

# Foreign workers in social services

## **Country Report - Austria**

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# INTRODUCTION

According to the Integration Report, which is published annually by the Austrian Federal Chancellery, the share of foreign workers in all employed persons in Austria was around 22% in 2021. In the Health and Social Services sector, the share of foreigners was around 17%.

Most foreigners in Austria come from Germany, followed by Bosnia and Herzegovina, Turkey, Serbia and Romania.

In this report we want to give an overview of the legal framework for the employment of foreign workers. Likewise, we want to present the results of a survey that examines the employment of foreign workers from the perspective of employers as well as employees.

# I. LEGISLATIVE ANALYSIS

The Austrian Employment of Foreign Nationals Act (“Ausländerbeschäftigungsgesetz”) in conjunction with the Austrian Settlement and Residence Act (“Niederlassungs- und Aufenthaltsgesetz”) comprehensively regulates the requirements and procedures for obtaining an employment permit (or individual security certificate), which a foreign national must have in order to be able to work in Austria. This employment permit is issued exclusively by the Austrian Public Employment Service (Arbeitsmarktservice, AMS). The necessary permit is applied for by the Austrian employer.

The following are exempt from the Employment of Foreign Nationals Act

- EU-, EEA citizens and Swiss citizens
- third-country national spouses and registered partners of an Austrian citizen, EU-, EEA citizen or Swiss citizen, provided they are entitled to reside in Austria
- their dependent children under 21 years of age
- persons who have been granted asylum in Austria by means of a decision.

These persons may - like nationals - pursue employment in Austria without additional authorisation.

## 1 Settlement of non-Austrians in Austria for the purpose of gainful employment

### 1.1 EU, EEA or Swiss nationals

The right of residence of EU, EEA and Swiss nationals and their family members is regulated uniformly within the EU. Nationals from EU and EEA countries as well as Switzerland are allowed to exercise an employed activity in Austria without restrictions.

Visa exemption applies to entry into Austria. There is a right of residence for a period of three months.

A longer stay is only possible in one of the following cases:

- employment or self-employment in Austria or
- sufficient means of subsistence and comprehensive health insurance cover for themselves and/or family members or
- Attendance of a training course at a school or educational institution and sufficient health insurance and means of subsistence for oneself and the family members.

#### 1.1.1 Documentation of the stay

EU, EEA and Swiss nationals must apply for a certificate of registration within four months of entering Austria if they have been staying in Austria for more than three months. After five years of uninterrupted residence in Austria, you will receive a certificate of permanent residence upon application and can have a photo ID issued for EEA citizens. This is valid as an identity document.

The application for a certificate of registration must be submitted in person to the district authority responsible for the main place of residence or to the municipal authority (in Vienna MA 35, Referat EWR). The application form is available at the authority or online at [www.help.gv.at](http://www.help.gv.at).

The following documents are required for the application:

- Valid identity card or passport, additionally:
- Confirmation of the employer(s) or proof of self-employment (e.g. service contract, tax number, extract from the trade register) or
- Proof of sufficient means of subsistence (e.g. bank balances, pension payments) and comprehensive health insurance cover or
- Proof of admission to a school or educational institution and comprehensive health insurance cover, as well as declaration or other proof of sufficient means of subsistence (e.g. for pupils or students a confirmation of admission to a school or certificate of enrolment).

Anyone taking up or giving up accommodation in Austria is obliged to register or deregister with the competent registration office.

### **1.1.2 Employment**

EU and EEA citizens or Swiss nationals can take up employment under the same conditions as Austrians.

### **1.1.3 Family members from EU, EEA states or Switzerland**

Family members of Austrians or EEA citizens with a right of residence and Swiss citizens who are themselves EEA citizens or Swiss citizens and do not themselves fulfil the above-mentioned requirements may stay in Austria for longer than three months if they are

- are spouses or registered partners,
- are relatives of EEA citizens or Swiss citizens or their spouses or registered partners in a direct descending line (children, grandchildren, great-grandchildren) up to the age of 21 and beyond, provided that they are actually supported by them,
- are relatives of EEA citizens or Swiss citizens or their spouses or registered partners in the direct ascending line (parents, grandparents, great-grandparents), provided they are actually dependent on them.
- are life partners and can prove the existence of a permanent relationship, or
- are other relatives
  - who have already actually received maintenance from the EEA nationals or Swiss nationals in the state of origin,
  - who have already lived with them in the country of origin in a domestic relationship, or
  - for whom serious health reasons make personal care by the EEA nationals or Swiss nationals absolutely necessary.

The same provisions apply to the documentation of residence as for EU citizens.

### **1.1.4 Family members from other states than EU, EEA states or Switzerland**

The following relatives of EEA citizens and Swiss nationals who are third-country nationals are entitled to stay for more than three months:

- spouses or registered partners
- own relatives or relatives of their spouse or registered partner in the direct descending line (children, grandchildren, great-grandchildren) who are not yet 21 years old and beyond this age, provided they are actually supported by them
- their own relatives or relatives of their spouse or registered partner in the ascending line (parents, grandparents or great-grandparents), provided that they are actually dependent on them.

Such family members receive a "residence card" on application to document their right of residence. An application to this effect must be submitted in person to the competent district administration or the competent municipal authority within four months of entry into Austria. They then have free access to the Austrian labour market, which they can have confirmed by the Public Employment Service Austria (AMS) (application form "Ausnahmebestätigung nach § 3 Abs 8 AuslBG").

The following documents are required for the application for a "residence card":

- Valid identity card or passport
- Current photograph (size: 35 x 45 mm to 40 x 50 mm)
- The registration certificate or certificate of permanent residence of the EU citizen with whom the family relationship exists.
- For spouses or registered partners: additionally
  - Documentary proof of the existence of the marriage or registered partnership.
- For children or grandchildren: additionally
  - Documentary proof of the existence of a family relationship (e.g. birth certificate)
  - From the age of 21: Proof of maintenance
- For parents, parents-in-law and grandparents: additionally
  - Documentary proof of the existence of a family relationship
  - Proof of maintenance

After five years of uninterrupted legal residence in Austria they receive a "permanent residence card" upon application.

## **1.2 Refugees**

### **1.2.1 Asylum seekers**

If Austria is responsible for the processing of an asylum procedure, the asylum seekers concerned are issued a residence entitlement card (white card) which documents their legal stay in Austria. They are then asylum seekers "with ongoing proceedings". Employment is possible at the earliest three months after receiving the residence entitlement card.

An employment permit is required for taking up employment. Before an employment permit can be issued, the AMS checks in each individual case whether nationals, EEA citizens or advanced integrated foreigners are registered



unemployed who are willing and qualified to take up the respective job (labour market check).

Asylum seekers who have already been legally employed and socially insured in Austria for a certain period of time can be registered with the AMS as job seekers and in principle be placed in all economic sectors. They still require an employment permit, which is issued by the AMS when they are placed. The labour market examination is no longer required.

### **1.2.2 Recognised refugees**

Persons entitled to asylum and recognised Convention refugees are equal to Austrians in the labour market. They therefore do not need an employment permit.

### **1.2.3 Refugees from Ukraine**

The following Ukrainian citizens have a temporary right of residence in Austria until March 3rd 2023 (extension possible).

- Ukrainian citizens and their close family members who have left Ukraine due to the armed conflict
- third-country nationals or stateless persons who hold an international protection status in Ukraine and have left Ukraine due to the armed conflict
- Ukrainian citizens who have already resided in Austria but whose residence title or visa has expired (as of 24.02.2022).

The following requirements must be met for entry into the labour market:

- **Blue Card**  
In order for Ukrainian refugees to be able to work in Austria, they need the so-called "Blue Residence Card". This ID for displaced persons can be applied for at the competent residence authority (district administration or municipal authority).
- **Employment permit for displaced persons**  
An additional permit is required for the actual exercise of an occupation. The application for an employment permit is usually submitted by the potential employer to the Public Employment Service Austria (AMS). The Public Employment Service is therefore the body that can approve the application through official channels. Such a permit can - not least due to the urgency of the matter - also be issued without a labour market examination in a simplified procedure. In any case, the basic prerequisite is that the persons are registered as displaced persons, i.e. that they possess the so-called Blue Card.

## **1.3 Third-country nationals**

Foreigners who are required to have a passport are generally subject to a visa requirement when entering Austria and during their stay.

### **1.3.1 Visa-free entry**

Exceptions to the visa requirement are determined within the framework of the EU, or regulated by federal law or intergovernmental agreement. As a rule, the permitted visa-free period of stay is 90 days within 180 days.

Those countries whose citizens do not require a visa can be found in the list of visa requirements:

[https://www.bmi.gv.at/202/Fremdenpolizei\\_und\\_Grenzkontrolle/Visumpflichtige\\_Laender/files/EN\\_HP\\_BMI\\_Visaliste\\_aktuell\\_BF\\_20220429.pdf](https://www.bmi.gv.at/202/Fremdenpolizei_und_Grenzkontrolle/Visumpflichtige_Laender/files/EN_HP_BMI_Visaliste_aktuell_BF_20220429.pdf)

A valid travel document must be carried on entry. Furthermore, proof of sufficient means of subsistence is required (the amount of the means depends on the stay and must also include the securing of the journey home). Upon questioning, the reason for travel must be disclosed and, if necessary, proven.

### **1.3.2 Short-term Visa (up to 90 days)**

Foreigners who are subject to the visa requirement need an entry or residence permit, even for stays of up to 90 days.

A residence permit issued by another Schengen state entitles the holder to enter without a visa and to stay in the other Schengen states for tourist purposes up to a maximum duration of 90 days within a period of 180 days, provided that the general entry requirements are met.

#### **1.3.2.1 Visa A: Airport transit visa**

Citizens of a few countries (Afghanistan, Bangladesh, Democratic Republic of Congo, Eritrea, Ethiopia, Ghana, Iran, Iraq, Nigeria, Pakistan, Somalia, Sri Lanka, Syria) also need a visa in case of a stopover in Austria, which has to be issued before departure.

#### **1.3.2.2 Visa C: Short-stay visa**

Visa C is intended for travel for tourism, business or visiting purposes (without gainful employment). It can be issued up to a total stay of 90 days within a period of 180 days. It entitles the holder to enter and stay in the territory of the Schengen States.

### **1.3.3 Long-term Visa (91 days to 6 months)**

#### **1.3.3.1 Visa D**

Visas D are subject to Austrian legislation and entitle to stays in Austria from 91 days up to 6 months and are issued for single or multiple entry. In any case, they must be applied for at the Austrian representation in the home country prior to entry. An extension of a visa D is not possible. If you plan to stay in Austria for more than 6 months, you have to apply for a residence permit.

The issuance of a Visa D depends on the applicant's statements and thus on whether the duration of stay of more than 90 days in the federal territory seems to be sufficiently proven. In exceptional cases, it is also possible to issue a Visa D with a validity period of up to 12 months (for example, on the basis of an international agreement).

Study permits or work permits are always valid only in the country for which they were issued.

Visa D can be applied for and issued for the following purposes:

- a planned stay in Austria longer than 90 days, but not exceeding 6 months, for example to visit family or to attend courses
- to pick up a residence title in Austria
- "Job Seeker Visa" for highly qualified third-country nationals who seek employment in Austria and wish to apply for a Red-White-Red Card for the highly qualified
- for participants in "Working Holiday Programs"

### **1.3.3.2 Visa for taking up temporary work**

For the purpose of taking up temporary work, a C or D visa may be issued for the following purposes:

- a merely temporary self-employed or employed gainful activity,
- an activity as a seasonal worker, and
- an activity as a trainee, for the exercise of which a confirmation of notification pursuant to Section 3 (5) AuslBG is a prerequisite.

The prerequisite for the issuance of a visa for gainful employment is the fulfilment of the general requirements for the issuance of a visa. In addition, in the case of the planned taking up of employment, the respective documents required under foreign employment law must be submitted, and in the case of the planned starting up of self-employment, the corresponding documents must be submitted in support of the application.

Detailed information on the application, requirements, etc. can be found on the Internet:

<https://www.bmeia.gv.at/reise-services/einreise-und-aufenthalt-in-oesterreich/einreise-und-aufenthalt/visum/>

[https://www.bmi.gv.at/202/Fremdenpolizei\\_und\\_Grenzkontrolle/Einreise/start.aspx](https://www.bmi.gv.at/202/Fremdenpolizei_und_Grenzkontrolle/Einreise/start.aspx)

### **1.3.4 Settlement and residence**

Settlement is generally the actual or future intended stay in the Federal territory for the purpose of

- the establishment of a place of residence that actually exists for more than six months per year;
- the establishment of a center of one's life, or
- taking up gainful employment that is not merely temporary.

Basically, two public authorities are involved when it comes to the employment of third country nationals in Austria. The Austrian Public Employment Service ("Arbeitsmarktservice" – AMS) is responsible for all matters relating to labour and employment laws, whereas the Immigration and Residence Authority ("Aufenthaltsbehörde") is responsible for all matters relating to the right of residence.

