Forms of protection - Austria

Overview

Content updated on: 15/05/2025

Relevant EU legislation

Austria is bound by the recast Qualification Directive (Standards Qualification 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).

National legislation

Refugee status	The Asylum Act 2005 provides for the granting of asylum if a person fulfils the criteria of Article 1A(2) of the Geneva Refugee Convention.
Subsidiary protection	The Asylum Act 2005 provides for the granting of subsidiary protection. The decision on subsidiary protection is rendered within the asylum proceedings.
Temporary protection	A type of collective protection exists, which is based on Directive 2001/55/EC26 of the European Council (Article 62(1) Asylum Act 2005).

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National forms of protection	A tolerated stay is not a residence permit or a right to stay. A tolerated stay may be granted in the following cases: • A deportation is not permissible for legal reasons (Article 3 ECHR). If the situation changes, then a new return decision is required and the admissibility of the deportation must be confirmed. • The return is not possible for practical reasons (no travel document). A return is possible at any time if a travel document exists. • Temporarily inadmissible return decision (Article 8 ECHR): A return decision must be enacted if this situation changes. **Residence permit on humanitarian grounds** There are two titles for residence due to particularly exceptional circumstances (Article 56, Chapter 7 Asylum Act 2005): • Residence Title on Grounds of Article 8 ECHR for a temporarily inadmissible return decision; • Residence Permit for Individual Protection, intended for individuals such as victims of human trafficking.

Competent authority and stakeholders

Refugee status	The Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl (BFA)
Subsidiary protection	The Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl (BFA)

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Temporary protection	The Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl (BFA)
National forms of protection	The Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl (BFA)

Renewal and withdrawal of international protection and national forms of protection

Refugee status

Length of the first and subsequent residence permits: The first residence permit is for a duration of 3 years. The subsequent permit is permanent.

Review of the status: If the Federal Office for Immigration and Asylum (BFA) assesses that the conditions in the country of origin have changed relevant to a beneficiary's fear of persecution, it informs the person ex officio of the initiation of a cessation procedure, irrespective of whether the person has a permanent or temporary residence permit.

Renewal of the status: Information not available.

Withdrawal of the status: Information not available.

Grounds for withdrawal of the status: Refugees status is withdrawn when the refugee should have been excluded under the exclusion clauses or is convicted of a criminal offence.

Consequences of the withdrawal of the status

Information not available.

Subsidiary protection status

Length of the first and subsequent residence permits: The first residence permit is of a duration of 1 year. The subsequent permit is 2 years upon application.

Review of the status: Information is currently not available.

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Renewal of the status: Information is currently not available.

Withdrawal of the status: A withdrawal procedure is initiated by the Federal Office for Immigration and Asylum (BFA) when a beneficiary of subsidiary protection is under prosecution for a serious crime.

Grounds for withdrawal of the status: The status can be withdrawn when the exclusion clauses in Article 1F apply, the beneficiary poses a threat to public order or national security, or the beneficiary has been convicted of a serious crime.

Consequences of the withdrawal of the status:

Information is currently not available.

National forms of protection

Length of the first and subsequent residence permits: The Residence Title for Particularly Exceptional Circumstances has a limited validity of 12 months.

Review of the status: Information is currently not available.

Renewal of the status: It cannot be renewed.

Withdrawal of the status: Various circumstances can result in the residence title becoming irrelevant or invalid or being revoked.

Grounds for withdrawal of the status: A Residence Title for Particularly Exceptional Circumstance becomes irrelevant when:

- The individual is issued a residence title under the Settlement and Residence Act;
- The individual obtains Austrian (or other EU or EEA) citizenship;
- The individual is subsequently granted asylum or subsidiary protection status through another legal pathway;
- An EEA state issues a final return decision;
- A threat for public security and order or other circumstances defined in detail under law exist.

Consequences of the withdrawal of the status:

Information is currently not available.

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Content of protection

Overview

Austria grants refugee status, subsidiary protection or a residence permit on humanitarian grounds as a national form of protection.

The Asylum Act 2005 provides for the granting of asylum if a person fulfils the criteria of Article 1A(2) of the Geneva Refugee Convention.

The Asylum Act 2005 provides for the granting of subsidiary protection. The decision on subsidiary protection is rendered within the asylum proceedings.

Provision of information on the content of protection

The Austrian Integration Funds (Österreichischer Integrationsfonds) provides factual and background information to beneficiaries of protection on their rights and obligations associated with the protection status, integration activities, employment, education, healthcare and the residence permit.

