



MA 35 –
Einwanderung,
Staatsbürgerschaft,
Standesamt

Information by Municipal Department 35

Fact sheet – fast facts

Ascertaining the citizenship status

Definition

When we ascertain a citizenship status we carry out declaratory proceedings to find out if a person has obtained Austrian citizenship and still holds it today. We recommend declaratory proceedings particularly for children and grandchildren of Austrian citizens and for women who married an Austrian citizen before 1 July 1966.

Obtaining citizenship by descent or marriage

Descent and marriage are usually the main reasons for obtaining Austrian citizenship.

The following regulation is applicable for obtaining citizenship by descent: Legitimate children automatically obtain Austrian citizenship when they are born to Austrian citizen fathers. Illegitimate children are automatically Austrian citizens when they are born to Austrian citizen mothers. Since 1 September 1983 legitimate children are also automatically Austrian citizens when they are born to Austrian citizen mothers.

Until 30 June 1966 women automatically obtained Austrian citizenship when they married an Austrian citizen.

If you obtain Austrian citizenship by descent or marriage it is irrelevant if you were born or got married in Austria or abroad. You do not need to have a residence in Austria to apply for declaratory proceedings. There is no time limit for ascertaining a citizenship status. The competent authority can ascertain your citizenship status at any time.

Possible reasons for loss of Austrian citizenship

Obtaining a foreign nationality or voluntarily serving in foreign defence services has always resulted in a loss of Austrian citizenship. Until 30 June 1966 women lost their Austrian citizenship when they married a foreign citizen and automatically obtained his nationality by marriage. Until 30 June 1966 you also lost your Austrian citizenship by voluntarily entering the civil service of a foreign country. You automatically lose your Austrian citizenship for any of the above reasons even if the competent Austrian authority finds out about such a loss at a later date.

Obtaining a foreign nationality voluntarily, by application or by any other type of declaration results in the loss of Austrian citizenship. However, if you automatically obtain a foreign nationality you will not lose your Austrian citizenship. The competent Austrian authorities also verify if the person who obtained a foreign nationality was in any kind of emergency at the time of applying for the foreign nationality. In this context we also consider the difficult circumstances of persons who were forced to emigrate by the Nazi regime. Obtaining Israeli citizenship under the Law of Return, i.e. by immigrating to Israel, does usually not result in a loss of Austrian citizenship.

Voluntarily entering the military service of a country fighting against Nazi Germany in the Second World War did not result in a loss of Austrian citizenship. If you have to serve the compulsory military service in a foreign country this does not result in a loss of Austrian citizenship. However, it is a reason for loss of Austrian citizenship if you voluntarily extend your military service in a foreign country after having completed the compulsory service. It still results in a loss of Austrian citizenship if you voluntarily extend your military service because the military supports your professional training (as is sometimes the case in Israel, for example).



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Necessary supporting documents

- written CV including the addresses of all residences, personal details (marriages and children), professions, all military services, details about foreign citizenships that were obtained (of Austrian parents and grandparents and of all legal successors (children, grandchildren, wife) whose citizenship status we are to ascertain)
- birth certificates and marriage certificates (of Austrian parents and grandparents and legal successors (see above); copies)
- naturalisation certificate or other documents proving that you obtained another nationality (copies)
- certificate of your current citizenship(s) (copy of your passport)
- for Israeli citizens: document confirming the date of and legal basis for obtaining Israeli citizenship (issued by the Israeli Ministry of the Interior)
- for Israeli citizens: document confirming all services in the Israeli Defence Forces (issued by the Israeli Defence Forces)
- documents proving that you used to hold Austrian citizenship (copies of old Austrian passports, certificates of right of residence (“Heimatschein”), residence registration certificates, etc.)

If any of the necessary supporting documents were issued in a language other than German or English please have them translated into German by a professional translator. Some Austrian diplomatic representations may make translations if requested.

Competent authority

Please note that the Office of the Vienna Provincial Government, Municipal Department 35, is responsible for ascertaining your citizenship status provided you live abroad and were born in Vienna or abroad. If you live abroad and were born in a federal province of Austria other than Vienna, the federal province you were born in is responsible for ascertaining your citizenship status (e.g. if you were born in Lower Austria, please contact the Office of the Provincial Government of Lower Austria (“Amt der Niederösterreichischen Landesregierung”). If you have your primary residence in Austria please contact the Office of the Provincial Government of the federal province you live in.

Contacts

- **Helmut Alteneichinger, ph: (+43 1) 4000 35114, letters A - G**
- **Emma Lasselsberger, ph: (+43 1) 4000 35115, letters H - P**
- **Erwin Wendling, ph: (+43 1) 4000 35116, letters Q- Z**

Please phone us if you have any further questions or to make an appointment.