The following settlement permits for Austria exist:

Without labour market access:

- "Settlement permit - except for gainful employment" (for private reasons, temporary settlement, without labour market access)

- "Settlement Permit - Dependant" (for dependents, temporary settlement, without labour market access)

With limited labour market access:

- "Settlement permit" (temporary settlement, self-employment)
- "Settlement Permit - Artist" (for artists, temporary settlement, limited labour market access)
- "Settlement Permit - Researcher" (for researchers, temporary settlement, limited labour market access)
- "Settlement Permit - Special Cases of Gainful Employment" (temporary settlement, restricted access to the labour market - dependent gainful employment)
- Settlement permit according to § 56 Niederlassungs- und Aufenthaltsgesetz NAG, i.e. Settlement and Residence Act (for third-country nationals of persons entitled to residence under Union law, temporary settlement and self-employment)
- "Red-White-Red - Card" (for qualified workers, temporary settlement, limited labour market access)
- "EU Blue Card" (for particularly highly qualified academics, temporary settlement, limited labour market access)

With unlimited labour market access:

- "Family member" (for family members, temporary settlement, unrestricted labour market access)
- "Red-White-Red - Card plus" (for extension of the "Red-White-Red - Card" and in other cases, temporary settlement, unrestricted labour market access)
- "Permanent Residence - EU" (unlimited settlement, unlimited labour market access)

The following residence titles in particular are eligible for work in the social sector:

- "Family member" (for family members, temporary settlement, unrestricted labour market access)
- "Red-White-Red - Card" (for qualified workers, temporary settlement, limited labour market access)
- "Red-White-Red - Card plus" (for extension of the "Red-White-Red - Card" and in other cases, temporary settlement, unrestricted labour market access)
- "EU Blue Card" (for particularly highly qualified academics or IT workers, limited settlement, limited labour market access)
- "Permanent Residence - EU" (unlimited settlement, unlimited labour market access)

General requirements for obtaining a residence title are:

- a secure livelihood (minimum income depending on household size).
- Health insurance (certain travel health insurance policies are also accepted to bridge the gap until the start of compulsory social insurance)
- Accommodation (except for certain residence titles such as the Red-White-Red Card).

- No threat to public order or security

#### **1.3.4.1 "Red-White-Red - Card" (for qualified workers, temporary settlement, limited labour market access)**

There is not only one Red-White-Red – Card but a total of seven subcategories. Each subcategory is oriented to a particular target group and is based on a so-called point system. This means that you may only obtain a certain Red-White-Red – Card if you collect sufficient points.

The Red-White-Red Card is both a residence permit and a work permit. In addition to highly qualified and other key workers, the immigration model of the Red-White-Red Card also allows for the permanent immigration of foreign skilled workers if they can provide evidence of qualified training in a shortage occupation. German language skills are also important. The Red-White-Red Card is limited to the respective employer. If the employer changes during the 24-months period of validity, a new Red-White-Red Card must be applied for.

The following groups of persons can obtain a Red-White-Red Card:

- Very highly qualified workers
- Skilled workers in shortage occupations
- Other key workers
- Graduates of an Austrian University
- Regular Seasonal Employees
- Self-employed key workers
- Start-up founders

The Red-White-Red Card can be applied for either by the employee at the competent Austrian representation in the home country or by the employee or employer at the competent residence authority in Austria.

##### **1.3.4.1.1 Very highly qualified workers**

Very highly qualified persons can enter Austria with a job-seeker visa and stay here for up to 6 months. Requirements for a job-seeker visa are the same as for a Red-White-Red Card. If they receive a job offer during the period of validity of the visa, they can apply for a Red-White-Red Card in Austria. If they have already received a job offer from abroad, the Red-White-Red - Card can be applied for at the competent representation in the home country.

The very high qualification can be a degree, senior management position, innovative activity or awards. The prerequisite is that at least 70 out of 100 points are achieved from a catalogue of criteria. Points are awarded, for example, for special qualifications or skills, higher gross salary, professional experience, knowledge of German or English, age (the younger, the more points) or for studying in Austria.

##### **1.3.4.1.2 Skilled workers in shortage occupations**

The requirements for this residence title are a completed vocational training in a shortage occupation, a binding job offer in Austria and at least 55 out of 90 points from a catalogue of criteria. In this case, the criteria are qualification in a shortage occupation, professional experience adequate to the training, knowledge of German and English and age.

The following catalogue of criteria shows the distribution of points.

<b>Eligibility criteria for professionals</b>	<b>Points</b>
<b>Qualification</b>	<b>maximum creditable points: 30</b>
Completed vocational training in the shortage occupation	30
<b>Training-adequate work experience</b>	<b>maximum creditable points: 20</b>
Work experience (per half-year)	1
Work experience in Austria (per half-year)	2
<b>German language skills</b>	<b>maximum creditable points: 15</b>
Knowledge of German for elementary language use at the most basic level (A1 level)	5
German language skills for in-depth elementary language use (A2 level)	10
Knowledge of German for independent language use (B1 level)	15
<b>English language skills</b>	<b>maximum creditable points: 10</b>
English language skills for in-depth elementary language use (A2 level)	5
Knowledge of English for independent language use (B1 level)	10
<b>Age</b>	<b>maximum creditable points: 15</b>
up to 30 years	15
up to 40 years	10
up to 50 years	5
<b>Total of the maximum points that can be credited:</b>	<b>90</b>
Additional points for English language skills if the predominant company language is English	5
<b>Minimum points required:</b>	<b>55</b>

The annually updated list of shortage occupations can be found on the migration platform of the Austrian Federal Government:

<https://www.migration.gv.at/de/formen-der-zuwanderung/dauerhafte-zuwanderung/bundesweite-mangelberufe/>

The list of Austria-wide shortage occupations includes e.g. doctors, certified nurses and nursing assistants. There is a regional shortage occupation list for each province; the list for Upper Austria includes e.g. social workers.

#### **1.3.4.1.3 Other Key workers**

Requirements for this type of Red-White-Red Card are:

- offer of employment as skilled worker
- 55 out of 90 points from a catalogue of criteria
- a certain minimum salary
- Labour market check by the AMS (the AMS may only issue the permit if the vacancy cannot be filled by domestic workers registered as unemployed).



#### **1.3.4.2 "Red-White-Red Card plus" (in case of extension of the "Red-White-Red Card" and in other cases, temporary settlement, unrestricted labour market access)**

The Red-White-Red Card plus entitles third-country nationals to temporary settlement and unrestricted access to the labour market (self-employed and employed work, not restricted to a specific employer). This means that you can change employer at any time without having to apply for a new Red-White-Red Card.

It is issued for a period of up to 3 years. If the applicant has already been legally in Austria for two years and fulfils Module 1 of the Integration Agreement, the Red-White-Red Card plus can be issued for a period of three years. The Integration Agreement is fulfilled if certain German language skills and knowledge of the basic values of the legal and social order have been proven.

The following persons can receive a Red-White-Red Card plus:

- Holders of a Red-White-Red Card if they have been employed for at least 21 months within the last 2 years in accordance with their qualification and have already held a Red-White-Red Card for 2 years.
- Family members of holders of a Red-White-Red Card or an EU Blue Card

#### **1.3.4.3 Blue Card EU**

The EU Blue Card is also a residence and work permit at the same time. It entitles the holder to settle in Austria for a limited period of time and to work for a specific employer. It is issued for a period of two years.

Requirements:

- completed university studies with a minimum duration of three years
- Binding offer of employment for at least 1 year
- certain minimum salary
- Labour market check by the AMS

Like the Red-White-Red Card, the EU Blue Card can be applied for either by the employee at the competent Austrian representation in the home country or by the employee or employer at the competent residence authority in Austria. An employer's declaration must be submitted with the application. The employer's declaration is a confirmation of the future employer with exact details of the workplace.

#### **1.3.4.4 Permanent Residence EU**

The residence title Permanent Residence EU entitles to unlimited settlement and free access to the labour market.

Prerequisites:

- Fulfilment of the general requirements
- uninterrupted authorised settlement in Austria in the last five years
- Module 2 of the Integration Agreement (German B1)

## 2 Procedure for employers - employment permit

Workers from EU and EEA countries and Switzerland are treated the same as Austrian citizens and are allowed to work as employed persons without restriction.

Certain relatives are also exempt from the Employment of Foreign Nationals Act. The employer should ask the employee to submit a confirmation according to § 3 para. 8 AuslBG (Ausländerbeschäftigungsgesetz, Employment of Foreigners Act) before taking up employment. This confirms to the AMS that the family member is exempt from the Employment of Foreign Nationals Act.

Persons who have been granted asylum in Austria are also exempt from the Employment of Foreign Nationals Act. The employer should always keep a copy of the asylum decision at the workplace in case of an inspection by the financial police.

For all other foreigners, the employer needs an employment permit. This entitles him/her to employ the foreign worker specifically applied for in a precisely designated workplace.

### 2.1 Competent Authority

The employer must apply for the employment permit at the AMS by means of a form. The required forms are available on the AMS website [www.ams.at](http://www.ams.at). The AMS has 6 weeks to decide on the application. The permit must already have been issued before the foreigner is employed.

### 2.2 Procedure

The employment permit is only granted to foreigners who already have a residence title or enjoy freedom of settlement. The residence permit must be applied for by the employee himself/herself in the country of origin before entering Austria.

Foreigners who do not have a right of residence and are to be employed in Austria require a security certificate. With this, the AMS assures the employer that an employment permit will be issued for a specific foreigner as soon as a corresponding visa has been issued.

In certain cases, the AMS has to carry out a labour market check. This procedure checks whether a national or a foreigner available on the labour market is available and suitable for the vacant position who is willing to perform the requested employment under the legally permissible conditions. If this is the case and the replacement is rejected by the employer, no work permit will be issued.

Furthermore, no employment permit will be issued in the following cases:

- the foreigner has repeatedly worked without a work permit in the last 12 months
- the employer has repeatedly illegally employed foreigners in the last 12 months



- the employment of the foreigner has already begun before the employment permit was issued

The employment permit is issued for a limited period of time of no more than one year. For pregnant women, the expiry of the employment permit is suspended until the end of the protection against dismissal. Applications for renewal must be submitted in good time before the expiry of the work permit, which is then valid until the renewal application has been legally processed.

## **2.3 Reporting and Stand-by obligation**

The employer is obliged to report the beginning and end of all employment relationships with foreigners to the AMS within three days. This does not apply to foreigners with a residence title "Permanent Residence EU". The permits or confirmations issued must be kept available for inspection in the company. Violation of the obligation to register or keep available is punishable by an administrative fine of up to EUR 2,000 per employee.

# **3 Procedure for employees - residence permit**

In addition to the application for the work permit by the employer, the employee must (depending on the duration of the permit) apply for a residence title or visa for Austria. The work permit does not automatically entitle the employee to stay in Austria.

## **3.1 Competent Authority**

When applying for a residence title for the first time, the application must be submitted in person and before entering Austria abroad at the competent Austrian representation authority (embassy or consulate).

Only persons who are allowed to enter Austria without a visa or who already have a valid residence title can apply directly at the competent residence authority in Austria (provincial governor or authorised district governor's office or magistrate).

In case of an extension of a residence title, the application has to be submitted in due time - at the earliest, however, three months - before the expiry of the validity of the previous residence title.

## **3.2 Required documents**

- Valid travel document (e.g. passport)
- Birth certificate or equivalent document
- Photograph, not older than 6 months (size: 45 x 35 mm).
- If required:
  - Marriage certificate, partnership certificate
  - Certificate of adoption
  - Proof or certificate of kinship relationship
- Proof of legal entitlement to customary accommodation, e.g. tenancy agreement or proof of ownership

- Proof of health insurance cover (compulsory insurance or an appropriate insurance policy) covering all risks
- Proof of secure livelihood (in particular pay slips, wage confirmations, service contracts, confirmations of pension, annuity or other insurance benefits, proof of investment capital or own assets in a sufficient amount). Proof of social benefits to which an entitlement would only arise through the issuance of the residence title, in particular social welfare benefits or the equalisation supplement, are not suitable.
- Family members: additional proof that the sponsor has a corresponding residence title.
- If required: proof of German language skills

The authority may also request further documents. All documents shall be submitted in the original and in copy, in German or English language, and shall be certified upon request of the authority.

## **4 Deviating procedure Red-White-Red Card, EU Blue Card**

When applying for the Red-White-Red Card for the first time, the application must be made in person and before entering Austria abroad at the competent Austrian representation authority (embassy or consulate).

Only persons who are allowed to enter Austria without a visa or who already have a valid residence title can apply directly at the competent residence authority in Austria (provincial governor or authorised district governor's office or magistrate). The local competence depends on the intended place of residence of the third-country national.

However, the Red-White-Red Card can also be applied for by the future employer in Austria.

The competent residence authority must immediately forward the application to the AMS for examination of the admission requirements. The AMS must then inform the applicant in writing within 4 weeks whether the admission requirements have been met.

### **4.1 Required documents**

All documents shall be submitted in the original and in copy, in German or English language, upon request of the authority the documents shall be certified.

#### **4.1.1 Red-White-Red Card**

- Valid travel document (e.g. passport)
- Photo, not older than 6 months (size: 45 x 35mm)
- Proof of health insurance cover covering all risks (compulsory insurance or corresponding insurance policy, travel insurance)
- Employer's declaration
- Evidence according to the points system, e.g.
  - Proof of qualification (training certificate, service certificates)
  - Certificate of graduation
  - Language diplomas

Qualification certificates for regulated professions such as health care and nursing must already be recognised or nostrified.

#### **4.1.2 Blue Card EU**

- Valid travel document (e.g. passport)
- Photo, not older than 6 months (size: 45 x 35mm)
- Proof of health insurance cover that covers all risks (compulsory insurance or a corresponding insurance policy, travel insurance)
- Certificate of successful completion of a three-year course of study at a university or university of applied sciences
- Employer's declaration

### **4.2 Reporting and Stand-by obligation**

The worker must carry proof of his/her residence permit with him/her during his/her presence at the workplace.

## **5 Proof of qualification**

For many professions it is necessary to have an educational qualification recognised in Austria. Responsibilities and procedures differ according to qualifications and countries of origin.

