

Right of residence and leave to remain – changes due to COVID-19

8 April 2020

You applied to MA35 for an extension of your residence permit already before the measures to contain COVID-19 started, and you are now waiting for an answer. As MA 35 currently has no public office opening hours and applicants cannot come directly to the offices, the MA 35 team will contact you in writing (by e-mail or by post) to send information or let you know that you need to provide further information or documents before your application can be processed.

During the measures to contain the pandemic, you still have to meet all legal requirements (e.g. income) that apply in “normal” times.

If the application can be approved and the residence permit is granted, the competent authority will send you the official permit by registered letter with advice of delivery (“RSA-Brief”) until further notice.

In case your residence permit is about to expire and you will have to apply for an extension soon:

Currently, residence applications to the competent authority in Vienna (MA 35) cannot be submitted personally. This means you CANNOT come to the MA 35 offices now.

Therefore applications have to be sent in writing (by e-mail or by post).

Please note that, as an applicant, you still have to meet ALL deadlines and requirements defined by law.

If you are currently staying outside Austria, and cannot or must not enter the country, you still have to send the application to MA 35 in time (by e-mail or by post) to meet the official deadline.

Application forms are available on the website of the Austrian Ministry of the Interior: <https://www.bmi.gv.at/302/start.aspx>

Your residence permit is about to expire. To get an extension, you need to prove that you have passed your integration exam, e.g. at language level A2, but your scheduled exam has been cancelled. You do not know when exams will start again, and when your postponed exam will be held. What can you do?

Please still apply for the extension in good time BEFORE your residence permit expires. Send the application to MA 35 by post or by e-mail.

Submit an official request to MA 35, asking them to extend the deadline for fulfilling your integration agreement. This request must be filed in good time BEFORE the deadline has passed.

You are allowed to file your first-time application from within Austria because you are a family member of an Austrian, EEA / CH citizen.

Due to the measures to contain COVID-19, it is currently not possible to submit applications to the competent authority (MA 35) in person. This means that applicants MUST NOT COME TO THE OFFICE now.

For this reason, all applications have to be sent in writing (by e-mail or by post).

In case you have already submitted your application and your visa or visa-free period has expired by now, but you still cannot leave Austria, you may submit a follow-up application to MA 35 by mail. You do not have to use any special form for this.

Please file your follow-up application by e-mail or by post. Here is an example for the wording of a follow-up application:

„Ich beantrage, dass mir Erteilung des Aufenthaltstitels in Österreich bewilligt wird, da mir aufgrund der derzeitigen COVID-19 Pandemie die fristgerechte Ausreise aus dem Bundesgebiet nicht möglich und nicht zumutbar ist.“

(“I hereby apply for my residence permit in Austria to be granted because I cannot be reasonably expected to leave within the official deadline due to current COVID-19 pandemic.”)

You have to state all reasons why you cannot leave Austria in time before your visa or visa-free period expires. The competent authority will decide on a case-by-case basis if your residence permit can be granted, taking into account your individual situation.

Contacts and links

City of Vienna – Immigration and Citizenship

<https://www.wien.gv.at/kontakte/ma35/index.html>

Immigration unit:

<https://www.wien.gv.at/advuew/internet/AdvPrSrv.asp?Layout=stelle&Type=K&stellecd=2014121011582596&STELLE=Y>

Inquiries:

anliegen@ma35.wien.gv.at

014000 35021

**Information by the Austrian Federal Ministry of the Interior
on right of residence and leave to remain during the measures to
contain COVID-19**

<https://www.bmi.gv.at/302/start.aspx>

FAQ on the administrative process to apply for a residence permit
during the measures to contain COVID-19

**Information by the Austrian Federal Ministry of Europe, Integration
and Foreign Affairs**

For people who are staying in Austria as a tourist or visitor and cannot
leave the country due to measures to contain COVID-19

<https://www.bmeia.gv.at/reise-aufenthalt/einreise-und-aufenthalt-in-oesterreich/einreise-und-aufenthalt/>



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