

## TOPIC: IMMIGRATION AND THE WORLD OF WORK

**Preliminary remarks:** Issues connected with settlement and work permits are very complex. There are a large number of details and exceptions which have to be considered in the individual case. Our explanations are merely a first brief sketch of related problems so you can become familiar with the topic. At the end of this article you will find some websites and institutions which will be happy to help you with more detailed questions.

**Globalisation and interculturality** are increasingly influencing our society today. Intercultural competence is seen more and more as an important and future-oriented key competence. Conflicts, misunderstandings and prejudices arising from people of different ethnic origin and culture living and working together are often the focus of public debates, however. But this merging of people also offers many opportunities: opportunities to learn from each other, to open up one's own horizons for new and unknown things and therefore develop an understanding of others.

**The reasons** why people leave their country of birth permanently or temporarily and go to live and work in another country are manifold:

- ▶ escaping from wars, environmental disasters, famines and political or religious persecution,
- ▶ looking for better living conditions, job opportunities and earning potential,
- ▶ family reunification,
- ▶ for (further) training or education purposes, including as part of exchange programmes,
- ▶ gathering experience abroad as part of education and training courses, trainee programmes,
- ▶ to learn languages better,
- ▶ being sent to foreign branches by their company,
- ▶ using career opportunities and professional development options,
- ▶ etc.

From this rough list we can already surmise the many possible motives. But we do not talk of immigration until there is a permanent change of residence (i.e. not for temporary study visits or work stays, au pairs or seasonal workers, etc.).

**The statistics.** Migration to Austria in 2012 amounted to around 125,000 people (of these 17,413 people were seeking asylum), at the same time around 96,500 (including 22,000 Austrians) emigrated. In 2013 around 151,000 people migrated to Austria and 96,500 emigrated from Austria (including 22,000 Austrians). There were around 17,500 applications for asylum in 2013. (Source: Statistics Austria & Federal Ministry of the Interior)

**Support.** For youths and adults with a migration background there are integration and support programmes in Austria which aim to make it possible and also easier to enter social and professional life (e.g. language courses, multicultural projects, legal advice and supervision for immigrants). At the end of this article you will find several links to institutions and websites providing information, advice and support.

## 1. DEFINITION AND LEGISLATION

**The law governing the employment of foreign workers (Ausländerbeschäftigungsgesetz or AuslBG).** The employment of persons without Austrian citizenship is regulated by the AuslBG in Austria. Depending on requirements, different authorisations can be issued which enable access to the Austrian labour market (§ 3 (1) and (2) of the AuslBG):

- Restricted employment permit (Beschäftigungsbewilligung),
- Red-White-Red Card, Red-White-Red Card plus, EU Blue Card,
- Posting permit (Entsendebewilligung) or confirmation of notification (Anzeigebestätigung),
- Permanent residence EU (permanent residence EC): unrestricted access to the labour market combined with right of residence of unlimited duration,
- valid work permit or valid certificate of exemption (Befreiungsschein): have been no longer issued since 1 January 2014
- and others

**One of the listed authorisations has to be available before the start of employment, i.e. before work is started.**

**The following are exempt from the AuslBG** (list not exhaustive):

- EEA and EU citizens and Swiss nationals (for citizens from new EU member states – currently Croatia – transitory provisions apply),
- foreigners who have been granted asylum in Austria by an official decision,
- people granted subsidiary protection who have had this status for more than a year (rejected asylum seekers who, for various reasons, cannot be deported, e.g. because there is war in their home country),
- foreign husbands/wives and minors (up to the age of 21) of Austrians, EEA citizens or Swiss nationals,
- members of certain occupational groups, e.g. diplomacy, teachers and researchers, care workers (applies with various restrictions to people from the new EU member states).

This means that these people can take up employment without further authorisation in the same way as all Austrians.

## The Integration Agreement

The Integration Agreement provides for **compulsory attendance of “integration classes”** in the German language. This Integration Agreement aims at the acquisition of basic knowledge of German in order to ensure that graduates can take part in social, economic and cultural life in Austria. Third-country nationals (all non-EU and non-EEA citizens) are obliged to meet the provisions set out by the Integration Agreement as soon as they have been granted their first or have extended their existing residence permit.

The following third-country nationals are not required to fulfil the Integration Agreement:

- those who remain minors until the end of the obligation to fulfil the Integration Agreement,
- those who cannot reasonably be expected to fulfil the conditions due to advanced age or their state of health.