There are therefore 4 contact points where migrants can get advice on the topic of professional recognition: [www.anlaufstelle-erkennung.at](http://www.anlaufstelle-erkennung.at)

Information in different languages is available here: [www.migrant.at](http://www.migrant.at)

## **6 Sources**

<https://www.bmeia.gv.at/oeb-belgrad/reisen-nach-oesterreich/arbeiten-in-oesterreich/>

[www.ams.at](http://www.ams.at)

[www.migration.gv.at](http://www.migration.gv.at)

<https://www.wien.gv.at/verwaltung/einwanderung/laender/drittstaaten/antragstellung/langfristig.html#dauerhaft>

[www.oesterreich.gv.at](http://www.oesterreich.gv.at)

<https://www.usp.gv.at/mitarbeiter.html>

<https://www.arbeiterkammer.at/beratung/arbeitsrecht/auslaendischearbeitnehmerInnen/index.html>

[https://www.wko.at/service/arbeitsrecht-sozialrecht/Grundlegendes\\_zur\\_Auslaenderbeschaeftigung.html](https://www.wko.at/service/arbeitsrecht-sozialrecht/Grundlegendes_zur_Auslaenderbeschaeftigung.html)

## II. SURVEY RESULTS

### 1 Results of the survey among social service providers - employers

The survey was conducted in several stages:

- online survey
- semi-structured interviews
- focus group

The online survey was conducted between May and October 2022. Invitations to participate were sent by email to organisations in the social sector that had previously been researched on the internet. Furthermore, they were sent by the President of Social Employers Europe to all board members of Sozialwirtschaft Österreich, the employers' association of Austrian social and health enterprises. Finally, personal contacts in the sector were used.

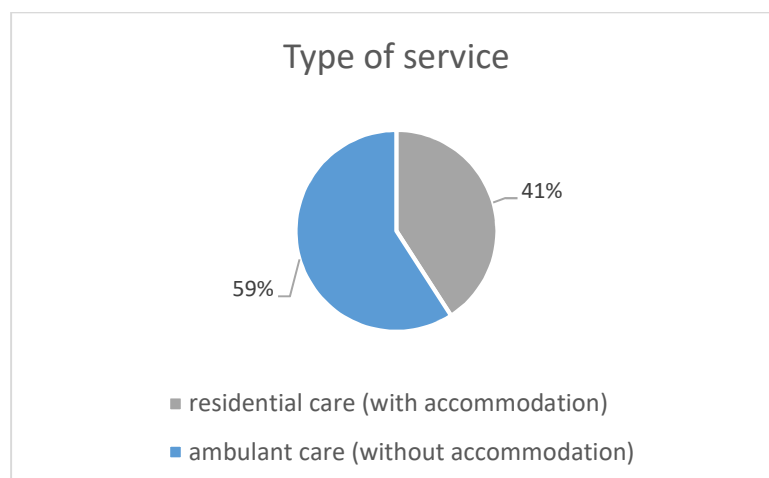
In total, the online questionnaire was answered by 63 organisations, 21 of which filled it out completely. Many companies were not willing to reveal their identity.

After the first findings were made, semi-structured interviews were conducted from August 2022 with representatives of those companies that agreed to do so in the questionnaire. The interviewees were mainly managing directors or division managers of the companies. A total of 12 interviews were conducted.

#### 1.1 Organisations surveyed

##### 1.1.1 Type of service

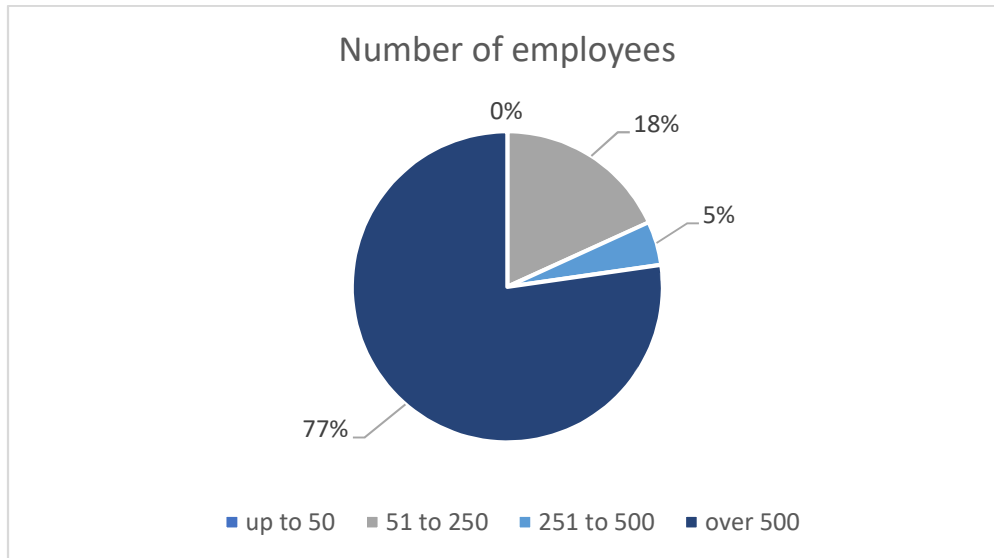
More than half of the organisations that responded to this question state that they predominantly offer ambulant care services (N=22).



However, in the comments to this question, many organisations stated that they operate both residential and ambulant care services.

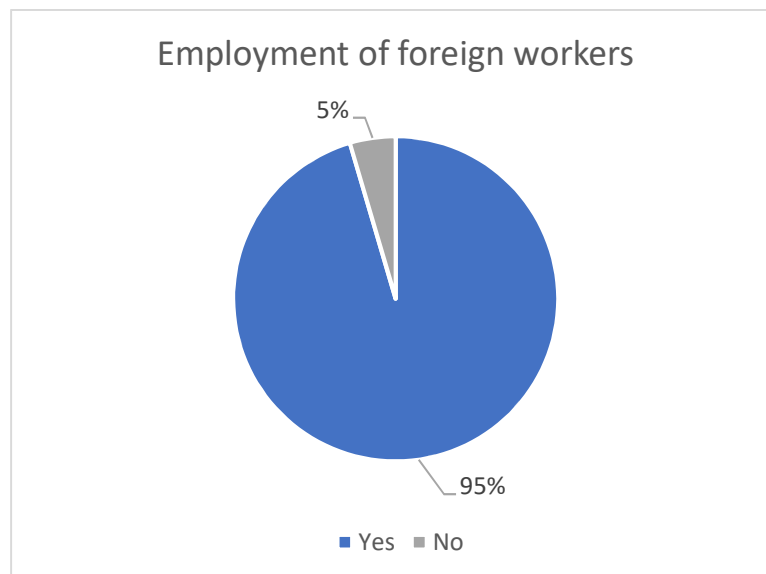
### 1.1.2 Number of employees

More than three quarters report having more than 500 employees (full-time equivalents), 5% have 251 to 500 employees, 18% have 51 to 250 employees (N=22). Among the organisations that answered the questionnaire, none employed less than 51 people.



### 1.1.3 Employment of foreign workers

All but one of the organisations surveyed employ foreign workers (N=22). The surveyed companies have employment contracts with all of these employees, none of the companies employs foreigners in the context of labour leasing.



The one company that does not employ foreigners states

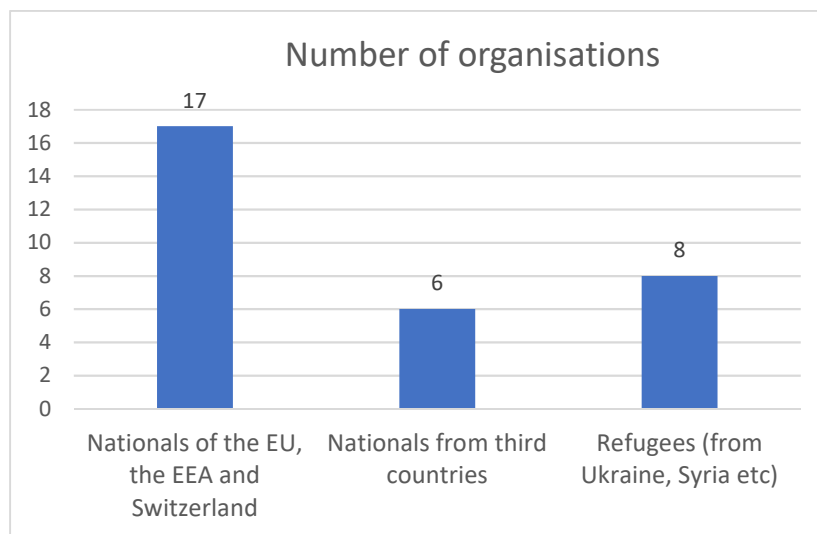
- It finds enough domestic workers

- It fears problems due to a lack of language skills
- They have no experience with employing foreign workers

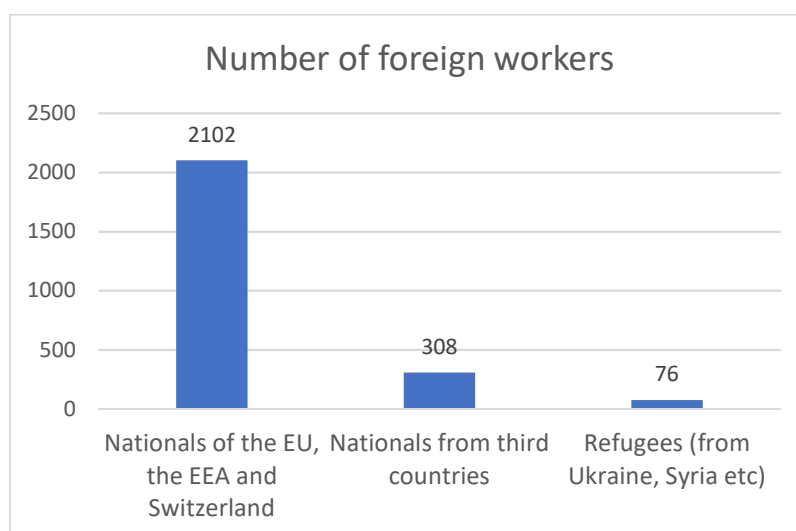
### 1.1.4 Number of foreign workers

21 companies were willing to provide information on the number of foreigners they employ (N=21).

17 companies state that they employ EU, EEA and Swiss nationals, 6 companies employ nationals from third countries and 8 companies employ refugees (N=21).



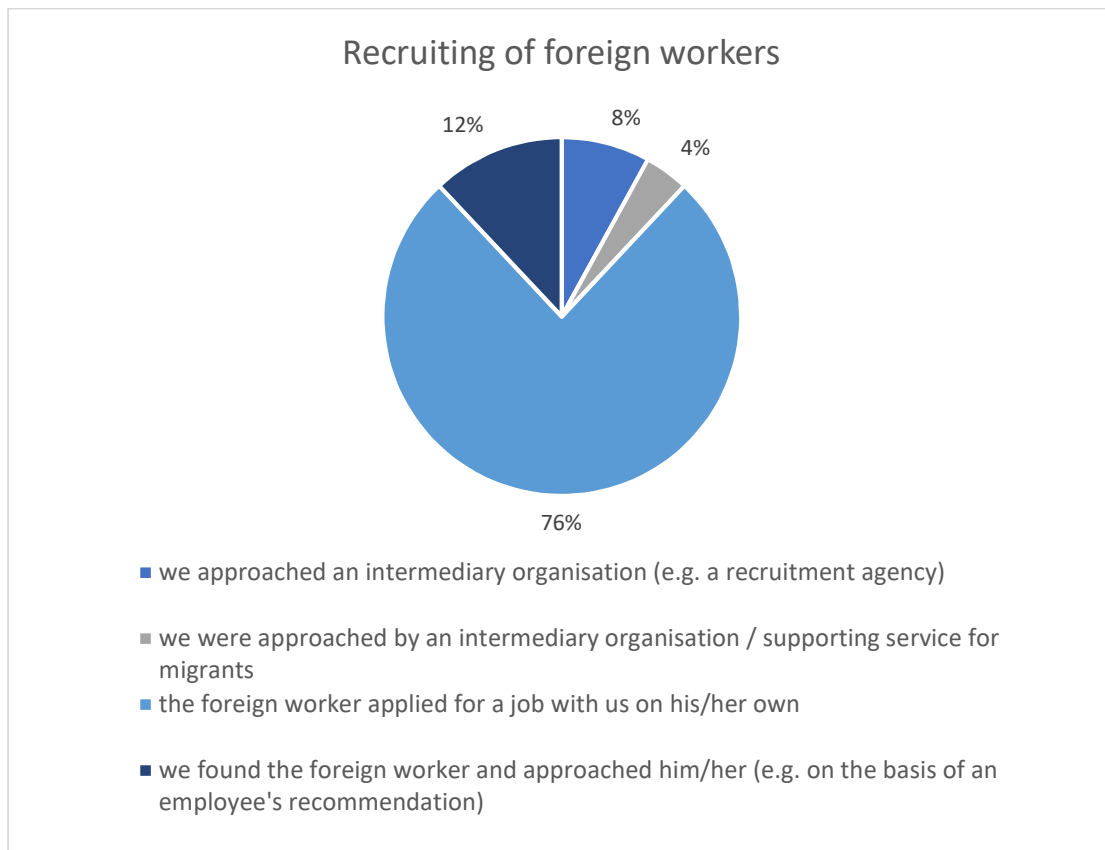
A total of 2102 foreigners who are EU, EEA and Swiss nationals are employed in these companies, plus 308 nationals from third countries. 76 of the employed foreigners are designated as refugees.



