

Minutes taken at the “Brexit Q&A event”

held by the British Embassy in Vienna

on Wednesday 6 February 2019, 16:00 – 18:00

at Wartingersaal in the Steiermärkischen Landesarchiv Karmeliterplatz 3, 1st floor 8010

Graz, Austria

N.B.: *The following information is subject to change and human error. No warranty is offered for content or accuracy.*

The slides used by the representatives of the Austrian government will be made accessible online soon.

Plans for a no-deal Brexit

No-deal Brexit and right of residence

In case of a no-deal Brexit, the rights of residence of UK nationals in Austria end and any corresponding documents have to be returned to the Austrian government.

The Austrian government assumes that most UK nationals in Austria will be granted a right of residence due to circumstances such as a second EU nationality next to the British one.

For those UK nationals to whom such circumstances do not apply, special regulations are going to apply. These UK nationals need to fulfil the requirements for a right of residence before 29 March 2019 & need to apply for a new kind of residence permit: ‚Rot-Weiß-Rot-Karte plus‘ or ‚Daueraufenthalt EU‘

‚Rot-Weiß-Rot-Karte plus‘

- valid for a year after issuance, can be renewed
- entitles to reside in Austria and to access the Austrian labour market
- intended for “all people whose country is leaving the EU”
- application has to be submitted within the first six month after Brexit (i.e. 30 September 2019 at the latest)

required documents

- criminal record certificate
- proof of European right of residence

- passport
- birth certificate
- passport photo
- applicants may be asked to provide further documents upon application

costs

- application: €120,- aged six or older; €75,- children younger than six years
- granting: €20,- aged six or older; €50,- children younger than six years
- personalisation: €20,-
- these costs also have to be covered upon renewal

Daueraufenthalt EU

= permanent right of residence (right is unlimited, but the residence permit, i.e. documents proving the right of residence, has to be renewed every five years)

requirements:

- residence in Austria for a minimum period of five years
- possibly: German language requirements (has not been decided yet)
- adequate means of income (e.g. salary, pension etc.) -> has to equal minimum pension in amount
- health insurance
- accommodation

costs:

- application: €120,- aged six or older; €75,- children younger than six years
- granting: €70,- aged six or older; €100,- children younger than six years
- personalisation: €20,-

application process:

- may be filed in Austria -> Landeshauptmann or Bezirkshauptmannschaft/Magistrat
- to prove legality of stay in Austria, a confirmation of the filed application can be used

Family reunification

- the usual regulations apply

- family members are defined very narrowly

No-deal Brexit and social security

If the withdrawal agreement enters into force, the current laws will continue to be applicable until 31.12.2020.

In the case a no-deal Brexit is the outcome, national laws will apply – with some exceptions.

No-deal scenario and social security

Possible effects on social security differ depending on where UK nationals living and working in Austria are insured

(1) (self)employed in Austria & insured *in Austria*

- No change in terms of social security after Brexit
- But: European Health Insurance Card is no longer valid in UK (it is still valid in other EU countries) -> recommendation: private insurance or partial reimbursement of fees paid for treatments in UK by Austria in accordance with the Wahlarzttarife
- But: family members residing in the UK lose their entitlement in Austria -> will probably be covered by NHS

(2) (self)employed in Austria & insured *in the UK*

- No solution yet

Healthcare:

UK pensioners in Austria who have entitlements from the GKK and receive payments will lose these; only solution at the moment: voluntary insurance in Austria (it is recommended that affected people apply soon if there is a no-deal Brexit).

Aggregation of periods of insurance completed in the UK: rule of aggregation will continue to apply after Brexit

Export of benefits:

- pensions are still paid by Austria if UK nationals move back to the UK
- but: other benefits may be stopped upon return to the UK: e.g. Pflegegeld (affected may be applicable for similar payments in the UK)

Exchange of information: after Brexit, there will no longer be a legal basis for the exchange of information between UK and EU member states -> insured will be asked to provide proof

Jeremy Wilmshurst:

- **Information about what the withdrawal agreement entails for UK citizens in Austria:** speech by Ambassador Turner (5 December 2018): <https://blogs.fco.gov.uk/leighturner/2018/12/05/speech-on-citizens-rights-from-british-embassy-outreach-events/>
- **driving licence:** it is recommended that UK nationals exchange their British driving license for an Austrian one before Brexit
- **passport:** it is recommended that passports which have already run for longer than nine years and six months (i.e. will expire within the next six months or earlier) are renewed before Brexit because otherwise they might not be valid after a no-deal Brexit

Questions from the audience:

Can UK citizens apply for dual citizenship in Austria? – No, dual citizenship is not permitted by Austrian law (except when acquired through birth)

Does the residence permit ‘Daueraufenthalt EU’ issued by Austrian authorities grant the right to move to another EU country? – depends on the country in question

Are the requirements for Austrian citizenship affected by Brexit? – Yes: requirements for third-country nationals apply (e.g. ten years of residence in Austria instead of six). After Brexit, a visa will be required during the process of application for Austrian citizenship.

Can you apply for the residence permit ‘Daueraufenthalt EU’ if you have resided almost five years in Austria? – Yes.

What happens if the application process for Austrian citizenship is not completed by September 30 2019? – The residence permit ‘Daueraufenthalt EU’ is needed.

Do I have to pay tuition fees for studying at university as a UK national in Austria? – Yes: the regulations for third-country nationals apply.

Useful links:

- www.help.gv.at

- <https://www.bundeskanzleramt.gv.at/brexit>
- <https://www.gov.uk/guidance/living-in-austria>
- Brexit Hotline: +43 (0) 800 222 666 (gebührenfrei aus ganz Österreich); Servicezeiten: Montag bis Freitag, 8 bis 16 Uhr (werktags); E-Mail: service@bka.gv.at