

Guideline



Medizinische Universität Graz

**for the Residence and Employment of PhD Students
from Abroad**

Version: October 2012

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1. Foreword

The residence permit for PhD students is generally tied to the duration of the PhD employment contract. Such contracts are generally concluded for a period of three years. After the employment contract expires, the residence permit is also no longer valid. This brochure is intended to provide an overview of the different situations for the expiration of a PhD employment contract, and to assist in the necessary steps to be taken beforehand.

2. Completion of the PhD Degree Program before Expiration of the PhD Employment Contract

Should the student complete the PhD degree program before or at the time the PhD employment contract expires, in other words within three years, an extension of the residence permit is not necessary. The student must simply complete the final exam and leave the country before the residence permit expires.

3. Completion of the PhD Degree Program after Expiration of the PhD Employment Contract

Should the date for completion of the PhD degree program be after the expiration date of the PhD employment contract, there are a number of points for the extension of the residence permit that must be observed.

1. The supervisor is to be notified no later than six months before the end of the contract.
2. The application for an extension of the residence permit must be submitted in a timely fashion to the municipal authorities of the City of Graz (Department 7 c) BEFORE the PhD employment contract expires (but no earlier than three months before the expiration date). Residence permits are extended for a maximum of one year per extension.
3. Three (or four) criteria must be met for the extension of the residence permit:
 - a) **Secure income** (status January 2012)
 - for singles: € 814.82 per month
 - for married couples: € 1,221.68 per month
 - for each child: an additional € 125.72 per month
 - b) **Health insurance**
 - During their stay in Austria, non-Austrians must have a health insurance which covers “all risks” and is also obligated to pay benefits in Austria.

c) Accommodation

Already when applying for a residence permit, non-Austrians must provide proof of accommodation suitable for a comparably sized Austrian family (e.g. presentation of a rental agreement).

d) Enrollment confirmation if required

It is to be noted at this point that the supervisor shall be responsible for supporting and advising the student in any questions related to the research project or the degree program. If required, this shall also include assistance in any issues concerning the residence permit and timely action in taking the necessary steps for a legal residence in Austria.

There are numerous options for bridging the time between expiration of the employment contract and completion of the degree program that should be discussed with regard to fulfillment of the above-mentioned criteria for the extension of the residence permit. Please note that the option chosen has an impact on the extent of the student's employment and the conditions for the residence permit.

IMPORTANT NOTE: Under no exception will the University issue hosting agreements or guest scientist agreements to PhD students who apply for unemployment benefits after expiration of the employment contract and/or who are marginally employed.

The following options are possible:

- Continued employment (except marginal employment)
- Marginal employment
- No employment

3.1st Continued Employment (except marginal employment)

An extension of the residence permit for "Special Cases of Paid Employment" generally require proof of income of at least € 814.82 per month plus running costs (such as accommodation, etc.) minus an amount of € 260.35 (for more family members see page 3). The level of employment should be 75% if possible. In justified cases this can be increased or reduced and should correspond to the actual amount of work.

Unemployment benefits: The student is not entitled to unemployment benefits.

Residence permit: Apply for an extension for "Special Cases of Paid Employment" in a timely fashion before expiration of the PhD employment contract and include the new contract and remuneration statement.

3.2nd Marginal Employment

Students can pursue marginal employment after expiration of the PhD employment contract.

Employees whose monthly earnings do not exceed the current amount of € 376.26 (for 2012) are considered marginally employed.

The same labor laws, with the exception of the provisions for termination, apply to marginally employed employees as to all other employees. Thus, marginally employed employees are also entitled for example to the same minimum wage as stipulated in the collective agreement, vacation time, sick leave and severance pay under the same conditions as all other employees.

In terms of labor law, marginal employment is a form of part-time employment. The extent of the employment must therefore be significantly lower than the amount of 75% (equivalent to a 30 hour work week) usual until this time:

Payment until this time: € 1,843.72 (gross) per month for 30 hours per week

Hourly rate based on this: € 14.18 (gross)

Maximum amount of work per month: 26.4 hours

Marginally employed employees have accident insurance, but no social or unemployment insurance. It is possible to pay for a voluntary self-insurance for € 53.10 per month.

Unemployment benefits: There is a right to unemployment benefits during 20 weeks (equivalent to approximately five months) provided there is a break in the employment of one month, if the employment relationship continues with the same employer (in this case the MUG). This means that the student must be reported as no longer being employed within a period of one month, otherwise they will lose their entitlement to unemployment benefits.

The date for cancellation of employment is the labor law-related termination of employment, the actual expiration date of the PhD-contract. Not relevant is the termination of social insurance and related compensation for unused holidays (e.g. expenses for previous year's vacation).

Example: the contract of a PhD-student expires on September 30th, 20XX and he has unused holidays of 12 days at that time.

Labor law-related termination: September 30th, 20XX

Termination of social insurance: October 12th, 20XX

The student has to be cancelled as employee from October 1st, 20XX through October 31st, 20XX.

The unemployment benefits are calculated based on the gross salary of the previous year (if applying for unemployment in the second half of the year) or the gross salary of the year before the previous year (if applying for unemployment in the first half of the year). The amount is approximately 50-55% of the gross salary.

Residence permit: ~~Application for an extension of up to five months as a “Special Case of Paid Employment” OR~~ a change of resident status to “Student” with proof of a secure income of € 814.82 per month (for more family members, see page 3) provided through:

- a) Remuneration from marginal employment plus unemployment benefits (if necessary, also plus own financial resources for the duration of stay in advance).

- b) Remuneration from marginal employment plus proof of own financial resources for the duration of stay in advance if there is no entitlement to unemployment benefits or it is not used.

3.3rd No Further Employment

The student is not obligated to pursue further employment. In this case, an application for a change of residence status to "Student" should be submitted.

Unemployment benefits: There is a right to unemployment benefits during a maximum of 20 weeks (equivalent to approximately five months).

Residence permit: Proof of a secure income (see page 3) in the amount of € 814.82 per month is provided through:

- a) Unemployment benefits plus own financial resources for the duration of stay in advance.
- b) Own financial resources for the duration of stay in advance.

It is recommended to additionally consult the AMS or the municipal authorities of Graz for advice for the student's individual situation!