Transition from the Asylum Act to the Settlement and Residence Act (NAG)

A. Residence permit based on humanitarian grounds:

1. Residence permit Plus pursuant to Section **55(1) of the Asylum Act** / Residence permit pursuant to Section **55(2) of the Asylum Act**.
2. Residence permit Plus pursuant to Section **56 (1) of the Asylum Act** / Residence permit pursuant to Section **56 (2) of the Asylum Act**.

The initial granting of a humanitarian residence permit is carried out by **the Federal Office for Immigration and Asylum** in accordance with the provisions of the Asylum Act. However, the extension of this residence permit is subject to the provisions of the Settlement and Residence Act. In these cases, the general conditions of application of the NAG do **not** apply. The only decisive factor for the granting or extension of the residence permit is that a corresponding humanitarian residence permit already exists in accordance with **Sections 55 or 56 of the Asylum Act**; the general requirements of the first part of the NAG do not need to be checked. Therefore, neither a secure livelihood nor comprehensive health insurance coverage or suitable accommodation needs to be proven. Similarly, the provisions on German language skills prior to immigration pursuant to Section 21a NAG do not apply. However, a valid passport must be presented, whereby the special provision of Section **19 (8) NAG** must be observed in particular.

When switching from the Asylum Act to the NAG regime, there are essentially two residence permits to consider: the “Red-White-Red Card Plus” pursuant to Section 41a (9) NAG and the “Settlement Permit” pursuant to Section 43 (3) NAG. The prerequisite for both permits is that the person concerned must have previously held a “Residence Permit Plus” or a “Residence Permit” pursuant to Sections 55 or 56 of the Asylum Act for at least twelve months.

1. Red-white-red card plus (Section 41a (9) NAG) with free access to the labor market

A direct switch from a residence permit under the **Asylum Act (Sections 55 or 56 of the Asylum Act)** to a **Red-White-Red Card Plus** is possible if the applicant: has been in possession of a residence permit plus (§ 55 (1) or § 56 (1) AsylG) or residence permit (§ 55 (2) or § 56 (2) AsylG) **for at least 12 months** and has either fulfilled **Module 1 of the integration agreement** (including ex-lege fulfillment or exemption) **or,** at the time of the decision, is in gainful employment that at least reaches the **marginal earnings threshold** (§ 5 (2) ASVG). If a residence permit plus has already been granted due to fulfillment of Module 1, a Red-White-Red Card plus must be issued when switching to the NAG. If a person initially has a settlement permit pursuant to Section 43 (3) NAG, they can later switch to the **Red-White-Red Card plus** as soon as Module 1 is fulfilled or they are in corresponding gainful employment.

Important: It is not possible to switch back from the Red-White-Red Card Plus (§ 41a (9) NAG) to a settlement permit under § 43 (3) NAG at a later date.

2. Settlement permit (Section 43 (3) NAG) for self-employed persons only

If the applicant does not fulfill Module 1 of the integration agreement and is not engaged in corresponding gainful employment at the time of the decision, a settlement permit shall be granted upon transition to the NAG, provided that they have been in possession of a residence permit pursuant to Sections 55 or 56 of the Asylum Act (residence permit or residence permit plus) for at least 12 months. A subsequent switch from this settlement permit to the Red-White-Red Card Plus (Section 41a (9) NAG) is possible as soon as Module 1 is fulfilled or sufficient gainful employment is available.

Procedure (Section 41a (9) and Section 43 (3) NAG): Residence permits are only issued upon application (no automatic issuance). Formally, these are initial applications, but the rules of the extension procedure (Section 24 NAG) apply mutatis mutandis. A **confirmation sticker/Viniette** may be issued.

Extensions under the NAG: Sections 24 and 25 NAG apply to extension applications. If the general requirements for issuance are not met, Section 11(3) NAG must be taken into account, which means that a residence permit can usually still be issued – in most cases **without referral to the BFA.**

Cancellation of AsylG titles: When a residence permit is issued under the NAG, the previous residence permit under the AsylG becomes **invalid** and must be **hand over to the BFA.** NAG authorities are obliged to collect these documents and forward them to the BFA.

B. <u>Recognized refugees (Section 3 of the Asylum Act) and persons entitled to subsidiary protection (Section 8 of the Asylum Act).</u>

General information: For persons entitled to asylum (Section 3 of the Asylum Act) and persons entitled to subsidiary protection (Section 8 of the Asylum Act), only the residence permit “Permanent residence – EU” is considered. Other residence permits under the NAG are not available for this group of persons.

