

Access to procedures and non-refoulement - Austria

Overview

Relevant EU legislation

Austria is bound by the recast Asylum Procedures Directive/Regulation and has transposed its provisions through the Asylum Act ([Federal Act on the Granting of Asylum](#)) | AsylG: Bundesgesetz über die Gewährung von Asyl, StF: BGBl. I Nr. 100/2005 and further amendments.

National legislation

[Asylum Act](#) (Federal Act on the Granting of Asylum) | AsylG: Bundesgesetz über die Gewährung von Asyl, StF: BGBl. I Nr. 100/2005

[Aliens Law Amendment Act](#) | Fremdenrechtsänderungsgesetz: Bundesgesetz, mit dem das BFA-Einrichtungsgesetz, das BFA-Verfahrensgesetz, das Asylgesetz 2005, das Fremdenpolizeigesetz 2005, das Niederlassungs- und Aufenthaltsgesetz und das Grundversorgungsgesetz – Bund 2005 geändert. Last amended by BFA-G, BVFA-VG, AsylG 2005, Aliens Police Act 2005, Basic Care Act 2005

[Federal Law on the Establishment of the Federal Agency for Reception and Support Services](#) (BBU-G) | Bundesgesetz über die Errichtung der Bundesagentur für Betreuungs- und Unterstützungsleistungen Gesellschaft mit beschränkter Haftung StF: BGBl. I Nr. 53/2019

[BFA Procedures Act](#) (Federal Act on the general rules for procedures at the federal office for immigration and asylum for the granting of international protection, the issuing of residence permits for extenuating circumstances reasons, deportation, | BFA-Verfahrensgesetz VG: Bundesgesetz, mit dem die allgemeinen Bestimmungen über das Verfahren vor dem Bundesamt für

Fremdenwesen und Asyl zur Gewährung von internationalem Schutz, Erteilung von Aufenthaltstiteln aus berücksichtigungswürdigen Gründen

[Federal Act on the Implementation and Organisation of the Federal Immigration and Asylum Office](#) (BFA) | Einrichtungsgesetz BFA-G: Bundesgesetz über die Einrichtung und Organisation des Bundesamtes für Fremdenwesen und Asyl, idF BGBl. I Nr. 68/2013 StF: BGBl. I Nr. 87/2012

[General Administrative Procedures Act](#) | Allgemeines Verwaltungsverfahrensgesetz AVG, StF: BGBl. Nr. 51/1991

Competent authority and stakeholders

Area	Competent national authority	Assistance to competent authority (if applicable)
Screening at the external border	Police Polizei	N/A
Biometric data	Police Polizei	N/A
Making an application	Application at border: Police Polizei Application on the territory: Police Polizei Application in detention: Police Polizei	N/A
Registering an application	Federal Office for Immigration and Asylum Bundesamt für Fremdenwesen und Asyl (BFA)	N/A
Lodging an application	Federal Office for Immigration and Asylum Bundesamt für Fremdenwesen und Asyl (BFA)	N/A

Area	Competent national authority	Assistance to competent authority (if applicable)
Information provision	Federal Office for Immigration and Asylum Bundesamt für Fremdenwesen und Asyl (BFA)	N/A

Access to the territory

Official external border-crossing points

Austria has [6 external air border crossing points](#):

- (1) Graz
- (2) Innsbruck
- (3) Klagenfurt
- (4) Linz
- (5) Salzburg
- (6) Wien Aerodrome

Austria has no external land and sea border crossing points.

Emergency measures in cases of mass arrivals

Information currently not available.

Protection from refoulement

The principle of protection from refoulement is enshrined in in the Federal Act on the Granting of Asylum (Asylum Act – AsylG), Article 8 (subsidiary protection) and Article 9 (withdrawal of subsidiary protection).

There are no special conditions or guarantees for minors, other vulnerable groups or specific profiles since the principle of *non-refoulement* applies to each case. However, every case is examined individually, and these factors are taken into account.

Protection from refoulement at external air borders

There is no general border procedure, but an airport procedure applies for arrivals via an Austrian airport with the necessary infrastructure for people asking for international protection at the airport. See AsylG 2005, Sections 31-33 (Austrian Asylum Act).

Applicants are refused entry to the territory and can be held at the airport for a maximum of 6 weeks for the purpose of securing the applicant's return. When the BFA does not deliver its decision within this timeframe, applicants are admitted to the territory and their case is processed according to the rules of the regular procedure.

Protection from refoulement at external land borders

Austria has no external land and sea border crossing points.