	Number of foreign workers	Number of organisations
Nationals of the EU, the EEA and Switzerland	2102	17
Nationals from third countries	308	6
Refugees (from Ukraine, Syria etc)	76	8

## 1.2 Recruiting of foreign workers

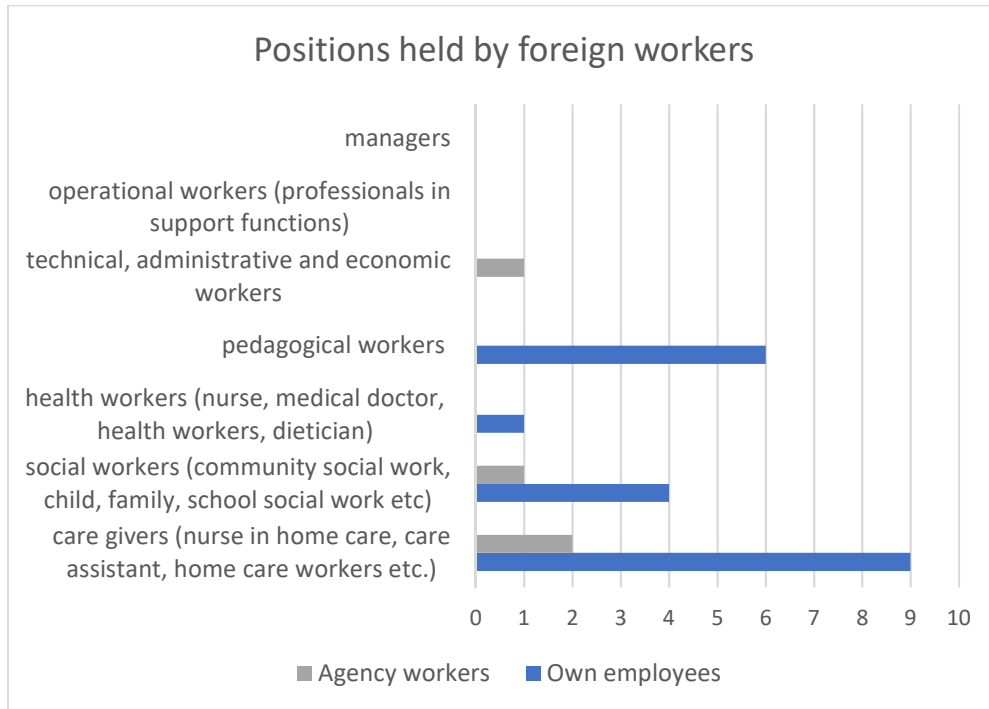
Around three quarters of the organisations state that the foreign employee applied for the job himself/herself (N=21). 12% of the companies approached the foreign employee on their own initiative, 8% approached a placement agency. It should be noted here that these are not only private placement agencies. The Public Employment Service (AMS) also places foreign employees. Only 4% of the companies were approached by a placement agency or a support service for migrants.



The interviews showed that foreigners are hardly ever approached specifically. However, many companies are convinced that a targeted approach in the country of origin will be necessary in the future. One reason for this is that the labour shortage in the social sector continues to grow and vacancies can no longer be filled. Another reason is that specific language skills or community affiliation are required for certain projects. Companies just don't know how to approach employees in their country of origin. For example, they lack knowledge about recruiting channels or legal framework conditions in the target countries.

### 1.3 Positions held by foreign workers

Foreign employees with an employment contract work in 45% of the companies in nursing and care, e.g. as certified nurse, nursing assistants or home helpers. 30% of the companies employ foreigners as pedagogical specialists and 20% as social workers (N=20).



### 1.4 Reasons for employing foreign workers

In this question, companies were asked to rate the importance of the reasons listed below that led/lead to their organisation employing foreign workers on a scale of 1 to 5 (1 = unimportant reason, 5 = very important reason) (N=20).





The most important reason for employing foreign workers is the shortage of domestic labour. A large part of the foreign labour force is employed in the care sector. The labour shortage in this sector is well known and has been extensively examined and evaluated.

Lower salary demands are no reason, as payment in Austria must be according to the collective agreement of the Austrian Social Economy, regardless of whether the worker is foreign or domestic.

The relevance of specific skills depends very much on the activity of the companies. Especially in areas where work is done with migrant clients, specific skills such as language skills or cultural background are an advantage. Here, foreign employees are also specifically hired. This applies above all to nursing and childcare.

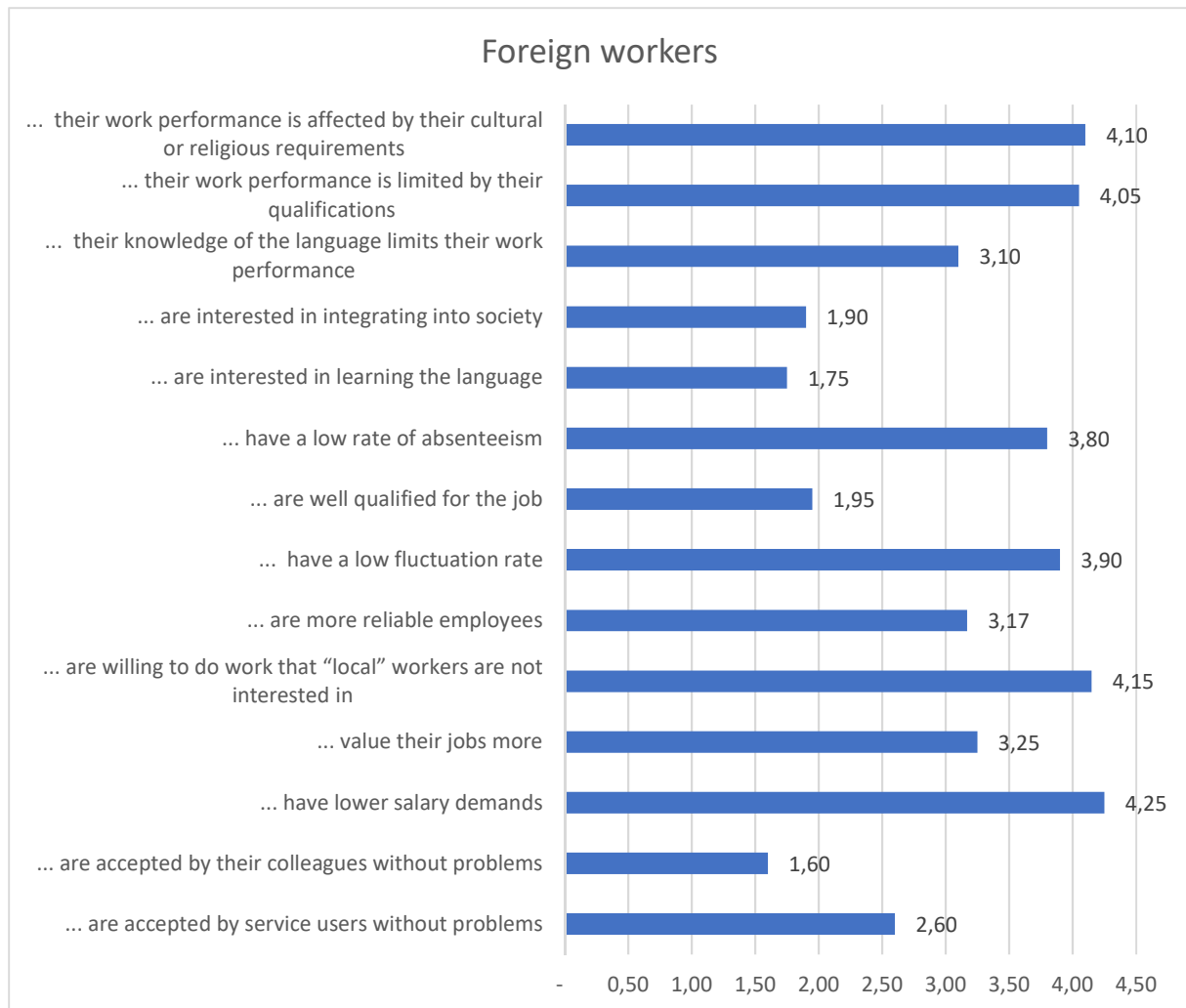
These findings were confirmed in the interviews. The share of the population with a migration background is relatively high in Austria, especially in the urban centres. According to Statistics Austria, 31.5 per cent of the Viennese population had a foreign citizenship at the beginning of 2021. Companies in the social sector are partly of the opinion that diversity among clients should be reflected in the workforce.

Other reasons given in the online survey were:

- Diversity in teams corresponds to our customers/clients
- Nationality does not play a role.
- Knowledge of languages and cultures
- Living and using diversity (languages, cultural imprints, using and promoting differences as a strength)
- Cultural background helpful in refugee care
- targeted reception for foreign clients
- Language competence in the care of children with little knowledge of German

## **1.5 Attitudes towards foreign workers**

Companies were asked to indicate the extent to which they agreed with the following statements on a scale of 1 to 5 (1 = strongly agree, 5 = strongly disagree) (N=19).



The graph shows the arithmetic mean of the answers.

The following statements received the highest approval ratings:

Foreign workers...

- Are accepted by their colleagues without problems
- Are interested in learning the language
- Are interested in integrating into society
- Are well qualified for the job

The following statements received the lowest level of agreement:

Foreign workers...

- Have lower salary demands
- Are willing to do work that national workers are not interested in doing.
- Are restricted in their work performance by their cultural or religious requirements
- Are restricted in their work performance by their qualifications

The statement that foreign employees are limited in their work performance due to their lack of language skills is rather low in agreement. In the course of the interviews with employers and employees it became apparent that language skills are even more important for employees than for employers or customers. For employers, it is essential that their employees can understand instructions,

establish basic communication with clients and do the documentation in writing. For clients, empathy, dedication and care are sometimes even more important than communication. For employees, on the other hand, language is a means of integration, as it is only through language that they get contact with locals. It gives them security when they understand what is being said to them and around them.

When it comes to the acceptance of foreign employees by the customers, the statements are very different. Where customers also have a migration background, acceptance seems to be wider, especially towards employees from the same community who speak the same language. Acceptance problems are more likely to be seen where employees come from completely different cultural backgrounds or where the difference in skin colour is obvious at first glance.

Those foreign employees who live and work in Austria are very interested in integrating into society. This is not the case with cross-border workers who work in Austria but continue to live in their home country.

### **1.5.1 Difficulties with recognition of training**

The question of problems with the recognition of training was not asked in the online questionnaire, but was addressed in the interviews and in the Focus Group.

The recognition of common training in the care sector that was completed within the EU is usually quite simple. A challenge is rather the proof of German language skills, which must also be provided in order to obtain the professional licence.

It is more difficult with qualifications obtained outside the EU. Here, additional examinations and internships are usually required. In many cases, however, foreigners are allowed to work in a less qualified occupational group, e.g. nursing assistance, for a maximum of two years until recognition is granted.

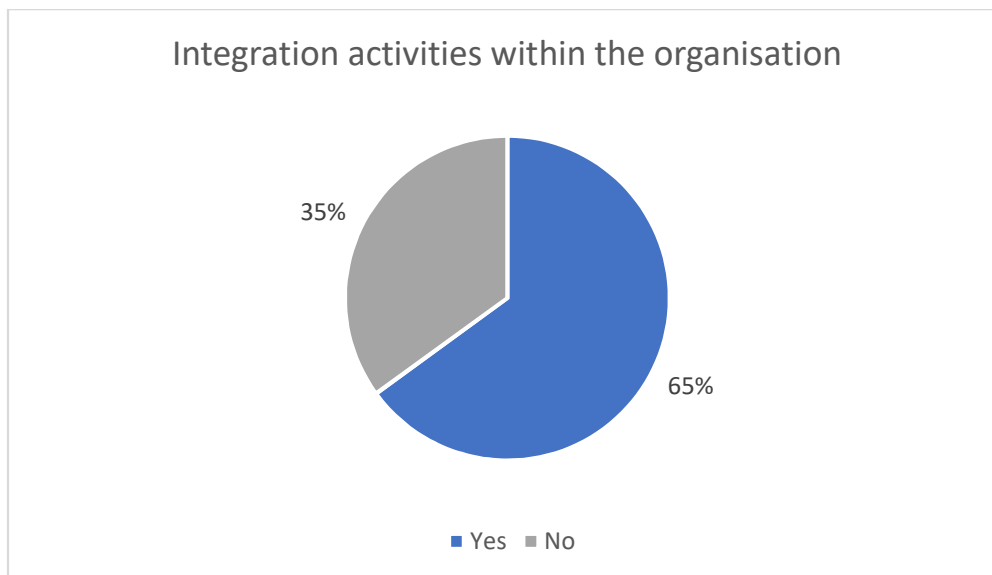
In other areas, such as care for the disabled, recognition is more difficult or even impossible because in many countries there are no training courses that meet the Austrian requirements. In these cases, qualifications cannot be used. Refugees whose professional recognition process has not yet been completed work in jobs that do not correspond to their qualifications.

There are contact points and websites in Austria that help with the recognition of professional qualifications. Unfortunately, the contact points have not existed for very long and are therefore little known.

## 1.6 Activities to assist the integration of foreign workers

### 1.6.1 Integration activities within the organisation

65% of the surveyed companies state that they take measures to facilitate the integration of foreign workers in the workplace (N=20).



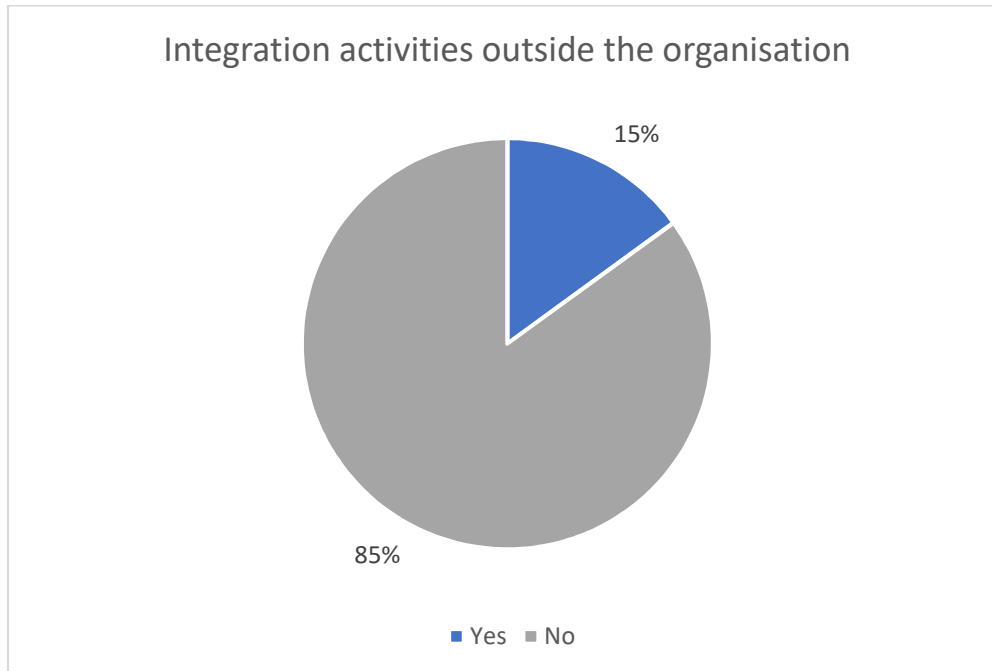
The following measures were mentioned:

- Language training
- Support for further training
- Team building measures
- Support for managers
- Consideration in onboarding, use of specific skills

The interviews revealed that measures are mainly taken when there is a need. However, there is usually no standardised process to identify the need for integration measures. Ultimately, it depends on the sensitivity of the managers whether a need is recognised and measures are taken. There are, for example, diversity offices or support and development teams to support managers and staff. The services offered by these offices sometimes also include legal advice for employers and employees.

