Family Reunification for Persons with Refugee Status and Subsidiary Protection Status

Effective June 12, 2026, important new regulations apply to family reunification with individuals who have been granted refugee status or subsidiary protection status in Austria. The previous regulation on family reunification under Section 35 of the Asylum Act (AsylG) has been replaced by a new regulation in Section 46a of the Nationality Act (NAG). Family members who meet the legal requirements are eligible to receive a "Red-White-Red Card Plus." The new regulation introduces changes, in particular, regarding the application process, jurisdictional responsibilities, eligibility requirements, quotas, and deadlines.

Family reunification for persons with refugee status or subsidiary protection is generally carried out in accordance with the new provisions of § 46a NAG. Provided the legal requirements are met, family members receive a "Red-White-Red Card Plus." This residence permit grants unrestricted access to the Austrian labor market.

The application must be submitted in person at the relevant Austrian embassy or Austrian diplomatic mission abroad. The diplomatic mission accepts the application and forwards it to the competent Austrian authority. In proceedings under Section 46a of the Aliens Act (NAG), the Federal Office for Immigration and Asylum (BFA) is responsible for making the decision. An appeal against a decision by the BFA may be filed with the Federal Administrative Court (BVwG). MA 35 does not decide on the initial issuance of a residence permit under Section 46a of the Aliens Act (NAG).

The group of family members includes: spouses, registered domestic partners, minor and unmarried children, adopted children, and stepchildren.

1. **Spouses and registered partners**

The marriage or registered partnership must have already existed before the sponsor enters Austria. In addition, both individuals must be at least 21 years of age at the time the application is filed. In the case of a polygamous marriage, only one spouse may join the sponsor under the family reunification program.

If the marriage took place only after entry into Austria, § 46 NAG continues to apply. In this case, the general requirements under § 11(2) NAG must be met. An exception applies with regard to proof of German language proficiency at the A1 level. MA 35 in Vienna remains responsible for processing these cases.

Special transitional provisions apply to certain proceedings that were already pending under the previous legal framework pursuant to Section 35 of the Asylum Act. In these transitional cases, the new minimum age of 21 does not apply to spouses and registered partners.

2. **Children:** The following children may be included: minor and unmarried children, adopted children, and stepchildren.
   Under certain conditions, children who have already reached the age of majority at the time the application is filed may also be permitted to join their sponsor. This may

be particularly relevant for children of a person with refugee status if the child was still a minor at the time the sponsor filed the application for international protection. The application must be filed within three months after the refugee status has been granted with final legal effect.

3. **Parents of unaccompanied minors:** Under certain conditions, parents may also be able to join their children in Austria through family reunification. This applies in particular to cases where the person seeking family reunification originally applied for international protection in Austria as an **unaccompanied minor.** Special legal provisions and exemptions apply to parents of an unaccompanied minor who has been granted international protection. For individuals with refugee status, **the three-month deadline** for filing an application must be observed in particular. Additional requirements apply to individuals with subsidiary protection status. The specific situation should therefore always be assessed on a case-by-case basis.

The general requirements of **Section 11(2)** of the NAG must be met. These include, in particular: suitable housing, adequate health insurance, a secure means of support, and the absence of certain serious obstacles under immigration law.

If an application for family reunification with a person who has been granted refugee status is filed **within three months after the refugee** status becomes final, certain requirements of § 11(2) of the NAG are deemed to have been met.

Submitting an application in a timely manner can therefore be crucial. Parents of an unaccompanied minor with refugee status are also eligible for corresponding relief measures, provided they meet the legal requirements.

One important change concerns the previous **waiting period: The status of subsidiary** protection must have been legally granted for at least two years. This reduces the previous waiting **period from three years to two years**. In addition, the other legal requirements must be met.

Another important change concerns language proficiency requirements. When applying for family reunification under **Section 46a of the NAG**, proof **of A1-level German proficiency is not required prior to entry.**

Family reunification under Section 46a of the Nationality Act (NAG) is subject **to quotas.** This means that a corresponding quota slot must be available for a residence permit to be issued. The quotas are established under the Settlement Ordinance and allocated among the federal states. The **date of application** determines the order in which applications are processed.

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Special transitional provisions apply to proceedings that were already initiated under the previous legal framework. Applications for an entry permit under **§ 35 of the Asylum Act (AsylG)** in its previous version, on which no decision has yet been made as **of June 12,**

2026, shall continue to be considered applications for a **"Red-White-Red Card Plus" under § 46a of the Nationality Act (NAG).**

In particular, this means:

- As a general rule, it is not necessary to submit a completely new application.
- Missing documents can be submitted later in the process.
- The process will continue in accordance with the statutory transitional provisions.
- The Federal Office for Migration and **Asylum (BFA)** is generally responsible.
- If the decision is favorable, a **"Red-White-Red Card Plus"** will be issued.
- In these transitional cases, the new minimum age of 21 does not apply to spouses and registered partners.

For these transitional cases, there are also special rules regarding the quota and the order of priority.

If no appointment is available at the relevant Austrian diplomatic or consular mission within the three-month application deadline, the applicant should immediately contact the mission in writing to request an appointment. All evidence of timely contact should be carefully retained. This includes, in particular: emails, written appointment requests, appointment confirmations, responses from the embassy, screenshots, and other evidence of contact with the diplomatic mission.

A late application may be considered under certain legal conditions if it was not possible to submit the application on time due to an unforeseen or unavoidable event. However, whether a deadline is considered met in a specific case must always be assessed on a case-by-case basis.

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Special Notes:

Check deadlines: In particular, the three-month deadline following the final determination of refugee status should be observed.

Prepare the application as early as possible: The required documents should be gathered as early as possible.

Documenting Appointment Requests: If an appointment at the embassy is required, the request should be made in writing and documented.

Keep all documentation: E-mails, screenshots, appointment confirmations, and other supporting documents should not be deleted. **Consider the quota**: When applying § 46a NAG, you must generally verify whether a quota spot is required and available.

Proving Marital Status and Family Relationships: Depending on the case, the following documents may be required: passports, birth certificates, marriage certificates, proof of family relationships, adoption certificates, custody documents, certified translations, and other documents relevant to the specific case. Which documents are actually required depends on the specific proceedings.

Impact of the New Legal Situation on Families:

The reform introduces a significant change regarding family reunification with individuals who have been granted international protection in Austria. The previous provision in § 35 of the Asylum Act (AsylG) has been replaced by the new provision in § 46a of the Nationality Act (NAG). Family members are now only issued the “Red-White-Red Card Plus,” which grants them unrestricted access to the Austrian labor market.
Timely submission of applications, statutory deadlines, and quota regulations are of particular importance.

Please note: Since only the most important provisions are summarized here, we ask that you contact the relevant authorities or advisory services for more detailed information. Please be aware that, despite our best efforts, errors may occur, and therefore we assume no liability for the information contained in this fact sheet!

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Diese Publikation wird aus Mitteln des Arbeitsmarktservice Wien und der Magistratsabteilung 17 gefördert