Residence permits

Refugees

Issued by: Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl (BFA)

Duration: The first residence permit is for a duration of 3 years. Subsequently, after 3 years, the right of residence becomes indefinite provided that no revocation proceedings are initiated. If the situation in the country of origin is more or less the same and the status still needed, it is prolonged to an unlimited residence permit ex officio. It the country of origin information (COI) indicate that the refugee may return safely, the cessation procedure starts.

Beneficiaries of subsidiary protection

Issued by: Federal Office for Immigration and Asylum | Bundesamt für Fremdenwesen und Asyl (BFA)

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Duration: The subsequent permit can be prolonged for 2 years, upon request. An application must be made at BFA 3 months before the permit expires.

Travel documents

Refugees: are provided a Geneva travel document for up to 5 years, unless there are compelling reasons in terms of national security and public order against the issuance of a document.

Beneficiaries of subsidiary protection: are provided a foreigner's passport (*Fremdenpass*) for up to 5 years depending on the beneficiary request and provided that the beneficiary proves to be unable to get a travel document from the country of origin.

Freedom of movement

Free to move and settle throughout the Austrian territory (*de facto* restricted to where beneficiaries are dependent on services).

No mechanism dispersal is in place.

Access to employment and employment-related education

No specific conditions are needed to be granted access to the labour market. However, there can be some challenges when accessing the labour market, such as language competencies, recognition of qualifications, lack of qualifications and a lack of proof of qualifications.

Refugees have the right to access national procedures for the recognition of qualifications in the same conditions as citizens.

Access to education

Compulsory Education and Training Act, which became effective as of July 2017, is for all young people to complete additional schooling or vocational training following compulsory schooling. The education and training requirement applies to all youth below the age of 18, excepting those temporarily residing in Austria (Article 3 Compulsory Education and Training Act). The act foresees compulsory

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German courses as well as values and orientation courses (Articles 4, 5 and 6 Integration Act) in the form of an Integration Agreement (Article 7(1) Integration Act).

Minors: All minors must attend either higher-level school to do an apprenticeship or prepare for an apprenticeship through other courses (*Ausbildungspflicht*).

Apprenticeships: No restrictions. The Integration Act is supplemented by the Integration Year Act. The latter, which entered into force in September 2017, allows refugees, beneficiaries of subsidiary protection and asylum seekers who will most likely receive protection status to participate in programmes to prepare for labour market entry.

Access to procedures for recognition of qualifications and validation of skills

Information is currently not available.

Social security and social assistance

Refugees

Needs-based minimum benefit system (*bedarfsorientierte Mindestsicherung*) in principle covers monthly basic care (which varies across federal states) ranging from EUR 914 (same as for nationals) and EUR 520 (for refugees), plus a bonus of EUR 155 when a refugee takes part in integration measures, such as language courses. The main condition for the minimum benefit system is the need for assistance (which also applies to nationals). However, additional requirements have been introduced for beneficiaries of international protection in some federal provinces.

Beneficiaries of subsidiary protection

Needs-based minimum benefit system (*bedarfsorientierte Mindestsicherung*) or Basic Care covers monthly basic care (which varies across federal states). In some federal states, beneficiaries have access to needs-based minimum benefit system; in others, they have access to Basic Care (or Welfare Support) provisions instead. The main condition for the minimum benefit system is the need for assistance (which also applies to nationals). However, additional requirements

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have been introduced for beneficiaries of international protection in some federal provinces.

Healthcare

Refugees: are entitled to basic care for 4 months following recognition: EUR 150 subsidy for individuals and EUR 300 for families. This care includes emergency and mainstream services. to psychological therapy of traumatised refugees and torture survivors is only possible as a transitional measure within AMIF projects when the therapy was already begun during the asylum procedure.

Beneficiaries of subsidiary protection: are entitled to basic care with no temporal limits (the only precondition is need) for 4 months following recognition, which grants EUR 150 subsidy for individuals and EUR 300 for families. This care includes emergency and mainstream services.

Access to accommodation

Refugees: Refugees can apply for social housing when they are at risk of becoming homeless. However, the waiting lists are long.

Beneficiaries of subsidiary protection: Beneficiaries of subsidiary protection have the right to access accommodation as other legal third-country nationals residing in Austria. There are no specific schemes or programmes in place to support access to accommodation.

Access to integration measures

Refugees

- Refugees can receive a public grant including support for public transport in order to study.
- Austrian Integration Fund (ÖIF): provides language and Austrian value courses, qualifications check, consultations, training and specific occupation schemes. Beneficiaries must register with the job centre and can then take part in job-related assistance measures, if their language proficiency is sufficient, or in language-related assistance measures.
- Restrictions to access integration programmes were introduced in a number of federal provinces.