## 1.6.2 Integration activities outside the organisation

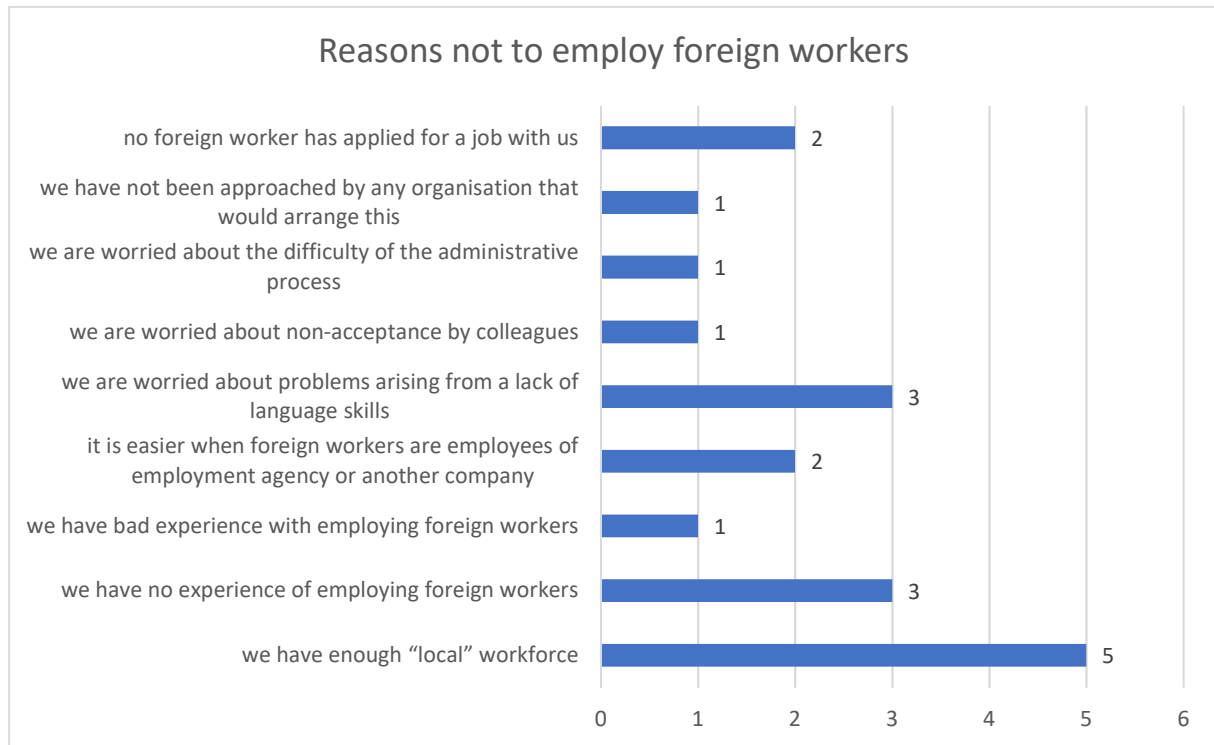
Only 15% of the organisations surveyed say that they take measures to facilitate the integration of foreign workers outside the workplace (N=20).



Here, too, support is provided only when needed and consists of help in finding accommodation or offering opportunities to make social contacts.

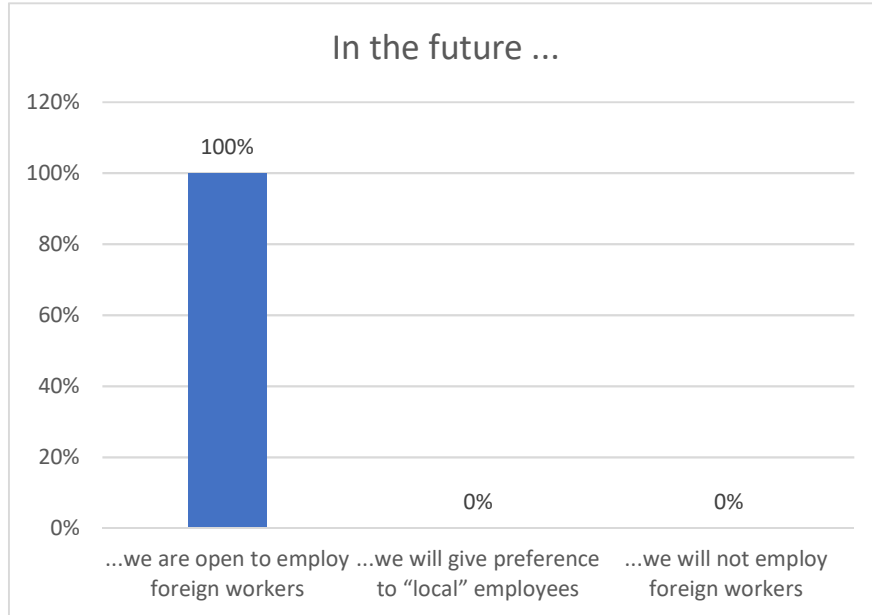
## 1.7 Reasons not to employ foreign workers

Since only one company responded to this question, the result is not representative. Nevertheless, it should be shown for the sake of completeness.



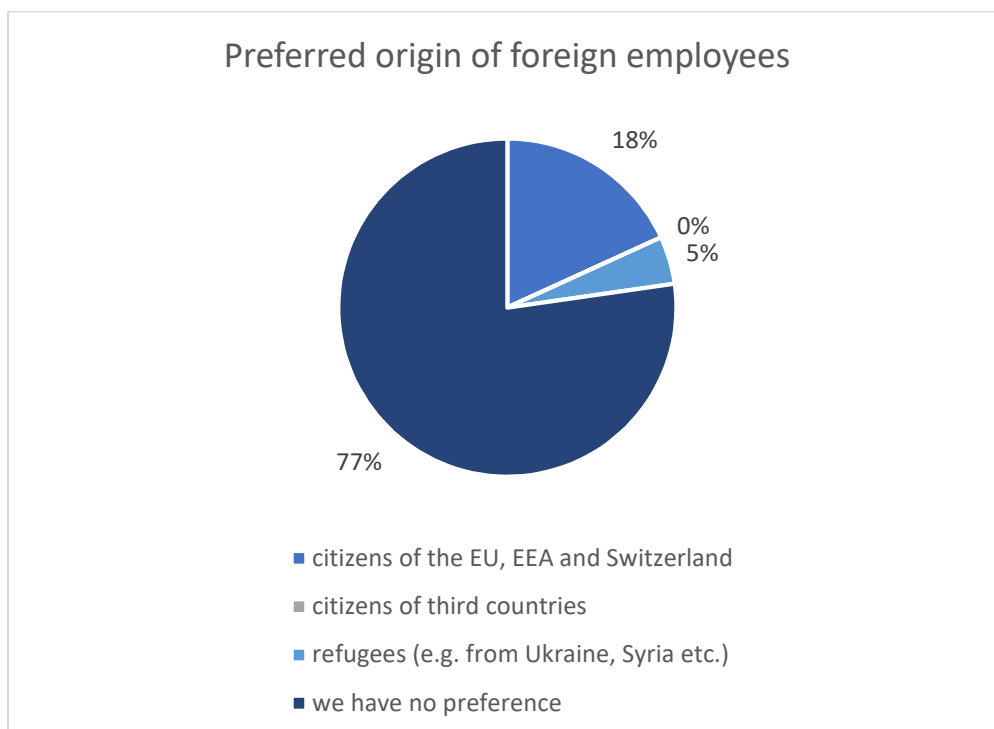
## 1.8 Possibility of employing foreign workers in the future

100% of the organisations state that they are open to employing foreign workers in the future (N=21).



### 1.8.1 Which foreign workers would you prefer to employ?

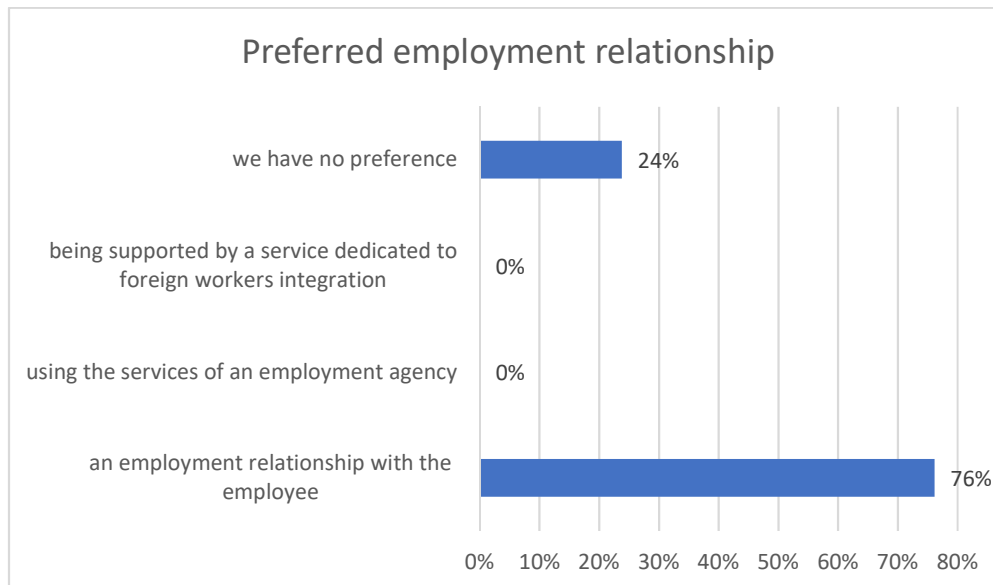
77% of the surveyed companies state that they have no preference regarding the origin of foreign employees (N=22).



In the interviews it was repeatedly said that the qualification matters, not the country of origin. The fact is, however, that it is easier to obtain a residence and employment permit for citizens from the EU, EEA and Switzerland. Therefore, 18% of the companies surveyed also prefer citizens from the EU, the EEA and Switzerland.

### 1.8.2 Preferred employment relationship

76% prefer an employment contract with the employee, 24% have no preference and are open to other employment relationships (N=21).



## 1.9 Further training on the employment of foreign workers

This question was dealt with exclusively in the personal interviews. Half of the respondents state that they have no need or interest in training on the topic. The other half is mainly interested in the following content:

- Legal framework such as residence permits, access to the labour market
- Legal conditions and market situation in the country of origin
- How can potential applicants be approached in the country of origin?
- Cultural differences in attitudes towards caring for the elderly, basic pedagogical assumptions
- Consultation in specific individual cases



## 2 Results of the survey among foreign workers in social sector

The survey of foreign workers was conducted in two stages:

- online survey
- semi-structured interviews

The online survey was conducted between June and October 2022. The invitation to participate was sent by e-mail to organisations in the social sector with the request to forward the link to foreign employees. It was also distributed via newsletter and Facebook. Finally, personal contacts in the sector were used.

In total, the online questionnaire was answered by 50 people, 35 of whom filled it out completely.

After the initial findings were made, semi-structured interviews were conducted from August 2022 with foreign workers who agreed to participate. A total of 10 interviews were conducted.

### 2.1 Participants

#### 2.1.1 Participants' countries of origin

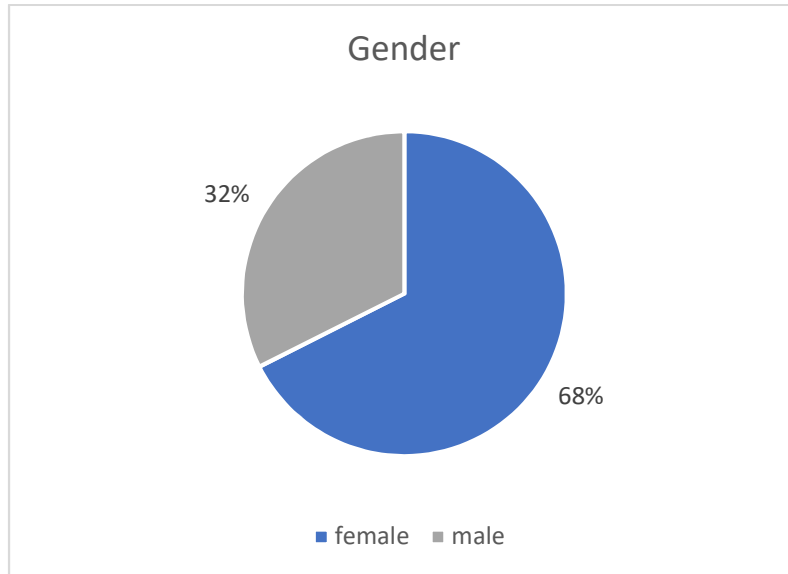
The participants of the survey come from 17 different countries, 78% from EU, EEA countries and Switzerland, 22% from third countries (N=37).

