

The Red-White-Red Card for Self-Employed Key Workers

Third-country citizens can apply for a Red-White-Red Card for self-employed key workers, if their self-employed occupation in Austria creates macroeconomic benefit going beyond its own operational benefit.

This may be the case if

- the intended occupation involves a sustained transfer of investment capital to Austria
- the intended occupation creates new jobs or secures existing jobs in Austria or
- the settlement of the key worker involves the transfer of know-how respectively the introduction of new technologies or
- the key worker's company is of considerable significance for the entire region.

For self-employed key workers, there is no points system.

Where do I file the application?

Applications for a Red-White-Red Card must be submitted personally by the applicant, at the competent Austrian representation (embassy or consulate) in the applicant's home country, respectively country of residence.

Persons entitled to visa-free entry to Austria and persons already holding a valid residence title may submit their application directly with the competent residence authority in Austria (*Landeshauptmann* respectively the authorized *Bezirkshauptmannschaft* or *Magistrat*).

Which documents have to be submitted?

- Valid **travel document** (e.g. passport)
- **Birth certificate** or similar document acknowledged by the Austrian authorities
- **Photo** (dimensions: 45x35mm) not older than six months
- **Evidence of locally customary accommodation** (e.g. lease contracts, preliminary agreement on tenancy rights or ownership evidence)
- **Evidence of health insurance** covering all risks (compulsory health insurance or equivalent insurance policy)
- **Evidence of adequate means of subsistence** (payslips, pay certificates, employment contracts, insurance benefit certificates, evidence of retirement or other pension or insurance benefits, investment capital or sufficient own assets)

In addition to the general requirements (see above), for the evaluation of the macroeconomic benefit, the following documents must be submitted:

- Documents which allow an analysis and evaluation of the market and competitive situation and the headquarter location, including a detailed description and the objectives of the intended professional undertaking (“business plan”)
- Evidence of the transfer of investment capital to Austria and of the intended creation of new jobs or securing of existing jobs in Austria
- Evidence of the qualification necessary for the self-employed professional activity
- Possibly company agreements and/or
- Craft authorisations (Gewerbeberechtigungen), where necessary

Originals and copies of all documents and certificates must be presented. The competent authorities may demand English or German translations, if the documents are not in German or English, and they may eventually demand legalized versions of the documents.

When will a Red-White-Red Card be issued?

The residence authority forwards the application including all submitted documents to the Public Employment Service (Arbeitsmarktservice, AMS). The AMS issues an expertise on the macroeconomic benefit of the intended professional activity within three weeks, especially regarding the transfer of investment capital and the creation and the securing of jobs.

If the conditions are met, the AMS sends a positive expertise to the residence authority. The residence authority issues a Red-White-Red Card, if all other requirements (such as adequate accommodation according to local standards, health insurance, etc.) are fulfilled. If the application is accepted, the Austrian representation informs the applicant accordingly. Persons who need a visa to enter Austria then have to apply for a visa D in order to get their residence title from the residence authority.

The Red-White-Red Card is issued for twelve months and entitles its holder to fixed-term settlement and the pursuit of the self-employed occupation as described in the application.

Which residence title will be issued after 12 months?

Self-employed key workers can receive a Red-White-Red Card in the first year, and after that a *Niederlassungsbewilligung* (settlement permit) if all legal requirements are met. The *Niederlassungsbewilligung* is issued for 12 months and entitles its holder to fixed-term settlement and the pursuit of the self-employed occupation.

After a completed total settlement period of two years the settlement permit is issued for three years.

Can self-employed key workers take-up an employed occupation?

In order to take up an employed occupation self-employed key workers can switch (“Zweckwechsel”) to a Red-White-Red Card for very highly qualified workers, other key workers or skilled workers in shortage professions; in this case, the respective number of required points must be achieved and the applicant must prove a legally binding offer of employment.