INTRODUCTION

This document provides an overview of how asylum and migration policies are organized in Austria, including the organization 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 September 2020.

OVERVIEW OF ORGANIZATION 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 and Integration 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 for Labour, Family and Youth 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 Ministry for Women and Integration at the Federal Chancellery
www.bundeskanzleramt.gv.at/en

- Matters of social integration, living together of persons with / without migration background
- Coordination of general integration policy
- National Action Plan for Integration
- Implementation of Integration Act
- Advisory councils and expert groups in matters of integration
- Support in the field of integration including foundations and trust funds

Federal Ministry for European and International Affairs
www.bmeia.gv.at/en

- Foreign affairs
  - Visa, residence and settlement procedures
  - Red-White-Red Card
  - External aspects of migration
  - Trafficking in human beings

Federal Ministry of the Interior
www.bmi.gv.at

- Asylum, migration
  - Immigration and emigration
  - Rights of settlement and residence
  - Asylum matters
  - Material reception conditions (federal)
  - External aspects of migration
  - Matters regarding the Aliens Police Act
  - Visas
  - Exclusion orders, expulsion, removal
  - Border control
  - Citizenship matters
  - Voluntary return and reintegration (funding and coordination)

Federal Ministry for Labour, Family and Youth
www.bmafj.gv.at/en

- Employment of Foreign Nationals
  - Contingents 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 of European and International Affairs
www.bmeia.gv.at/en

- Visa, residence and settlement procedures
- Red-White-Red Card
- External aspects of migration
- Trafficking in human beings

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
- Action to terminate residence
- Voluntary return
- Granting of residence titles for exceptional circumstances

Public Employment Service
www.ams.at/

- Enforcement of the Act Governing the Employment of Foreign Nationals
- Issuing of permits based on labour market law
- Labor market review (seasonal quotas)

**PROVINCIAL LEVEL**

Austrian representation authorities abroad

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

Austrian Integration Fund
www.integrationsfonds.at/en

- Integration support for migrants and recognized refugees
  - Processing of integration agreement
  - Provider of values and orientation courses
  - German courses
  - Orientation counselling

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
- Action to terminate residence
- Voluntary return
- Granting of residence titles for exceptional circumstances

**Legend:**

Bound by instructions
Other relationship

**Non-central authorities**

Provincial governments
- Material reception conditions (provincial)
- Granting of citizenship

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

Residence authorities
- Granting of residence titles

**Controlling over:**

Public Employment Service
- Enforcement of the Act Governing the Employment of Foreign Nationals
- Issuing of permits based on labour market law
- Labor market review (seasonal quotas)

Federal Ministry of the Interior
- Contingents 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 Women and Integration at the Federal Chancellery
- Matters of social integration, living together of persons with / without migration background
- Coordination of general integration policy
- National Action Plan for Integration
- Implementation of Integration Act
- Advisory councils and expert groups in matters of integration
- Support in the field of integration including foundations and trust funds

**Courts**

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

Provincial administrative courts
- Primarily complaints against decisions by provincial authorities

Constitutional Court
www.vfgh.gv.at/index.en.html
- Instance for extraordinary legal remedies

**Legal remedies**

* This institutional chart provides an indicative overview of the migration and asylum system in Austria as of September 2020