



ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN AUSTRIA OVERVIEW

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INTRODUCTION

This document provides an indicative overview of the organisation of the state migration and asylum system in *Austria*, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for (international) protection. It is based on the information provided by Austria in *September 2025*.



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

The Federal Ministry of the Interior is the institution responsible for migration and asylum policy. The Federal Office for Immigration and Asylum is directly subordinate to the Federal Ministry of the Interior and is, *inter alia*, the first instance in asylum and aliens law procedures.

The Federal Ministry for European and International Affairs is responsible for external aspects of migration issues, for development cooperation and humanitarian aid, for processing and issuing visas, for receiving applications for residence permits abroad as well as the family reunification procedure. The provinces' settlement and residence authorities conduct the procedures and issue residence permits. The Federal Ministry of the Interior acts as the relevant higher authority in the field of settlement and residence.

In the Federal Chancellery, the Federal Minister for Integration coordinates the general integration policy and implements the Integration Act. The Austrian Integration Fund, as a fund of the Republic of Austria, is an important partner in the implementation of integration measures (e.g. German, values and orientation courses).

The Federal Ministry of Labour, Social Affairs, Health, Care and Consumer Protection is responsible, among other things, for matters including labour market policy and thus for employment policies applying to foreign nationals. The Public Employment Service has the task of enforcing the Act Governing the Employment of Foreign Nationals. Various bodies are responsible for the recognition of qualifications acquired abroad, including the Federal Ministry for Women, Science and Research for higher education qualifications, the Federal Ministry for Economic Affairs, Energy and Tourism for vocational training qualifications, the Federal Ministry of Education for school qualifications and the Federal Ministry of Labour, Social Affairs, Health, Care and Consumer Protection for health care professions.

THE LEGAL SYSTEM

The central pieces of legislation governing migration and asylum are: the Asylum Act 2005, the Aliens Police Act 2005, the Settlement and Residence Act, the Citizenship Act 1985, the Act Governing the Employment of Foreign Nationals, the Recognition and Assessment Act, the Integration Act and the acts on basic care at federal and provincial levels. Provisions of law applying to the criminal offence of trafficking in human beings are contained in the Criminal Code. Furthermore, the migration and asylum system is influenced by regulations and directives at EU level.

An appeal against a decision of an administrative authority may be lodged with an independent administrative court. Under certain conditions, a further appeal against the decision of an administrative court may be lodged with the Supreme Administrative Court or the Constitutional Court.



INSTITUTIONAL CHART

Refer to annex.

Austria

Institutional chart of the asylum and migration system*

Federal Level

Federal Chancellery Federal Minister for Europe, Integration and Family

www.bundeskanzleramt.gv.at

Integration

- Social integration, communal life of persons with and without migratory background
- Prevention of extremism and segregation
- Coordination of the general integration policy
- National Action Plan for Integration
- Implementation of the Integration Law
- Support of councils and expert groups
- Funding in the field of integration, including funds and projects
- Promotion of scientific research

Austrian Integration Fund www.integrationsfonds.at

Support for migrants and (especially) refugees during the integration process

- Integration tests
- Value and orientation courses
- German courses
- Orientation counselling
- Integration Service
- Certification of course providers
- Operation of the recognition portal

Provincial Level

Provincial governments

- Provision of basic care (provincial level)
- Granting of citizenship

Federal Ministry of the Interior

www.bmi.gv.at

Migration

- EU and international affairs
- Joint Coordination Platform (JCP)
- Migration grants
- National migration strategy
- Joint Operational Office (JOO) -Combating smuggling and human trafficking
- Residence, visa matters and citizenship
- Integrated border management
- Aliens police
- Asylum affairs
- Return, reintegration and quality development
- Basic Care Programme
- **Ukraine Refugee Coordination** Unit

Federal Agency for Reception and Support Services (BBU GmbH)

www.bbu.gv.at

i.a. Basic care, legal and return counselling

- Provision of basic care to foreigners in need of assistance and protection (federal level)
- Legal assistance and representation
- Return counselling and repatriation assistance
- Human rights monitoring
- Interpretation and translation services

Settlement and residence authorities (provincial level)

- Settlement and residence procedures
- Granting of residence titles

Federal Ministry for European and **International Affairs**

www.bmeia.gv.at

Foreign Affairs

- Visa procedures
- External aspects of migration
- Coordination of the fight against human trafficking
- Cooperation with UNHCR
- Development cooperation and humanitarian aid
- Provision of the budget of the Austrian Development Agency (ADA) www.entwicklung.at

Austrian representation authorities abroad

- First instance visa authority
- All visa procedures outside Austria
- Processing of residence applications and settlement permits
- Family reunification procedures according to Art. 35 Asylum Act

Dublin procedures

Voluntary return

Issuing of documents

Execution of removal measures

Federal Office for Immigration and Asylum

www.bfa.gv.at

Asylum and aliens issues

First instance asylum and aliens law proceedings

Residence permits for exceptional circumstances

Administration/execution of the Federal Basic Care Act

Detention pending removal and alternatives to detention

Federal Ministry of Labour, Social Affairs, Health, Care and **Consumer Protection**

www.sozialministerium.gv.at

Employment of foreign nationals

- Quotas for seasonal employment permits
- Definition of exemptions from the Act Governing the Employment of Foreign Nationals
- Rules governing labour market access for third-country nationals



Public Employment service

www.ams.at

Labour market

- Enforcement of the Act Governing the Employment of **Foreign Nationals**
- Issuing of employment permits
- Labour market test (seasonal quotas)

Federal Ministry of Economy, **Energy and Tourism**

www.bmwet.gv.at

Recognition and evaluation

Equivalence of foreign certificates with Austrian final apprenticeship examination

Federal Ministry of Education

www.bmb.gv.at

Recognition and evaluation

- Nostrification of foreign school and school-leaving certificates
- Evaluation of foreign diplomas

Federal Ministry for Women, Science and Research

www.bmfwf.gv.at

Recognition and evaluation

- Evaluation of foreign university diplomas (ENIC NARIC AUSTRIA within Austria's Agency for Education and Internationalisation)
- Determining the equivalence of degrees

Courts

Federal Administrative Court

www.bvwg.gv.at

Complaints against decisions by federal authorities

Provincial Administrative Court

Primarily complaints against decisions by provincial authorities

Supreme Administrative Court

www.vwgh.gv.at

Instance for extraordinary legal remedies

Constitutional Court

www.vfgh.gv.at

 Instance for extraordinary legal remedies

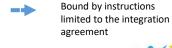
Control over:

- Public Employment Service
- Federal Office for Immigration and Asylum
- Austrian representation authorities abroad
- Non-central authorities

Legend:

Bound by instructions









Other relationship

* This institutional chart provides an indicative overview of the state migration and asylum system in Austria as of September 2025.