

# WHAT YOU NEED TO KNOW ABOUT THE ASYLUM & MIGRATION MANAGEMENT REGULATION

Type A

APPLICANTS FOR INTERNATIONAL PROTECTION



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## ► WHY ARE YOU RECEIVING THIS BROCHURE?

You have asked for international protection (also known as asylum) in one of the 31 EU+ countries. This means you are now an applicant for international protection. It might be possible that another EU+ country is responsible for examining your application. You are now waiting for that decision.

It is important to understand how the EU+ countries cooperate as this can affect which country will examine your application.

You will find all the necessary information in this brochure.

## ► WHAT IS INTERNATIONAL PROTECTION AND WHO CAN RECEIVE IT?



You may need international protection if you cannot go back to your country because you fear persecution or face a real risk of serious harm. This means, for example, that your life or freedom would be in danger and the authorities of your country won't protect you from the danger you face.

You will receive more information about international protection in a separate brochure.

**You are now in Austria which is an EU+ country.**

**The EU+ countries are:**

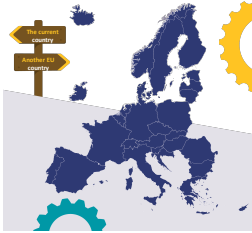


the 27 Member States of the European Union (EU): Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Republic of Ireland, Romania, Slovakia, Slovenia, Spain, Sweden and



4 other countries: Iceland, Liechtenstein, Norway, Switzerland.

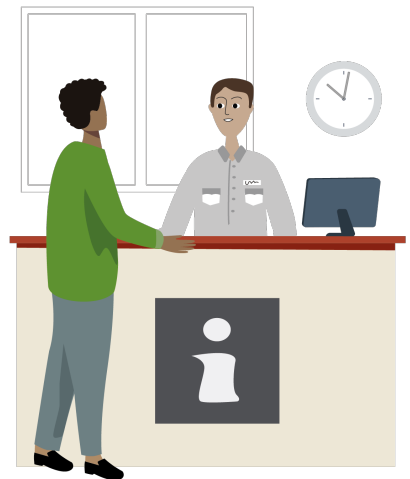
## ▶ WHAT IS THE ASYLUM AND MIGRATION MANAGEMENT REGULATION?



The EU+ countries have agreed upon a common law called the Asylum and Migration Management Regulation (AMMR). This law helps to decide which country is responsible for examining an application for international protection. This law also allows EU+ countries to help each other if one country receives too many applications at the same time.

You are guaranteed that one of the EU+ countries will examine your application but you cannot choose which EU+ country will be responsible. The country that examines your application will be decided by the rules of the AMMR law.

If there is anything in this brochure that you do not understand, you can ask an immigration officer.



At this time, the EU+ countries are only deciding which of them is responsible for examining your application.

If it is decided that another EU+ country is responsible for examining your application, you will be transferred to that country.

## ▶ YOUR RIGHTS WHILE WAITING FOR A DECISION ON WHICH EU+ COUNTRY WILL EXAMINE YOUR APPLICATION



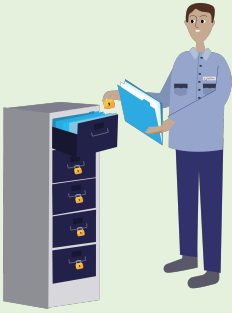
If you are applying for international protection for the first time, you have the right to free **legal counselling**. You can request this at any time from the authorities.

The legal counsellor will inform you of your rights and support you during the process. If you have already paid to hire a legal adviser, the authorities might not provide you with free legal counselling. Legal counselling might be given in a group setting but the adviser will not share your private information with other people.

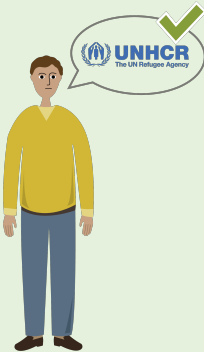
You can request a legal counsellor via the website [www.AsylumInAustria.at](http://www.AsylumInAustria.at).



You can ask for a male or female interpreter and case officer if that makes it easier for you to talk about your situation. The authorities will respect your wish where possible.



You also have the right to request an update on the procedure to decide which EU+ country will examine your application. If you would like to request an update, you can contact the officer responsible for your case. The contact details can be found on the official document you received after registration.



You have the right to contact and communicate with the United Nations Refugee Agency (UNHCR) in any step of the asylum procedure .

