

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 *May 2024*.



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 *inter alia* the authority in the first instance in asylum and aliens law procedures.

The Federal Ministry for Europe and International Affairs is responsible for external aspects of migration issues, for development cooperation and humanitarian aid, for processing and issuing visas as well as for receiving applications for residence permits. Residence permits are issued by the settlement and residence authorities. The Federal Ministry of the Interior acts as the relevant higher authority in the field of settlement and residence.

In the Federal Chancellery, the responsible Federal Minister for Integration coordinates the general integration policy. The Austrian Integration Fund, as a fund of the Republic of Austria, is an important partner in the field of implementing integration measures.

The Federal Ministry of Labour and Economy 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. Various bodies, including the Federal Ministry of Education, Science and Research, are responsible for the recognition of qualifications acquired abroad.

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 2017 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.

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.



Federal Minister for Women, Family, Integration and Media for European and International Affairs of Education, Science www.bmeia.gv.at www.bmi.gv.at www.bmaw.gv.at Social integration, communal Visa procedures EU and international affairs Quotas for seasonal Nostrification of foreign school life of persons with and employment permits and school-leaving certificates Human trafficking Joint Coordination Platform without migratory background Definition of exemptions from Evaluation of foreign diplomas (JCP) Development cooperation and Prevention of extremism and the Act Governing the humanitarian aid Evaluation of foreign university Migration grants segregation Employment of Foreign diplomas (ENIC NARIC AUSTRIA) Nationals Provision of the budget of the Coordination of the general National migration strategy Austrian Development Agency integration policy Rules governing labour market Residence, visa matters and (ADA) Determining the equivalence of access for third-country citizenship National Action Plan for www.entwicklung.at degrees nationals Integration Integrated border Equivalence of foreign management Implementation of the certificates with Austrian final Integration Act Aliens police apprenticeship examination Support of councils and expert Asylum affairs groups Return, reintegration and Funding in the field of quality development integration including related public funds Basic Care Programme Ukraine Refugee Coordination Public Employment Service Reception and Support Services (BBU GmbH) Austrian Integration Fund for Immigration and Asylum authorities abroad First instance visa authority **Dublin** procedures Enforcement of the Act Governing the Employment of Provision of basic care to All visa procedures outside Asylum procedures in the first Processing of the integration Foreign Nationals foreigners in need of assistance Austria instance agreement and protection (federal level) Issuing of employment permits Processing of residence Issuing of documents Value and orientation courses Legal assistance and applications and settlement Labour market test (seasonal Administration/execution of German courses representation permits quotas) the Federal Basic Care Act Orientation counselling Return counselling and Detention pending removal repatriation assistance Integration Service and alternatives to detention Human rights monitoring Execution of removal measures Interpretation and translation Voluntary return services Residence permits for exceptional circumstances **Provincial Level** Legend: Settlement and residence authorities (provincial level) Federal Office for Immigration and Asylum Bound by instructions Other relationship See Federal Office for Provision of basic care * This institutional chart provides Settlement and residence Immigration and Asylum (provincial level) an indicative overview of the procedures state migration and asylum Granting of citizenship Red-White-Red Card system in Austria as of May 2024 Granting of residence titles Courts Legal remedies Control over:

Federal Administrative Court www.bvwg.gv.at

 Complaints against decisions by federal authorities

Provincial Administrative

 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

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