## 2. SETTLEMENT AND TAKING UP EMPLOYMENT

The first requirement for access to the labour market by people who do not have Austrian citizenship is that they are established legally in Austria. There are different types of so-called residence titles; only the most important are listed here:

### 2.1 Residence permit (Aufenthaltsbewilligung)

The residence permit is a residence title for a temporary stay without intending permanent residence (for a maximum of 6 months). A residence permit can be granted to job rotation workers, posted workers, self-employed people, artists, pupils, students, social service workers, researchers and family members.

### 2.2. Red-White-Red Card, Red-White-Red Card plus and EU Blue Card

The so-called **Red-White-Red Card** entitles holders to stay temporarily in Austria for one year and to work for a specific employer. The Red-White-Red Card is issued to highly-qualified employees, skilled workers in shortage occupations, other key employees and graduates. The **Red-White-Red Card plus** can be applied for as an extension of the Red-White-Red Card and as a replacement for a work permit or a certificate of exemption and also entitles holders to stay temporarily for three years, but also grants unrestricted access to the labour market, however.

The **EU Blue Card** is issued for two years to people with an academic education of at least three years and a job corresponding to this education, and entitles holders to take up employment with a specific employer (restricted access to the labour market).

### 2.3. Settlement permit (Niederlassungsbewilligung):

The settlement permit is a **residence title of limited duration** (for one year) for people who are not staying in Austria temporarily and are pursuing a self-employed or employed activity.

## 2.4. Permanent residence EU (permanent residence EC)

Permanent residence EU (Daueraufenthalt – EU) is a **residence title of unlimited duration**. It can be applied for by anyone who has been resident in Austria for an **uninterrupted period of the last five years** and has met the conditions set forth by the Integration Agreement (see above).

The residence title "permanent residence EU" grants holders unrestricted access to the Austrian labour market. The right of residence is of unlimited duration, but the card documenting this right must be renewed every five years.

Normally, applications for **first residence titles** have to be filed personally from abroad before entry to Austria. Applications for extension can be filed in Austria.

Depending on the respective residence title, holders have different ways of accessing the labour market. In principle, groups of people not under the provisions of the law governing the employment of foreign workers (Ausländerbeschäftigungsgesetz), such as EU citizens with the exception of citizens of the new member states, have unrestricted access to the labour market.

People who have a permanent ("permanent residence EU") or temporary residence title (Red-White-Red Card plus or a settlement permit) also have unrestricted access to the labour market.

In contrast, people with a Red-White-Red Card or an EU Blue Card have only restricted access to the labour market for a specific employer.

## 2.5. Restricted employment permit (Beschäftigungsbewilligung)

The employer will require a restricted employment permit for foreign workers who have a residence title or to whom the right of establishment applies (these are the new EU citizens) but who have no permit to take up an employment relationship.

Relevant applications are filed by the employer / company with Public Employment Service Austria (AMS) and the permits have a validity of one year. In this case, employment of the foreign workers is possible only at the company filing the application.

Before issuing the permit, AMS is obliged to examine whether qualified Austrian jobseekers or recipients of AMS benefits can be recruited (this procedure is called a "review of the labour market"). The restricted employment permit expires upon termination of the employment relationship.

The restricted employment permit is of significance only for pupils, students, posted workers, job rotation workers and Croatian nationals (see below).

**Obtaining a restricted employment permit without the need to review the labour market is possible for the following:**

- ▶ foreign youths after completing school in Austria if one parent is also employed in Austria,
- ▶ immigrants with "advanced integration" (a stay of at least 8 years in Austria),

- ▶ border crossers taking up employment with an employer that has already employed them for at least six months within the last year,
- ▶ foreigners for whom interstate agreements make it mandatory to facilitate access to the labour market,
- ▶ managers and particularly qualified skilled workers (in particular in connection with transfers of investments or setting up businesses),
- ▶ posted workers of foreign employers,
- ▶ short-term employed foreigners (such as harvest helpers, between 6 weeks and 3 months) = restricted employment permit for seasonal workers (Beschäftigungsbewilligung für Saisonarbeitskräfte) (i.e. an employment license according to Art. 5 of the law governing the employment of foreign workers)

### **N.B.: Abolition of the work permit and certificate of exemption**

The corresponding regulations became entirely inapplicable on 1 January 2014. People in possession of such an authorisation can receive a Red-White-Red Card plus with unrestricted access to the labour market.

