



## Obtaining Austrian Citizenship<sup>1</sup>

There are various possibilities to obtain the Austrian citizenship. Primarily it is acquired by **descent** or **granting**.

### A. Descent

The Austrian citizenship is obtained at **birth** by:

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

After this period the Austrian citizenship can be acquired by legitimation (when the child's parents marry), or granting (view page 2).

### B. Granting

#### General preconditions 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<sup>2</sup> 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)<sup>2</sup> of the democratic order and the resulting first principles as well as of the history of Austria and the respective federal province.**

#### **Notes:**

<sup>1</sup> because of the shortness of the information sheet, only the most common ways of obtaining the Austrian citizenship are explained

<sup>2</sup> 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.)

**The Austrian citizenship can be granted (discretion of the competent authority), if the following facts and the mentioned general preconditions are present:**

- **After 10 years** of legal and uninterrupted **residence** in the federal territory (of this at least **five years settlement**).

**The Austrian citizenship is to be granted (legal entitlement) if the following conditions and mentioned general prerequisites are present:**

**1. Without waiting period:**

- **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).
- **adopted children** up to the age of 14 of Austrian citizens or illegitimate children up to the age of 14 of Austrian fathers, who have not been naturalized yet (many of the general prerequisites do not have to be fulfilled).

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

- **spouses / registered partners of Austrian citizens**, living in the common household and marriage/registered partnership for **at least 5 years**;
- citizens of a **EEA state**;
- **persons born in Austria**;
- existing **knowledge of German on level B2**
- **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)

**3. After legal and uninterrupted residence of 10 years**

- **Recognized Refugees**

**4. After legal and uninterrupted residence of at least 15 years**

- **Existence of substantial personal and professional integration;**

The application for naturalization can be presented for the whole family. In this case if all preconditions are met the citizenship is granted to **minor children** (without waiting period) and to **spouses / registered partners** (after 6 years of residence and 5 years of marriage).

Due to the complicated procedure of naturalization, the process might take several months. Please note that a lot of the mentioned conditions have to be fulfilled up to the granting of the Austrian citizenship.

When obtaining voluntarily a foreign or former citizenship, the accomplished Austrian citizenship is automatically (ex lege) lost. Exemptions are possible, only in cases where the retention of the Austrian citizenship has been granted previous to obtaining the other citizenship. In case of loss of the Austrian citizenship you need to apply for a new residence permit for your further stay in Austria. The residence permit can only be issued if certain requirements are fulfilled.

**ATTENTION:** Since the provisions at hand have been presented in a very abridged version, we kindly ask you to obtain detailed information from competent authorities or advice centres. In spite of careful examination mistakes can happen, therefore no guarantee for details contained in this information can be assumed.

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