



Citizenship Act

The Austrian citizenship is primarily acquired by

A. Descent or **B. Granting**

A. Descent

Austrian citizens are by **birth**:

1. legitimate children, if one parent is an Austrian citizen
2. illegitimate children, if the mother is an Austrian citizen.

Illegitimate children of Austrian fathers acquire the citizenship after their parents' marriage by legitimation.

B. Granting

The following **general preconditions** are required for granting the citizenship:

- **positive attitude** towards the Republic of Austria and no endangering of public peace, order and safety, no close relation to terroristic or extremist groups;
- **no police record** (no judicial convictions, no pending criminal proceedings – neither in Austria nor in any other country, no serious administrative offences);
- no pending proceedings or no enforceable / existing measures (residence ban, return decision, expulsion, etc.) on **residence termination**, no other **obstacles** (expulsion in the last 18 months, refusal of entry, etc.)
- renunciation of the existing **citizenship**, unless this is impossible or unreasonable or if certain persons are permitted to maintain their citizenship;
- sufficient means of **subsistence** in the last 3 years (In this period the average income has to be above the guiding rate for minimum pensions and no minimum income benefits (Mindestsicherung) must be received. Attention: A total amount of regular expenses, such as rent, loans, attachments, maintenance payments, etc., exceeding € 260,35 (2012) additionally raises the guiding rate.
- proof of **knowledge of the German language*** on level B1 (for applications on granting citizenship filed before 30.6.2011 skills on level A2 are also sufficient);
- proof of **knowledge (examination)* of Austria's democratic order and history and the history of the respective federal province.**

Notes:

* Knowledge of the German language has to be proved by means of certificates issued by acknowledged language institutes. Knowledge of Austria and the respective federal province is proved by passing the examination by the Citizenship Office. There already exist study papers for the examination. The examination consists of 3 topics, covered by 6 questions each. The questions are phrased with several possible answers. In order to successfully pass the examination, you either have to answer at least 3 questions of each topic correctly or a total of 12 out of the 18 questions (taking the examination several times is possible).

Certain persons are not required to present these proofs. They are either exempt from this obligation (e.g. children before school age, certain privileged persons, persons due to their poor health, etc.) or this obligation is considered met (e.g. current attendance of a public primary school, current attendance of a public secondary school and positive mark for the subject "German", etc.)

Discretion – The Austrian citizenship can be granted, if the following facts and the mentioned general preconditions are present:

1. without waiting period:

- to foreigners residing in the federal territory who possessed the citizenship for an uninterrupted period of at least ten years and lost the same by other means than withdrawal.
- if the federal government certifies that granting the citizenship is in the particular interest of the Republic due to the extraordinary achievements already rendered by or yet to be expected from the foreigner. (As the state itself is interested in the naturalization, many of the mentioned prerequisites do not have to be met!!!)

2. after 10 years of legal and uninterrupted residence in the federal territory (of this at least five years settlement).

Legal entitlement – The Austrian citizenship is to be granted if the following conditions and mentioned general prerequisites are present:

1. without waiting period:

- minor, unmarried children if at least one **parent** already possesses the **Austrian citizenship** (applicants need to be settled or eligible for asylum or hold a legitimation card). A settlement is not necessary if the relevant parent has had his/her permanent legal residence abroad for at least 12 months.

2. after legal, uninterrupted residence of at least 6 years for

- **spouses / registered partners of Austrian citizens**, living in the common household and marriage/registered partnership for **at least 5 years**;
- **persons eligible for asylum**;
- citizens of a **EEA state**;
- **persons born in Austria**;
- naturalization in the interest of the Republic due to the extraordinary achievements already rendered by or yet to be expected from the foreigner in the field of science, economy, art or sport

3. after legal and uninterrupted residence of at least 15 years and substantial personal and professional integration;

4. after 30 years of uninterrupted primary residence in Austria.

The granting of the Austrian citizenship is under the mentioned general preconditions to be extended to:

1. legitimate children, illegitimate children of the wife, illegitimate children of the husband (if he is entitled to the custody), as well as adopted children, as far as they are minors, unmarried and legally staying in the federal territory (without waiting period).

2. spouses / registered partners in the common household, after 6 years of legal residence and 5 years of maintained marriage.

(the mentioned persons need to be settled, eligible for asylum or hold a legitimation card)

Attention!!!

As this sheet only reproduces the regulations which are most important to our clients, we would ask you to contact the Immigration, Citizenship and Registry Offices (in Vienna: MA 35) or the Beratungszentrum für Migranten und Migrantinnen for more detailed information. We would like to point out that despite working with great care, mistakes may happen, therefore we can not accept any guarantee for the information given in this sheet.

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