



Global Immigration alert

December 2024

Austria

Authorities stop accepting new work permit applications from cross-border commuters

Executive summary

Austria's labor authorities recently stopped accepting new work permit applications from cross-border commuters until further notice.

Background

Third-country nationals who reside in an EU Member State and travel for work to another Member State daily, or at least once a week, are considered cross-border commuters under EU law. Cross-border commuters who work in Austria are required to obtain a work permit from the Austrian labor authorities.

Key developments

Austria's Ministry of Labor and Economic Affairs issued guidance to the labor authorities instructing them to stop accepting new work permit applications filed by cross-border commuters effective 4 December 2024. This measure was announced after several cross-border commuters who held work permits were found to be residing in Austria unlawfully. Work permits do not authorize cross-border commuters to reside in Austria.

The authorities are continuing to accept extension applications filed by cross-border commuters. However, these applications will not be approved until further notice. In the interim, individuals who file extension applications before the expiry of their existing permit will be able to continue working in Austria until the authorities make a decision regarding their application.

The government has submitted a proposal to parliament to mitigate instances of unlawful residence of cross-border commuters. Among other changes, the proposal recommends issuing special permits to cross-border commuters that will allow them to reside in Austria. Currently, these individuals can stay in Austria for up to 90 days only.

Impact on employers

Individuals who are found to be non-compliant with the terms of their work permits will be subject to penalties. Companies may inform employees of potential delays in the processing of new work permit applications and ensure they remain compliant with local immigration rules.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals in Austria.



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