

INFORMATION SHEET on the duties and rights of asylum seekers

Read the general information first!

PLEASE NOTE THE FOLLOWING IMPORTANT POINTS:

1. Cooperate with us in your asylum process!

Always tell the truth!

You have a duty and it is in your interests to **put forward your application truthfully and fully**. False information damages your credibility! Do not listen to people smugglers or smuggler organizations about what information you should give in your asylum process. Such advice can harm you if what you say is not the truth.

- Explain your application for international protection without unnecessary hesitation (referred to in the following as asylum application). Present all necessary pertinent points truthfully when asked!
- Present all the evidence you have as quickly as possible.
- Tell us if you have already been in another European country.
- Do not give any false information to the authorities. Give truthful details about names, previously used names, dates of birth, countries of former residence, former asylum applications, as well as family and social relationships.
- Do not deceive the authorities about your nationality or country of origin or about the authenticity of your documents (for example travel documents, train tickets). This can have negative effects on the assessment of your asylum application and your application may be rejected immediately.
- Give truthful information about the reasons why you are seeking asylum and also concerning incidents about which you are expressly asked by the authorities.
- If you receive a summons to an examination (an interview), attend on time at the place specified. Equally, if you receive a summons to an examination (for example by a doctor or

specialist), attend personally on time at the place specified and cooperate in the investigation. Please help us with these appointments by working with us!

- If you are ill and so cannot attend the appointment, tell the authorities immediately and provide confirmation from your doctor. Also, when you cannot keep your appointment for other reasons, tell the authorities!
- When there are unauthorized absences from appointments you are summonsed to, the asylum authorities must assume that you wish to withdraw from the procedure. Your asylum procedure may be discontinued or a negative decision reached or a warrant for your arrest issued.
- Cooperate with identification processes (e.g. the taking of fingerprints, the provision of passport photographs)!
- You must inform the authorities of every change of your postal address – that is the address we send your post to. This also applies when you are abroad. When you are in Austria, it is sufficient to contact the registration authorities within three days. You may also you notify us of an authorized person to whom notifications may be delivered (e.g. of an acquaintance resident in Austria, charitable organization etc.).
- It is very important for you that the authorities know what address to send your correspondence to. If you do not inform us of your change of address, this may have negative consequences for you:
 - ❖ If a summons cannot be served on you, your asylum process may be discontinued or an unfavorable decision may be reached. You may lose your protection against deportation!
 - ❖ You may miss important deadlines for the lodging of a legal application (for example, an appeal) if the authorities cannot send you a notification.
 - ❖ As a result the decision of the court could become legally valid one and you would have no protection against deportation.
- If you say that you are a minor and this is in doubt, you must provide proof of being a minor with incontestable certificates or other types of confirmation. If you are unable to do this, the authorities can order medical examination for a diagnosis of age. Further information about diagnosis of age can be found on a separate sheet.
- If you are an unaccompanied underage minor, that is, you are younger than 14, the authority is not obligated to conduct a family search. You have an opportunity to issue an application for conducting a family search. The authority will support you in your family search. More detailed information about family searches concerning underage minors is

contained in a separate information sheet.

- If you are an unaccompanied full age minor, that is, you are older than 14, the authority is obligated to conduct a family search. You must cooperate on the family search and provide all evidence which confirms your family relationships. Likewise, you are obligated to immediately provide the Federal Office with all results of any family search which has already been performed. More detailed information about family searches concerning full age minors is contained in a separate information sheet.
- If you are **registered as homeless** at a contact centre, you are automatically subject to a **duty of reporting**. You are to report every 14 days at the nearest police station to that contact centre. This duty of reporting begins with the first working day after registration of homelessness. This provision does not apply as long as you are going through an admission procedure.

If you neglect your duty to cooperate as an asylum seeker, this can have a negative effect on the assessment of your application in terms of your credibility!

- Please observe your cooperation and reporting duties. If you do not do this, you may be taken inter alia into detention by Federal Office in order to secure a procedure for the issuing of a measure terminating residence or deportation. Other consequences can also threaten, such as how the basic welfare support is terminated or restricted or how procedural disadvantages can arise.