Protection from refoulement at external sea borders

Austria has no external land and sea border crossing points.

Protection from refoulement in case of emergency measures related to mass arrivals

Information currently not available.

Border procedure

Currently there is no general border procedure, but an airport procedure applies for arrivals by plane (see AsylG 2005, Sections 31-33). When a person applies for international protection after arriving at an airport, they are transferred to an initial reception centre (EAST) at the airport, unless the BFA permits entry to the territory on the basis of available information.

Procedural aspects

Making an application

Responsible authority and place

- Application at border: Public security authority or Police | [Polizei](#)
- Application on the territory: Police | [Polizei](#)
- Application in detention: Police | [Polizei](#)

Possibility to apply from outside the territory

Austria does not provide the possibility to apply from outside the territory.

Formal requirements for making an application

An application for international protection can be made before a police officer or a security authority at the border or, in the case of unaccompanied minors, at an initial reception centre. Once received, the application is filed, along with instructions from the branch office of the Federal Office for Immigration and Asylum ([Bundesamt für Fremdenwesen und Asyl](#) - BFA). The instructions specify whether the applicant should be sent to an initial reception centre (*Erstaufnahmezentrum* - EAST), processed under the Dublin procedure or sent to a regional reception facility (*Verteilerquartier*) for the regular asylum procedure in a BFA branch office.

Within 48 hours after reporting to the security authority – which may be extended to 72 hours – and the expression of the asylum request, the first interview (*Erstbefragung*) must take place. All documents, including the minutes of the first interview, are then sent to the asylum authorities, who will continue the procedure.

Registering an application

Responsible authority and place

Federal Office for Immigration and Asylum | [Bundesamt für Fremdenwesen und Asyl](#) (BFA)

Practical steps to register the application

The application is registered as soon as the security authorities have submitted the minutes of the first interview (*Erstbefragung*) and all other relevant documents to the BFA. Between the making of the application by the police and the registration of the application by the BFA, a time limit of 3 days normally applies.

Data collection

All asylum seekers and persons who cannot be returned are registered in a database, the *Grundversorgungssystem*. National and local authorities, as well as contracted NGOs, have access to the files.

The Eurodac Regulation (604/2013), Article 9 obliges Member States to promptly take fingerprints of all fingers of every applicant for international protection who is at least 14 years of age. The new Eurodac Regulation (2024/1358), Article 15 obliges Member States to take the biometric data of every applicant for international protection who is at least 6 years of age.

Documentation

In general original documents need to be provided when lodging the application, latest during the interview.

Lodging an application

Responsible authority and place

Federal Office for Immigration and Asylum | [Bundesamt für Fremdenwesen und Asyl](#) (BFA)

The Central Office of the BFA is located in Vienna (*Zentrale Direktion*). There is one Regional Office (*Regional Direktionen*) for each region: Wien, Burgenland, Kärnten, Niederösterreich, Oberösterreich, Salzburg, Steiermark, Tirol, Vorarlberg. Except for Burgenland and Vorarlberg, Regional Offices have sub-regional branch offices (*Aussenstellen der Regionaldirektion*).

There are Initial Reception Centres (EAST) where admissibility procedures are processed: OST, WEST and FLUGHAFEN (one in Traiskirchen near Vienna, one in Thalham in Upper Austria, and one at the Airport Vienna in Schwechat).

Formal requirements to lodge an application for international protection

Applications are lodged in person at the BFA. The BFA instructs applicants to appear at the branch office within 14 calendar days of the registration or the application will be terminated. Each member of a family must submit a separate application for international protection. Accompanied children are represented in the procedure by their parents, who are requested to submit the application on behalf of their children.

Lodging the application is a separate step from the registration (see section above). The lodging of the application is considered the start of the procedure for granting international protection. An application is lodged automatically as soon as a person has been assigned to a regional reception facility – no form needs to be filled out.

Documentation

Information currently not available

Information provision

Applicants for international protection receive essential information during the initial stages of the asylum procedure, specifically during the initial interview conducted by the police. Applicants receive leaflets that outline their rights and obligations, the rules of the asylum procedure, entitlement to reception conditions (such as accommodation, food and healthcare) and details about the Dublin procedure and Eurodac.

Applicants are asked whether they understand the information provided to them, and if they do not, the information is explained to them orally. Tailored information is also provided to vulnerable groups, such as unaccompanied minors, who have specific needs and require special support.

