

Temporary Protection Austria

2023 Update

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Austria](#).

Table of Contents

Temporary Protection Procedure	3
A. General	3
B. Qualification for temporary protection	6
C. Access to temporary protection and registration	7
1. Admission to territory	7
2. Freedom of movement	8
3. Registration under temporary protection	8
4. Legal assistance	9
5. Information provision and access to NGOs	11
D. Guarantees for vulnerable groups	12
Content of Temporary Protection	14
A. Status and residence	14
1. Residence permit	14
2. Access to asylum	15
B. Family reunification	15
C. Movement and mobility	16
D. Housing	17
E. Employment and education	19
1. Access to the labour market	19
2. Access to education	21
F. Social welfare	23
G. Health care	25

Temporary Protection Procedure

A. General

Due to the illegal war of aggression by the Russian Federation on Ukraine on February 24, 2022, and the resulting refugee movements, the Temporary Protection Directive¹ (TPD) was activated by implementing decision (EU) 2022/382 at the EU level.²

At the national level, further implementation takes place within the framework of the provisional right of residence for displaced persons according to Section 62 AsylG³ and the Displaced Persons Ordinance (*Vertriebenenverordnung*).⁴ The target group of the ordinance, adopted in March 2022, consists primarily of Ukrainian citizens residing in Ukraine before 24 February 2022, recognised beneficiaries of international protection in Ukraine and family members of these two groups.

The Displaced Persons Ordinance also references the reasons for exclusion set out in Article 28 of the Temporary Protection Directive, which are the same as under the 1951 Convention and §§ 6-7 AsylG.

Title (EN)	Original Title (DE)	Abbreviation	Web Link
Federal Act concerning the Granting of Asylum	Bundesgesetz über die Gewährung von Asyl StF: BGBl. I Nr. 100/2005	Asylum Act (AsylG)	http://bit.ly/1jULWW6 (DE)
Ordinance of the Federal Government on temporary protection for displaced persons from Ukraine	Verordnung der Bundesregierung über ein vorübergehendes Aufenthaltsrecht für aus der Ukraine Vertriebene (Vertriebenen-Verordnung – VertriebenenVO) StF: BGbl. Nr. 92/2022	Displaced Persons Ordinance	https://bit.ly/3WWBTCT (DE)

The right of residence for displaced persons arises ex lege (and expires ex lege) without a decision to be made. The persons concerned receive an ID card for displaced persons for documentation purposes. The Bundesamt for Fremdenwesen und Asyl (BFA) is responsible for the procedure and the issuing of ID cards. The first registration is carried out by the organs of the public security service or the Provincial Police Directorates (LPD).

There are no official statistics on the number of people displaced, directly or indirectly, by the conflict, that are present in Austria but beyond the scope of TPD, however that is not to say there are none. As the scope of the Austrian implementation of the TPD is very restrictive and focuses mainly on Ukrainian nationals, there were several reports in March 2022 about third country nationals (TCNs) fleeing from Ukraine to Austria.⁵

TCNs with a residence permit in Ukraine are allowed to enter Austria for the purpose of organising their onward travel or to legalise their stay in Austria. This concerned mainly students from African and Asian

¹ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [2001] OJ L 212/12, available at: <http://bit.ly/409uJhu>.

² Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71/1, available at: <http://bit.ly/3EHe8lw>.

³ Bundesgesetz über die Gewährung von Asyl StF: BGBl. I Nr. 100/2005, available in German at: <http://bit.ly/1jULWW6>.

⁴ Verordnung der Bundesregierung über ein vorübergehendes Aufenthaltsrecht für aus der Ukraine Vertriebene (Vertriebenen-Verordnung – VertriebenenVO), 11 March 2022, available in German at: <https://bit.ly/3JQBKMV>.

⁵ SWR, 'Zerplatzte Träume – Afrikanische Studierende aus der Ukraine', 13 February 2023, available in German at: <https://bit.ly/3y4qAll>.

countries who were studying in Ukraine before 24 February 2022. In some cases, the students tried to apply for a status. A Tunisian student was searched and imprisoned by police in Linz. The police argued that the student had asked about possibilities to legalise his stay in Austria and thus showed that he was not willing to travel onward. The Ministry of Interior announced that TCNs who do not show the will to travel onwards to their home countries are viewed to be illegally in the country.⁶

As of 24 March 2023, 464,000 Ukrainian nationals had entered Austria since 24 February 2022. 384,900 had since left Austria again. More recent statistics are not available.

According to unpublished information by the office of the Refugee coordinator, Andreas Achrainger, around 107,779 persons (65.7% female, 34.3% male) have been registered since March 2022 and between March 2022 and 31 December 2023, 103,339 ID cards were issued to displaced persons from Ukraine and 83,415 have a valid displaced person status.

Still according to the office of the Refugee coordinator, around 95,000 persons (63,500 female, 31,500 male) were registered in 2022 and between March and 31 December 2022, 89,302 ID cards were issued to displaced persons from Ukraine.

As of 31 December 2022, 91,232 persons had been registered as displaced persons from Ukraine, of which 89,770 were Ukrainian nationals. In the Central Register of Residents, 68,124 Ukrainian nationals were registered of which 55,339 received support via Basic care.

As of 31 December 2023, 107,779 persons had been registered as displaced persons from Ukraine, of which 106,133 were Ukrainian nationals. As of January 3rd 2024, in the Central Register of Residents, 69,632 Ukrainian nationals have been registered of which 40,701 received support via Basic care.

As of December 2023, 83,415 people have a valid displaced status.⁷

As of January 3rd 2024 (March 2023, 69,319) 69,632 Ukrainian nationals have been registered in Central Register of residents in Austria since March 2022. The difference between the numbers of Ukrainian nationals registered in the Central Register of residents and the number of ID cards issued has many reasons: some ID cards are issued to non-Ukrainian nationals (e.g. married partners), some were on short term visits to Ukraine at the time and some moved back or to other countries for indefinite time without de-registering. This number is purged of potential mistakes / double registrations, , e.g. if names were entered incorrectly. After the process of sending out the new ID cards at the start of 2024, it is to be expected that the number of ID cards issued will be closer to the number of persons registered in the Central Register of residents. As of December 29th 2023 (March 2023 53,223) 40,701 displaced Ukrainians receive Basic care.

In 2023, 130 Ukrainian nationals applied for asylum in Austria (as opposed to 628 in 2022 and 91 in 2021) (see [Access to asylum](#)).

⁶ "Flucht aus Ukraine: Tunesischer Student festgenommen", www.orf.at, 21 March 2022, available in German at: <https://bit.ly/40kUStc>.

⁷ Statistics presented as part of a meeting organised by the Ukraine Refugee Coordination Unit.

Beneficiaries of temporary protection in Austria have almost exclusively Ukrainian citizenship:

Citizenship of beneficiaries of temporary protection in Austria as of 31 December 2023			
Citizenship	Total	Male	Female
Ukraine	106,133	35,977	70,156
Russian Federation	393	172	393
Armenia	127	64	63
Moldova	100	55	45
Georgia	89	72	17
Accumulated top 5	106,842	36,340	70,674
Rest	937	659	106
Total	107,779	36,999	70,780

Source: unpublished information by the office of the Refugee coordinator

(Residence) prospects for displaced persons

So far, there is no solution but it is necessary for there to be a follow-up residence permit and social security for displaced persons to enable a self-determined life and end the 'waiting dilemma'. The displaced person status was extended by a further year at EU level in October, until March 2025. However, it is still unclear whether and if so, which residence permit will be possible for displaced persons after March 2025 in Austria. People need to have a perspective as soon as possible that enables a good arrival and integration on the one hand, but also a meaningful longer-term stay on the other. A perspective to stay entails a residence title, subsequent or parallel to the displaced person status, with open access to the labour market, as well as social rights oriented towards asylum status, in any case no worse than the previous residence status.

