

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 <u>Austria</u>, 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 <u>January 2023</u>.



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 Ministry for Women, Family, Integration and Media at the Federal Chancellery

www.bundeskanzleramt.gv.at

Integration

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

Federal Ministry for European and International Affairs

www.bmeia.gv.at

Foreign Affairs

- Visa procedures
- Trafficking in human beings

Federal Ministry of the Interior

www.bmi.gv.at

Migration

- EU and international affairs
- Migration grants
- National migration strategy
- Residence and citizenship
- Integrated border management
- Aliens Police
- Asylum Affairs
- Return and ReintegrationBasic care

Federal Ministry of Labour and Economy

www.bmaw.gv.at

Employment of foreign nationals

- 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

Austrian Integration Fund

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

i.a. Basic care and legal counselling

- 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

Austrian representation authorities abroad

Visas

- First instance visa authority
- All visa procedures outside Austria
- Processing of residence applications and settlement permits

Federal Office for Immigration and Asylum

www.bfa.gv.at

Asylum and 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

Labour market

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

Provincial administrative courts Primarily complaints against

Courts

Legal remedies

Federal Administrative Court

www.bvwg.gv.at

Complaints against decisions by

 Primarily complaints agains decisions by provincial authorities

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

Control over:

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

Provincial governments

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

Settlement and residence authorities

- Settlement and residence proceduresRed-White-Red Card
- 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 2023