2. ASYLUM PROCEDURE:

a) Requirements for the granting of asylum in Austria:

You have made an asylum application.

You have been **allowed** to enter the asylum procedure .

You are able to show that you have good reason to fear persecution in your country of origin. And this is by reason of your race, religion, nationality, political views or your membership of a particular social group. You cannot be placed under the protection of your country of origin or do not wish to due to fear.

b) Interview:

- Once you have been allowed to enter the asylum procedure (as already explained on the general information sheet), you will be interviewed by the Federal Office staff member. This member of staff knows the circumstances of your country of origin and makes the decision on your application!
- At this interview, you must give the reasons for your asylum application. Please state the reasons for your fear of persecution. You should also state which other facts and circumstances prevent you from returning to your country of origin.
- All information concerning how and why you fled will be treated confidentially and will not be handed to the authorities in your country of origin.
- It is very important that you present your own personal fate and the real dangers that threaten you in a complete, detailed and understandable way. But please tell the truth!
- Untruths in your statements damage your credibility. If your statements are not clear, you will be asked supplementary questions.
- The interview is the most important part of the process. It forms the basis for the decision of the authorities as to whether your asylum can be granted.
- Also, you may be accompanied at the interview by a person you trust, your lawyer or representative or a legal adviser.
- If you are younger than 18 years old, your legal representative (a parent, a legal adviser or the responsible youth welfare office) must be present at your interview.
- If your fear of persecution is based on attacks on your sexual self-determination, you have the right to be interviewed by a person of your own gender. If you would prefer to be questioned on your reasons for fleeing your country by a person of the same sex, please inform us of this in good time.

c) Interpreters:

So that you can recount the reasons for your flight without language difficulties, the authorities provide you free of charge with an interpreter. If you would like us to organise an interpreter of the same sex, please inform us of this in good time. The authority will then endeavour to find an interpreter of the same sex wherever possible.

The role of this interpreter is solely to interpret what you say as accurately as possible. He/she is simply there as a language mediator between you and the authorities and, just as with the employees of the authorities, is obliged to maintain total confidentiality in dealing with your personal details.

Should you have problems in understanding the interpreter or are afraid to speak openly in

front of him/her, please tell our member of staff immediately. Please note that the interpreter cannot and may not give you any legal information about your asylum process!

d) Notes of the interview:

What you say during the interview will be minuted. This means that it will be recorded in writing.

In your own interests, the minutes will be translated for you after the interview by the interpreter. You will then have the opportunity to correct or add to this.

If what you say is correctly and fully recorded, you will confirm this by signing the minutes. You may demand to keep a copy of these minutes after the interview.

e) Resolution:

The decision of the authorities on the outcome of your asylum procedure is promulgated in the form of a written notification. The important parts of this notification are translated into a language you can understand.

This notification can either be handed over personally at the offices of the asylum authorities or issued or served by the police. Thus please note once again that any change of address must be immediately notified to the authorities.

You have the right to have the decision of the Federal Office reviewed by an appeal to the Federal Administrative Court. You may only submit this appeal within a certain time and only at the Federal Office. Please take note therefore of the instructions given in the notification concerning the right of appeal (that is, the instructions concerning what you can appeal against and in what time frame).

f) Delivery of documents

- If you have been placed in an initial acceptance centre or in a reception centre, documents can be sent to you there.
- If you have nominated a legal representative (lawyer), or an authorized person to accept documents on your behalf, correspondence from the authorities will be sent there. As part of the admission procedure, summonses will only be sent to you.
- If you are younger than 18 years old and are not accompanied by your parents, all correspondence from the authorities will be sent to your legal representative (legal adviser

in the admission procedure or youth welfare office). Thus you should stay in contact with the youth welfare office of your respective place of residence throughout the admission procedure and always keep them informed about where you are living.

