

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



European
Network on
Statelessness

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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

A significant number of displaced people from Ukraine have been granted protection in Austria since the beginning of the war. As of 9 January 2024, approximately 96,000 Austrian residence permits have been issued to beneficiaries of temporary protection status (although there is no data on how many of these were issued to stateless people). According to [Eurostat](#), 18,320 people and 750 unaccompanied minors were granted temporary protection in Austria in 2023.

Anyone 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 war in Ukraine, and the Austrian police have been ordered to take a flexible approach on documentation and standard of proof. There have been no reports of pushbacks or refusal of entry at the Austrian border.

According to the European Commission, people fleeing the war in Ukraine who are eligible for temporary protection but do not have a biometric passport will receive a 15-day short-stay visa when entering the Schengen area. The visa can be issued by the authorities at the border of the EU country of first entry and will allow travel to the EU country of destination and enjoy the rights attached to temporary protection. People who lack travel documents entirely may be permitted entry into the Schengen area at the discretion of the authorities at the border of the EU country of first entry, e.g. by issuing a travel document and a visa or by using transfer forms related to temporary protection legislation.

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 have been instructed take a flexible approach on documentation and standard of proof• <u>Stateless people</u> 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. They may be interviewed at the responsible office of the BFA to confirm the information required to determine their eligibility for temporary protection and residence permit
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<p>Entry and registration</p>	<ul style="list-style-type: none"> • Everyone fleeing Ukraine can enter Austria on humanitarian grounds (including stateless/undocumented people), and no one will be required to return to Ukraine • Everyone fleeing Ukraine is required to register at one of the executive authorities or registration centres (see List Of Registry Offices For Refugees From Ukraine - BBU). To receive basic welfare support the person should apply in the federal province in which their residence was registered (see Application for basic care - BBU). In some arrival centres, it is possible to apply for basic care directly after registration is completed on site. Information on arrival centres, including phone numbers to check for availability at these centres, can be found here. Some major arrival centres have recently closed. • Biometric data is taken from anyone over the age of 14 • The Humanitarian Arrival Centre (Schloßberggasse 8, 1130 Vienna) is the first point of contact for essential supplies in Vienna (please note that this arrival centre, along with some other arrival centres in Graz and Vorarlberg, are at capacity; availability should be checked in advance via the phone numbers listed here). Other humanitarian centres or institutions of first contact in Austria can be found here: Ukraine neu. Info/FAQ English - BBU • Once accommodation is found, the person must report to the competent registration office (<i>Gemeindeamt/Magistrat</i>), fill out an application form and register any further change of residence Beneficiaries of temporary protection status may find accommodation on their own or ask for help at the humanitarian or registration centres • If eligible for temporary protection, register at locally competent police station i.e., police, border guard, BFA) within three days; if not, may apply for asylum before a relevant competent authority. Police should redirect any unaccompanied minors to the competent regional youth welfare authority
<p>Documents issued</p>	<ul style="list-style-type: none"> • <u>People eligible for temporary protection</u>: the Federal Office for Immigration and Asylum (BFA) will issue an ID card for registered persons (<i>Vertriebenenausweis = "Blaue Aufenthaltskarte"</i>) ("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
<p>Entry status</p>	<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 in Ukraine is unclear).

2. ROUTES TO INTERNATIONAL PROTECTION

Three forms of protection are available to people fleeing Ukraine and entering Austria: asylum, subsidiary protection, or temporary protection. Temporary protection is only available to stateless people who benefitted from international protection or equivalent national protection in Ukraine, granted before 24 February 2022 under Ukrainian law and who had to leave Ukraine on or after 24 February 2022 due to the war. In March 2023, the [Austrian Constitutional Court](#) clarified that the date should be read flexibly. Austria does not extend temporary protection to stateless people who had a valid permanent residence permit in Ukraine, nor to other stateless and undocumented people 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 remains 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 to allow such regularisation are difficult to meet.

