

GENERAL INFORMATION

about the asylum procedure

You have submitted your asylum application and are now in the

Admission procedure

in which you will be asked about your journey and other necessary information.

Procedure Overview

- 1.) You have made an asylum application in Austria to the police, a security service or at an initial reception centre.
- 2.) If you have submitted an application for asylum, you will be questioned by the police concerning your identity and your travel route.

Your asylum application is following the questioning by police by order of the Federal Office, you will be asked if you have been shown a first acceptance centre or a regional directorate or if you have been assigned to a particular care facility. Your journey to this particular point of care is to be facilitated free of charge. This free journey is already included in the basic welfare support. Only then does the asylum procedure begin. If you are not taken to the initial reception centre, the submitted asylum application is deemed valid after the interview, search and identification processes are carried out. If you are under 14 years of age and do not know where your parents are, the application will only then be submitted when it is confirmed in the presence of your legal counsel at the first acceptance centre. Please present **all the documents you have brought with you** – your clothes and baggage may be searched by an employee of the same gender as yourself.

For the establishment of your identity and to check whether Austria is indeed responsible for your asylum application, your **fingerprints** are taken. You will receive a green procedure card within 3 days, unless your procedure is already authorised prior to the issue of this card, you will receive a residence entitlement card in accordance with § 51 of the Asylgesetz 2005 (AsylG 2005 - Asylum Act 2005) (white card).

- 3.) Now that you have made your asylum application, you will be questioned by the police about your identity and your journey.
- 4.) As part of the admission procedure – unless your application has already been accepted – you will be interviewed at least once by the person who is to decide about your asylum application. You may be accompanied by a trusted third party and a representative at the interview with the authorities. In the case of interviews with asylum seekers under the age of 18, a legal representative must be present.
- 5.) The admission procedure may end as follows:

If the procedure to date shows that you will probably find protection from persecution in another country (a safer third country) or that another country is responsible for checking your application and it is therefore intended to **reject** your asylum application in Austria, or to **disallow** it for other reasons, you will be informed beforehand and you will be allocated a legal adviser. The latter's role is to advise and he/she is present at a subsequent interview. You will be given a decision as quickly as possible.

After this interview, a decision on the procedure may take one of the following forms:

- ❖ You are not allowed to enter the asylum procedure: you will receive a reject notification or a disallowance notification.
- ❖ You are allowed to enter the asylum procedure: this means you will receive a residence permit and can be assigned to a reception centre - possibly in another Austrian federal state. The decision pertaining to your asylum application is reached at a later stage in regional branch of the Federal Office.

If it is anticipated that your asylum application will not be rejected, you will normally be **allowed** to enter the asylum procedure; this means that a decision will be made about the content of your application (reasons for fleeing). This does not preclude a decision about the content being made in the admission procedure. You will receive a **residence permit** once you have been allowed to enter the asylum and this serves as proof of the legality of your stay in Austria. Subsequently, you may be assigned to a reception centre – possibly in another federal state. The decision on your asylum application is reached at a later stage in a regional branch of the Federal Office.

If you wish to return to your **homeland**, you may receive advice on returning home at any time

and at any stage of the process. Upon receipt of information that your application for asylum is likely to be rejected or if the Federal Office issues a return decision, you are obligated to make use of the repatriation counselling service.

Further important information:

- If you have submitted a **subsequent application** (i.e. a further application following on from an application for which there has already been a legal decision), special provisions apply. A separate leaflet gives information about this.

- There are independent legal advisers at the initial reception centre to advise you during the asylum procedure. You may contact them if you wish. You can, however, involve your own legal adviser (lawyer).

The legal adviser is someone who is well versed in the field of foreign nationals and asylum. These advisers represent you objectively and independently and advise you on matters of law. Furthermore, the legal advisers are subject to a duty of confidentiality.

- For various reasons, you may be taken into detention in order to secure the procedure of your deportation.

If you find yourself in detention, an employee of the Federal Office will contact you and interview you either in detention or in the initial reception centre. You may also receive legal advice in the detention centre.

- If you are under 18 years of age and do not know where your parents are resident at the time, please tell us immediately. You will then be represented by a legal adviser during the whole process up until assignment to a reception centre. In particular, the legal adviser is present at all interviews.

- If you have medical or psychological problems, please make this known to a doctor and a legal adviser immediately.

- Please tell us immediately if your fear of persecution in your homeland is by reason of attacks on your sexual self-determination (e.g. sexual abuse). You will then be interviewed by a member of staff who is of the same gender as yourself – unless you request otherwise.

- If you wish to return to your homeland safely and with dignity, you can make use of advice on returning home at any time and at any stage of the process. Advice on returning home includes clarification of the prospects in Austria and your country of origin. If you take up the offer, you can also receive financial help.

For further information about organizations which provide help on returning home, talk to a legal adviser (initial reception centre) or one of our staff members.

- United Nations High Commissioner for Refugees (UNHCR):
You can contact the United Nations Commissioner for Refugees at any time: Post Box 550, 1400 Vienna, Tel. No.: 01/26060/4968 (legal department); Fax: 01/2634115; E-mail: ausvi@unhcr.ch; Internet: www.unhcr.at.
Please note however, that UNHCR does not come to Austria to give advice.

- **Contact possibilities**
www.rechtsanwaelte.at Tuchlauben 12, A-1010 Vienna, Tel: +43 (1) 535 12 75

- If you still have questions, our staff would be pleased to help you.