A very important consideration is that there should be no gaps in provision of care and services when changing from displaced person status to another residence title. Transitional periods should be taken into account.

In May 2024, the government submitted a legislative proposal to the parliamentary process: it foresees that beneficiaries of temporary protection from Ukraine should be able to switch to Red-White-Red Card Plus, which is a regular title of stay to be issued in the regular scheme of the Residency Law (NAG). Due to the conditions to be fulfilled, it is expected that only a very small number of persons will benefit from this possibility. People must:

- ❖ Have secured employment during at least 12 months of the last 24 months;
- ❖ Have a realistic prospect of income, i.e.
 - Single people: approx. EUR 1,218 net per month,
 - Married couple/registered partner: approx. EUR 1,921 net per month (jointly),
 - per child additionally approx. EUR 188 net per month; Family allowance is not taken into account, childcare allowance is;
- ❖ Have German language skills of at least a level A1, certified by an authorised institute (e.g. ÖSD, ÖIF etc.).⁸

It is expected that the law will be passed within in the next months and will be in force at latest at the start of November 2024. The government mentioned that it considers that approx. 7,000 persons would be eligible for this title of stay. This assumption is not shared by NGOs who believe only a maximum of 2,000-3,000 persons (out of 70,000 Ukrainians residing in Austria) would be eligible.⁹

⁸ „Rot-Weiß-Rot – Karte plus für ukrainische Vertriebene“, BBU GmbH, available in German at: <https://shorturl.at/RJZJs>.

⁹ „Diakonie kritisiert: Neues Gesetz schließt die meisten Ukraine-Vertriebenen aus“, Diakonie Österreich, available in German at: <https://shorturl.at/C8iQD>.

B. Qualification for temporary protection

The target group essentially includes (§§ 1-2 of the Displaced Persons Ordinance):

- ❖ Ukrainian nationals residing in Ukraine before 24 February 2022 (§ 1 Z 1 Displaced Persons Ordinance);
- ❖ Non-Ukrainian third-country nationals with international protection or equivalent national protection in Ukraine who had to leave Ukraine on or after February 24th, 2022 (§ 1 Z 2 displaced persons regulation). This applies to people with refugee status (asylum) or complementary protection (equivalent to subsidiary protection) in Ukraine, as well as recognised stateless persons;
- ❖ Family members of the two categories mentioned above (including non-Ukrainian nationals, § 1 Z 3 in conjunction with 2 Expellees Ordinance). Family members are defined in § 2 Displaced Persons Ordinance as including spouses, registered partners, minor unmarried children of the eligible person and / or that of their spouse or registered partner, other close relatives if they lived in the same household in Ukraine and were substantially or fully dependent on them. These family links must have existed prior to 24 February 2022. This can notably including Ukrainian family members who do not have an independent right to TPD because they were not in Ukraine in February 2022. Concerning TCN family members however, in practice, the AT authorities have refused to grant displaced person status to TCNs, including family members of TPD beneficiaries (see infra, same section, regarding the practice concerning TCNs).

Austria further extended protection to two categories of Ukrainians (§ 3 Displaced Persons Ordinance) who had left Ukraine prior to 24 February 2022 and were lawfully present in Austria on that date:

- ❖ Ukrainian nationals with a residence permit in Austria as of 24 February 2022, if it is not renewed, since these individuals cannot return to Ukraine;
- ❖ Ukrainian nationals lawfully residing in Ukraine as of 24 February 2022 that were in Austria either under a visa exemption on 24 February 2022 (holders of biometric passports) or under a visa for Austria. They are only eligible after the visa expired.

Reasons for exclusion are similar to the reasons for exclusion of the 1951 Convention and § 6 Abs 1 Z 2 and Z 4 AsylG, replicating article 28(1) TPD). The exclusions apply to all of the target groups listed.

Temporal scope re. Ukrainian nationals

Regarding persons who left Ukraine prior to 24 February 2022, Ukrainian nationals lawfully present in Austria on 24 February 2022 are eligible to register as displaced persons under the TPD.

There are several court cases pending regarding the question of whether Ukrainian nationals that entered Austria after 24 February 2022 but had left Ukraine before 24 February 2022 are eligible for temporary protection. In one case, the BVwG annulled the negative decision of the first instance authority.¹⁰ The Constitutional Court announced that it would examine some of these cases in the first half of 2023.¹¹

In a ground-breaking case with a decision from 15 March 2023, the Constitutional Court found the practice of the Austrian authorities and BVwG to exclude Ukrainians that were not present in Ukraine on 24 February from temporary protection in Austria as unlawful. In this case, a Ukrainian national who was on vacation to Georgia on the day of the invasion and could not return to Ukraine as planned registered for TP in Austria but was denied a temporary protection status. This decision was arbitrary and thus found unlawful as the Displaced persons ordinance in accordance with the TPD speaks of “residence” in Ukraine and not about “being physically present” in Ukraine on 24 February 2022.¹²

¹⁰ “BVwG: Wer gilt als „vertrieben“ im Sinne der VertriebenenVO?”, BVwG 18.11.2022, [W196 2262218-1/3E](https://bit.ly/3E9W13E) und BVwG 07.12.2022, [W189 2259726-1/4E](https://bit.ly/3JPNwXO), available in German at: <https://bit.ly/3JPNwXO>.

¹¹ VfGH, „Vorschau auf das Programm des VfGH im ersten Halbjahr 2023“, available in German at: <https://bit.ly/42CqUCJ>.

¹² VfGH, E3249/2022-12, 15 March 2023, available in German at: <https://bit.ly/3ZVrJ6M>.

This decision has a certain precedent effect for all those who left Ukraine not long before February 24, 2022. It has clarified a major legal uncertainty. Following this decision, the BFA changed its practice and affected persons are considered fall within the scope of the IDP Regulation and are granted displaced person status. However, this has not led to a significant rise in the number of beneficiaries.

Third country nationals

The scope of the TPD in Austria is restricted compared to the Council Decision (for further details and information regarding legal action taken in these matters, see [Legal assistance](#)). Notably, Austria chose not to offer temporary or other adequate protection for TCNs covered by the Council Decision (article 2(2) and 2(3)). TCNs are allowed to enter the country but are not eligible for temporary protection unless they were BIPs in Ukraine. Stateless persons are only eligible if they have already received some sort of protection status in Ukraine. All other TCNs are thus dependent on the regular asylum system.¹³ This is also the case for family members of Ukrainian nationals covered by TP who are themselves TCNs.

All TCNs that do not fall under the TPD regime have access to the regular asylum system. Applications for titles of stay according to the Residency Law (NAG) generally cannot be submitted in Austria but must be submitted before an Austrian embassy. After the start of the Russian invasion in Ukraine, the embassies in Bratislava, Ljubljana and Munich were empowered by the Ministry of External Affairs to receive applications based on the Residency Law (NAG).