## **2.6 Other access regulations for the labour market:**

- **Posting permits** (Entsendebewilligungen) are granted for employees of foreign employers if these do not have subsidiaries in Austria and the employees are not employed for longer than six months in Austria. The posting permit is granted for a maximum of four months. If the employment lasts for longer than four months, a restricted employment permit (Beschäftigungsbewilligung) is required.
- When posting workers for training and further training purposes within companies, under some circumstances a restricted employment permit or posting permit is not required. A **confirmation of notification** issued by the responsible regional office of Public Employment Service Austria suffices.

## **Excursus 1: EU EXPANSION**

Nationals of new EU member states have the right to free access to the Austrian labour market at the latest 7 years after joining the EU. Certain transitory provisions apply to citizens of new EU member states, i.e. they do not yet have unrestricted access to the Austrian labour market and continue to fall under the law governing the employment of foreign workers. They therefore still need a restricted employment permit so they can be lawfully employed in Austria.

Currently nationals of Croatia (accession to the EU 1 July 2013) are affected by this transitory provision.

The following groups of people from the new EU member states are now already entitled to free choice of workplace across Austria (so the transitory provisions do not apply to them):

- citizens of the new EU states who can prove confirmation of Public Employment Service Austria regarding their free access to the labour market (certificate of movement, Freizügigkeitsbestätigung), or
- citizens with a work permit, certificate of exemption, permanent residence EU or proof of residence (Niederlassungsnachweis).

**Note:**

- a) Nationals of Romania and Bulgaria have had unrestricted access to the Austrian labour market since 1 January 2014.
- b) Workers from new EU member states do not need a visa or residence permit for their employment in Austria.

## **Excursus 2: Association agreement between the EU and Turkey**

Turkish nationals are facilitated access to the Austrian labour market on the basis of the EU's association agreement with Turkey. If the prerequisite of lawful settlement and employment in Austria over a specific period (depending on the type of title this is between 3 and 5 years) is met, Public Employment Service Austria (AMS) will issue a **certificate of exemption or restricted employment permit for Turkish nationals** (Beschäftigungsbewilligung für türkische Staatsangehörige).

Family members (spouses and minors) of Turkish nationals lawfully employed in Austria also have access to the labour market and will be issued a certificate of exemption or restricted employment permit for Turkish nationals by AMS.

In the case of the **restricted employment permit**, the company or employer must file a relevant application with AMS. This permit will again only be valid for the respective company.

For Turkish children who want to take up vocational training, AMS will issue a restricted employment permit for Turkish nationals as soon as they have found an apprenticeship post. The prerequisite is that one parent is or was duly employed in Austria.

Also in these cases it must always be examined whether the affected people are entitled to be issued "permanent residence EU" on account of staying in the country for many years.

## 4. RECOGNITION – NOSTRIFICATION

Immigrants who have completed or started particular education and training routes in their home country and want to continue or complete them in Austria are entitled to apply for recognition or nostrification of their previous education and training. Depending on the type of education and training programme they have completed or started, different procedures will apply:

### a) Apprenticeship training

Apprenticeship is a dual form of vocational training. Apprenticeship training takes place at two places of learning: in the company providing the training, where the occupation-specific (specialist and practical) knowledge and skills are taught, and at part-time vocational school for apprentices, where the occupation-related theory and advanced general knowledge are taught. Apprentices who started apprenticeship training abroad have two ways of continuing their training in Austria:

- **in a company providing training in case they have found an apprenticeship post**

In this case, the apprenticeship office in the respective province will review and state which previous knowledge and skills the apprentice has and at which level or in which year he/she can enter the training.

- **continuation of training in second-chance education**

It will not always be possible to find an apprenticeship post. However, there are a large number of alternative ways of obtaining a professional qualification in Austria, such as by attending evening schools, retraining courses, or courses offered by the Institute for Economic Promotion (WIFI) and Vocational Training Institute (bfi). When training is completed, it is possible to file an application to be admitted to the apprenticeship-leave examination. Educational institutions such as WIFI and bfi also offer preparatory courses for apprenticeship-leave examinations.

### Apprenticeship-leave examination

The application for admission to the apprenticeship-leave examination must be filed with the apprenticeship office of the economic chamber in the respective province. Basically there is no age limit for an apprenticeship. Most often, apprenticeship beginners take up their training pathway in Austria following completion of compulsory schooling (after year 9) when they are about 15 years of age.