As of 1 October 2024, beneficiaries of temporary protection, and their close family members, who have worked in Austria for 12 months within the last 24 months, may apply for a [one year, renewable residence permit \(“Red-White-Red Card plus”\)](#), which enables the holder to reside and work in Austria. After five years of residence (including the time of temporary protection), people may acquire permanent residence if they meet the requirements.

Stateless people, people at risk of statelessness and undocumented people fleeing Ukraine are at risk of being 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.

	Asylum	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 Immigration and Asylum (BFA) is the authority competent to decide on the application	Same as for Asylum	Locally competent police station (for a list please see link below) within 3 days of arrival
Procedure & rights	<u>Admission procedure:</u> initial interview with questions about circumstances; biometric data collected if person is over 14 years (fingerprints, pictures, etc.); if BFA determines Austria is competent to decide on the application, it is considered submitted. <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 until the	Same as for Asylum	Biometric data collected if person is over 14 years; registration of address with the 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

	decision is made; 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		
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 extended until 4 March 2025 ; automatic renewal/reissue of 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 / Registration and Stay/Ordinance of the Federal Government on a Temporary Right of Residence for Displaced Persons from Ukraine
- Ministry of the Interior, [Information on the Red-White-Red Card plus](#), and Federal Agency for Reception and Support Services, [Red-White-Red - Card plus for displaced people from Ukraine](#)
- Caritas Austria, 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 (contact: +43 1 2676 870 9460)
- [Austrian Constitutional Court judgment, VfGH 15 March 2023, E 3249/2022](#) and blog post: [Blog Asyl, 7 April 2023](#)
- European Union Asylum Agency, [Who is Who in International Protection, Temporary Protection overview](#)
- European Union Agency for Fundamental Rights, [Fleeing Ukraine: Implementing temporary protection at local levels](#) (December 2023)
- European Union Agency for Fundamental Rights, [Report on Fleeing Ukraine - Fleeing Ukraine: Displaced people's experiences in the EU](#)
- European Union Agency for Fundamental Rights, [Fundamental Rights Implications for the EU of the War in Ukraine](#)
- European Union Agency for Fundamental Rights, [The Russian aggression against Ukraine – Displaced children finding protection in the EU - Bulletin 3](#)

- [EU Asylum Agency, Providing Temporary Protection to Displaced Persons from Ukraine: A Year in Review \(March 2023\)](#)
- European Council of Refugees and Exiles, [The EU's Response to Displacement from Ukraine: ECRE's Recommendations](#) (October 2023)
- European Council of Refugees and Exiles, [Information Sheet – Measures in response to the arrival of displaced people fleeing the war in Ukraine](#) (March 2023)
- European Council of Refugees and Exiles, Asylum Information Database, Country reports on Austria, [annex on temporary protection](#)
- [European Migration Network \(EMN\), Annual Report on Migration and Asylum 2022 \(July 2023\) \(Chapter 2, Response to the influx of persons fleeing the war in Ukraine\)](#)
- [Caritas Europa, Europe's welcome of refugees from Ukraine and lessons learnt \(June 2023\)](#)
- Anti-Discrimination Centre Memorial, [The situation of Ukrainian children in European countries after 24 February 2022](#) (June 2023)
- KIND & Child Circle, Supporting children and families from 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 asylum 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. Beneficiaries of temporary protection in Austria may travel to another country within the Schengen area but can lose their status if they move to another country. 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.

Beneficiaries of temporary or international protection from Ukraine in Austria can visit Ukraine, but their right of residence can expire early if they leave Austria for longer than a "[short period](#)". There is no legal definition of a 'short period'. However, 21 to 90 days (depending on the province) will not be considered problematic, if communicated to the competent authorities. For the duration of their stay outside Austria, people under temporary or international protection lose their social benefits. Due to shortages in accommodation and housing facilities, re-entering the basic welfare system has become difficult throughout all provinces and it is not guaranteed that people can return to the same accommodation facility and even the same province as before..

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. Several minor reforms of the basic welfare system for asylum seekers and beneficiaries of temporary protection were implemented since mid-2022 (higher cost rates for all and additional earnings limit higher for beneficiaries of temporary protection).

For information regarding accommodation, see: <https://www.bbu.gv.at/ukraine>

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 +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