

# ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN AUSTRIA OVERVIEW

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## INTRODUCTION

This document provides an overview of how asylum and migration policies are organised 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 **January 2022**.



## OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

### THE INSTITUTIONAL CONTEXT

The Federal Ministry of the Interior is the institution mainly responsible for migration and asylum policy. As an agency under this ministry, the Federal Office for Immigration and Asylum is the authority in the first instance in asylum procedures and other procedures relating to migration.

The Federal Ministry for Europe and International Affairs is responsible for external aspects of migration issues, for processing and issuing visas as well as for receiving applications for residence and settlement permits. Residence permits are issued by the residence authorities. The Federal Minister for Women, Family, Integration and Media at the Federal Chancellery coordinates the general integration policy. The Austrian Integration Fund serves as a fund of the Republic of Austria in the area of migration and integration.

The Federal Ministry of Labour is responsible 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.

### 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 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.

Any decision issued by an administrative authority can be appealed by lodging a complaint with an independent administrative court. Appeals against rulings by an administrative court can be brought before the Supreme Administrative Court and under certain conditions before the Constitutional Court.



## INSTITUTIONAL CHART

Refer to annex.

# Austria

## Institutional Framework for Migration and Asylum\*

FEDERAL LEVEL

### Federal Minister for Women, Family, Integration and Media at the Federal Chancellery [www.bundeskanzleramt.gv.at](http://www.bundeskanzleramt.gv.at)

[www.bundeskanzleramt.gv.at](http://www.bundeskanzleramt.gv.at)

#### Integration

- Social integration, communal life of persons with/without migratory background
- Coordination of the general integration policy
- National Action Plan for Integration
- Implementation of Integration Act
- Councils and expert groups regarding matters of integration
- Funding in the field of integration including foundations and trust funds

### Federal Ministry for European and International Affairs [www.bmeia.gv.at](http://www.bmeia.gv.at)

[www.bmeia.gv.at](http://www.bmeia.gv.at)

#### Foreign Affairs

- Visa, residence and settlement procedures
- Red-White-Red Card
- Trafficking in human beings

### Federal Ministry of the Interior [www.bmi.gv.at](http://www.bmi.gv.at)

[www.bmi.gv.at](http://www.bmi.gv.at)

#### Aliens Issues

- Residence and citizenship
- National and international migration strategy
- Border management
- Aliens Police
- Asylum Affairs
- Return and Reintegration
- Basic care

### Federal Ministry of Labour [www.bma.gv.at](http://www.bma.gv.at)

[www.bma.gv.at](http://www.bma.gv.at)

#### Employment of foreign nationals

- Contingents for seasonal employment permits
- Definition of the exemptions from the Act Governing the Employment of Foreign Nationals
- Rules governing labour market access for certain groups

### Courts

#### Legal remedies

#### Federal Administrative Court [www.bvwwg.gv.at](http://www.bvwwg.gv.at)

- Complaints against decisions by federal authorities

#### Provincial administrative courts

- Primarily complaints against decisions by provincial authorities

#### Supreme Administrative Court [www.vwgh.gv.at](http://www.vwgh.gv.at)

- Instance for extraordinary legal remedies

#### Constitutional Court [www.vfgh.gv.at](http://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

### Austrian Integration Fund [www.integrationsfonds.at](http://www.integrationsfonds.at)

[www.integrationsfonds.at](http://www.integrationsfonds.at)

Support for migrants and recognized refugees during the integration process

- Processing of the integration agreement
- Providing of value and orientation courses
- German courses
- Orientation counselling

### Federal Agency for Care and Support (BBU GmbH) [www.bbu.gv.at](http://www.bbu.gv.at)

[www.bbu.gv.at](http://www.bbu.gv.at)

i.a. Basic care and legal counselling

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

### Austrian representation authorities abroad

#### Visas

- First instance visa authority
- All visa procedures outside Austria
- Processing of residence applications and settlement permits according to Art. 35 Asylum Act 2005

### Federal Office for Immigration and Asylum [www.bfa.gv.at](http://www.bfa.gv.at)

[www.bfa.gv.at](http://www.bfa.gv.at)

#### Settlement, asylum, aliens issues

- Dublin procedures
- Asylum procedures in the first instance
- Issuing of documents
- Administration of the Federal Basic Care Act
- Detention pending removal and alternatives to detention
- Execution of removal measures
- Voluntary return
- Residence permits for exceptional circumstances

### Public Employment Service [www.ams.at](http://www.ams.at)

[www.ams.at](http://www.ams.at)

#### Labour market

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

PROVINCIAL LEVEL

### Non-central authorities

Residence titles, citizenship, social benefits

#### Provincial governments

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

#### Residence authorities

- Granting of residence titles

#### Regional directorates of the Federal Office for Immigration and Asylum

- See Federal Office for Immigration and Asylum

#### Legend:

- Bound by instructions
- ⋯ Other relationship

\* This institutional chart provides an indicative overview of the migration and asylum system in Austria as of January 2022