

EMN Study

Family reunification of third-country nationals in Austria under the Asylum Act and the Settlement and Residence Act

SUMMARY

Family reunification has been one of the main routes of regular migration to the European Union for decades. According to Eurostat, almost 930,000 first residence permits were issued for family reasons in the European Union in 2022 (around 25 per cent of the total number of first residence permits issued in 2022), of which just over 600,000 first residence permits were issued to family members of third-country nationals.

As in other European countries, the right to a family and respect for family life is also in Austria a human right protected by binding agreements. The specific regulations on family reunification in Austria differ fundamentally depending on whether family reunification takes place in the context of migration under the Settlement and Residence Act or in the context of international protection under the Asylum Act 2005. This means that there are two systems of family reunification in Austria. Family reunification is based on two distinct legal bases depending on whether reunification takes place under the Settlement and Residence Act or in the context of international protection. This division results in extremely complex regulations concerning the requirements for family reunification, the procedural provisions (e.g. competent authorities, costs) and the category of residence permit or protection status. Furthermore, there are also different regulations within these systems. The Asylum Act differs significantly between family reunification of beneficiaries of subsidiary protection and of persons granted asylum. For example, there is a waiting period of three years for beneficiaries of subsidiary protection status. However, this three-year period can lead to the loss of the possibility of family reunification if the person has reached the age of majority in the meantime.

Since 2022, a total of 45,551 persons have come to Austria within the framework of family reunification under the Asylum Act and the Settlement and Residence Act. The adjacent table of the number of residence permits or protection statuses granted for family reunification between 2022 and 2024 clearly

	2022		2023		2024	
	absolute	relative	absolute	relative	absolute	relative
Family reunification under the Settlement and Residence Act	7 061	66%	9 070	55%	9 018	49%
Family reunification under the Asylum Act	3 597	34%	7 459	45%	9 346	51%
Total	10 658	100%	16 529	100%	18 364	100%

shows that family reunification under the Asylum Act is of secondary importance compared to family reunification under the Settlement and Residence Act in the years 2022 and 2023 – accounting for 34 per cent in 2022, 45 per cent in 2023. Only in 2024, family reunification under the Asylum Act exhibited a slightly larger share (51 %) than family reunification under the Settlement and Residence Act. As the figure below on the number of positive decisions on family reunification under the Settlement and Residence Act between 2017 and 2024 shows, predominantly women and girls joined men already residing in Austria in the context of family reunification – a trend that is also evident in family reunification under the Asylum Act 2005. In light of this fact this study also applies a gender-specific perspective on the issue of family reunification. Language acquisition, labour market integration and autonomous participation in social life are important factors when it comes to preventing situations of dependency after family reunification took place.

The legal regulations on family reunification were amended several times during the period studied (January 2017 until March 2025). There were also changes in practice, particularly with regard to family reunification under the Asylum Act – for example in 2024, there were a number of changes aimed at limiting family reunification by carrying out stricter document checks and more frequent DNA analyses to determine family relationships.

As a result of the fall of the Syrian regime in December 2024, ongoing family reunification procedures for Syrians in Austria were put on hold and procedures to withdraw the asylum status of Syrians already granted protection in Austria were initiated, which is opposed to family reunification. The most recent development is the amendment to the Asylum Act 2005 in spring 2025, creating the possibility to suspend the authority's obligation to make a decision in asylum proceedings for the period of validity of the regulation by means of a regulation in the event of a threat to public order and internal security. While it is still possible to submit an application, the period for which the regulation is valid is not included in the authority's six-month decision period. An exception exists if a decision on the application within six months is mandatory under Art. 8 ECHR.

The current system of family reunification poses various challenges for sponsors and family members as well as the competent (representation) authorities, which are described in more detail in the study. The sharp increase in the number of applications for family reunification with which the Austrian representation authorities are confronted represents one challenge. Moreover, communication with applicants can be difficult as interpreters are not available for every (regional) language.

The study also identifies good practices. It should be noted, for example, that applications for family reunification are no longer sent by post by the Austrian representation authorities to the competent domestic authorities, but are transmitted electronically. The digital submission of applications for family reunification under the Settlement and Residence Act was also cited as a positive example by experts interviewed for this study.

Eventually, the study also presents potential solutions to meet the identified challenges. For example, to reduce the overload of Austrian representation authorities, it was suggested, that they – for instance in the context of the application process (e.g. when conducting interviews or verifying identity) – could be supported by other representation authorities or actors (such as international organizations).