Those who have completed their vocational training abroad can apply to the Federal Ministry of Science, Research and Economy (BMWFV) for equivalence of their qualification with the relevant Austrian apprenticeship.

Agreements on vocational training qualifications have been concluded with some countries and regions where similar qualifications exist (such as Germany, South Tyrol and Hungary) that lay down which national qualifications are equivalent and will be recognised as such. Confirmations of recognition and equivalence of the respective programmes are issued, upon application, by

the apprenticeship office of the economic chamber in the respective province without any additional review of content.

In all other cases where vocational training (this means, the apprenticeship) has been completed abroad, the application for equivalence will be reviewed by the BMWFV and confirmed if all prerequisites have been met and if the respective foreign state also recognises the respective Austrian qualification.

If equivalence of vocational training programmes cannot be proven but it can be proven that the completed programme is largely equal to an Austrian apprenticeship training programme, the BMWFV is entitled to grant admission to the apprenticeship-leave examination and specify which parts of the exam must be taken, rather than holding the qualifications as equivalent.

### **Master craftsperson examination**

The offices for master craftsperson examinations at the Austrian economic chambers are the competent point of contact for those who have completed an apprenticeship abroad and want to take a master craftsperson examination in Austria.

## **b) Certificate of upper secondary education (Reifezeugnis)**

Every foreign certificate or diploma entitling the holder in the country of issuance to complete an education and training pathway in a post-secondary VET course, teacher training college, polytechnic (Fachhochschule) or university is considered a certificate of upper secondary education (Reifezeugnis or Matura). There exist three variants of recognition:

- ▶ **Nostrification:** Equivalence of foreign certificates (of upper secondary education) with Austrian certificates. This leads to recognition of equivalence of the foreign certificate with an Austrian one including all resulting rights. The nostrification or recognition process is conducted upon application to the Federal Ministry of Education and Women's Affairs (BMBWF). In case completion of individual subjects (or areas of specialisation) cannot be sufficiently proven, relevant external exams before a board not requiring school attendance (these are called Nostrifikationsprüfungen) are foreseen.

In some cases it is necessary to have the certificate authenticated in the country of issuance.

- ▶ **Equivalence on the basis of agreements:** Certificates of upper secondary education acquired in states with which Austria has concluded a multilateral or bilateral agreement on equivalence of certificates of upper secondary education grant holders the general university entrance qualification without any further review of the required content. A list of these states can be found on the website of the Federal Ministry of Science, Research and Economy ([www.bmwf.vg.at](http://www.bmwf.vg.at)).
- ▶ **Equivalence on the basis of a decision made by the higher learning establishment:** In case the above two variants do not apply, the university or management of the respective study course is entitled to declare a certificate of upper secondary education as equivalent to an Austrian one for the purpose of admission to the course. It can, however, make this equivalence dependent on the previous completion of supplementary examinations.



## c) Study courses and programmes

Students who have started their study course or programme abroad and wish to continue or complete it in Austria can apply for recognition of the exams completed abroad. The criterion for the recognition of an exam is its equivalence with the relevant Austrian exam regarding content and the number of hours (ECTS credit points). Recognition of credits is conducted by the respective university.

## d) Contact points for people with qualifications acquired abroad

General information: [www.berufsanerkennung.at](http://www.berufsanerkennung.at)

- **Vienna contact point (AST Vienna)**

Beratungszentrum für Migranten und Migrantinnen (Counselling Centre for Migrants)  
Perspective (Outlook) – office focusing on credit transfer for qualifications and advice on CVET  
for new immigrants and recognised asylum seekers  
Nordbahnstraße 36/stairway 1/3rd floor  
A-1020 Vienna  
Tel.: 01/58 58 019  
[ast.wien@migrant.at](mailto:ast.wien@migrant.at) and [perspektive@migrant.at](mailto:perspektive@migrant.at)  
[www.migrant.at](http://www.migrant.at)

- **Lower Austria and North Burgenland contact point (AST Lower Austria)**

### **Beratungszentrum für Migranten und Migrantinnen (Counselling Centre for Migrants)**

Nordbahnstraße 36/stairway 2/2nd floor  
A-1020 Vienna  
Consultation hours for St. Pölten (AMS St. Pölten) - Wednesday: 9:00 am – 3:00 pm  
Daniel Gran Straße 10 / ground floor / room E 0017  
A-3100 St. Pölten  
Tel.: 01/99 72 851  
[ast.noe@migrant.at](mailto:ast.noe@migrant.at)  
[www.migrant.at](http://www.migrant.at)

