

Studying & Working in Austria



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Working while studying

Whether or not you as an international student or graduate of an Austrian university need a permit to work depends on your nationality. Here, too, different regulations apply.

Students from EU/EEA countries and Switzerland

As stipulated by the principle of free movement of workers, citizens of an EEA member country or Switzerland have the right to live and work in Austria without a residence or work permit. In order to document their right of residence, they merely need to apply for a "registration certificate" with the competent immigration authorities. This also applies to relatives such as spouses, children, stepchildren and adoptive children, if they are citizens of an EU/EEA member state. For EU citizens from Croatia, different terms apply.

citizens can only be granted free access to the labour market after one year of continued employment in Austria. However, you need to have this confirmed by the AMS.

Transitional arrangements for Croatian citizens will apply no longer than until 30 June 2020 – this is the latest point in time at which Croatian citizens are granted the same status as all other EU citizens and will no longer require a work permit. Until then, however, the same criteria for being granted a work permit apply as for students from third countries (see next subitem).

Students from third countries

During the studies

If you are a citizen of neither an EEA state nor Switzerland, but have the "Residence Permit Students" in Austria and want to work, you are subject to the so-called Employment of Foreign Nationals Act ("Ausländerbeschäftigungsgesetz"). Broadly speaking, it allows you employment to a limited extent – either dependent or self-employed. On a more detailed level, the following provisions apply:

Exceptions for students from Croatia

Since Croatia joined the EU in 2013, Croatian citizens in Austria are subject to so-called transitional arrangements which regulate their access to the Austrian labour market. So if you would like to take up employment in Austria, you will, for the time being, need a work permit. Your employer must apply for this permit on your behalf with the public employment service (AMS), and such a permit is only valid for this employer or this job position. Such a permit is even required for minor employment. Croatian

Dependent employment

For any type of dependent employment (including minor employment), you will need a work permit. Your employer must apply for this permit on your behalf with the public employment service (AMS), and such a permit is only valid for this employer or this job position. Students from third countries may already gain practical experience during their studies and receive a work permit without labour market examination for the following number of hours:

- During the first stage of diploma studies or during Bachelor's studies up to 10 hours per week
- From the second stage of diploma studies onwards or during Master's/doctorate studies up to 20 hours per week

Labour market examination

During the labour market examination it is verified that no other suitable employee on the Austrian labour market is available for the desired position.

If no labour market examination is carried out, it is easier to obtain a work permit. Only if an employment of more than 10 or 20 hours per week is sought, a labour market examination is carried out. Employment may not, however, have a negative impact on the studies.

After graduating from your studies in Austria, and if an adequate job offering is available, you have the possibility of applying for a "Red-White-Red Card" for permanent residence in Austria. For the exact conditions, see the section on the "Red-White-Red Card for graduates".

22.4%

Austria's youth unemployment level is one of the lowest in the EU. The EU-27 average is at 22.4 percent.



Contracts of employment:

There are different types of employment contracts for dependent employees:

Freelance service contract:

A freelance service contract is characterized, among other things, by no or only a very slight "personal dependence" on the employer. This means that with a freelance service contract you are neither bound to certain working hours nor to a certain place of work or to employer instructions. But this also means that certain labour regulations such as minimum leave of five weeks or continued remuneration in the case of sickness do not apply to you. The freelance service contract does not bind your employer to a minimum wage rate or a collective agreement if you consider your pay to be too low. In addition to this, you have to pay taxes on your income yourself.

True contract of employment:

Among other criteria, you have a "true" contract of employment if you are required to perform your services in person and cannot choose to have a representative stand in for you. As an employee, you are subject to your employer's instructions and bound to certain working hours and a certain workplace. Certain working hours and breaks are mandatory for you. The same applies, for example, to the participation in meetings or the mandatory use of uniform working clothes. You are fully subject to labour law and are therefore entitled to holidays, continued remuneration in the case of sickness and minimum wages stipulated by collective agreements (incl. special payments). Income taxes and social security contributions will be paid on your behalf by your employer.

Without a work permit:

For the following types of employment, you do not need a work permit, but you will need a confirmation of registration:

- Voluntary service
- Professional practical training (= internship provided for within the Austrian educational institution's curriculum)

The employer must report this employment to the public employment service (AMS) and the tax authorities at least two weeks prior to commencement of your activities and will receive a confirmation of registration, provided that all requirements are met.

You will need neither a work permit nor a confirmation of registration for the following activities:

- Scientific activities in research and teaching, in the development and the appreciation of the arts, as well as in teaching art, e.g. as teaching assistant,
- Activities carried out within EU education and research programmes (e.g. Erasmus+) or
- Activities related to mutual exchange programmes in which at least one Austrian university participates (OeAD, AIESEC, ELSA, IAESTE, FHK)

Students' family members who are citizens of third countries (with a "Residence Permit Family Community") are not allowed to pursue gainful employment in Austria.

Self-employment

Contract for work and services

Such a contract also requires no work permit. In contrast to dependent employment, this is an activity which has as a subject matter of the contract the provision of a service/result. As a self-employed contractor, you are not bound to fixed working hours or the employer's organisation. You can freely choose your place of work. As a contractor, you are also responsible for registering with the social security authorities and the payment of taxes such as value added tax and income tax.

In many cases, you need an authorisation to pursue business activities in order to work in an independent capacity. Such an authorisation is issued by the competent trade authority (the district authorities or the municipal district office). The Chambers of Commerce will advise and support you in registering a trade.

Attention!

As it is often difficult to determine whether a service contract is a freelance service contract or a contract for work and services, while it does, however, determine whether you need a work permit or not, you should under all circumstances seek further information from the Chamber of Labour, the public employment service or other counselling institutions prior to commencing your gainful occupation.

13.3%

In 2013, 13.3% of the working population in Austria were self-employed.