With the exception of Romania, most come from Austrias neighbouring countries Hungary, Germany, Slovakia and the Czech Republic.

Country of origin	Number of participants
Romania	5
Hungary	5
Germany	4
Slovakia	4
Czech Republic	3
Afghanistan	2
Algeria	2
Croatia	2
Poland	2
Belarus	1
Bulgaria	1
Finland	1
France	1
Kenya	1
Pakistan	1
Switzerland	1
Serbia	1

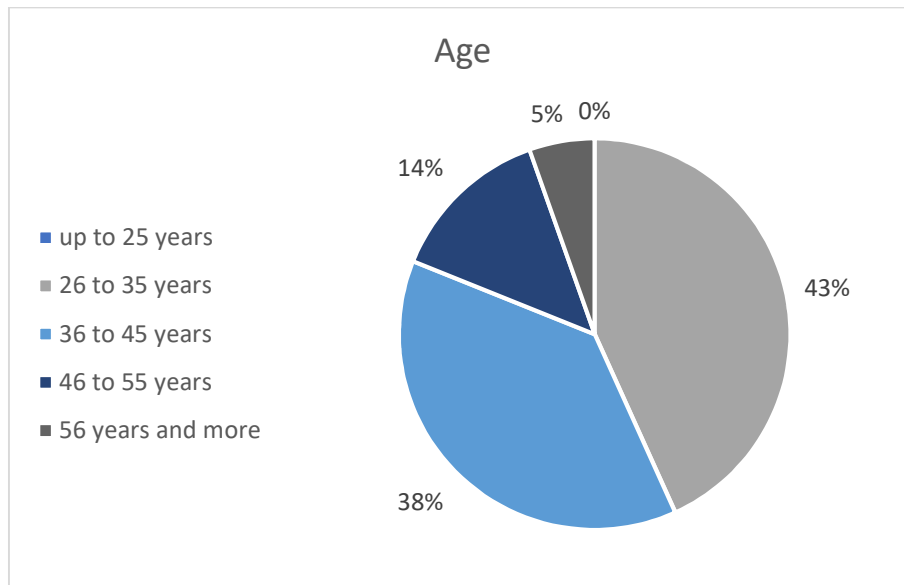
### 2.1.2 Gender of participants

68% of the participants are female (N=37), 32% are male.



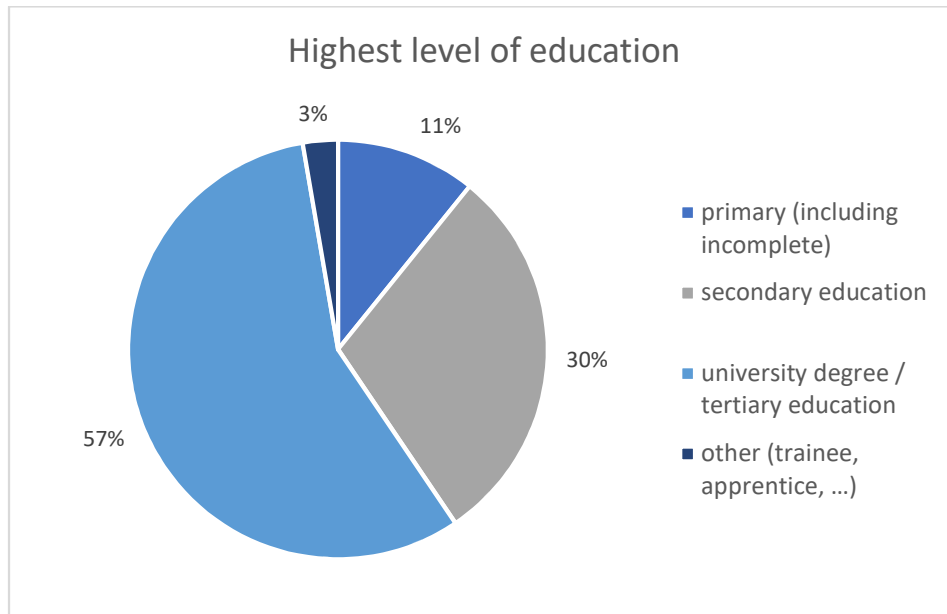
### 2.1.3 Age of participants

The age distribution shows that 81% of the participants are between 26 and 45 years old, the rest are older (N=37).



## 2.1.4 Highest level of education

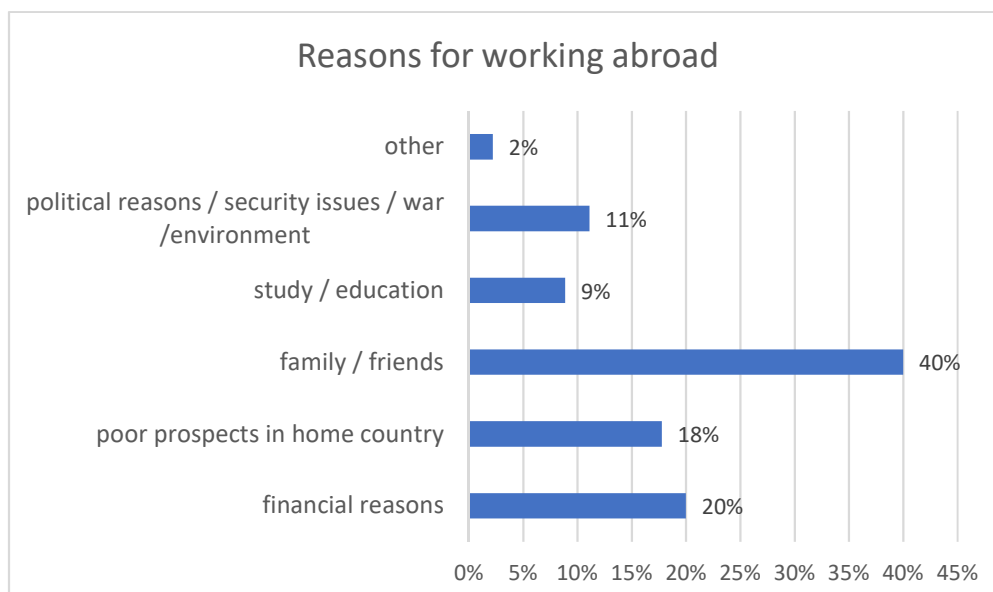
The participants in the survey were all well-educated. 57 % have a university degree / tertiary education (N=37), 30 % have secondary education. Only 11 % stated that they had only primary education or incomplete education.



## 2.2 Reasons for working abroad

For 40 % of the participants, family or friendship relations were an important reason for working abroad. Financial reasons came second with 20%, closely followed by poor prospects in the home country with 18% (N=37).

Political reasons, security issues, war or the environment are the reasons mainly for refugees to go abroad.

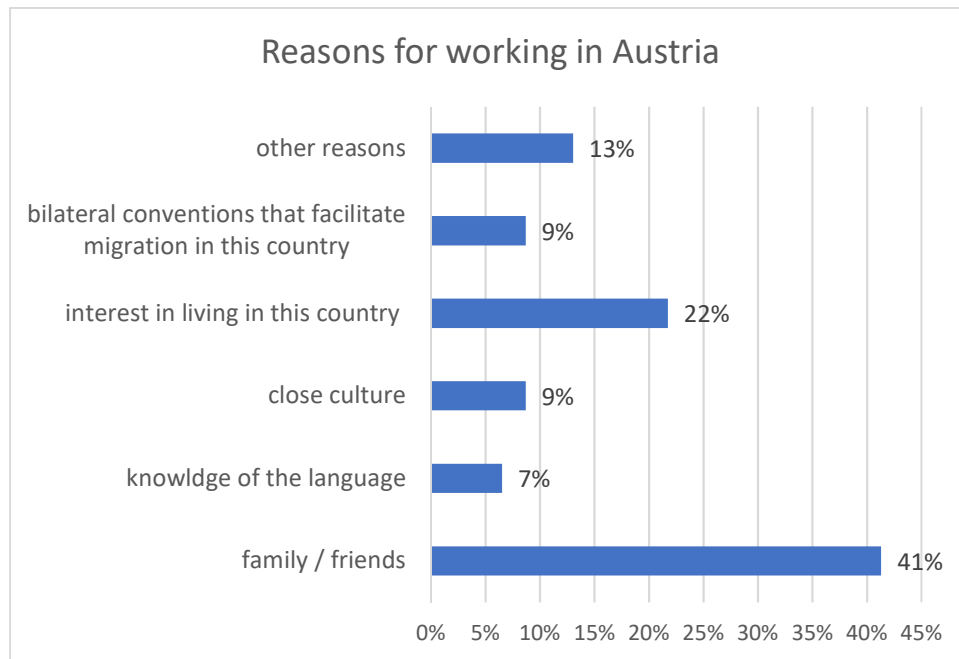


The results were confirmed in the interviews, where many participants stated that they went abroad because the prospects in their home country were poor,

incomes were low and therefore family members, partners or friends had already gone abroad before them.

## 2.3 Reasons for working in Austria

Family or friendship relations are then also the main reason for going to Austria in particular (N=37).

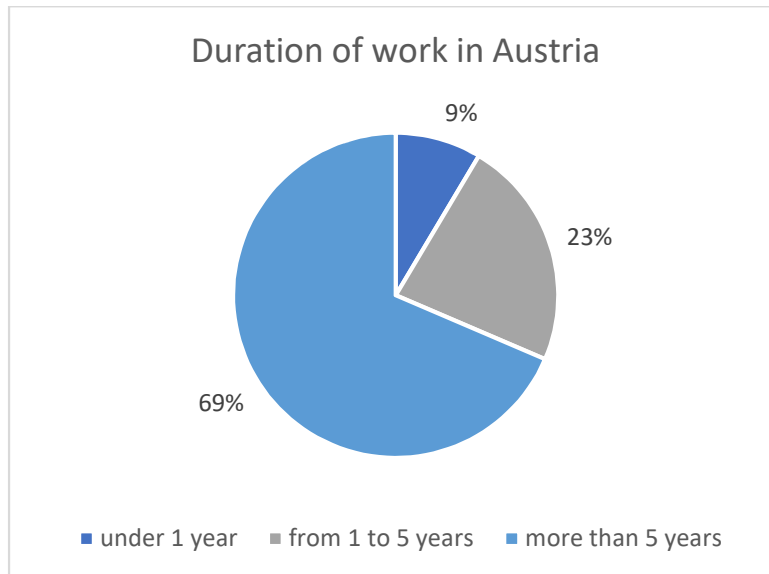


Other reasons given were:

- Neighbouring country
- Found work by chance after studies
- EU Voluntary Service
- I came to Austria with my parents
- Flight

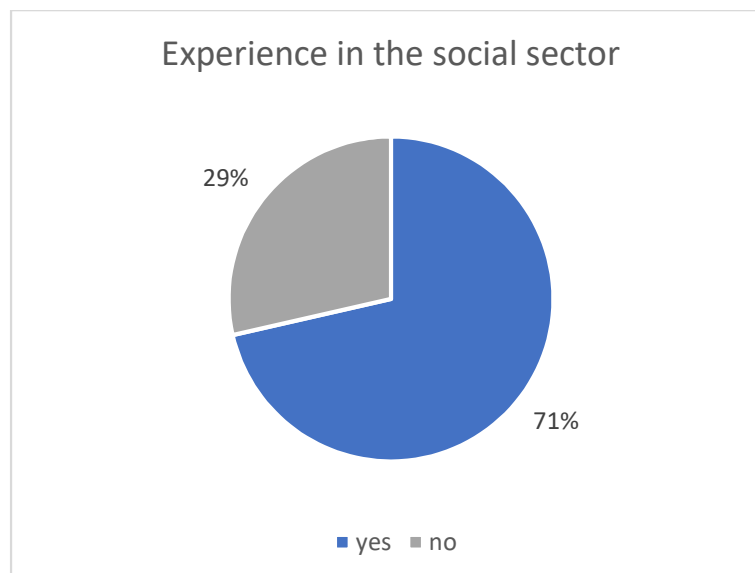
## 2.4 Duration of work in Austria

69% of the respondents state that they have been working in Austria for more than 5 years, 23% between 1 and 5 years, 9% less than one year (N=35).



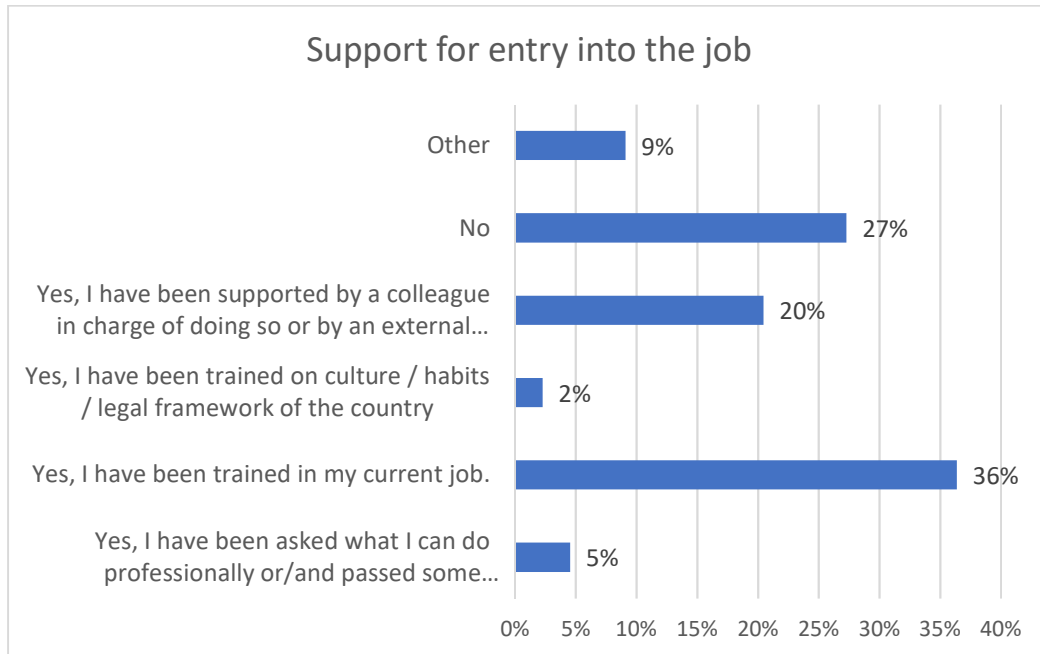
## 2.5 Experience in the social sector

71% of respondents had experience in the social sector before their current job (N=35).



