



## Criteria-guided immigration of qualified workers

### A. Red-white-red card

On 1 July, 2011, new regulations on the settlement of third country nationals with certain qualifications will enter into force. In this context a new residence title has been created: the red-white-red card. It binds the qualified worker to a certain employer. After one year it is possible to change into the free labour market.

#### 4 different groups of workers are eligible for the red-white-red card:

##### 1. Personnel with particularly high qualification

Persons are considered particularly highly qualified if they achieve at least 70 out of 100 points on a scoring system (**see Annex A**). These persons may apply for a visa D at the competent Austrian embassy if they can provide evidence of this qualification. If this visa D is granted, the person may enter Austria for 6 months to search for employment.

If a person with particularly high qualification finds an occupation appropriate to this qualification, the red-white-red card may be granted for 1 year.

Family members (spouses, minor, unmarried children) receive a settlement permit with free access to the labour market.

##### 2. Other key personnel

Persons who achieve at least 50 out of 75 points on a scoring system (**see Annex C**) may obtain the red-white-red card, as they are considered other key personnel.

Prerequisite is an offer of employment.

Key personnel under the age of 30 have to earn at least **€ 2.115** gross per month, key personnel over 30 at least **€ 2.538**. The red-white-red card may be denied if persons with the same qualification who may be placed in this position are registered with the Public Employment Service Austria (AMS).

Family members (spouses, minor, unmarried children) receive a settlement permit with free access to the labour market if they can prove their knowledge of German of level A1 already at the moment of filing the application (exempt are minors or persons with certain previous knowledge or school-leaving certificates).

### **3. University graduates who studied in Austria**

Persons who have at least finished the second part of their course of studies or a master course in Austria may, before the expiry of their residence permit “student”, apply for a further residence title to search for employment for a period of 6 months.

University graduates who have found an occupation corresponding to their level of education may be granted the red-white-red card if their monthly gross income amounts to at least **€1.903,50**.

Family members (spouses, minor, unmarried children) receive a settlement permit with free access to the labour market if they can prove their knowledge of German of level A1 already at the moment of filing the application (exempt are minors or persons with certain previous knowledge or school-leaving certificates).

### **4. Personnel for occupations with skilled labour shortage**

At the earliest on 1.1.2012 a regulation will be adopted containing a list of occupations with skilled labour shortage, which will only enter into force as per 1.5.2012.

Persons who achieve at least 50 out of 75 points on a scoring system (see Annex B) and have been trained in one of the listed occupations may obtain the red-white-red card. Prerequisite is an employment in this occupation for a wage in accordance with the Collective Agreement or the remuneration otherwise customary in this sector.

Family members (spouses, minor, unmarried children) receive a settlement permit with free access to the labour market if they can prove their knowledge of German of level A1 already at the moment of filing the application (exempt are minors or persons with certain previous knowledge or school-leaving certificates).

### **B. Blue card – EU**

Based on a directive of the European Union the residence title “blue card – EU” will be introduced as per 1 July, 2011.

This residence title is granted to persons with at least tertiary qualification after a three years’ programme, if they have found an employment appropriate to their education with a monthly gross income of at least **€ 3800.--** and if no persons with the same qualification are registered as job-seekers with the Public Employment Service Austria.

The blue card – EU will be issued for 2 years and binds the employee to a certain employer. After 2 years it is possible to change to the free labour market if the employee was employed for at least 21 months.

Family members (spouses, minor, unmarried children) receive a settlement permit with free access to the labour market.

### **C. Procedural provisions on red-white-red card and blue card -EU:**

Applications for a red-white-red card or blue card are filed at the competent Austrian embassy abroad. If a qualified worker is already legally staying in Austria (visa-free residence, visa D for searching work or residence title for university graduates), the application may also be filed in Austria at the Immigration, Citizenship and Registry Offices.

(in Vienna: Municipal Department 35 (MA 35), 1200 Vienna, Dresdnerstraße 93)

Applicant is the qualified worker him-/herself, a written declaration by the future employer has to be attached. The procedure may take a maximum period of 8 weeks.

