

Austria: Information for stateless people and those at risk of statelessness fleeing Ukraine



European
Network on
Statelessness

ENS Focal Point: Leonhard Call, Individual Associate Member of ENS

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This briefing provides country-specific information for stateless people and those at risk of statelessness fleeing Ukraine. It is intended as a source of information for refugee response actors and affected individuals. The focus is on stateless people and people at risk of statelessness, including those who are undocumented. Links to more general information for refugees from Ukraine are provided throughout. We will endeavour to keep this information updated. Please contact Ukraine.crisis@statelessness.eu if you have relevant updates. Unless otherwise shown, the source of information provided is the ENS Focal Point.

1. ENTRY REQUIREMENTS & REGISTRATION

According to the Federal Ministry of Austria (BMI), by 9 September 2022 around 80,000 people fleeing Ukraine had been registered in Austria, among whom 60,000 were receiving basic welfare support. There are no exact figures on the current number of Ukrainian refugees in Austria.

All persons fleeing Ukraine may enter Austria on humanitarian grounds and must register before the authorities. The [European Commission](#) confirms that a lack of travel documents or medical documents (certificate of vaccination, COVID-19 test) should not be an obstacle to entering the EU throughout the Ukraine crisis, and the Austrian police have been ordered to take a flexible approach on documentation and standard of proof. There are no reports of pushbacks or refusal of entry at the border. Volunteers and NGOs are present at the border with Hungary, Slovakia, and the Czech Republic, as well as at Vienna's main train station (*Wiener Hauptbahnhof*) providing essential support and accommodation.

While entry to Austria is generally permitted to everyone fleeing Ukraine, there are very few routes to protection or regularisation for stateless persons, persons at risk of statelessness, and undocumented persons (see section 2). These persons are strongly advised to seek legal advice as soon as possible (see contact details below).

Documents required	<ul style="list-style-type: none">• The Federal Office for Immigration and Asylum (BFA) advises everyone to bring a passport, birth certificate, marriage certificate, other civil status documents, or other identity documents (e.g. ID card, driving licence, residence permit) if possible, but police must take a flexible approach on documentation and standard of proof• Stateless people are advised to take any documents they may have to facilitate their access to protection or a route to regularisation in Austria (i.e., residence permit, proof of international protection in Ukraine, application under a relevant procedure, or any other civil documentation)• Undocumented people fleeing Ukraine should be permitted to enter Austria but are strongly advised to seek legal advice as soon as possible
Entry and registration	<ul style="list-style-type: none">• Everyone fleeing Ukraine can enter Austria on humanitarian grounds (including stateless/undocumented persons), and no one will be required to return to Ukraine• Everyone fleeing Ukraine is required to register with the police at specific police stations or reception centres (Erfassungsstellen) to receive basic welfare support (see points of contact); biometric data is taken from anyone over the age of 14• The Humanitarian Arrival Centre of Vienna (Humanitäres Ankunftszentrum) is the first point of contact for essential supplies; once accommodation is found, people must report to the relevant registration office (Gemeindeamt/Magistrat), complete an application form, and register any change of residence.

	<ul style="list-style-type: none"> If eligible for temporary protection, apply to State Police Directorate within three days; if not, may apply for asylum before a relevant competent authority (e.g., at the Humanitarian Arrival Centre) Police will direct any unaccompanied minors to youth welfare institutions
Documents issued	<ul style="list-style-type: none"> <u>Persons eligible for temporary protection</u>: the Federal Office for Immigration and Asylum (BFA) will issue an ID card for registered persons (<i>Vertriebenenausweis</i> = "Blaue Aufenthaltskarte") ("Blue Residence Card") <u>Asylum seekers</u>: document evidencing lawful stay in Austria for the duration of the asylum procedure ("White Card") <u>Other people who do not apply for protection</u>: document confirming access to health care services
Entry status	<ul style="list-style-type: none"> Beneficiary of temporary protection, asylum seeker, or temporary stay pending onward travel (status of those permitted entry on humanitarian grounds but ineligible for protection whose country of origin/habitual residence is Ukraine is unclear)