## 2.6 Support for entry into the job (except linguistic)

27% of respondents say that they did not receive any support to start their job (N=35). 36% say they received training in their current job. 20% were supported by their colleagues or an external body.



Other forms of support mentioned were:

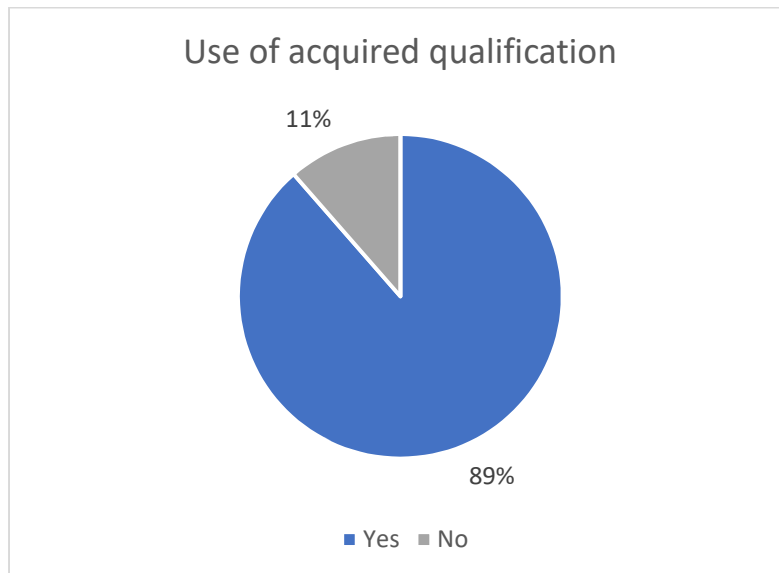
- Yes. I learned a lot about the social system in Austria
- Getting to know the work system, society and rules more closely.
- Everything was taught, explained and shown to me. The colleagues also help me a lot, everyone is very helpful.

This was confirmed in the interviews. The support from colleagues was mentioned again and again, but sometimes it has to be actively asked for.

## 2.7 Current job

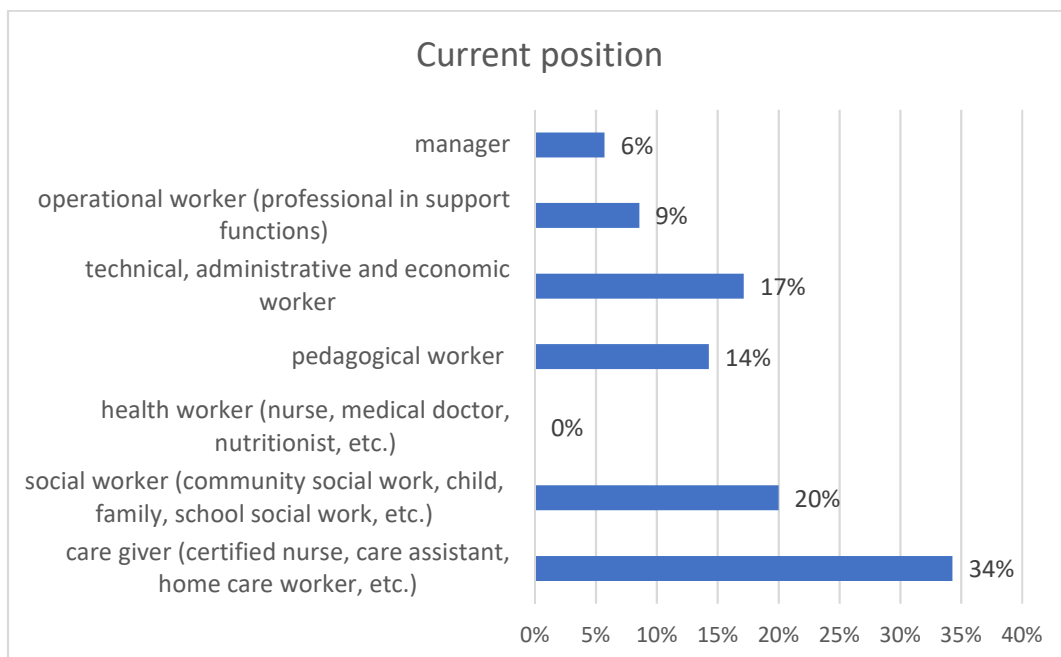
### 2.7.1 Use of the acquired qualification in the current job

89% say they use their qualification in their current job (N=35).



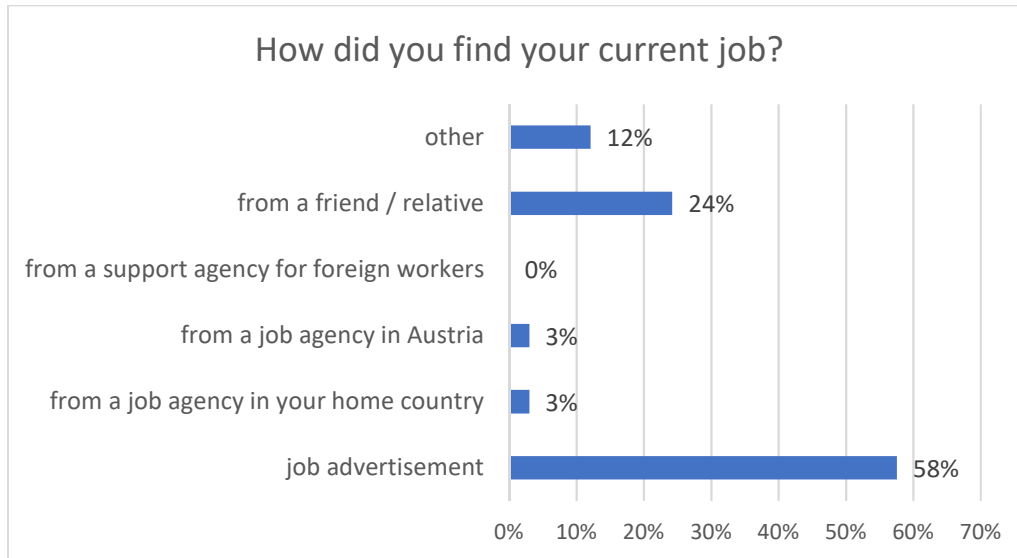
### 2.7.2 Current position

The largest proportion of participants (34%) currently work as care givers, 20% in social work, 17% as technical, administrative or economic workers and 14% as pedagogical workers (N=35).



## 2.8 Job search

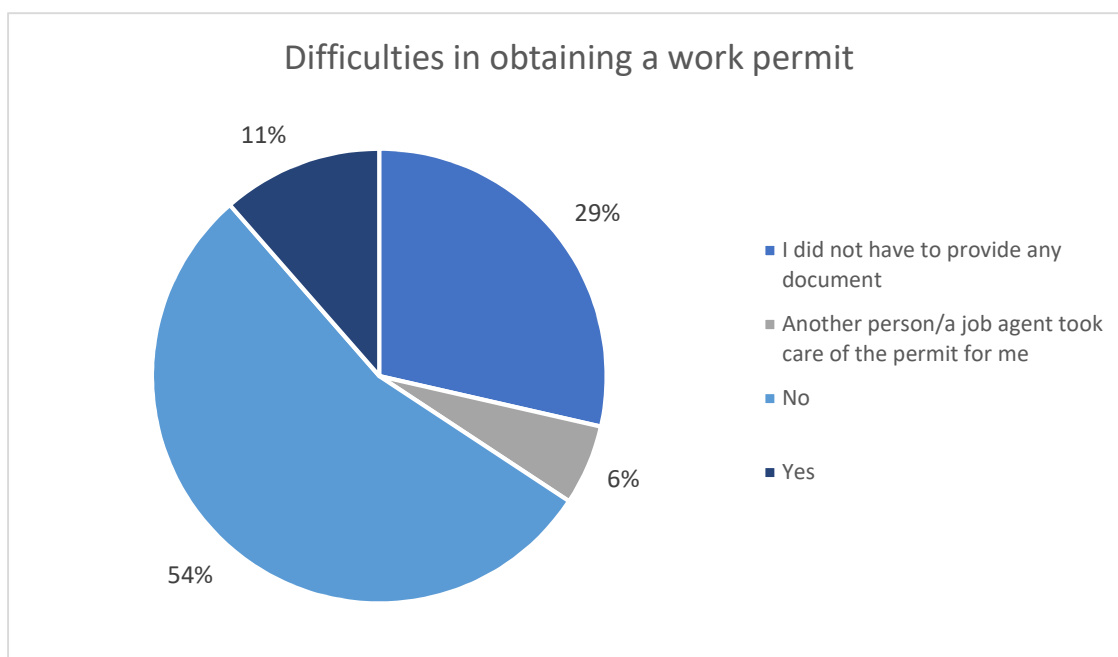
58% of the respondents found their current job through a job advertisement, 24% found out about it through friends or relatives (N=33). Placement agencies in Austria or in the home country do not play a significant role. The interviews also confirmed that the respondents found their current jobs primarily through their own initiative.



## 2.9 Difficulties in obtaining a work permit

54% reported that it was not difficult to obtain a work permit, 29% did not have to submit any forms (N=35). This 83% roughly coincides with the 78% of participants who come from EU, EEA countries and Switzerland. This group has free access to the Austrian labour market.

Those for whom it was difficult report asylum procedures that lasted for years, but access to the labour market is only possible after a positive conclusion of the procedure.

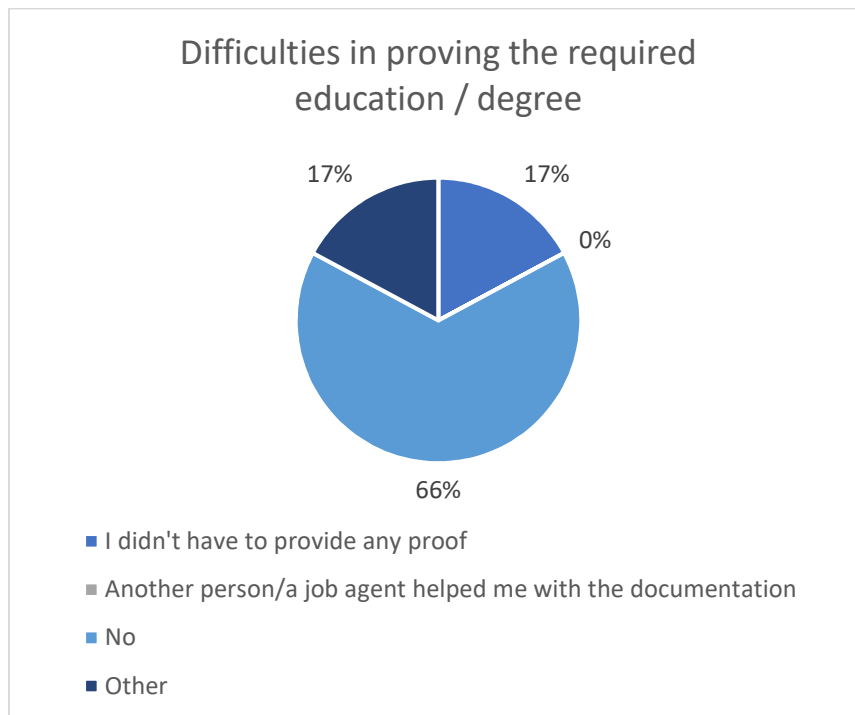




## 2.10 Difficulties in proving the required education / degree

83% of the respondents had no difficulties at all in proving their education or degree or did not have to provide any proof (N=35).

Only 17% of the respondents stated that it was difficult to provide proof. The reasons for this were specified in the personal interviews. Professional recognition (nostrification) of a foreign and non-EU diploma can take a very long time. Sometimes additional examinations have to be passed. High costs are incurred for the translation of documents. It also happens that not all training or work experience is recognised and the foreign employee then receives a lower salary than Austrian colleagues despite the same job and equivalent experience. Another challenge is the proof of German language skills in nursing, e.g. B2 for a certified nurse.



## 2.11 Satisfaction with the current job

Respondents were asked to indicate their satisfaction with various aspects of the workplace on a scale of 1 to 5 (1 = not satisfied, 5 = very satisfied). Satisfaction with the workplace is consistently very high (N=33).

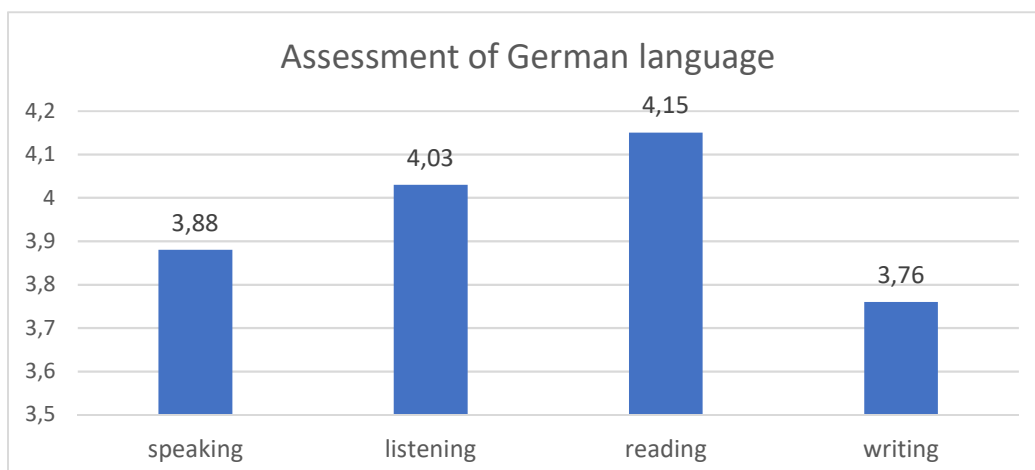


Satisfaction with the relationship to colleagues and superiors is particularly high. In the interviews, support from these persons was repeatedly reported in this regard, be it through information about culture, customs and legal matters or through support with the language. Satisfaction with the salary was rated the lowest, but this is not specific to foreign workers, but can be observed in the entire social sector.