Prolongation of TPD

§ 4 of the Displaced persons Ordinance foresees that temporary protection is granted until 3 March 2023 and will be prolonged automatically by half a year or a year in case the TPD is not withdrawn by a Council decision. The Ordinance was amended by the government on 30 January 2023 stating that the temporary stay will be prolonged until 4 March 2024.¹⁴ Since the TPD was prolonged until March 2025, the Ordinance is automatically prolonged until 4 March 2025. An application for renewal was not necessary: ID cards for the beneficiaries were sent automatically between January and February 2024 to all those with a main residence registration in Austria.¹⁵ No issues were reported in practice.

C. Access to temporary protection and registration

1. Admission to territory

Before the activation of the TPD at the EU level and clarification as to on what grounds persons fleeing from Ukraine could enter the country, there were some reports of NGOs such as Mission Lifeline from 1 March 2022 that the Austrian police refused the entry to TCNs fleeing Ukraine that did not apply for asylum.¹⁶ The Ministry of Interior clarified that TCNs fleeing from Ukraine are allowed to enter the country based on Art. 5(c) of the Schengen Border Code for the purpose of planning their onward travel or regularisation of stay in Austria.¹⁷ Since March 2022, there have been no reports of refusal of entry of TCNs or Ukrainian nationals, including in 2023.

¹³ Verordnung der Bundesregierung über ein vorübergehendes Aufenthaltsrecht für aus der Ukraine Vertriebene (Vertriebenen-Verordnung – VertriebenenVO), available in German at: <https://bit.ly/3JQBKMV>.

¹⁴ Bundesgesetzblatt II 27/2023, 30 January 2023, available in German at: <https://bit.ly/41b6yyF>.

¹⁵ BFA, 'Formulare', available in German, English, Ukrainian and Russian at: <https://bit.ly/4aZk8uw>.

¹⁶ „Einreise für Nichtukrainer schwieriger“, www.orf.at, 1 March 2022, available in German at: <https://bit.ly/3LV4iHI>.

¹⁷ Ministry of Interior, Internal decree, GZ 2022-0.183.851, 10 March 2022, unpublished but cited in the judgement by the Federal Administrative Court, L518 2254117-1/20 E, 23 January 2023, available in German at: <https://bit.ly/3UPM2ls>.

2. Freedom of movement

The Austrian police issued an internal decree on 27 February 2022 enabling Ukrainian nationals without biometric passports to enter the country.¹⁸ There are no reports about Ukrainians having problems with moving onwards to other countries.

3. Registration under temporary protection

The right of residence arises *ex lege* on the basis of the Displaced persons Ordinance (Vertriebenenverordnung). The Displaced Persons Ordinance entered into force on 12 March 2022. The protection status was initially granted until 3 March 2023 with the provision that it will be prolonged for another year if the Council will not withdraw the activation of the TPD. Since the European Union has prolonged the TPD, the Displaced Persons Ordinance is automatically prolonged until 4 March 2025.

The ID card for displaced persons is to be issued *ex officio* by the BFA to persons who fall within the scope of the Displaced Persons Ordinance. There is no formal application: An initial registration is carried out by the police and the registration papers are forwarded to the BFA. Displaced persons from Ukraine can register for displaced person status with the police at the arrival centres located in 2 out of 9 (Vienna, and Vorarlberg)¹⁹ provinces. In the other provinces the competent authority for basic care provides displaced persons with emergency beds, medical assistance and food. The police register the personal data – usually this information is taken from the person’s Ukrainian passport – and arrange for registration with the health insurance agency as well as the registration in the central basic care information system (GVS BIS) if the wish to do so is expressed. There is no further interview. If the conditions for the status are fulfilled, the ID card for displaced persons is issued and sent to the persons concerned (see [Residence permit](#)).

In the registration process, existing biometric passports with a chip are read out and the signature is recorded on the data entry form. These data points – including the photo stored on the passport – are sent to the BFA. This data can then be used for the print order to the State Printing Office which is responsible for the production of the ID card. Under these circumstances, it is not required that the stranger submit a passport photo to the BFA.

If a person expresses the intention to receive displaced person status at the border, they are referred to one of the 28 regional police registration centres.²⁰ Upon registration, the person will receive an ID card. If the person wishes to get Basic Care, the person has to register with the responsible Social Care unit of the respective provinces. In the first months of 2022, in every province there was a central first arrival centre designed for Ukrainians where they could register for the ID card, social security, basic care and allocation of accommodation. First arrival centres designed for Ukrainians were closed in Innsbruck, Salzburg, Linz and Graz. In Nenzing (federal province Vorarlberg) and Vienna there is still a first arrival centre. In Salzburg, Graz and Linz, there is at least 24/7 accessibility via an emergency telephone number and emergency beds for 1-3 nights. In the federal states where there are no first arrival centres, displaced persons can apply directly to the respective state basic care office for admission to basic care. Referral to basic care usually works within a few days, with the exception of Vienna and Nenzing where referral often takes up to several weeks. This is mainly because there are hardly any free places in basic care in Vorarlberg. In Vienna, there are some people with increased care needs due to disabilities or old age, for example. There are not enough places in basic care for people with increased care needs, which is why these people often stay longer in the first arrival centre.²¹

¹⁸ Ministry of Interior, Internal decree, GZ 2022-0.183.851, 10 March 2022, unpublished but cited in the judgement by the Federal Administrative Court, L518 2254117-1/20 E, 23 January 2023, available in German at: <https://bit.ly/3UPM2ls>.

¹⁹ BBU GmbH, ‘Startseite Ukraine’, available in German, English and Ukrainian at: <https://bit.ly/3SepNWw>.

²⁰ BBU GmbH, ‘Erfassungsstellen der Landespolizeidirektionen’, last updated 02 April 2024, available in German, English and Ukrainian at: <https://bit.ly/4aZqGZU>, and Ministry of interior, ‘Ukraine’, available in German, English, Ukrainian und Russian at: <https://bit.ly/3y22dVq>.

²¹ Minutes from an exchange meeting with the Ukraine refugee coordination unit, unpublished.

There is no specific time limit for persons to apply for status, although the stay of Ukrainian nationals in Austria is only legal the first 90 days, if they have a biometric passport.

Generally, the persons are advised to bring all sorts of identity documents to the registration. A passport is usually sufficient. If no evidence is available further examinations such as interviews have to take place.²²

The standard proof for residency in Ukraine before 24 February 2022 is the passport stamp upon leaving the country. In case of biometric passports, it is assumed that the persons left Ukraine after 24 February. If there is no passport or no stamped passport, other proofs can be submitted. In case of doubts, an examination proceeding by the authority is started and the person is invited to an interview.

Temporary protection for family members is only relevant if the person does not fulfil the conditions of being eligible for TP themselves. Generally a birth certificate or any other proofs can be submitted. If this is not sufficient from the perspective of the authority the person concerned or the relevant family member is invited for an interview at the authority. In practice, this topic is not of relevance as TCNs are not allowed to access TP.

After providing all the necessary documents, applicants are directly provided with an identity card for displaced persons as a **residence permit**. There is no intermediary document while a person waits for the ID card.

Initially, displaced persons from Ukraine encountered lengthy procedures of issuing the documents. This was mainly a consequence of the high number of arrivals and the lack of established work flows and crisis management. The lack of technical equipment such as fingerprint scanners and the distribution of these throughout the country led to a backlog of cases in the first couple of weeks in 2022. As the registration was the precondition for the persons to enter the basic care system many displaced persons were dependent on the support of civil society organisations that provided shelter and food.²³

In 2023, the registration process seems to be quicker, since the number of arriving Ukrainians decreased substantially, as illustrated by the figures presented under **General**. People usually receive their ID card within 2 weeks of registering.