UNHCR protects the interests and rights of asylum seekers and refugees.

UNHCR contact details and information on the asylum procedure can be found on the UNHCR webpage: <https://help.unhcr.org/>.

**You can find additional information about the support and services you will receive in a separate brochure.**

## ➤ WHERE SHOULD YOU STAY WHILE WAITING FOR A DECISION ON WHICH EU+ COUNTRY WILL EXAMINE YOUR APPLICATION?



- You are obliged to stay in this country for the time being.
- You are only allowed to travel to another EU+ country if you are given permission to do so by the authorities.
- If the authorities decide that another EU+ country will examine your application, the authorities will arrange your travel to that country.

## ➤ WHAT IS EXPECTED OF YOU IN THIS PROCESS?

You must:

- ✔ Remain in this country whilst your application is registered.
- ✔ If you have been issued a visa or residence permit in the past, apply for asylum in the country that issued it to you once you arrive there.
- ✔ Present all ID documents you have to prove your identity.  
If you had an ID document but you no longer have it with you, you should still inform the authorities that you were provided one in the past by the government in your country.
- ✔ Let the authorities know of any time you have travelled to another EU+ country.
- ✔ Inform the authorities if you have stayed in an EU+ country without permission.
- ✔ Inform the authorities about any close family you have in another EU+ country.
- ⚠ **IMPORTANT!** You are obliged by law to give your fingerprints and have your photograph taken.

## ➤ WHICH DOCUMENTS DO YOU HAVE TO SHOW?

Share with the authorities all documents you have with you regarding:



- your identity (birth certificate, passport, ID card)



- close family members in EU+ countries (official documents, proof you are in contact)



- previous stays in EU+ countries (based on a residence permit, a visa or to obtain a school or university diploma).

Provide this information as soon as possible. This way, the EU+ country responsible for your application can be identified faster.

## ➤ WHY ARE YOU OBLIGED TO GIVE YOUR FINGERPRINTS AND PHOTOGRAPH?



The authorities in this country will take your fingerprints and photograph. This data, together with information on your identity and other relevant information, will be transmitted to a shared European database called Eurodac.

This database is used by all 31 EU+ countries who can process your data to retrieve your information. If you move to another EU+ country without permission and your fingerprints are taken again, all of your data that is stored in Eurodac will be seen by the authorities of that country.

More information on the Eurodac database is provided in a separate brochure.



## ▶ WHAT ARE THE CONSEQUENCES IF YOU DO NOT MEET YOUR OBLIGATIONS?

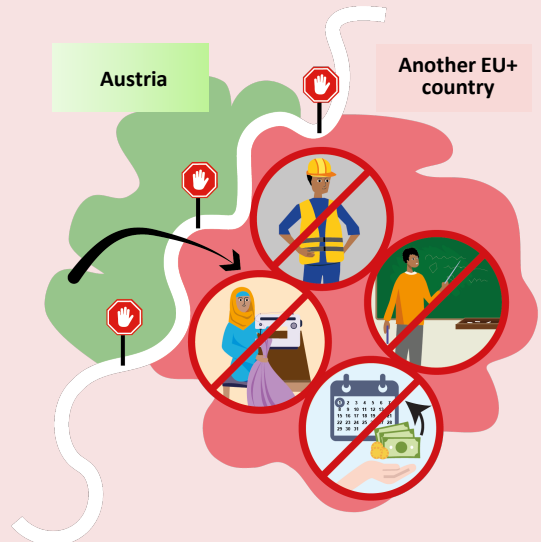


If you do not cooperate with the authorities, this will have negative consequences for your application.

If you do not give your fingerprints, the authorities may conclude that you are no longer interested in asylum in Europe. They will stop examining your application, which will mean you no longer have the right to remain in that country.

If you travel to another EU+ country without permission or apply for international protection in a different EU+ country, it is likely you will be returned to the EU+ country that is responsible for examining your application.

If you are present in an EU+ country other than the one where you are required to be present, your freedom may be restricted and you may receive less support.



## ▶ WHAT DOES DETENTION MEAN?

Detention means that you are placed in a specific facility that you cannot leave freely. The authorities must have a valid reason to detain you. They must be sure that no other option is possible in your case. The authorities will evaluate your personal situation before making a decision. The reasons for detention can be, for example:



- important aspects of your asylum application (for example your identity) cannot be verified without detention
- you did not respect the obligation to stay in a specific place, or there is a risk you run away again and the authorities cannot reach you
- you received a decision to be transferred to the EU + country responsible for examining your asylum application and there is a risk you run away before the transfer
- you pose a security risk.