2. ROUTES TO INTERNATIONAL PROTECTION

Three forms of protection are available to people fleeing Ukraine: refugee status, subsidiary protection, or temporary protection. Temporary protection is only available to stateless persons who benefitted from international protection or equivalent national protection in Ukraine. Austria does not extend temporary protection to stateless persons who had a valid permanent residence permit in Ukraine, nor to other stateless and undocumented persons from Ukraine. People who are not eligible for temporary protection or international protection may enter Austria on humanitarian grounds and are temporarily allowed to stay, but the law requires that they organise onward travel to their 'country of nationality/habitual residence'. If that country is Ukraine, the situation is unclear. Some stateless/undocumented people may be able to regularise their stay in Austria through other routes (e.g. student visa, or tolerated stay), but the requirements are difficult to meet.

Most stateless people, people at risk of statelessness and undocumented persons fleeing Ukraine are likely to be excluded from protection in Austria unless they meet the eligibility criteria set out below. People who are already in Austria are strongly advised to seek legal advice as soon as possible (e.g. from [Diakonie Flüchtlingsdienst](#); see [list of all organisations offering legal advice at the website of Asylkoordination Österreich](#)).

Available routes to protection are summarised in the table below.

	Refugee status	Subsidiary Protection	Temporary Protection
What is it?	Protection under 1951 Convention Relating to the Status of Refugees	Protection for people who do not meet 1951 Convention definition but would be subject to serious risk of harm upon return	Temporary protection for eligible people displaced from Ukraine
Can stateless and/or undocumented persons apply?	Yes	Yes	Yes, if they meet eligibility criteria (i.e., beneficiaries of international or equivalent national protection in Ukraine and their family members)
Where to apply?	Before a relevant competent authority (i.e., police, border guard); Federal Office for	Same as Refugee Status	State Police Directorate (LPD) within 3 days of arrival

	Immigration and Asylum (BFA) is the authority competent to decide on the application		
Procedure & rights	<p><u>Admission procedure:</u> initial interview with questions about circumstances; identity check through fingerprints, pictures, etc.; if BFA determines Austria is competent to decide on the application, it is considered submitted.</p> <p><u>Substantive procedure:</u> decision should be issued within 6 months; appeal is possible; free legal aid; temporary residence permit ('White Card'); right to stay pending decision; interpreting; accompaniment by a trusted person/lawyer; legal assistance from NGOs; accommodation; health insurance; right to work 3 months after receiving a temporary residence permit</p>	Same as Refugee Status	Biometric data collected if over 14 years; registration of address registration office (<i>Meldeamt = Gemeindeamt/Magistrat</i>) within 3 days; registration confirms status as temporary protection beneficiary; if identity or links to Ukraine uncertain BFA will conduct an interview
Rights upon recognition	ID card; right to stay in Austria for 3 years (renewed automatically); right to work; apply for a travel document; apply for family allowance; German language courses; health insurance; education for children; social allowances on the same basis as Austrian nationals	ID card; right to stay in Austria for 1 year (renewable for 2 years upon application); right to work; apply for a Foreigner's Passport (<i>Fremdenpass</i>); apply for family allowance; German language courses; health insurance; education for children; social allowances on the same basis as Austrian nationals (only in certain provinces)	Temporary right of residence until 3 March 2023 (renewable for a maximum of one year); identity card ("Blue Residence Card"); right to work with a work permit; apply for family allowance; German language courses; health insurance; education for children; basic welfare support

For more information, see:

- Federal Office for Immigration and Asylum [page on Ukraine](#) / [FAQs for displaced persons from Ukraine](#), [Information on the temporary right of residence for displaced persons from Ukraine](#) / [Asylum Procedure](#)
- Government of Austria, [Asylum Procedure](#) / [Definition of Subsidiary Protection](#)
- Ministry of the Interior, [Neighbourhood Assistance Ukraine](#) / [Draft Ordinance of the Federal Government on a Temporary Right of Residence for Displaced Persons from Ukraine](#)
- Caritas-Vienna, [Refugee Assistance](#)

