ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN AUSTRIA

OVERVIEW

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 2023.

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 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.

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 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.
Austria

Institutional Framework for Migration and Asylum*

**FEDERAL LEVEL**

- **Federal Ministry of Labour and Economy**
  - www.bmaw.gv.at
  - Quotas for seasonal employment permits
  - Definition of exemptions from the Act Governing the Employment of Foreign Nationals
  - Rules governing labour market access for certain groups

- **Federal Ministry for European and International Affairs**
  - www.bmeia.gv.at
  - Visa procedures
  - Trafficking in human beings

- **Federal Ministry of the Interior**
  - www.bmi.gv.at
  - EU and international affairs
  - Migration grants
  - National migration strategy
  - Residence and citizenship
  - Integrated border management
  - Aliens Police
  - Asylum Affairs
  - Return and Reintegration
  - Basic care

- **Federal Administrative Court**
  - www.bvwg.gv.at
  - Complaints against decisions by federal authorities

- **Supreme Administrative Court**
  - www.vwgh.gv.at
  - Instance for extraordinary legal remedies

- **Constitutional Court**
  - www.vfgh.gv.at
  - Instance for extraordinary legal remedies

**PROVINCIAL LEVEL**

- **Austrian Integration Fund**
  - www.integrationsfonds.at
  - Processing of the integration agreement
  - Providing of value and orientation courses
  - German courses
  - Orientation counselling

- **Federal Agency for Care and Support (BBU GmbH)**
  - www.bbuev.at
  - 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

- **Federal Office for Immigration and Asylum**
  - www.bfa.gv.at
  - 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

- **Regional directorates of the Federal Office for Immigration and Asylum**
  - See Federal Office for Immigration and Asylum

- **Provincial governments**
  - Provision of basic care (provincial level)
  - Granting of citizenship

- **Settlement and residence authorities**
  - See Provinicial governments

- **Public Employment Service**
  - www.ams.at
  - Enforcement of the Act Governing the Employment of Foreign Nationals
  - Issuing of employment permits
  - Labor market test (seasonal quotas)

**Legend:**
- Bound by instructions
- Other relationship

*This institutional chart provides an indicative overview of the migration and asylum system in Austria as of January 2023.*