The prerequisite is that all general requirements for granting a license under the NAG are met, including a weighing of interests in accordance with Section 11(3) NAG.

Uninterrupted residence: must have been legally resident in Austria continuously and without interruption for the last five years: half of the time spent in asylum proceedings is counted. If the asylum proceedings lasted at least 18 months, the entire duration of the proceedings is counted.

Please note: Any interruption of legal residence (e.g., due to delayed renewal in accordance with Section 8(4) of the Asylum Act) will result in the inability to switch to permanent residence in the EU. In this case, a new five-year qualifying period must be completed.

Secure livelihood: sufficient and regular income that meets the guidelines of Section 293 ASVG.

Guidelines for 2026:

- Single person: at least €1,308.39
- Married couples/cohabiting couples (jointly): €2,064.12
- Per child: €201.88

Running costs (e.g., rent, loan repayments, maintenance payments) are deducted from these amounts/ income . The amount/income may not fall below the so-called **"value of free accommodation"** pursuant to Section 292(3) ASVG **(2026: €386.43).**

German language skills – Module 2 of the integration agreement

The permanent residence permit – EU can only be granted if Module 2 of the integration agreement has been fulfilled.

- German language skills at level B1 are required
- Children under the age of 6 are exempt from providing proof of Module 2

Accepted evidence for Module 2:

- **ÖIF certificate for the B1** integration exam (including knowledge of values and orientation)
- **ÖSD B1 certificate**, if the integration exam was **passed by May 30, 2021 at the latest**
- **Austrian annual report card or school report from** a primary school within the framework of compulsory education
- Passing grade in German in the last school year or semester at an Austrian secondary school
- Passing grade in German in the 5th or higher annual report card from a compulsory school with at least 5 years of compulsory schooling in Austria
- Positive compulsory school leaving examination in the examination area "German – Communication and Society"
- **Positive completion of an Austrian apprenticeship examination**
- **Positive completion of an Austrian skilled worker examination**
- **Positive grade in German** in the Austrian annual report card from **the 9th grade**
- **Positive grade in German in the last annual report card after at least 4 years of instruction at a foreign secondary school**, provided that the language of instruction was German
- **Confirmation of enrollment for at least 2** years at a post-secondary educational institution and proof of German-language studies with at **least 32 ECTS**

Exceptions to the requirement to provide proof of German language proficiency: An exception to Module 2 is only possible if you are **unable to fulfill the requirement due to a permanent physical or mental health condition.**

- Proof by means of a medical report from a **public health officer**
- Registration for assessment is carried out by **MA 35** at the Vienna City Health **Service (MA 15)**

In particular, the following are not grounds for exemption:

- old age
- illiteracy
- lack of schooling

- dyslexia or dyscalculia
- high blood pressure
- severe obesity

Required documents

- Fully completed and signed application form
- Valid travel document (e.g., passport)
- Current photograph (no older than 6 months, 45 × 35 mm)
- Proof of **legal entitlement to local accommodation** (e.g., rental agreement, right of residence agreement, proof of ownership)
- If applicable, proof of **health insurance** covering all risks
- Proof of secure livelihood (e.g., pay slips, employment contract, pension or retirement notices, proof of assets)
- Proof of **Fulfilment of Module 2 of the integration agreement**

Competent authority:

Residence Vienna:

Residence permit for humanitarian reasons: **Department 1.1.** Appointments: Book an appointment online **or** by phone at **+43 1 4000-3535**.

- - Recognized refugees (Section 3 of the Asylum Act) and persons entitled to subsidiary protection (Section 8 of the Asylum Act): **Department 1.0. Appointments:** Online appointment booking **or** by telephone at **+43 1 4000-3535.**

Residence in another states of Austria:

- The respective residence authority of the federal state is responsible

Fees:

- **Temporary residence permits:** € 218
- **Permanent residence permit „Daueraufenthalt – EU“:** € 275
- **Emergency vignette/Notvignette:** € 50

Please note: As only the most important provisions are listed here, we ask you to obtain more detailed information from the relevant authorities or advisory bodies. We would like to point out that, despite careful editing, errors may occur and therefore no guarantee can be given for the information contained in this information sheet!

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