## 2.12 German language skills

### 2.12.1 Assessment of German language skills

Participants rate their own German language as good (1 = low level, 5 = excellent level). Reading and listening comprehension are rated as very good on average (4.03 and 4.15 respectively). The participants rated their speaking and writing skills less well (3.88 and 3.76 respectively) (N=34).

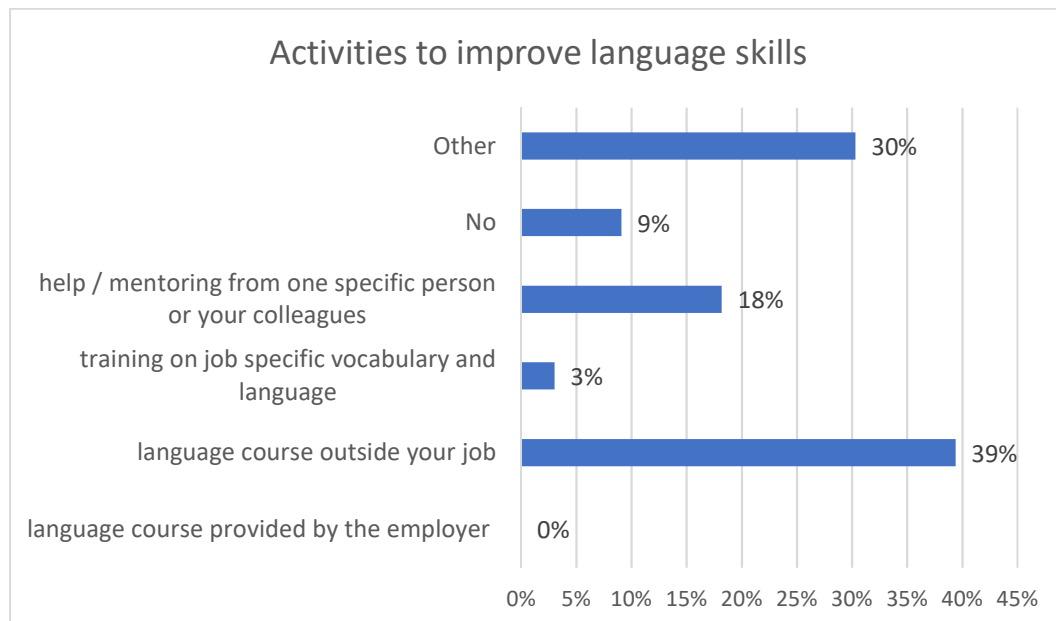


Language skills are considered very important as a means of integration. In the interviews, problems with understanding dialect are reported again and again. This happens, for example, when native colleagues talk to each other in dialect. Then it can be unpleasant to have to keep asking colleagues to speak in written language.

*"The hardest one for me is the dialect. I understand High German well, but the dialect is like a completely different language. At staff meetings, many colleagues speak dialect and I don't understand everything (it often happens that I understand almost nothing). Some colleagues speak in High German (or at least, when they speak to me, they don't speak dialect) and in these cases I have no problems at all and understand almost everything. If they speak dialect and also too fast, then I often have to ask them back and I feel stressed and the feeling that it is unpleasant or annoying for them. That's why I feel bad, have feelings of inferiority."*

## 2.12.2 Activities to improve German language skills

91% have participated in activities to improve their German language skills, almost half of them (39%) have attended language courses outside the workplace (N=33).



Other activities mentioned were:

- Private contacts with partner, family, environment
- Learning German at school
- I learn and improve my knowledge independently
- I studied at university

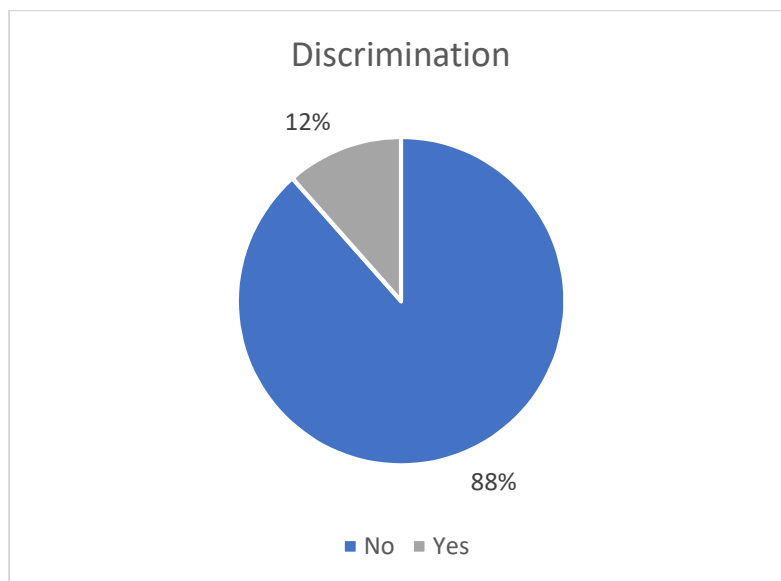
German courses for beginners are often offered free of charge by AMS or other organisations. However, interview partners would also like to have free courses for higher language levels.

One interview partner says:

*"I would like to improve my German level from B2 to C1, as my management job requires me to be highly competent in business German."*

## 2.13 Discrimination

88% of all respondents stated that they had never been discriminated against at their workplace (on the basis of nationality, ethnicity, culture, religion, skin colour, etc.) (N=26).



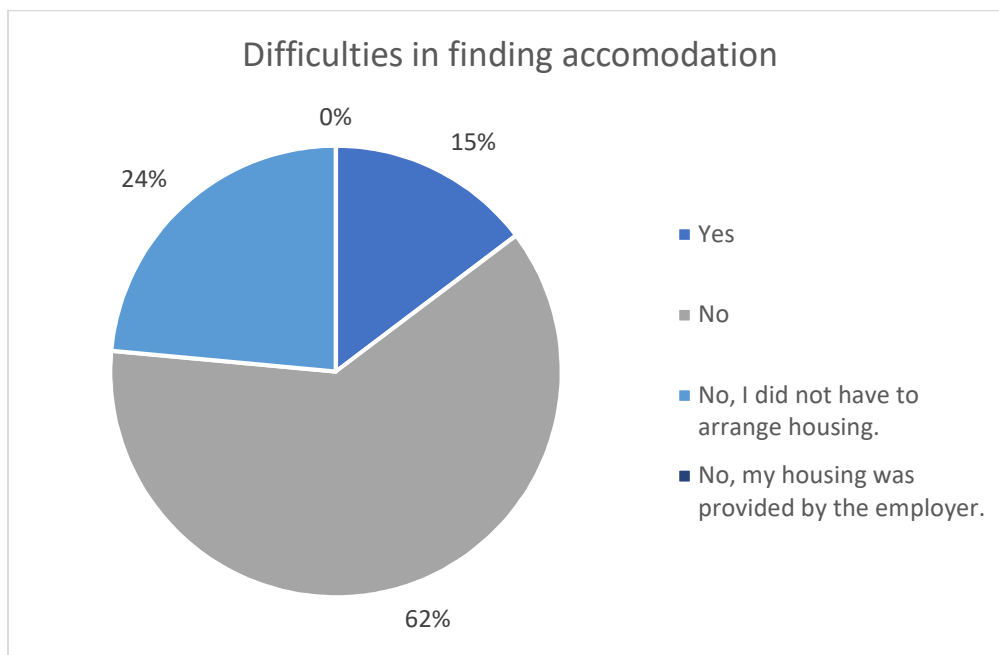
Those who have already experienced discrimination say that it happens very often because of their origin. Some also report that it was very subtle, not obvious. Discrimination is also often done in jest, possibly not intended by the sender. Others stated that they were not discriminated against because of their origin, but because of their gender.

In general, Austrians are described by respondents as friendly but detached.

## 2.14 Difficulties in finding accommodation

86% of the interviewees had no difficulties finding accommodation (62%) or did not have to look for accommodation (24%) (N=34).

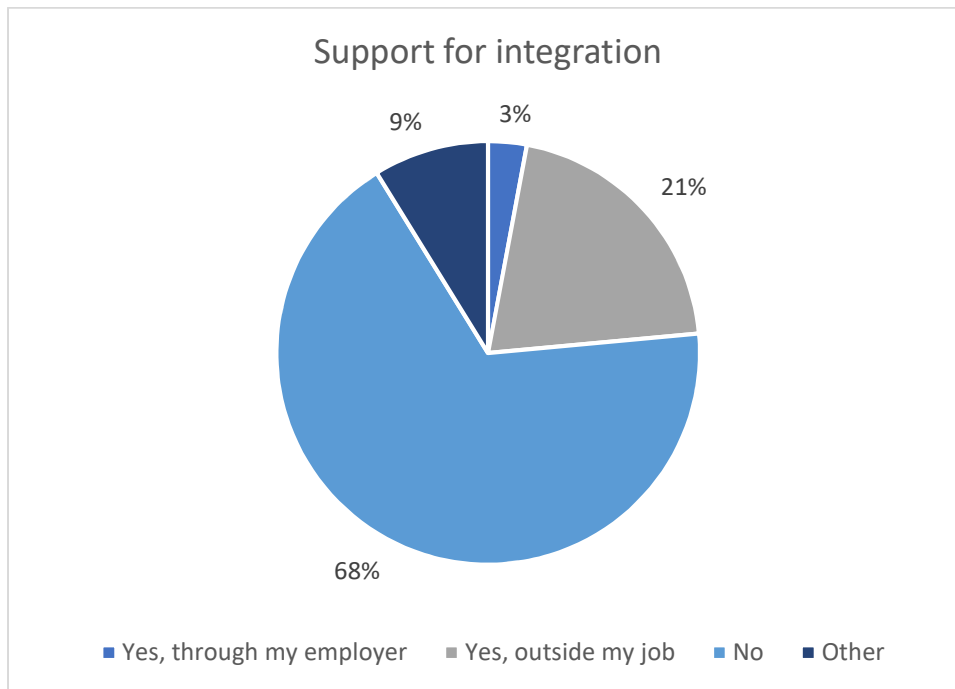
In the interviews, many participants reported that they initially lived with friends or family or that their partner already lived in Austria. As soon as flat seekers can prove that they are employed in Austria, it is much easier to find accommodation.



## 2.15 Support for integration

68% of the respondents state that they did not receive any support to facilitate their integration in their new place of residence (N=35). 21% received support outside the workplace, 3% received support from their employer.

In the interviews, several participants reported that they did voluntary work in order to get in contact with local people and to improve their German language skills. In most cases, however, the support came from family and friends.



One participant says on the topic of integration:

*"I am part of the privileged group of foreigners who came to Austria with C1 German language skills. For the foreigners who don't have this privilege, it would be helpful to have brochures in their mother tongue about important things to keep in mind when looking for a flat (that you don't pay the deposit in cash, that you check the land register to see if the landlord is the owner of the flat), labour rights, social rights, insurance..." "It is very easy to build a community from your home country, but it is difficult to make friends with new people from another culture. I think community and community building are very important."*

## III RESULTS OF THE FOCUS GROUP

The focus group took place November 8th, 2022 over Zoom. Unfortunately, we had some cancellations because collective bargaining was taking place at the same time and there were workers' meetings in part of the social sector on the same day.

The results of the online surveys and the semi-structured interviews with both employers and workers were presented. Subsequently, the participants discussed the results:

- The reason for immigration to Austria mainly lies with partners, family and friends who already live in Austria.
- For EU/EEW-citizens there are no problems with residence and work permits. The recognition works easily in most cases.
- For applicants from third countries it is more difficult to obtain a residence and work permit. Also, the recognition of the qualification usually requires additional exams.
- A challenge can be the proof of language skills in care professions. Work is not allowed without a certificate in B1 or B2 for certain professions.
- Language skills are even more important in mobile care as care workers are alone with their clients. As a fact, language is important for employees as a means of integration, but often not so important for employers and clients.
- A central information point for good information is required for all applicants from abroad. If possible the first signposts (website, office etc.) should be in the mother tongue of the applicants. There are a few good websites in Austria (AST, <https://www.anlaufstelle-erkennung.at/anlaufstellen>, [berufsanerkennung.at](https://www.berufsanerkennung.at)) but they are hardly ever found.
- The legal framework in Austria is unclear and inhomogeneous. That is why employers wish for information on how to approach employees abroad and about the legal framework when starting a procedure to hire them.
- Once employees from abroad have a job in Austria, there are hardly any problems with acceptance from clients and colleagues.

## IV CONCLUSION

- Foreigners come to Austria mainly because of partners, family and friends.
- EU/EEW-citizens obtain residence and work permits as well as professional recognition easily. However, this is different for applicants from third countries.
- Language skills are important but sometimes overestimated.
- The legal framework in Austria is unclear and inhomogeneous and should be simplified.
- A central information point (i.e. website which is easily to find) is required for all applicants from abroad.
- Employers wish for information on how to approach employees abroad and about the legal framework when starting a procedure to hire them.
- Once employees from abroad have a job in Austria, they are generally well accepted from clients and colleagues.