If you are detained, you can appeal the decision and can request free legal assistance and representation.

**!** **IMPORTANT!** If you travel to another EU+ country without permission, it will increase the risk that you will be detained in the future.

## ➤ HOW DO THE AUTHORITIES DECIDE WHICH EU+ COUNTRY WILL EXAMINE YOUR APPLICATION?

If this is your first application for international protection in an EU+ country, there are several reasons why a certain EU+ country may be responsible for examining your application.

### 1) Family ties



The first and most important reason is a close family member has already been granted international protection or is currently applying for international protection in another EU+ country, and you should be reunited with them before your application for international protection is examined.

Close family members are considered to be:

- your husband or wife
- your unmarried partner with whom you share a stable relationship
- your child (under the age of 18 and unmarried).

**!** **IMPORTANT!** You must be able to prove as soon as possible that you had a relationship with that person before you entered the region of the EU+ countries. This period can include the journey from your home country.

If you have a family member living in another EU+ country, the best way of providing information is by completing the form called the **‘family tracing template’**. If you have a family member living in another EU+ country and you have not yet received this form, speak to an officer or your legal counsellor. They can also help you to fill out the form.

You can find more detailed information on the possibility of reuniting with family members in the section titled **‘What evidence can you provide to prove you have family in another EU+ country?’**

## 2) Permission to enter a specific EU+ country

An EU+ country may be responsible for examining your application if:



- you have a visa or residence permit in a certain EU+ country
- you entered an EU+ country which you were allowed to enter without a visa because your home country has an agreement with that country.

## 3) Educational qualification or diploma



- You were awarded a qualification or diploma after studying in person at an education facility in an EU+ country for at least one academic year.

## 4) Irregular entry to a specific EU+ country

Another EU+ country may be responsible for examining your application if:



- you crossed the external border of one of the EU+ countries without permission



- you were rescued at sea by the authorities of an EU+ country on your journey to Europe



- you made an application for international protection in a transit zone of an airport in one of the EU+ countries.

## 5) Reuniting a carer and dependent family member

You are dependent on the care of a family member who is in another EU+ country or you have a family member in an EU+ country that depends on your care.



The dependant family member may need assistance due to:

- pregnancy
- having a newborn child
- serious mental or physical illness
- severe disability
- severe psychological trauma
- old age.

In cases of dependency, you must be able to show that you are able to care for the dependent person or that your family member is able to care for you.

## 6) Humanitarian reasons

There may be a humanitarian reason why a specific EU+ country could examine your application. This can be based upon the following grounds:

- family considerations
- social considerations
- cultural considerations.

Another EU+ country can be requested to examine your application for the above reasons but the final decision will be up to the authority in that country.

## ➤ YOU MAY BE INTERVIEWED TO HELP UNDERSTAND WHICH EU+ COUNTRY WILL EXAMINE YOUR APPLICATION

If this is your first time applying for asylum, the authorities should arrange a personal interview.

**!** **IMPORTANT!** This will not be an asylum interview. The interview aims to determine which EU+ country should examine your application.

### **This interview has four main aims:**

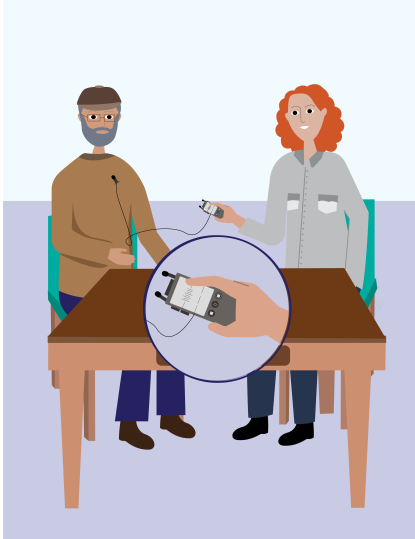
- to collect information that will help the authorities decide on the responsible EU+ country
- to let you ask any questions about how the procedure to determine the responsible EU+ country is carried out
- to let you ask questions about any information in this brochure
- to ask you if there are any reasons why you should not be transferred to another EU+ country or why you should be allowed to remain in this country.