As there is no formal procedure and written decision, there is no appeal and no right to get free legal assistance foreseen. In order to get a written decision, persons have to bring in an application for a declaratory decision before the first instance authority²⁴ which can be appealed in case of rejection.²⁵

4. Legal assistance

There is no written decision and therefore no access to free legal assistance foreseen. If the ID card is not issued, the beneficiary of the temporary protection has to apply for a declaratory decision. As soon as the decision is issued, it can be appealed. However, there is no free legal assistance funded by the state for this procedure.

A network of NGOs (**Diakonie** and **Caritas**) offers free legal counselling and representation in these cases.²⁶ The goal of the counselling project is the equal legal treatment of all people who have fled from Ukraine as some points of the Displaced persons Ordinance were identified to be unlawful, especially with regard to the exclusion of some groups. By means of strategic litigation, selected cases should be brought in front of the Austrian Constitutional Court and the European Court of Justice. In the focus of the

²² BFA, 'Formulare', available in German, English, Ukrainian and Russian at: <https://bit.ly/4aZk8uw>.

²³ „Ist da jemand? Staat lässt Flüchtlingshelfer in Stich“, profil, 9 May 2022, available in German at: <https://bit.ly/3KJj3ft>.

²⁴ Art 56 AVG, VwGH, E 1994/10/25 92/07/0102, 25 April 1996, available in German at: <https://bit.ly/3UTBJwG>.

²⁵ Art 63 AVG.

²⁶ Diakonie Flüchtlingsdienst, Rechtsberatung für Vertriebene aus der Ukraine, available in German and Ukrainian at: <https://bit.ly/42NDzmg>.

project is the exclusion of certain groups and the fact that decisions are not issued in written form and therefore cannot be challenged in court.

According to the NGOs, the main points of strategic litigations are:

- ❖ Legal protection: The Displaced Persons Ordinance does not provide any legal protection mechanism in the sense of a judicial review in the event that the status of displaced person is not granted. It is questionable whether the rule is in conformity with Art. 47 CFR as an effective remedy is not provided. Thus, in selected cases will be challenged whether national implementation is adequate as the TPD foresees the establishment of a legal remedy.
- ❖ Deadline cases: The Displaced Persons Ordinance foresees in general that only persons who have left Ukrainian territory after 24 February are eligible for the temporary protection status. However, there is no objective justification for the unequal treatment of Ukrainians who, for example, left the country a few days before or a few days after 24 February 2022. In addition to equality law considerations, considerations regarding the meaning of the word “expelled” are also at the centre of the argumentation when it comes to the topic of the “deadline” after which the persons must have left Ukraine. Section 1 (1) of the Ordinance on Displaced Persons provides for a status for persons who have been “displaced” from February 24, 2022. “Expulsion” from the home country is not to be equated with “physical abandonment”.²⁷ In a ground-breaking case, in March 2023 the Constitutional Court issued a decision, that was declared arbitrary and thus found unlawful, declaring that the exclusion of Ukrainian nationals from TPD on the basis that the person was not physically present in Ukraine on 24 February 2022 when the person had its residency in Ukraine.²⁸
- ❖ Partners instead of spouses: The Ordinance on Displaced Persons only foresees the provision of temporary protection status for “registered partnerships”, although this legal concept is unknown in the Ukrainian legal system and is therefore irrelevant in practice. Art 15 para 1 (a) of the TPD mentions “unmarried partners who have a permanent relationship with the reference person” if they “are treated similarly to married couples in accordance with the legislation or the customs of the respective Member State”. This provision was taken up in Article 2, paragraph 4, letter a of the Council decision, whereby there was a linguistic change in the German language version: “treated in a similar way” became “equal”. This is obviously an editorial mistake under Union law, a translation error, since the English, French and Italian language versions, for example, continue to speak of “comparable” treatment instead of “equal treatment”.²⁹ As a consequence, TCN unmarried partners are currently not afforded TP in the Austrian implementation of the TPD.
- ❖ Third-country nationals with permanent residence in Ukraine: Article 2 (2) of the Council Decision stipulates that the Member States must afford either temporary protection or an equivalent protection status in accordance with their national law to third-country nationals with non-Ukrainian citizenship who were legally residing in Ukraine before 24 February 2022 on the basis of a valid permanent residence permit and who cannot return to their country of origin under safe and permanent conditions. In the national implementation, these third-country nationals who are entitled to permanent residence are excluded from the status of displaced persons, in practice the BFA refers them to the asylum procedure. However, this does not represent an “equivalent protection status” since the impossibility of returning under “safe and permanent conditions” is a sui generis concept below the threshold of Art. 3 ECHR relevant in the asylum procedure.³⁰

²⁷ Verordnung der Bundesregierung über ein vorübergehendes Aufenthaltsrecht für aus der Ukraine Vertriebene (Vertriebenen-Verordnung – VertriebenenVO), 11 March 2022, available in German at: <https://bit.ly/3JQBKMV>.

²⁸ VfGH, E3249/2022-12, 15 March 2023, available in German at: <https://bit.ly/3ZVrJ6M>.

²⁹ Rechtsberatung für Vertriebene aus der Ukraine, available in German and English: <https://bit.ly/417PhGG>.

³⁰ Rechtsberatung für Vertriebene aus der Ukraine, available in German and English at: <https://bit.ly/417PhGG>.

In general, NGOs like Diakonie Flüchtlingsdienst and Caritas Wien offer free legal counselling to displaced persons from Ukraine. There is no funding for legal counselling by the state.

In practice, there is no free legal assistance provided to displaced persons from Ukraine. NGOs assisting displaced persons are only operating in the major cities. The legal counselling unit of the BBU GmbH that assists asylum seekers in the regular asylum procedure are not available for displaced persons from Ukraine as their scope of work is limited by law. At the borders, there are no NGOs present.

5. Information provision and access to NGOs

There is no specific provision in law on mandatory provision of information for beneficiaries of temporary protection.

The BBU GmbH, BFA and Ministry of Interior offer information on entry into the territory, documentation, protection plans, and administrative procedures through specially designated webpages³¹ in multiple languages, primarily Ukrainian, Russian, English, and German. The office of the Refugee coordinator, Andreas Achrainer, who is also CEO of BBU GmbH, also works together with administrators of Ukrainian telegram groups in Austria and shares relevant information, e.g. information about extension of residence permits.

The majority of Ukrainians is familiar with smartphones, apps, and QR codes. Written info sheets are therefore not as popular for this group or are not used. However, there is a large group, especially people above 60/70 years, who are not reachable via Youtube videos or social messenger groups. This group uses phone hotlines and personal contact is more important. The relevant information material is prepared in a multimedia and multilingual format. There have been improvements in communication processing in 2022 and over the last year.

A small group of deaf Ukrainians came to Austria in March 2022. The deaf community in Austria helped with interpreters right from the start. For this group it was very challenging, especially at the beginning in terms of communication. The support of the Austrian community of deaf persons helped in avoiding chaotic situations.