The written material is developed by the Federal Office for Immigration and Asylum (BFA). The material is designed to be accessible to all applicants, and if needed, oral explanations are provided to ensure that everyone fully understands the information. The BFA ensures that the information is available in a wide range of languages, covering both European and non-European languages (e.g. Albanian, Armenian, Amharic, Arabic, Aseri, Bengali, Bosnian, Bulgarian, Chinese, Croatian, Czech, Dari, German, English, Estonian, Farsi, French, Fulla, Georgian, Greek, Hindi, Hindi Mangal, Igbo, Italian, Kurdish Kirmanci, Kurdish Sorani, Kurdish Zazaki, Lithuanian, Mandingo, Macedonian, Moldovan, Mongolian,

Nepali, Paschtu, Polish, Portuguese, Punjabi, Romanian, Russian, Serbian, Singhalesish, Slovak, Slovenian, Somali, Spanish, Thai, Tibetan, Tigrinia, Chechen, Turkish, Ukraine, Hungarian, Urdu and Vietnamese).

Information on the asylum process is also available through other resources, such as the BFA website and brochures.

For applicants who are detained, the same information is provided as soon as they express their wish to apply for international protection. The detained individuals receive the same written materials that are provided to applicants in reception, along with oral explanations if necessary.

Passport and other documents

Obligation to surrender original documents

Requirement to submit original documents

The Asylum Procedural Act (BFA-VG), Section 39 states that it is mandatory for applicants for a form of protection to surrender all relevant documents on their identity (including passport), nationality and travel to the authorities.

According to the Federal Act on the Exercise of Alien's Police (FPG), Article 38, officers of Public Security Services are authorised to secure objects and documents which are relevant to the asylum procedure or for transit operations, repatriation and deportation. ID and travel documents are kept by the BFA until the procedure is completed. Other evidence documents are kept for verification of authenticity and validity.

A distinction is made between ID/travel documents and original evidence documents. In general, original documents need to be provided when lodging the application or at the latest during the interview. The BFA accepts photocopies, but they cannot be used for identification purposes. Photocopies are considered on a case-by-case basis in the evidence procedure.

For the return procedure, when no original ID or travel document is available, a photocopy can help to have an Emergency Travel Certificate (ETC) issued. The photocopy is submitted to the embassies of the country of origin for identification.

Consequence of a refusal to surrender documents

If an applicant does not surrender their passport to the authorities, an infringement of BFA-VG, Sections 13 and 15, which stipulate that applicants are obliged to cooperate with the authorities, is taken into account in the decision-making process.

Return of original documents to the applicant

Documents are returned once the asylum procedure is completed. Other documents can be returned when they are no longer needed for the procedure.

An applicant can request for the national passport to be returned while the asylum process is ongoing only if the applicant voluntarily returns to the home country. The applicant must provide evidence that he/she definitely will leave the country and return to the home country. The passport is returned when the applicant boards the plane.

Other documents

N/A

Requirement to read digital data

Information currently not available.

Guarantees for applicants

Confidentiality principle

Information not available.

Information provision

Applicants for international protection receive essential information during the initial stages of the asylum procedure, specifically during the initial interview conducted by the police. Information on the asylum process is also available

through other resources, such as the BFA website and brochures.

The following information is available in 11 languages on the [BFA website](#):

1. The 'first' information sheet explains the first steps and possible outcomes in the admissibility procedure, including mandatory and voluntary returns;
2. Information sheet on the duties and rights of asylum seekers;
3. Information for asylum seekers on the Eurodac Regulation; and
4. Brief information on the Dublin III Regulation.

All applicants receive the same information, including applicants in a detention centre.

Authority/Agency: Federal Office for Immigration and Asylum

Title: Asylum procedure

Type: Brochure

Hyperlink:

https://www.bfa.gv.at/402/files/01_Broschueren/Informationsbroschuere_Asylverfahren_in_Oe

Interpretation

Interpretation during the lodging an application is provided face to face, without the use of any IT tools. Interpreters are engaged for each case, regardless of whether the officers or public servants have adequate proficiency in the asylum seeker's language. There is a list of recognised interpreters, which is continuously updated. Interpreters who apply to be included in the list will be subject to a security clearance and their language skills are checked.

Legal assistance and representation

Since 1 January 2021, the [Federal Agency for Reception and Support Services](#) (BBU) is in charge of providing legal advice and legal representation at the BFA, pursuant to the BFA-VG Federal Law Gazette I No 87/2012, Section 49, and before the Federal Administrative Court (BVwG), pursuant to the BFA-VG, Section 52 as

amended by Federal Law Gazette I No 87/2012.