



Obtaining Austrian Citizenship

The Austrian citizenship is primarily acquired by **descent** or **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.
3. illegitimate children¹, if the father is an Austrian citizen and has recognized his paternity within eight weeks of the child's birth or if a court has established the paternity within the same period.

Illegitimate children of Austrian fathers also acquire the citizenship by legitimation when their parents marry.

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;
- sufficient **means of subsistence** for an average of 36 months in the last 6 years, in any case in the last 6 months before filing the application. In this period the income has to reach at least the guiding rate laid down in the General Social Security Act and no minimum income benefits (Mindestsicherung) must be received. Attention: The total sum of regular expenses such as rent, loans, attachments, maintenance payments, etc. exceeding a certain fixed amount ("freie Station") reduces the income. Exceptions exist for people with disabilities or permanent serious illnesses (to be proved by means of a medical certificate);
- Proof of **knowledge of the German language**² according to § 7/2/2 Integration-law (IntG) (German language skills at B1 level and advanced knowledge of the fundamental values of the legal and social systems);
- Proof of **knowledge (examination)**² of the democratic order and the resulting first principles as well as of the history of Austria and the respective federal province.

Notes:

¹ applies to births as of 01.08.2013

² 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. For study material visit <http://www.staatsbuergerschaft.gv.at/>

Certain persons are not required to present these proofs. They are either exempt from this obligation (e.g. children under the age of 14, 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:

- a. 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.
- b. 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:

- a. **minor, unmarried children** if at least one parent possesses the Austrian citizenship (if the relevant parent lives in Austria, the child has to be settled).
- b. **minor adopted children** of Austrian citizens.

2. After legal, uninterrupted residence of at least 6 years:

- a. existing **knowledge of German on level B2 or proof of substantial personal integration** (by at least three years of voluntary work for a charitable organization, at least three years of occupation in the educational, social or health sector or at least three years in a position in an interest group)
- b. **spouses / registered partners of Austrian citizens**, living in the common household and marriage/registered partnership for **at least 5 years**;
- c. citizens of a **EEA state**;
- d. **persons born in Austria**;

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 **minor children** (without waiting period) and to **spouses / registered partners** (after 6 years of residence and 5 years of marriage).

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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