In March 2022, the Austrian government set up the Ukraine Refugee Coordination Unit.³² Among other things, its task is to coordinate relevant stakeholders in the area of care and accommodation for displaced persons. In addition, the staff unit supports the coordination of aid and donations and other support offers to Ukraine. The staff unit is obliged to report to the federal government. A key task is to improve the processing of information and the communication of relevant information for Ukrainians with a temporary protection permit.³³ In 2022 and 2023, the Ukraine refugee coordination unit organised monthly exchange meetings with many different stakeholders, both governmental and non-governmental, where various topics were discussed, such as people with disabilities, human trafficking, access to the labour market, prospects for displaced persons - what happens after the TPD, notification and professional recognition, etc. Experts are regularly invited to provide information on specific topics. There is a broad discussion in the exchange rounds and suggestions for problems can be given, questions and topics can be suggested, and are taken up by the staff unit.

³¹ BBU GmbH, Informationen für Schutzsuchende, available in German, English, Ukrainian and Russian at: <https://bit.ly/3KkR4BG>; BFA, Informationen zur Verlängerung des Aufenthaltsrechts für Vertriebene aus der Ukraine, available in German and Ukrainian at: <https://bit.ly/3ZXvvN4>; Ministry of Interior, Ukraine, available in German and Ukrainian at: <https://bit.ly/3ZROMQe>.

³² ORF.at, 'Bundeskanzleramt bestellt Ukraine-Flüchtlingskoordinator', 13 March 2022, available in German at: <https://bit.ly/3RSf6rd>.

³³ Salzburger Nachrichten, 'BBU-Chef Achrainer neuer Ukraine-Flüchtlingskoordinator', 30 June 2022, available in German at: <https://bit.ly/co/Gte7>.

Authorities,³⁴ police,³⁵ NGOs,³⁶ employment agency,³⁷ basic care centres³⁸, UNHCR³⁹ etc. have created their own Ukraine pages on their websites and info sheets. Information has been translated into Ukrainian and Russian. The BBU GmbH has also set up a hotline that can be reached and that offers advice and information in the first language, Ukrainian and/or Russian. Advice is also available in German and English. There is also audio-video material available.⁴⁰

Ukrainian volunteers coordinate and support refugees, especially with information on e.g. rules, basic care, education, work, contact persons. They are organised through the social messenger Telegram. There are several different groups, usually one main group with several subgroups per federal state. The refugee coordination unit works closely together with telegram moderators and tries to improve living conditions for Ukrainian refugees.⁴¹

Authorities provide information on how to get temporary protection at border crossings. Such information is most typically provided in Ukrainian, Russian, English and German. However, in most cases, the authorities will post this information online, and volunteers will provide it directly at the checkpoints.

D. Guarantees for vulnerable groups

There is no specific mechanism to identify vulnerable groups upon arrival. Similar to asylum seekers, there is the possibility of accommodation in assisted living for people with increased care needs (for further information, see [General Report - Special reception needs of vulnerable groups](#)). However, the mechanism established for asylum seekers is not available in the process of registration of displaced persons from Ukraine as they are never in the responsibility of the first reception centres for asylum seekers where the medical checks take place. The number of places in the framework of increased care needs was already significantly too low before the arrival of displaced persons from Ukraine. There are insufficient places for people with disabilities, elderly people with and without care needs, chronically ill people as well as people with psychological and/or physical disabilities.⁴²

As Austria started evacuations of vulnerable persons from Moldova, it appeared that there was no mechanism in place to identify capacity available to house handicapped persons. The announcement to evacuate up to 2,000 persons with special needs was followed by the evacuation of only 540 persons.⁴³ The reduction of the numbers was partly due to the lack of adequate accommodation and treatment and therefore stopped.

There is no special separate process for the care of displaced minors. The same standards apply as for other unaccompanied minors seeking protection (see [General Report – Unaccompanied children](#)).

In some provinces, some NGOs still offer additional psychosocial services that are now funded by the state to provide help to individuals fleeing Ukraine suffering from mental health problems, including torture

³⁴ Eg the Province of Upper Austria, <https://bit.ly/3Kmdpi7>; Land Tirol, <https://bit.ly/3zK6H0w>.

³⁵ Ministry of Interior, 'Erfassung und Aufenthalt', available in German at: <https://bit.ly/3MunSuG>.

³⁶ Eg Diakonie Flüchtlingsdienst, see <https://bit.ly/co/Gtej>; NGO tralalobe, see <https://bit.ly/co/Gtel>; Volkshilfe Wien, see <https://bit.ly/co/Gten>.

³⁷ Labour Market Service, 'Labour Market in Austria for refugees from Ukraine', available at: <https://bit.ly/3zG1Q0m>.

³⁸ Fonds Soziales Wien, 'Anlaufstellen für vertriebene Menschen aus der Ukraine', available in German at: <https://bit.ly/3GrBqD6>.

³⁹ UNHCR Austria, 'Information for persons from Ukraine', available at: <https://bit.ly/3Qr7vJA>.

⁴⁰ BBU federal agency for care and support services, see <https://www.bbu.gv.at/ukraine>.

⁴¹ Profil, 'Ukrainer auf Telegram & Co: die bestorganisierten Flüchtlinge', 31 August 2022, available in German at: <https://bit.ly/3SfIKJM>.

⁴² Quarterly NGO exchange meeting organised by asylkoordination, unpublished.

⁴³ Ministry of Interior, *Answer to parliamentary request 11120/AB*, 12 August 2022, available in German at: <https://bit.ly/408VnG9>.

survivors and traumatised beneficiaries.⁴⁴ In Vienna, there are projects where outreach psychological support is offered directly in the refugee facilities.⁴⁵ This includes stabilisation and relief talks in individual or group settings, but also crisis intervention. If necessary, referrals are made to other counselling and support systems. Displaced persons, like others seeking protection, have access to the various projects offering psychotherapy and crisis intervention services. There are no statistics available, although NGOs in the field and media reports show that there is more demand than offer.⁴⁶

The Ukraine refugee coordination staff unit launched a survey among NGOs providing care to find out more in detail about the situation of displaced persons with disabilities and older people in terms of care and support. The survey was not published publicly, but was presented at one of the staff unit's exchange meetings and attached to the minutes. The key findings were that a screening process is needed from the outset for all first-time arrivals seeking protection. Funding for people with increased support needs is inadequate and should be adapted to the actual effort involved. Support capacities in the federal states must be increased so that no supply bottlenecks arise. However, a good screening process from the outset also requires corresponding support capacities in the federal states, otherwise people will remain in the initial reception centres.⁴⁷

Another problem area is that displaced people and asylum seekers with disabilities cannot assert a legal claim to disability assistance services because they are not included as a target group in the disability laws. As a result, support services for people with disabilities are only provided on a lenient basis and people have no guaranteed option for support, such as day-structuring measures, assisted living arrangements.⁴⁸

In addition, Austria was reviewed for its compliance with the Convention on the Rights of Persons with Disabilities in Geneva in August 2023. The UN's final remarks include, among other things, with regard to refugees, the following conclusions:⁴⁹

“For refugees and people with precarious residence status who also have disabilities the UN expert committee recommends:

- Accessible healthcare: Measures should be taken to ensure that these people have full access to healthcare and care.
- Recording of disabilities: Disabilities should be systematically recorded in the asylum and reception process.”

⁴⁴ Diakonie Flüchtlingsdienst, *AMIKE*, available in German, Ukrainian, English and Russian: <https://bit.ly/43g0l0X>; Asylkoordination, 'Projekt Reset', available in German at: <https://bit.ly/3ZTYWzu>.

