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ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN AUSTRIA OVERVIEW

LAST UPDATED IN MAY 2024



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.

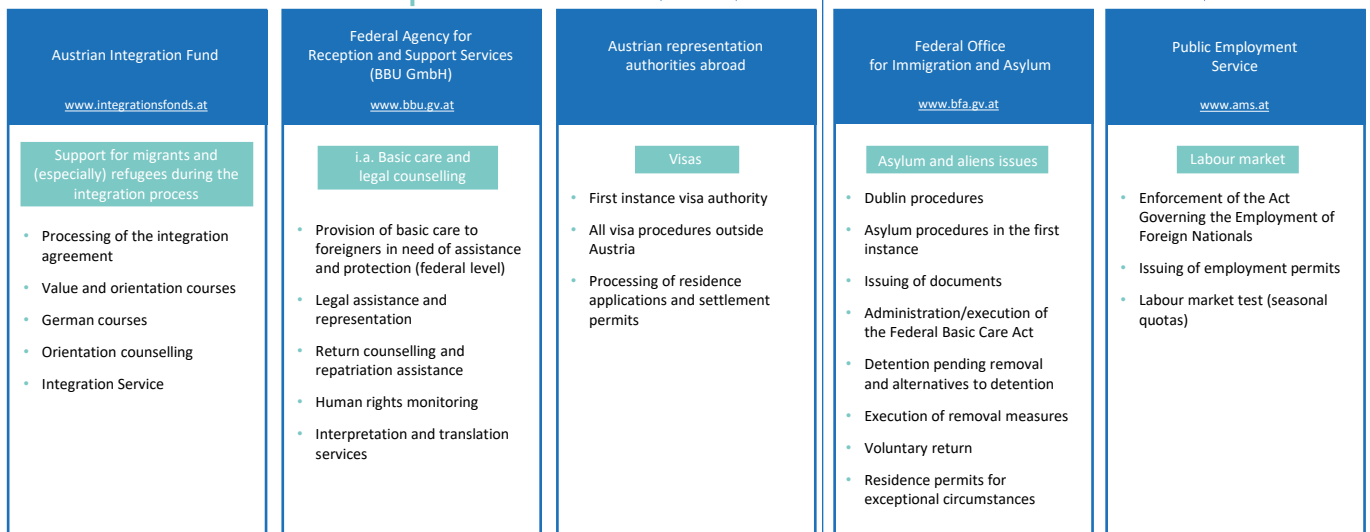
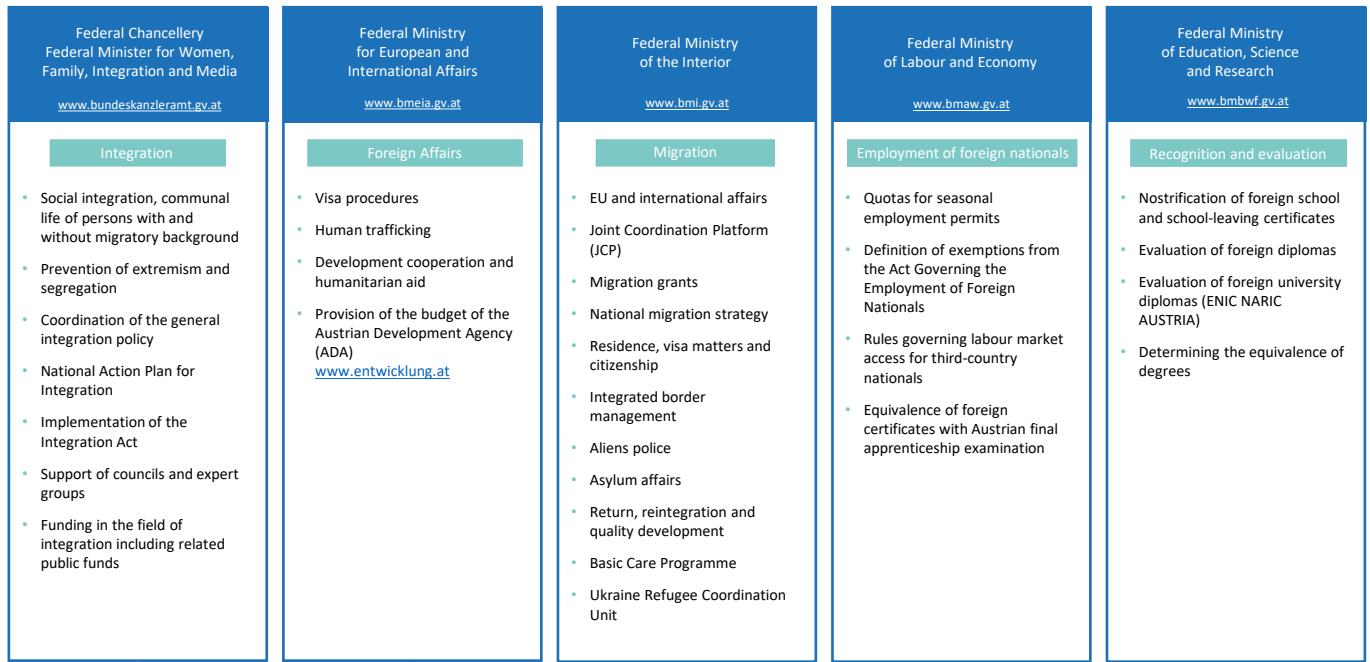
An appeal against a decision of an administrative authority may be lodged with an independent administrative court. Under certain conditions, a further appeal against the decision of an administrative court may be lodged with the Supreme Administrative Court or the Constitutional Court.



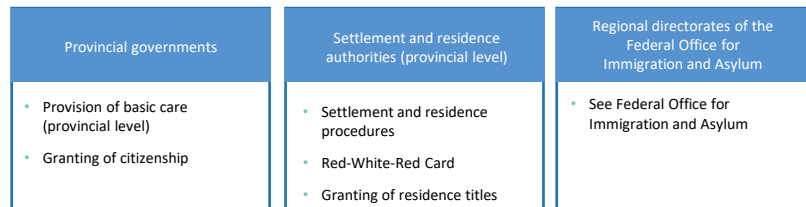
INSTITUTIONAL CHART

Refer to annex.

Federal Level



Provincial Level



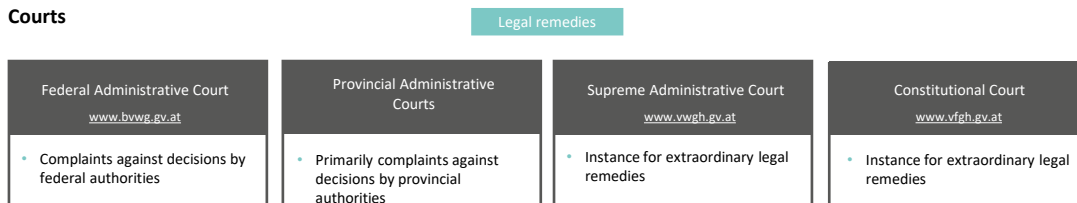
Legend:

→ Bound by instructions

- - - Other relationship

* This institutional chart provides an indicative overview of the state migration and asylum system in Austria as of May 2024

Courts



Control over:

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