The interview will be in a language you understand well.



None of the information you give will be shared with the government or authorities in your home country.

If there is anything during the interview that is not clear, you can ask questions. It is important for both you and the officer that you understand everything, so questions are always welcome.



The audio of the interview will be recorded and you will be shown a written summary of what was said.

If, after receiving the written summary of your personal interview, you think any of the information is incorrect and you would like to amend it, you can request to do so.

If necessary, you can still provide additional documents after the interview or provide reasons why you should not be transferred to another EU+ country.

If you still have information or documents that you have not yet submitted, you must submit them to the authorities.

The authority will inform you about the deadline.

## IS AN INTERVIEW ALWAYS CARRIED OUT?

If this is your first time applying for asylum the authorities can still choose not to carry out a personal interview if:

- the EU+ country that is responsible for examining your application is already known
- they already have enough information to decide which EU+ country is responsible for examining your application
- you have previously missed an interview without telling the authorities why you could not attend
- you have failed to keep in contact with the authorities.

If an interview is not organised, you can request one. If the officers think they already have enough information to handle your case, they can refuse this request but they must provide their reasoning for not conducting the interview.

If you want to request a personal interview, you can contact the officer responsible for your case.

## ➤ WHAT EVIDENCE CAN YOU PROVIDE TO PROVE YOU HAVE FAMILY IN ANOTHER EU+ COUNTRY?

The best way of providing information on your family member is by completing the form **‘family tracing template’**.

In addition to this, provide any official government documents that can prove your relationship. You can also provide other types of evidence, for example evidence to show you have remained in contact with your family member such as photos, emails or text messages.



If you have no evidence about your relationship, the authorities might ask you to do a DNA test to prove you are related.

You can only be reunited with your family member if both of you declare in writing that you want to be reunited. You should try to provide this document in English if you can.

Start preparing this information as soon as possible.



If you have more questions or need advice on the family reunification process, you can ask for help from a legal counsellor.

If you have a family member in another EU+ country but you have lost contact with them, there are organisations that can help you find them.

You can contact these organisations using the information below:

The Federal Office for Immigration and Asylum (BFA) cooperates with the Federal Agency for Reception and Support Services (BBU GmbH) in matters of family tracing. The BBU GmbH refers the matter to the Red Cross, which has the primary responsibility for conducting family tracing in Austria.

## ► HOW LONG WILL THE PROCESS TAKE?



The communication between the countries usually takes between **1 and a half months** to **3 months**, but this **can take longer** depending on your case.



If another EU+ country confirms they will examine your application, you will be transferred **within 6 months** of the date they accepted the request to transfer you.



If the request was because you have a family member in another EU+ country, the transfer will be **treated with priority**



If you are currently **detained** or are **detained in the future**, your case will be **treated with urgency**. Your transfer should be organised within **5 weeks**. If the transfer is not carried out within 5 weeks, you will be released from detention. However, your transfer will still be arranged **within 6 months** from the date the EU+ country is responsible for examining your application accepted the request.

If you are in prison for committing a crime, the time limit for the transfer can be **increased to a maximum of 1 year**.



**!** **IMPORTANT!** If you run away, hide from or do not cooperate with the authorities in the organisation of the transfer, **the time limit for the transfer can be increased up to a maximum of 3 years**.



## WHAT IF YOU HAVE ALREADY APPLIED FOR INTERNATIONAL PROTECTION IN ANOTHER EU+ COUNTRY?

You are only allowed to apply for international protection in one EU+ country. If you have already applied for international protection in another EU+ country, you will be returned to the EU+ country that is responsible for examining your application.

If there is information to show that another EU+ country is responsible for examining your application, a notification will be sent to that country. If that EU+ country confirms that it will examine your application, you will be provided with a **transfer decision** stating which EU+ country you will be transferred to.

If this is not your first time applying for international protection, or it is already decided that another EU+ country is responsible for examining your application, the authorities might not carry out a personal interview with you. However, you will have the opportunity to explain why you should not be transferred to that country or why you should be allowed to remain in this country.

You can find information on how to provide this information below:  
Please send the relevant information to the officer responsible for your case as soon as possible.

## ➤ WHAT HAPPENS ONCE THE DECISION IS MADE?

If you receive a transfer decision to be moved another EU+ country, some of your rights will be cancelled, for example:

- you will **not receive many services and types of support**
- you will **not be allowed to work or follow courses.**



The transfer should be carried out within 6 months of the date that the EU+ country confirmed or accepted to examine your application.