**Admission criteria for other key personnel according to § 12b Z 1 (Annex C)**

| Criteria   | Points   |
|--|--|
| <b>Qualification</b>   | <b>Maximum number of creditable points: 30</b> |
| Completed vocational training or special knowledge or skills for the intended occupation                                       | 20   |
| General matriculation examination in the sense of § 64 Abs. 1 Universitätsgesetz 2002 (Universities Act 2002), BGBl. I Nr. 120 | 25   |
| Completion of a course of studies at a tertiary educational institution lasting at least three years                           | 30   |
| <b>Work experience appropriate to training</b>   | <b>Maximum number of creditable points: 10</b> |
| Work experience (per year)   | 2  |
| Work experience in Austria (per year)  | 4  |
| <b>Language competence</b>   | <b>Maximum number of creditable points: 15</b> |
| Knowledge of German for elementary use at a very basic level or English for independent use                                    | 10   |
| Knowledge of German for consolidated elementary use or English for consolidated independent use                                | 15   |
| <b>Age</b>   | <b>Maximum number of creditable points: 20</b> |
| Up to 30 years   | 20   |
| Up to 40 years   | 15   |
| <b>Total of max. creditable points</b>   | <b>75</b>                                      |
| Additional points for professional athletes and professional trainers  | 20   |
| <b>Required minimum score</b>  | <b>50</b>                                      |

**Admission criteria for occupations with skilled labour shortage according to § 12a (Annex B)**

| Criteria   | Points   |
|--|--|
| <b>Qualification</b>   | <b>Maximum number of creditable points: 30</b> |
| Completed vocational training for an occupation with skilled labour shortage   | 20   |
| General matriculation examination in the sense of § 64 Abs. 1 Universitätsgesetz 2002 (Universities Act 2002), BGBl. I Nr. 120 | 25   |
| Completion of a course of studies at a tertiary educational institution lasting at least three years                           | 30   |
| <b>Work experience appropriate to training</b>   | <b>Maximum number of creditable points: 10</b> |
| Work experience (per year)   | 2  |
| Work experience in Austria (per year)  | 4  |
| <b>Language competence</b>   | <b>Maximum number of creditable points: 15</b> |
| Knowledge of German for elementary use at a very basic level or English for independent use                                    | 10   |
| Knowledge of German for consolidated elementary use or English for consolidated independent use                                | 15   |
| <b>Age</b>   | <b>Maximum number of creditable points: 20</b> |
| Up to 30 years   | 20   |
| Up to 40 years   | 15   |
| <b>Total of max. creditable points</b>   | <b>75</b>                                      |
| <b>Required minimum score</b>  | <b>50</b>                                      |

**Admission criteria for personnel with particularly high qualification according to § 12 (Annex A)**

| Criteria   | Points   |
|--|--|
| <b>Special qualifications or skills</b>  | <b>Maximum number of creditable points: 40</b> |
| Completion of a course of studies at a tertiary educational institution lasting at least four years  | 20   |
| - for the subjects Mathematics, Information Technology, Natural Sciences or Technology (MINT subjects).  | 30   |
| - with habilitation or equal qualification (e.g. PhD)  | 40   |
| Annual gross salary of previous year from an executive position with a company listed on the stock exchange or with a company on the activities or business field of which the foreign trade office has made a positive statement: |  |
| 50 000 to 60 000 Euros   | 20   |
| 60 000 to 70 000 Euros   | 25   |
| More than 70 000 Euros   | 30   |
| Research or innovation activities (patent applications, publications)  | 20   |
| Awards (by acknowledged institutions)  | 20   |
| <b>Work experience (appropriate to training or in executive position)</b>  | <b>Maximum number of creditable points: 20</b> |
| Work experience (per year)   | 2  |
| Six months' work experience in Austria   | 10   |
| <b>Language competence</b>   | <b>Maximum number of creditable points: 10</b> |
| Knowledge of German or English for elementary use on a very basic level  | 5  |
| or for consolidated elementary use   | 10   |
| <b>Age</b>   | <b>Maximum number of creditable points: 20</b> |
| Up to 35 years   | 20   |
| Up to 40 years   | 15   |
| Up to 45 years   | 10   |
| <b>University studies in Austria</b>   | <b>Maximum number of creditable points: 10</b> |
| Second part of the course of half of the required ECTS-score   | 5  |
| Entire diploma, bachelor or master course  | 10   |
| <b>Total of max. creditable points</b>   | <b>100</b>                                     |
| <b>Required minimum score</b>  | <b>70</b>                                      |

**Note:** Since the provisions at hand have been presented in a very abridged version, we kindly ask you to contact the Immigration, Citizenship and Registry Offices, Municipal Department 35, (MA 35), the AMS or the Beratungszentrum für Migranten und Migrantinnen in order to obtain more detailed information. We refer to the fact that in spite of careful examination mistakes can happen, therefore no guarantee for details contained in this information can be assumed.

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