⁴⁵ Institut für Frauen- und Männergesundheit, Projekt „NEDA“, available in German and Ukrainian: <https://bit.ly/3zFmSw9>.

⁴⁶ Der Standard, 'Lehrkräfte wollen mehr Unterstützung für ukrainische Schüler', 15 February 2023, available in German at: <https://bit.ly/40S5CQh>.

⁴⁷ Minutes, exchange meeting refugee coordination centre, unpublished.

⁴⁸ Österreichischer Behindertenrat, Staatenprüfung zur Einhaltung der UN-Behindertenrechtskonvention, 2023, available in German at: <https://bit.ly/3UrxlQa>.

⁴⁹ MonitoringAusschuss, *Zusammenfassung der Handlungsempfehlungen des UN-Fachausschusses 2023*, 2023, available in German at: <https://bit.ly/3UEWbmv>.

Content of Temporary Protection

A. Status and residence

1. Residence permit

Indicators: Residence permit

1. What is the duration of residence permits granted to beneficiaries of temporary protection?
1 year, renewed for prolongation until 4 March 2025⁵⁰
2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 December 2023?
107,779⁵¹

Once the [registration](#) process is finalised, the identity card for displaced persons is sent by mail to the registered address given. In addition, there are also some mobile police units that can be called to go to people with disabilities for the purpose of their registration, especially people with restricted mobility.

The ID card for displaced persons is issued in a uniform EU format (such as Residence permits according to §§ 55-57 AsylG and according to the NAG). The card contains the following information: first name, surname, date and place of birth, nationality, gender, picture, signature, date of issuance, validity date (always "03.03.2023"), type of residence permit ("Permit for displaced persons"), reference to labour market access ("Labour market access with labor market document").

According to Section 3 Paragraph 5 AsylG-DV, the photo may also be older than 6 months, provided the foreigner is recognisable. However, it has to meet passport photo criteria. Storing fingerprints on the ID card is permissible (see § 6 AsylG-DV and VO 1030/2002), but not directly mandatory. In any case, there were obstacles in data collection by the police due to the high number of arrivals and lack of technical equipment at the start leading to a backlog of cases which resulted in problems for displaced persons accessing the basic care services. After establishing work flows and distribution of finger print scanners throughout the whole country, the backlog was reduced by the end of the summer 2022. At the time of writing only few new registrations are being conducted.. ID cards are usually sent out within 14 days.

The Displaced persons Ordinance foresees a right to stay in Austria for one year upon arrival with the maximum until 4 March 2025. In December 2023, the Austrian government announced that the right to stay was prolonged for another year until 3 March 2025. Following the announcement, new ID cards were issued and sent to beneficiaries. A separate application was not necessary. The responsible authority remains the BFA. Renewed cards following the 2025 extended began being sent out on 11 January 2024.⁵²

In 2022 and early, 2023, in order to access labour market, card holders still had to apply for a separate working permit at the labour market service, which was issued without further examination. The obligatory working permit was abolished in April 2023 which means that TPD beneficiaries have immediate access to the Austrian labour market after registration (see [Access to the labour market](#)).

The right to apply for family allowance and child care subsidies is also directly connected to the residence permit received (see [Social welfare](#)).

In principle, onward travel and registration in other EU member states is possible for displaced persons from Ukraine registered in Austria. In some cases, displaced persons wishing to move to Austria from another MS reported to NGOs that they were advised by the previous host country to opt out of basic care or social welfare systems in the respective member state before moving to Austria. In the process of

⁵⁰ BFA, 'Informationen zur Verlängerung des Aufenthaltsrechts für Vertireben aus der Ukraine', 8 January 2024, available in German at: <https://bit.ly/3tS8WiX>.

⁵¹ Unpublished information by the office of the Refugee coordinator, Andreas Achrainer.

⁵² Date presented in the meeting on 19 January 2024 organised by the Ukraine Refugee Coordination Unit.

renewal of ID cards following the prolongation of the TPD, a few cases were detected via the EU coordination platform, where were also registered in the basic care or social welfare system of other MS.⁵³

According to Section 4 (3) of the Displaced persons Ordinance, the temporary right of residence expires if the person leaves the federal territory for more than just a short time. However, there is no legal definition of the term 'short time' and no court case where this question had to be clarified. In similar cases regarding the interpretation of when the place of residency is permanently moved (e.g. withdrawal of asylum status because of moving to another country) it is observed that a short-term absence of less than three month will not lead to an expiry of status. However, the state institution providing Basic Care in Upper Austria mentions a time period of less than three weeks being unproblematic. The basis of this assumption is unknown and the corresponding paragraph was removed from the website due to requests from the refugee coordination unit. Moreover, should the temporary right of residence expire, it would arise again *ex lege* when re-entering Austria if the requirements were still met.

There is no formal procedure to withdraw the status but an automatic expiry once the conditions for granting the temporary protection are not given anymore. There is no declaratory decision to be issued in Austria unless the displaced persons explicitly apply for it.

In some cases reported by NGOs, beneficiaries of temporary protection already registered in other member states were denied registration in Austria. After intervention in the Ministry of Interior, the registration was conducted and the persons received ID cards.

2. Access to asylum

The temporary right of residence does not exclude the right to apply for asylum. However, according to § 22 (8) of the Asylum Act, the time limit of 6 months for the authorities to take a first instance decision in the asylum procedure is suspended if the applicant is eligible for temporary protection, whether they have registered for temporary protection or not. This means that no further steps need to be taken by the authorities in assessing the asylum procedure as long as the temporary right of residence exists. However, the BFA is also free to decide on the asylum application. Some NGOs are arguing that the suspension of the time limit is unlawful, however there is no judicial decision on the matter yet.

In all known cases reported by NGOs the BFA issued subsidiary protection to Ukrainian nationals applying for asylum. There are no know cases of issued return decisions and enforced deportations.

B. Family reunification

1. Family reunification as provided under the Temporary Protection Directive

Family members of beneficiaries of temporary protection can also come to Austria and register for temporary protection as long as the family members lived in Ukraine before 24 February 2022. Family members are married spouses or registered partners, underage children and partners or other close relatives, if they lived in the same household and were dependent on the beneficiary.

If the criteria also apply to the family member directly temporary protection is to be issued on this basis and not on the fact that the person is a family member.⁵⁴

There are no material requirements to fulfil.

⁵³ Protocol of the Platform Ukraine meeting organised by the Refugee Coordinator on 24 February 2023, unpublished.

⁵⁴ BFA, 'FAQ Ukraine', available in German, English, Ukrainian and Russian: <https://bit.ly/41xfajF>.

Upon arrival, family members follow the same registration process as beneficiaries of temporary protection. Proofs for the family relationship should be presented at registration (eg birth certificate). If the proofs are not sufficient, the BFA will contact the persons involved for an interview at the authority.⁵⁵

Married partners, registered partners, underage children and partners or close relatives that lived in the same households or were dependent on the beneficiary and lived before 24 February 2022 in Ukraine are considered family members. They get the same protection status as the beneficiaries.

2. Family reunification beyond the Temporary Protection Directive

Temporary protection beneficiaries do not benefit from existing provisions concerning family reunification beyond the TPD framework, such as [family reunification of international protection beneficiaries](#).

C. Movement and mobility

Beneficiaries of temporary protection have freedom of movement within the country. There are no travel restrictions, although those who receive basic care are in effect restricted in their movement as if they leave they will be expelled from basic care and have to reapply in the next province. If the beneficiaries receive basic care (see [Social welfare](#)), they are allowed to stay away from the organised housing for three days.