If you are detained, your case will be treated with urgency. Your transfer should be organised within 5 weeks. If the transfer is not carried out within 5 weeks, you will be released from detention.

Your transfer will still be arranged within 6 months from the date that the EU+ country confirmed or accepted to examine your application.

If you are in prison for committing a crime, the time limit for the transfer can be increased up to a maximum of 1 year.

**!** **IMPORTANT!** If you run away or do not cooperate with the authorities, **the time limit for the transfer can be increased up to a maximum of 3 years.**

## ▶ WHAT HAPPENS IF YOU DISAGREE WITH THE TRANSFER DECISION?



If it is decided that another EU+ country is responsible for examining your application, you will receive a **transfer decision**. This decision will inform you which country you will be transferred to.

If you disagree with a transfer decision, you can provide your reasons to the court. This is called lodging an appeal. When you appeal a decision, a court or tribunal will make the final decision.

There are only three reasons for appealing a transfer decision:

- you claim it would be against your human rights to be transferred to that particular EU+ country
- there is new information that was not available at the time of the transfer decision which could have affected that decision
- you have family in another EU+ country who you should be reunited with instead.

If you cannot afford to hire your own legal adviser, a legal adviser will be provided to help you with the appeal free of charge.

You will be supported by an interpreter who speaks a language you can understand throughout this process.





## WHAT YOU NEED TO KNOW ABOUT THE APPEAL WHEN SUSPENSIVE EFFECT AND SUBSTANTIVE APPEALS ARE COMBINED

The time limit, where and how to lodge an appeal will be explained in the transfer decision provided to you.

You should give the reason or reasons why you disagree with the decision to transfer you to another EU+ country.

You should also give the reason or reasons why you should not be transferred to the EU+ country that is responsible for examining your application while your appeal is ongoing.

The court will first decide whether you may wait for the outcome of the appeal in this country whilst your appeal is ongoing within **1 month**. This is known as the appeal on suspensive effect.

If the court decides that you cannot wait for the outcome of the appeal in this country, you will be transferred to the EU+ country that is responsible for examining your application whilst your appeal is ongoing.

If the court decides that you should be allowed to remain in this country whilst your appeal is ongoing, the court will try to provide a final decision on whether you should be transferred to the EU+ country that is responsible for examining your application within 1 month of the date of the decision on suspensive effect.

If your appeal is not accepted, you will be transferred to the EU+ country that is responsible for examining your application. The transfer should take place within 6 months of the date that the court made its final decision.

If you are currently detained or are detained in the future, your case will be treated with urgency. Your transfer should be organised within 5 weeks. If the transfer is not carried out within 5 weeks, you will be released from detention. However, your transfer will still be arranged within 6 months from the date the EU+ country that is responsible for examining your application accepted the request.

**IMPORTANT!** You must cooperate with the authorities and travel to the EU+ country that is responsible for examining your application.

## ➤ WHAT PERSONAL DATA WILL BE COLLECTED?



The officers in the EU+ country where you are staying will collect certain information, including the below:

- Your personal details and those of family members travelling with you (name, nationality, date and place of birth). If you have previously used different names and details, they will ask you about that.
- Information about your identity and travel documents.
- Any other information that can confirm your identity, such as your fingerprints.
- Details about any family members residing in another EU+ country, such as their personal details, the last time you were in contact, their location and their legal status .
- Details about any documents you have that have allowed you to live in an EU+ country if this applies in your case.
- Information on documents that show you studied in an EU+ country for more than a year.
- Information about which countries you travelled through to reach this country.
- Your personal circumstances.
- The date of any previous applications for international protection and the outcome of those applications.

## ➤ WHAT ARE YOUR RIGHTS IN RELATION TO YOUR PERSONAL DATA?

You have the right to access any data you provided to the authorities.

If you believe any of your personal data is inaccurate or not lawfully processed, you can request access to your personal data by contacting the data controller to ask inaccurate data to be corrected or unlawfully processed data to be deleted.

You can contact the data controller in this country using the information below.


For further information, please visit [www.AsylumInAustria.at](http://www.AsylumInAustria.at).

## MY NOTES

## MY NOTES

# MY NOTES



 Federal Office for  
Immigration  
and Asylum

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