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Beneficiaries of subsidiary protection

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- Restrictions to access integration programmes were introduced in a number of federal provinces.

Family reunification for beneficiaries of international protection

Refugees

Legislative framework: The right to family reunification for beneficiaries of asylum and subsidiary protection is laid down in the Asylum Act, Section 35. Access to and the procedure for family reunification depend on the protection status granted. Family members of refugee status (beneficiaries of asylum) have immediate access to family reunification (Section 35(2) Asylum Act) in line with the Family Reunification Directive (2003/86/EC).

Timeframe to apply for family reunification: Family members of refugees can apply for an entry visa immediately after the status recognition of the sponsor.

- If the application is submitted to an Austrian representation within 3 months, no further requirements are imposed.
- If it is submitted after the 3-month time limit has lapsed, the following conditions must be met: i) sufficient financial resources; ii) health insurance; and iii) stable accommodation. No language knowledge is required for family reunification.

According to Article 8 of the ECHR, family reunification is also possible regardless of the requirements set above.

Eligible family members

Only the following family members (‘core family’) have the right to reunite with the beneficiary of international protection status (Section 35(5) Asylum Act):

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- In the case of minor refugees: parents
- In the case of adult refugees:
  - Spouse (the marriage already existed before entering Austria) or registered civil partners which already existed before entering Austria.
  - Unmarried, minor children.

A decision to grant protection status to a person residing in Austria who is a family member of an individual already granted that status, no longer depends on the possibility of such a status being granted in another country (2017 Act Amending the Aliens Law).

Conditions for family reunification: Special requirements must be proven by family members of a foreigner granted asylum status if the application for family reunification is lodged later than 3 months after the family member was granted asylum in Austria, unless family reunification must be granted in accordance with Article 8 of the ECHR (regardless of these requirements).

In order to have access to family reunification, the following conditions must be fulfilled:

- the third-country national provides evidence of a legal entitlement to accommodation which is deemed in conformity with local accommodation for a family of comparable size;
- the third-country national has sickness insurance in respect of all risks and the policy pays out in Austria;
- the third-country national's residence does not result in a financial burden for a regional authority. However, this provision does not apply for the reunification of parents with an unaccompanied minor who was granted international protection.

The above-mentioned requirements refer to criteria in Article 7 of the Family Reunification Directive. According to Article 12(1), last paragraph of Directive 2003/86/EC (Family Reunification Directive), Member States can request the compliance with these requirements if the application for family reunification is lodged later than 3 months after the family member was granted asylum.

Rights deriving from family reunification: A family member may file an application for an entry permit. After being granted entry into Austria, family members receive the same scope of protection: asylum or subsidiary protection (Article 34 Asylum Act).

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Beneficiaries of subsidiary protection

Legislative framework: The right of family reunification for beneficiaries of asylum and subsidiary protection is laid down in § 35 Austrian Asylum Act. The access to and the procedures of family reunification depend on the protection status the alien is granted. Family members of persons granted subsidiary protection have access to family reunification only three years after the status has been granted (§ 35 (2) Austrian Asylum Act). This distinction between refugees and beneficiaries of subsidiary protection is in accordance with EU law as the Family Reunification Directive (2003/86/EC) does not apply for beneficiaries of subsidiary protection (Art. 3/2/c).

Timeframe to apply for family reunification: Family members of beneficiaries of subsidiary protection can apply for an entry visa only after 3 years from the time of the status recognition.

Conditions to apply for family reunification: The following conditions are to be met:

- Sufficient income: The applicant must prove that the third-country national's residence does not result in a financial burden for a regional authority. However, this provision does not apply for the reunification of parents with an unaccompanied minor who was granted international protection.
- Health insurance: The third-country national must have sickness insurance for all risks and a policy that pays out in Austria.
- Stable accommodation: Evidence of legal entitlement to accommodation which is deemed in conformity with local accommodation for a family of comparable size.

No language knowledge is required for family reunification.

Family members of a foreigner granted subsidiary protection status have to fulfill the requirements irrespective of the time of application.

Eligible family members: Only the following family members (‘core family’) have the right to reunite with the beneficiary of international protection status (Section 35(5) Asylum Act):

- In the case of minor refugees: parents
- In the case of adult refugees:

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- Spouse (the marriage already existed before entering Austria) or registered civil partners which already existed before entering Austria.
- Unmarried under-age child.

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