From March until November 2022 displaced persons could travel free of charge on public transportation.⁵⁶ Displaced persons are accommodated in the basic care assistance system, which also covers asylum seekers. Within the framework of basic care,⁵⁷ some costs are covered in the area of mobility/ticket for public transport. However, these are limited to: summons to authorities, medical appointments, transfers from the arrival centre to reception centres. For school-age children up to 15 years of age, the costs of the ticket from the place of residence to school and back are covered. In fact, the issue of mobility is insufficiently solved and is a known problem in accommodation within the framework of basic care. In the federal province of Vorarlberg, there has been a reduced ticket for social welfare recipients and those seeking protection in basic services since 2016.⁵⁸

The refugee coordination unit has discussed the issue of affordable mobility for those within the basic care system and is trying to find a solution. Discussions with relevant decision-makers at the political level as well as with the transport companies are continuing. Unfortunately, in 2023 there is still no satisfactory solution; only Vorarlberg has introduced the option of the affordable ticket.⁵⁹ Unfortunately, there are sometimes problems with covering travel costs to and from German course institutes, as the costs are not always covered.⁶⁰

For first-time arrivals from Ukraine or those traveling through, there is a free ticket 'first arrival-Ukraine'. It is valid for 24 hours from the date of issue and can be purchased at train stations in Vienna and Graz.⁶¹

Beneficiaries of temporary protection also enjoy freedom of movement towards other EU Member States once they are registered.

⁵⁵ BFA, 'FAQ Ukraine', available in German, English, Ukrainian and Russian: <https://bit.ly/41xfajF>.

⁵⁶ See for instance Orf news, 'Freifahrt für Ukrainer läuft wieder aus', 29 October 2022, available in German at: <https://bit.ly/co/GtYG>; ÖBB, 'Ukraine-Hilfe', available in Ukrainian, English and German at: <https://bit.ly/co/GtYL>.

⁵⁷ See Law Grundversorgungsvereinbarung zw Bund und Länder, available in German at: <https://bit.ly/co/GtZX>.

⁵⁸ Vorarlberg, 'Vorarlberger „maximo fair“ österreichweites Vorbild', 14 October 2022, available in German at: <https://vorarlberg.orf.at/stories/3177999/>.

⁵⁹ Vorarlberg, 'Vorarlberger „maximo fair“ österreichweites Vorbild', 14 October 2022, available in German at: <https://vorarlberg.orf.at/stories/3177999/>.

⁶⁰ Minutes of exchange meeting organised by the Ukraine Refugee Coordination Unit, unpublished.

⁶¹ ÖBB, 'Information for passengers from Ukraine', available in German, English and Ukrainian at: <https://bit.ly/4bk5eid>.

Short-term travel to Ukraine often occurs. There is no known evidence of difficulties experienced by people who have returned to Ukraine and are seeking to re-enter the country, including in 2023.

D. Housing

Indicators: Housing

1. For how long are temporary protection beneficiaries entitled to stay in reception centres?	No limit
2. Number of beneficiaries staying in reception centres and state organisation housing as of 29 December 2023	15,080
3. Number of beneficiaries staying in private accommodation as of 21 March 2023	25,621 ⁶²

The main form of accommodation provided to beneficiaries of temporary protection is private accommodation. For private housing, financial benefits can be applied for within the framework of the Basic Care. The amount of the payments varies depending on the province. On average, mostly everywhere the payments are as follows:

- ❖ Single person: € 260 food allowance and € 165 rent allowance
- ❖ Families (more than one person):⁶³ € 260 (per adult) / € 145 (per child) food allowance and € 330 family rent allowance

Moreover, temporary protection beneficiaries are entitled to basic care services (see [Social Welfare](#)), which includes access to reception centres. There are different forms of organised accommodation: the most common form is the one where food allowance is paid per person per day. This depends on the province and is approx. between € 6 to 7 per day. There are also accommodation options where full board (breakfast, lunch and dinner) is provided.

Beneficiaries of temporary protection are entitled to the same basic care services as [asylum seekers](#). Responsible authorities are the Basic care authorities of the province of residency. In practice, organised housing and implementation of pay-out is done by NGOs contracted by the provinces.

There is no time limit for beneficiaries of temporary protection to stay in reception centres and state-organised housing.

As of 29 December 2023, 25,621 beneficiaries were staying in private accommodation and 15,075 beneficiaries were staying in organised housing. 5 persons were accommodated in first reception centres of the BBU GmbH.⁶⁴

There are other types of accommodation used, such as former hotels (Hotel de France in Vienna)⁶⁵ which were already used as quarantine centres during the Covid-19 pandemic. They now serve as reception centres for displaced persons from Ukraine and for asylum seekers in the context of family reunification. In Salzburg there is also a full board accommodation for refugees from Ukraine.⁶⁶

⁶² Statistics presented as part of a meeting organised by the Ukraine Refugee Coordination Unit.

⁶³ Art 9 GVV.

⁶⁴ Statistics presented as part of a meeting organised by the Ukraine Refugee Coordination Unit, not available for public

⁶⁵ ORF News, 'Hotel de France wird Flüchtlingsunterkunft', 9 November 2022, available in German at: <https://bit.ly/41KSCfm>.

⁶⁶ Red Cross Austria – Salzburg, 'Ein Zuhause auf Zeit: dans Rotkreuz-Grundversorgungsquartier in Wals-Siezenheim', available in German at: <https://bit.ly/3y1fk9v>.

In 2 out of 9 federal states, there are first arrival centres for Ukrainian refugees.⁶⁷ Due to high numbers of displaced persons from Ukraine, former hotels or former pensioners' accommodation were used to house displaced persons in 2022. These buildings are mostly fairly old and were not used anymore in 2023. Available arrival centres were for example a former university, a former mail distribution centre or former hotels. It is foreseen that displaced persons do not stay there longer than three days. In practice, many stay longer when the alternative housing option is in a rural area for example. Beneficiaries often prefer to stay close to Vienna. They cannot easily be forced to go to a specific area like asylum seekers (see [General Report – Freedom of movement](#)). If they overstay they are not kicked out, but if people do not accept accommodation offered in a federal state for several times, they must move out of the first arrival centre in Vienna.⁶⁸

In the first month after 24 February 2022, the basic care system could not cope with the high number of arrival of beneficiaries. The system was dysfunctional and in many cases it took months for the authorities to process the application. This resulted in many people having to wait for basic care money to be distributed. Civil society organisations jumped in and provided money and housing for the beneficiaries. As of January 2023, the number of newly registered persons is low, thus the waiting time for processing should not exceed 14 days in the provinces.

Reasons for a refusal of basic services is if there is no need for help, e.g. because the person has enough income. Otherwise, the same rules apply as otherwise in basic care in organised accommodation: absolute house bans are possible in case of violence, massive alcohol and drug consumption, noise pollution and constant violation of the house rules.⁶⁹

Temporary protection beneficiaries are entitled to the following reception conditions:⁷⁰

- ❖ Financial allowance for private accommodation;
- ❖ Accommodation in reception centres;
- ❖ Meal allowance in reception centres where meals can be prepared by the beneficiaries themselves (between € 6-7 per day per person);
- ❖ Financial allowance or vouchers for clothing (€ 150,- per person per year);
- ❖ Financial allowance for schoolkids (€ 200,- per child per schoolyear);
- ❖ In reception centres where meals/food are offered, people receive pocket money (€ 40,-per person per month).

