Dublin procedure - Austria

Overview

Content updated on: 15/05/2025

Relevant EU legislation

Austria is bound by the Dublin III Regulation (AMMR) which is directly applicable.

National Legislation

2005: Article 5, Asylum Act | Asyl Gesetz

Competent authorities and stakeholders

Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible): Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl (BFA)

Place in the institutional framework:

• Decentralised.

• The Dublin unit belongs to Division B II, Dublin and International Affairs of the Federal Office for Immigration and Asylum, which is part of the Ministry of the Interior.

• The Head Office in Vienna is responsible for: supervising the work of the initial reception centres, policy decisions, case monitoring, communication with other Member States and a share of incoming Dublin requests.

• The Dublin unit is within the determining authority.

• Three initial reception centres (EAST) are responsible for the outgoing Dublin procedure and a share of incoming requests: one located in Traiskirchen near

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Vienna, one in Thalham in Upper Austria, and one at the Airport Vienna International Airport–Schwechat.

Competencies of the entity:

Yes	Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handling the form to be completed during registration)
Yes	Organising Dublin transfers
Yes	Notifying the transfer decision
No	Accompanying/escorting applicants during a Dublin transfer
Yes	Sending and replying to take charge and take back requests to/from other Member States
No	Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)
Yes	Sending and replying to information requests to/from other Member States

Stakeholders involved in the procedure:

Handing over the common leaflet on the Dublin procedure	Initial Reception Centres, Federal Office for Immigration and Asylum | Erstaufnahmestellen, Bundesamt für Fremdenwesen und Asyl Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl Regional Police | Landespolizeidirektionen

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Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)	Initial Reception Centres, Federal Office for Immigration and Asylum | Erstaufnahmestellen, Bundesamt für Fremdenwesen und Asyl
Referral of cases to the Dublin unit	Regional Police | Landespolizeidirektionen Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl
Sending and replying to a take charge or take back request	Initial Reception Centres, Federal Office for Immigration and Asylum | Erstaufnahmestellen, Bundesamt für Fremdenwesen und Asyl
Sending and replying to information requests to/from another Member State	Initial Reception Centres, Federal Office for Immigration and Asylum | Erstaufnahmestellen, Bundesamt für Fremdenwesen und Asyl
Notification of the transfer decision	Initial Reception Centres, Federal Office for Immigration and Asylum | Erstaufnahmestellen, Bundesamt für Fremdenwesen und Asyl
Free legal assistance during the appeal of a transfer decision	Legal assistance against a transfer decision is provided by the Federal Agency for Reception and Support Services | Bundesagentur für Betreuungs- und Unterstützungsleistungen GmbH
Representation of the asylum authority in an appeal against a transfer decision	Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl
Organising the transfer to the responsible Member State	Initial Reception Centres, Federal Office for Immigration and Asylum | Erstaufnahmestellen, Bundesamt für Fremdenwesen und Asyl

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Providing information on the transfer modalities to the applicant	Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl
Accompanying/escorting applicants during a Dublin transfer when necessary	Regional Police | Landespolizeidirektionen
Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)	Regional Police | Landespolizeidirektionen
Court/authority responsible for deciding on an appeal against a transfer decision	Federal Administrative Court | Bundesverwaltungsgericht

Provision of information on the Dublin procedure

At the beginning of the procedure in the initial reception centres every asylum seeker receives written information about: the first steps of the procedure, basic care, medical care, the Eurodac, and Dublin III Regulation. In particular, the Federal Office for Immigration and Asylum provides the following forms in 11 languages: Information for asylum seekers according to the Eurodac Regulation and a brief description of the Dublin III Regulation. This information is complemented with: a “first information sheet” about the first steps and possible outcomes of the admissibility procedure, including mandatory or voluntary advice on return; and an information sheet on the duties and rights of asylum seekers. Information is also provided orally if applicants request it. Foreigners in detention facilities are provided information about the Dublin procedure in the same manner.

Right to legal counselling on the Dublin procedure

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The Federal Agency for Reception and Support Services (BBU) offers counselling, including to asylum applicants in proceedings under the Dublin III Regulation who will be informed about a possible voluntary transfer to the responsible EU Member State.

Personal interview for determining the Member State responsible

There is no separate Dublin interview as questions related to Dublin are asked during the registration/lodging stage. Once an application for asylum is made, a preliminary interview by the police (*Erstbefragung*) takes place. This assesses the circumstances of entering Austria, the first country of entry in the EU, the personal data and, briefly, the reasons why an applicant left his or her home country. Appointed legal advisers are present at the interview. A transcript of the preliminary interview is signed and approved by the applicant and made available to their legal representatives. The Dublin procedure may be then triggered for example if there is a Eurodac hit; if the asylum applicant has a passport with a visa for another Member State of the Dublin III Regulation; if he/she admits to entering the EU via another Member State; or if there is any other suspicion or circumstantial evidence indicating that he or she entered via another Member State (for instance if a person is caught by the police close to a border or on a train coming from another Member State).

Notification of the transfer decision

Within 20 days after the application, the BFA must either admit the asylum applicant to the regular procedure or inform the applicant about the intention to issue an inadmissibility decision when Austria is not responsible for conducting the asylum procedure. This decision includes: 1) a declaration which Member State is responsible for the examination of the asylum application on its merits; and 2) A residence terminating measure (transfer decision) is imposed on the third country national to leave Austria. Transfer decisions are communicated to the applicants in writing.

Remedies

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Competent authority/court	The Federal Administrative Court (BVwG)
Deadline for review/appeal	4 weeks
Deadline for decision on the review/appeal	Information is currently not available.
Suspensive effect of the review/appeal	The appeal has no suspensive effect, unless the Federal Administrative Court (BVwG) grants it ex officio within 7 calendar days after the appeal reaches the court.

Transfer arrangements

If it is an enforced transfer to another Member State, the police take the applicant and transfers him or her to a detention centre. The applicant must stay here until the deportation takes place, usually after one or two days. Under the Dublin procedure, asylum seekers can be held for up to 48 hours without detention being specifically ordered. Alternatively, asylum seekers may be ordered to stay at a certain place (such as a flat or a reception centre). Depending on the responsible state and the number of persons, the transfer takes place by plane, bus or police car under escort. There is no specific mechanism in place for the identification of persons with special needs within the Dublin procedure.

Guarantees for minors in the Dublin procedure

There is no specific procedure for assessing the best interest of the child in the Dublin context. The case assessment is always based on individual circumstances and always takes family ties into consideration.

A legal representative is appointed as soon as an unaccompanied child applies for asylum. He/she also acts as the legal representative during the Dublin procedure and participates at all stages, including the preliminary interview (*Erstbefragung*).

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