

UKRAINIAN CITIZENS IN AUSTRIA

IMMIGRATION – RESIDENCE – EMPLOYMENT



Entry and right of residence

Displaced persons from Ukraine have a **special right of entry and residence** in Austria under the Displaced Persons Ordinance, which has been in force since 12 March 2022. Accordingly, displaced persons have the right to enter and stay in Austria until 3 March 2023. The confirmation of the acquired right to stay is an **"ID card for displaced persons"**. It is not necessary to submit an application for asylum.

Upon entering Austrian territory, displaced persons must register with **the police**. For **registration**, the following documents must be presented: passport, birth certificate, marriage certificate, other civil status documents, other identity documents (driving licence, identity card, etc.). However, registration is also possible without such documents. Once you have registered with the police, the Federal Office for Foreigners and Asylum (Bundesamt für Fremdenwesen, Bundesamt für Fritz und Asylum) will be able to register you. After registration with the police, the Federal Office for Foreigners and Asylum (Bundesamt für Fremdenwesen und Asyl (BMF)) will issue the ID card to the displaced person and send it to the delivery address given during registration. Please note that in Austria there is an obligation to register - this means that your place of residence must be declared at the relevant municipal office (in statutory cities, at the town hall).

Displaced persons are **citizens of Ukraine resident in Ukraine** who, as a result of the armed conflict, have been displaced since 24.02.2022. The group of displaced persons also includes other **third-country nationals** or stateless persons who, before 24.02.2022, **obtained asylum-seeker or comparable status** and who, as a result of the armed conflict, have been displaced from Ukraine since 24.02.2022. **Family members** of these persons (spouses and partners in a registered partnership, minor children and other close relatives living in a common household with the displaced person before displacement) are also included in the status of displaced person. Ukrainian citizens who on 24.02.2022 were legally residing on the territory of Austria or had a valid residence permit, which, however, due to non-fulfilment of the conditions for issuance was not submitted or was taken away and who cannot return to Ukraine as a result of the armed conflict, may also apply to the Police for an ID card for displaced persons.

With an ID card for displaced persons and a passport, displaced persons can travel as tourists **within the Schengen area** without a visa for up to 90 days within a 180-day period. It is possible to return to Austria at any time with an ID card for displaced persons.

Work permit

On the basis of a decree of the Federal Ministry of Labour dated 11.03.2022, it has been assumed that persons with a residence permit for displaced persons - without a labour market review procedure and without a substitute worker - receive an **employment permit** and thus **unrestricted access to the labour market**. The employment permit is issued by the Employment Agency (*Arbeitsmarktservice, abbreviated AMS*) and can be applied for by a potential employer or is issued ex officio by the Employment Agency in the case of active placement. You can only start work once the employment permit has been issued.

During registration, displaced persons are included in the Austrian health insurance system on the basis of the decree of the Federal Minister of Social Affairs, Health, Welfare and Consumer Protection on the change in the implementation of the health insurance system of 11.03.2022, so that it is possible to cover displaced persons with **health insurance**.

Contact

Dr. Roland Heinrich

SCWP Schindhelm | Wels
Rechtsanwalt, Partner
T +43 7242 65290-359
r.heinrich@scwp.com
ulrich.teich@schindhelm.com