

Information on employment for foreigners

Foreign students

Foreign students need a work permit (Beschäftigungsbewilligung) for gainful employment other than self-employment – even for part-time employment. There are two kinds of work permits.

Seasonal Permit (Saison-Bewilligung)

The Seasonal Permit is granted for a maximum of three months in a calendar year in the sectors of agriculture and tourism (e.g., hotels, restaurants.)

The amount of Seasonal Permits granted is determined for each province by decree of the Minister for the Economy and Labour.

Citizens of the EU's new member states are to be preferred in the issuing of Seasonal Permits.

Students who are citizens of other non-EU countries must be able to present a valid residence permit as a school or university student.

The employer applies for the Seasonal Permit at the AMS with local jurisdiction.

There is no upper limit on earnings.

Work Permits for Part-time Employment

The salary may be up to a maximum of € 374,02 per month (2011) before taxes, and the determinations of the contracts of the collectives must be observed.

The application that the employer makes can only be approved if persons qualified for the position are not registered in advance for placement with the AMS.

Students from the new EU member states Bulgaria and Romania can receive a "Labour Mobility Certificate" ("Freizügigkeitsbestätigung") after 12 months of uninterrupted authorization and employment.

This certificate grants permission to take up work in any part of Austria, in every sector and every profession. It is not limited in time.

Contract for Work (Werkvertrag) – Self-employed activity.

With the "Contracts for Work" it must be noted that they are also subject to the obligation of a permit if their content consists in simple activities that, in their totality, do not represent a self-employed "work." The personal and economic dependence on a single contractor is also considered a relation similar to that of an employee, and, as such, is subject to the obligation of a permit. It is not a matter of the designation of the contract, but rather of the content of the agreement.

Who is a Holiday Trainee or a Vocational Trainee (Ferial- /Berufspraktikant/in)?

Persons who, in the context of their education in an Austrian educational center with an accreditation from the Ministry of Education (Öffentlichkeitsrecht), are completing a prescribed traineeship.

Students of foreign schools or universities must have a work permit for a traineeship in Austria.

Please turn page!



Who does NOT need a work permit?

- Citizens from the EEA countries, with the exception of the new EU citizens from Bulgaria and Romania.
- Spouses and children (until the age of 18) of Austrians, without regard to their nationality. Citizens of non-EU countries must possess a residence title, e.g., a residence permit (Niederlassungsbewilligung), or “family member” status (“Familienangehöriger”).

The AMS certifies for these persons their special status upon application (certification according to § 3 section 8 Labour Law for Foreigners.)

- Spouses and children (until the age of 21) of citizens of EEA countries (excepting the new EU citizens), without regard to their nationality.

Citizens of non-EU countries must nevertheless have a valid long-term residence permit (Daueraufenthaltskarte). The AMS certifies the special status of these persons upon application (certification according to § 3 section 8 Labour Law for Foreigners.)

- Recognized refugees (with right to asylum) with either a Decision on Asylum (Asylumbescheid) or a Convention Passport.
- Those with a subsidiary right to protection (subsidiäre Schutzberechtigte): these are persons whose status as such has been acknowledged for a determined time after a negative asylum procedure. When a year has passed from such acknowledgment, they are exempt from the jurisdiction of the Labour Law for Foreigners. Upon application the AMS gives them the corresponding certificate.
- New EU citizens from Bulgaria and Romania and their family members, who already have a Labour Mobility Certificate.

Attention!

For foreign workers, who are paid with a **service check (Dienstleistungsscheck)**, a work permit is nevertheless required, as long as they are not free of the obligation to have a permit or have one of the entitlement that has been mentioned!

More information and forms are available at www.ams.at.

The AMS office with jurisdiction can be found at www.ams.at