- **Upper Austria and Salzburg contact point (AST Upper Austria – AST Salzburg)**

**migrare – Zentrum für MigrantInnen OÖ (Centre for Migrants in Upper Austria)**

Humboldtstraße 49/1st floor

A-4020 Linz

Consultation hours for Salzburg (AMS Salzburg) – Monday: 9.00 am – 3.30 pm

Auerspergstraße 67/1st floor/ room 133

A-5020 Salzburg

Tel.: 0732/93 16 03-0

[ast.oberoesterreich@migration.at](mailto:ast.oberoesterreich@migration.at) and [ast.salzburg@migration.at](mailto:ast.salzburg@migration.at)

[www.migration.at](http://www.migration.at)

- **Styria, Carinthia and South Burgenland contact point (AST Styria)**

**ZEBRA – Intercultural Centre of Counselling and Therapy)**

Granatengasse 4/3rd floor

A-8020 Graz

Consultation hours for Klagenfurt (AMS Klagenfurt) – Thursday: 10.30 am – 3.30 pm

Rudolfsbahngürtel 40, 2nd floor/room 252

A-9021 Klagenfurt

Tel.: 0316/83 56 30

[ast.steiermark@zebra.or.at](mailto:ast.steiermark@zebra.or.at) and [ast.kaernten@zebra.or.at](mailto:ast.kaernten@zebra.or.at)

[www.zebra.or.at](http://www.zebra.or.at)

- **Tyrol and Vorarlberg contact point (AST Tyrol)**

**ZeMiT – Zentrum für MigrantInnen in Tirol (Centre for Migrants in Tyrol)**

Andreas-Hofer-Straße 46/1st floor

A-6020 Innsbruck

Consultation hours for Feldkirch (AMS Feldkirch) – Monday: 10.15 am – 2.30 pm

Reichsstraße 151, room 1022

A-6800 Feldkirch

Tel.: 0512/57 71 70

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[www.zemit.at](http://www.zemit.at)

## 5. FURTHER INFORMATION AND LINKS

- ▶ **Public Employment Service Austria (AMS):** Information for foreigners and companies
  - ✓ for foreigners: <http://www.ams.at/service-arbeitsuchende/auslaenderinnen>
  - ✓ for companies: <http://www.ams.at/service-unternehmen/auslaenderinnen>
- ▶ **Integrationsfonds Österreich (Austrian Integration Fund):** Platform with information about immigration and integration [www.integrationsfonds.org](http://www.integrationsfonds.org)
- ▶ **Integrationshaus Wien (Vienna Integration House):** [www.integrationshaus.at](http://www.integrationshaus.at)
- ▶ **Peregrina:** Education, counselling and therapeutic centre for immigrants (with childcare facilities) [www.peregrina.at](http://www.peregrina.at)
- ▶ **okay. zusammen leben (okay, living together):** Project centre for immigration and integration - [www.okay-line.at](http://www.okay-line.at)
- ▶ **Berufsanerkennung.at:** everything connected with recognition of professional qualifications and nostrification - [www.berufsanerkennung.at](http://www.berufsanerkennung.at)
- ▶ **Federal Ministry of Science, Research and Economy:** [www.bmwf.gv.at](http://www.bmwf.gv.at)  
Responsible for issues connected with the recognition of vocational education and training qualifications
- ▶ **Federal Ministry of Education and Women's Affairs:** [www.bmbf.gv.at](http://www.bmbf.gv.at)  
Responsible for issues connected with the recognition of certificates of upper secondary education and higher-education study qualifications
- ▶ **HELP.gv.at:** Database and orientation aid for issues connected with public offices and authorities in Austria – [www.help.gv.at](http://www.help.gv.at)
- ▶ **Brochure “Take the opportunity of learning – secure the future. Educational and career choice for people with a migration background”**  
Possibilities to download brochure and multilingual booklet for parents:  
[www.bic.at](http://www.bic.at) → Service → Brochures

### Sources:

The law governing the employment of foreign workers (Ausländerbeschäftigungsgesetz or AuslBG).  
Public Employment Service Austria (AMS)  
Federal Ministry of the Interior  
Beratungszentrum für Migranten und Migrantinnen (Counselling Centre for Migrants)  
Österreichischer Integrationsfonds (Austrian Integration Fund)