- If you are temporarily not at the address you have given, the document addressed to you will be surrendered to the carrier (usually the post office). You can then collect it later. Please take note that this surrender has the effect of a personal delivery and important time notice periods will begin to run from this point in time!
- If acceptance of the document is refused without a legal reason, it will be left at the address or surrendered to the carrier. Please note that the document is deemed delivered and important notice periods will begin to run!
- Your notification may also be surrendered to the authorities themselves if you have not given a current postal address and the authorities cannot establish your address easily. This is also seen as a personal delivery and important notice periods begin to run! Therefore, please inform the authorities of all changes of address.
- If, for example, you do not have long term accommodation at the moment you can also stipulate an authorized person to accept documents on your behalf (for example, a person resident in Austria, charitable organization etc.). Please inform the authorities of this address immediately. Your correspondence will then be sent there.
- A contact point for homeless people (that is a point in the local administrative area you live in that is regularly attended by the homeless), is not a valid delivery point in terms of the asylum process. This means that no documents relating to the asylum process will be sent to you there.

g) Subsequent application process

If you have submitted a subsequent application (i.e. a further application after an application for which there has already been a legal decision), special conditions apply to your process. There is a separate leaflet giving you information about this.

h) Withdrawal of the asylum application:

In principle, you may not withdraw your asylum application.

If you wish to end your asylum process despite this, you should inform the authorities in writing or ask for the help of the returnees' advice centre or a legal adviser. If you withdraw your asylum application after having appealed against the decision of the Federal Office, this is deemed to be a withdrawal of the appeal. You can no longer then contest the original

decision of the Federal Office using ordinary judicial remedies.

i) Possible arrest warrant

The asylum authorities can issue an arrest warrant against you if

- ❖ You withdraw from the admission procedure; that is if the authorities do not know where you are resident.
- ❖ If you do not appear despite a request to appear before the authority at a specified date.

If stopped, you will be taken by the security services to the authorities!

j) Family process:

As a family member of a foreigner who has already been granted asylum or subsidiary protection, you will only receive the same order of protection if the following requirements are met:

- ❖ Your family member must not have become liable to prosecution.
- ❖ It is not possible for you to continue your existing family life with your family member in another country.
- ❖ There must be no legal proceedings concerning denial of asylum or subsidiary protection pending against your family member.
- ❖ You must not be an EEA citizen or citizen of Switzerland.
- ❖ The family member referred to in your application may not have received asylum or subsidiary protection in the family process. If this family member is, however, an unmarried child and minor, this restriction does not apply.

Family member means for example: spouses, a parent of an unmarried child who is a minor and unmarried children who are minors. In the case of married couples, the family unit must have already really been in existence in the country of origin.

k) Entitlement to residence permit:

If you are allowed to enter the asylum procedure, you will be issued with a residence permit. The permit ceases to be valid with the legally binding conclusion or cessation of the asylum procedure. At this stage, you must return the permit to the asylum office.

l) Permit for those entitled to subsidiary protection:

You will receive a temporary residence permit if it is established by the authorities that you are in fact not entitled to asylum, but because of the situation in your country of origin, you cannot be deported or sent back (risk of a breach of the right to life, of the prohibition concerning the death penalty, of torture or inhumane or humiliating treatment). The Federal Office will issue you with a card entitling you to subsidiary protection.

This permit serves as proof of your identity and the validity of your stay in Austria. The entitlement to residence remains in force until a legal decision on extension, provided that the extension application is made before expiry of the residence entitlement.

Should the reasons which were originally the grounds for not sending you back or deporting you to your country of origin disappear, the temporary residence permit will be withdrawn. The permit for those entitled to subsidiary protection is thereby also no longer valid.

Such a decision will be confirmed in writing. You have the right to have the decision of the Federal Office reviewed by appeal to the Federal Administrative Court. Following the final decision, the permit must be returned to the authorities.

m) Advice:

Independent legal advisers are available to you during the admission procedure, free of charge. Also, local help organizations (charities, evangelical help groups, the diocese and others) can help you in your case and represent you in the asylum procedure at no cost. Furthermore, you can also, of course, use your own legal representation (lawyer). However, you will have to meet the costs of this yourself.

3. PENAL PROVISIONS:

Please note that the following actions, amongst others, constitute offences:

- If you give false information to the authorities in the asylum process about your identity or origin, despite knowing that this is not the truth, you are liable to prosecution.
- If you neglect a duty to report during your asylum process, you are liable to prosecution.
- If you infringe the territorial restriction during the admission procedure, you are liable to

prosecution.