- City of Vienna, [Information for people from Ukraine](#)
- [Federal Office for Immigration and Asylum](#) (contact: +43 59133 98 7004; BFA-Einlaufstelle@bmi.gv.at)
- [Government of Austria](#) (contact: buergerservice.oegv@brz.gv.at)
- [Bundesagentur für Betreuungs- und Unterstützungsleistungen \(BBU\)](#) (contact: +43 1 2676 870 9460)
- KIND & Child Circle, [Note on unaccompanied children fleeing Ukraine](#)
- Right to Protection, [Who are stateless persons who fled Ukraine after the Russian invasion on 24 of February, 2022](#)

3. STATELESSNESS DETERMINATION AND PROTECTION STATUS

For stateless people, it is important to determine both a claim for international protection and their statelessness. Each application should be assessed and both types of status should be explicitly recognised so that even if international protection ceases, the person remains entitled to protection as a stateless person. Statelessness determination should be conducted either in parallel with or following the refugee status determination, with due regard to the primacy of the asylum claim and the principle of confidentiality for refugees in statelessness determination procedures. For more information, see: [ENS briefing on statelessness determination & protection in Europe](#).

Austria does not have a dedicated statelessness determination procedure and statelessness protection status. Statelessness may be identified through other administrative procedures, including international protection or the procedure for acquiring a residence permit, a [foreigners' passport \(*Fremdenpass*\)](#) for legally residing stateless people (or those with undetermined nationality) who do not hold a valid travel document, or in an application for a 'Tolerated Stay Card' (*Duldungskarte*) if the person cannot leave/be removed from Austria. None of these procedures has the stated objective of determining statelessness nor provides for a right of residence based on statelessness alone.

The burden of proof for applications for Tolerated Stay or a *Fremdenpass* lies in practice with the applicant. Procedural safeguards such as access to legal aid, interviews and interpreting vary. Rights are dependent on residence status, not on the identification of statelessness. Without legal residence on another basis, stateless people have access only to emergency medical care and primary education.

Stateless persons are advised to seek legal advice on their options in Austria (e.g. from [Asylkoordination Österreich](#) or [Diakonie Flüchtlingsdienst](#)). For more information, see: [ENS Statelessness Index Austria](#)

4. REQUIREMENTS FOR ONWARD TRAVEL TO THIRD COUNTRIES

Beneficiaries of temporary protection with the [Blue Residence Card](#) and stateless persons with a *Fremdenpass* may travel within the Schengen area without a visa for 90 days within 180 days and may re-enter Austria at any time. Refugees with a travel document may travel to third countries (excluding their country of origin). Asylum seekers can leave Austria, but their asylum procedure will be closed. People who entered on humanitarian grounds but are ineligible for temporary or international protection can apply for legal and financial assistance, but they may be required to leave Austria and it is unclear whether they would be allowed to enter again.

5. OTHER RELEVANT INFORMATION

Reports from civil society indicate that it often takes several weeks or months until people benefitting from temporary protection receive basic welfare support. In the meantime, access to support is only available through volunteers and NGOs. Reform of the basic welfare system for asylum seekers and beneficiaries of temporary protection is currently being discussed.

6. ORGANISATIONS ASSISTING STATELESS PEOPLE

UNHCR www.unhcr.at +43 1 260 60 4048 ausvi@unhcr.org	Asylkoordination Österreich https://www.asyl.at/de/info/news/informatsiyaprovtechuzukrayiny/ +43 1 2676 870 9460 asylkoordination@asyl.at
Diakonie Flüchtlingsdienst https://www.diakonie.at/unsere-themen/flucht-und-integration/hilfe-fuer-ukraine-fluechtlinge-in-oesterreich https://www.diakonie.at/unsere-themen/flucht-und-integration/hilfe-fuer-ukraine-fluechtlinge-in-oesterreich +43 664 88 711 522 diakonie@diakonie.at	Caritas-Vienna https://www.caritas.at/spenden-helfen/auslandshilfe/katastrophenhilfe/laender-brennpunkte/ukraine/ua-ich-brauche-hilfe +43 5 17 76 380 ukraine-info@caritas-wien.at