Erwin Wendling, MA 35



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Regaining Austrian Citizenship (acc. to Art. 58c of the Citizenship Act)

Eligible persons

Persons who had to leave Austria before 9 May 1945 because they were persecuted by the Nazi regime, or were under threat of persecution by the Nazi regime, or were persecuted because they defended the democratic Republic of Austria **can be granted Austrian citizenship** provided they were Austrian nationals at the time of their leaving (acc. to Art. 58c of the Austrian Citizenship Act).

Please note that you have to fill in a form to apply for Austrian citizenship. The form (“Anzeige”) is available from Municipal Department 35, A-1200 Vienna, Dresdnerstraße 93, and from Austrian diplomatic representations abroad.

Processing your application

If you are eligible and want to regain Austrian citizenship please contact the Austrian diplomatic representation (embassy or consulate general) if you live abroad or the Office of the Vienna Provincial Parliament (“Amt der Wiener Landesregierung”). Please complete the form “Anzeige gemäß § 58c StbG”, **sign** it personally, and submit it to the Austrian diplomatic representation abroad or send it to the Office of the Vienna Provincial Parliament.

Necessary supporting documents (*if available*)

- birth certificate (copy)
- all marriage certificates (copy)
- documents regarding a possible change of name (copies)
- naturalisation certificate or other documents proving that you obtained another nationality (copies)
- certificate of your current citizenship(s) (copy of your passport)
- documents proving that you used to hold Austrian citizenship (copies of old Austrian passports, certificates of right of residence (“Heimatschein”), residence registration certificates, etc.)
- current police clearance certificate of the country where you live (if you live abroad)

Please note that we need this document due to the good character requirements that are applicable if you want to regain Austrian citizenship.

Documents issued in a foreign language

If any of the necessary supporting documents were issued in a language other than German or English please have them translated into German by a professional translator. Some Austrian diplomatic representations may make translations if requested.



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You do not need to give up your present nationality to become an Austrian citizen.

Please note that some countries will not let you have two nationalities which means that you automatically lose your other nationality if you obtain Austrian citizenship.

Stateless persons or citizens of one of the successor states of the Austro-Hungarian Empire

Persons who had to leave Austria before 9 May 1945 because they were persecuted by the Nazi regime but were not Austrian citizens at the time because they were stateless or citizens of one of the successor states of the Austro-Hungarian Empire (e.g. citizens of Poland or Czechoslovakia) can be granted Austrian citizenship (acc. to Art. 10 (4) (2) of the Austrian Citizenship Act).

Children, grandchildren, wives

Children or grandchildren of persons who have regained or are eligible to regain Austrian citizenship should apply for declaratory proceedings to ascertain their citizenship status. The same regulation is applicable for **wives** who married before 1 July 1966.

Competent authority

Please note that the Office of the Vienna Provincial Government, Municipal Department 35, is responsible for your citizenship application provided you live abroad and were born in Vienna or abroad.

If you live abroad and were born in a federal province of Austria other than Vienna, the federal province you were born in is responsible for your application (e.g. if you were born in Lower Austria, please contact the Office of the Provincial Government of Lower Austria (“Amt der Niederösterreichischen Landesregierung”). If you have your primary residence in Austria please contact the Office of the Provincial Government of the federal province you live in.

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Obtaining Austrian Citizenship

Prerequisites

One of the standard prerequisites to obtain Austrian citizenship is that you have had your primary residence in Austria for several years.

Eligible persons

This is **not** a prerequisite for persons who had to leave Austria before 9 May 1945 because they were persecuted by the Nazi regime or were under the threat of persecution by the Nazi regime, or were persecuted because they defended the democratic Republic of Austria, or were stateless, or were citizens of one of the successor states of the Austro-Hungarian Empire (acc. to Art. 10 (1) (2) of the 1985 Citizenship Act in its current version).

Poland, Czechoslovakia and Hungary, for example, were such successor states. You do not have to give up your present citizenship but you will have to meet standard prerequisites such as the good character requirements and prove sufficient means of subsistence.

Persons who were Austrian citizens for an uninterrupted period of at least ten (10) years and lost Austrian citizenship automatically, e.g. by becoming a national of another country, can regain Austrian citizenship provided they have a residence in Austria (acc. to Art. 10 (4) (1) of the 1985 Citizenship Act in its current version). If it is legally feasible and depending on the circumstances you will have to give up the other nationality. In any case, you will have to meet the general requirements.

Necessary supporting documents

- CV and photo
- birth certificate
- marriage certificate(s)
- if you were married before: documents proving the dissolution of marriage such as a divorce decree or a death certificate
- copy of your passport
- residence registration certificate documenting your primary residence
- copy of your current certificate of citizenship
- police clearance certificates from each of the countries where you lived for more than six (6) months in the past 20 years
- proof of income for the last three (3) years

Contact

Ms Marion Dworzack

A-K

Tel.: +43 1 4000 35113/ Fax: +43 1 4000 99 35110/ marion.dworzack@wien.gv.at

Ms Alexandra Weninger-Groschner

L-Z

Tel.: +43 1 4000 35117/ Fax: +43 1 4000 99 35110/ a.weninger-groschner@wien.gv.at

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