizen** or a Swiss citizen
9. **Rights of entry** are visas issued for entry for a period of residence that does not exceed six months. The resident tourist visa (**visa D+C**) is available for the purpose of a gainful employment activity. A visa cannot be extended within Austria!
10. **EEA citizen:** a foreigner, who is a citizen of one of the contracting parties to the agreement on the European Economic Area (EEA Agreement)
11. **Family member:** spouse and unmarried children up to the age of 18, including adopted children or stepchildren
12. **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/niederlassung/zertifizierungen_forschungseinrichtungen.asp
13. **Research institutions that have been certified** can be retrieved on www.bmi.gv.at/niederlassung/zertifizierte_forschungseinrichtungen.asp
14. **Foreigner:** person, who is not an Austrian citizen
15. **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**
16. **Country of origin:** means the country in which the foreigner has taken up abode lawfully (not by means of a **visa** for temporary residence, but on the basis of an appropriate right of abode)
17. **Under-age children:** children up to the age of 18
18. **Later-born children:** children, whose mothers already hold a valid right of residence (irrespective of the place of birth of the child)
19. **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.

20. **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
21. **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
22. **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)
23. **Public bodies:** the Federal Government, the provinces, the districts, the municipalities, other public body corporations and the social insurance agencies
24. **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
25. **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
26. **Right to free movement:** the right of each EEA citizen to settle in Austria under Community law
27. **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, United Nations). An up-to-date list of visa obligations by countries can be found on www.bmi.gv.at/einreise
28. **Letter of invitation:** required for visa applications; examples of such letters of invitation can be found on www.bmeia.gv.at/aussenministerium/buergerservice/pass-und-visum.html
29. **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
30. **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

 Bundesministerium für europäische
und internationale Angelegenheiten

BM.I  REPUBLIK ÖSTERREICH
BUNDEMINISTERIUM FÜR INNERES

Σ BWA
BUNDEMINISTERIUM für
WIRTSCHAFT und ARBEIT

BM.W_F^a

Bundesministerium für Wissenschaft und Forschung

FHK
ÖSTERREICHISCHE
FACHHOCHSCHUL
KONFERENZ



FFG

ÖSTERREICHISCHE
UNIVERSITÄTENKONFERENZ



DIE ÖSTERREICHISCHE REKTORENKONFERENZ



WKO
WIRTSCHAFTSKAMMERN ÖSTERREICHS


ÖSTERREICHISCHER
INTEGRATIONSFONDS