A big part of the private living space was provided by the Austrian civil society. There was a great willingness to provide housing. In practice, many people providing accommodation assumed that the state would take over after a few months if necessary. Many private accommodation providers are in trouble with the costs of permanent accommodation of displaced persons, which means that some beneficiaries have had to switch to organised facilities.⁷¹

In February and March 2022, matching private accommodation hosts and beneficiaries was mostly organised by NGOs like [Train of Hope](#), [Diakonie](#) or [Caritas](#). The state owned BBU GmbH which operates the first reception centres for asylum seekers in the regular asylum procedure provided a hotline and provided first housing possibilities specially designated for displaced persons from Ukraine.⁷² This form of accommodation was predominantly used by displaced persons from Ukraine transiting through Austria in the first months.

⁶⁷ BBU federal agency for care and support services, see <https://www.bbu.gv.at/ukraine>.

⁶⁸ Information presented as part of a meeting organised by the Ukraine Refugee Coordination Unit, unpublished.

⁶⁹ Quarterly NGO exchange meeting organised by asylkoordination, unpublished.

⁷⁰ Agreement between the federal government and the states in accordance with Art. 15a B-VG on joint measures for temporary basic care for foreigners in need of help and protection (asylum seekers, those entitled to asylum, displaced persons and other people who cannot be deported for legal or factual reasons) in Austria (basic care agreement - Art. 15a B-VG), available in German at: <https://bit.ly/3QwT0uz>.

⁷¹ Wiener Zeitung, 'Späte Hilfe für Helfer', 2 February 2023, available in German at: <https://bit.ly/3ZOmG8d>.

⁷² BBU GmbH, Informationen für Schutzsuchende, available in German, English, Ukrainian and Russian: <https://bit.ly/3KkR4BG>.

BBU GmbH also built up a matching system for private housing which operated in parallel to the NGOs' initiatives and was stopped in 2023.

NGOs have demanded an inflation compensation (*Teuerungsausgleich*) for private housing providers and supporting NGOs.⁷³ The minister of Interior announced that a payment of € 300 (for accommodation of a single person) and € 600 (for a family) would be granted to private housing providers. The law was passed in March 2023 but the process is not yet completed. In Vienna, the payment to private accommodation providers has not yet been carried out and Burgenland only started the payment at the end of 2023.⁷⁴

There are no sufficient safeguards to prevent problems associated with inappropriate private hosting. The Austrian basic care system has focused on organised housing throughout the last years. This is a consequence of the government policy to prevent integration during the asylum procedure.

With the arrival of more than 50,000 persons from Ukraine the government had to backtrack on this point and ask civil society for support. Many problems arose due to the fact that in previous years private accommodation of persons in basic care did not exist. There are no minimum standards for private housing. There is no Ombudsman that would be competent to receive complaints, and NGOs have received several reports in which Ukrainians complained about exploitation or bad housing conditions. As the displaced persons feared that they would get transferred to a rural area in case they complained there is a strong reluctance to make the reports public. In one case in Lower Austria, the regional government of Lower Austria stopped supporting a privately-run accommodation centre financially as some reports alleged substandard living conditions and labour exploitation.⁷⁵ In the specific case, a worn-out former home of the blind was used as accommodation where Ukrainians could live as basic care recipients. The persons living there reported that they had to work for free in the accommodation.⁷⁶

E. Employment and education

1. Access to the labour market

Beneficiaries of temporary protection are allowed to work in principle. The right to work used to be bound to a working permit that has to be applied for separately by the employer at the Labour Market Service.⁷⁷ However, the obligatory working permit was abolished in April 2023 which means that TPD beneficiaries have immediate access to the Austrian labour market after registration.⁷⁸

As displaced persons from Ukraine only have access to the Basic care system (Grundversorgung) they do not have to register at labour market service, but it is strongly recommended. For recipients of social assistance, the so-called "Anspannungsprinzip" applies, which means that people who receive social assistance must register with the labour market service (AMS). The head of the AMS would also like to see displaced persons transferred to the social welfare system⁷⁹. Currently, displaced persons can register with the labour market service, but do not have to. As a result, only a few displaced persons are registered with the AMS. At the end of December 2023, 5,024 were registered with the AMS (male 31% /

⁷³ 'Managementkrise im Asylbereich: NGOs verfassen 7-Punkte-Plan', Kurier, 23 September 2023, available in German at: <https://bit.ly/3U8X8BP>.

⁷⁴ Information presented as part of a meeting organised by the Ukraine Refugee Coordination Unit.

⁷⁵ 'Hohe Kosten: Private Flüchtlingsunterkunft sorgt für Wirbel', Kleine Zeitung, 24 August 2023, available in German at: <https://bit.ly/3FXgwwB>

⁷⁶ Orf.at, 'Aufregung um privates Flüchtlingsquartier', 17 May 2022, available in German at: <https://bit.ly/3ZVxlbR>.

⁷⁷ See AIDA, *TPD Annex: Austria, 2022 update*, May 2023, available at: <https://bit.ly/3QoCpsX>.

⁷⁸ Parlament Österreich, 'Vertriebene Ukrainer:innen erhalten uneingeschränkten Zugang zum österreichischen Arbeitsmarkt', Parlamentskorrespondenz Nr. 332, 23 March 2023, available in German at: <https://bit.ly/3RUOLdR>.

⁷⁹ ORF.at, 'AMS-Chef Kopf für Arbeitsanreize im Sozialsystem', 1 April 2023, available in German at: <https://bit.ly/3UrGnIE>.

female 69%), of which were registered as unemployed: 2,922. The services offered by the labour market service are career guidance, support in finding work and, if there is already a good knowledge of German (B1 level), placement in training courses is possible.⁸⁰

Compared to the number of people who receive basic care, the registration of only around 5,000 displaced persons with the AMS is very low. Even if school-age children and pensioners are deducted from the approximately 40,000 people in basic care, this leaves around 20,200 people of working age. This shows that there is still a need for more information campaigns about the work of the AMS. It is also a reason why there is too little information and statistics about Ukrainians taking up work. The AMS will conduct a study on displaced persons and labour market entry in 2024.⁸¹

Many Ukrainians are afraid of losing their basic care benefits if they register with the AMS. On the other hand, the job vacancies do not match the training and education of Ukrainians. Some do not want to work in a field which has nothing to do with their training and education; some do, and they thus risk deskilling. The Austrian Integration Fund (ÖIF) and NGOs have counselling centres for Ukrainians that focus on labour market placement, job orientation, support with job applications, etc.⁸² In principle, the Austrian Integration Fund (ÖIF) is responsible for language courses for all displaced persons aged 15 and over. Displaced persons are entitled to a German course, but are not obliged to attend one.⁸³ In Oberösterreich,⁸⁴ displaced persons are obliged to register with the labour market service.

There is a lack of German courses and qualification measures for displaced persons, especially in rural areas.⁸⁵

In principle, beneficiaries of temporary protection can work as employees or self-employed, have access to vocational training and enjoy equal treatment with workers in EU Member States regarding remuneration and other conditions. It is important not to lose sight of the labour market integration of displaced persons, people with disabilities as well as sick and elderly people.

For employment purposes, all persons with temporary protection are considered foreigners with a residence permit and are granted free access to the labour market and may be included in the register of job seekers.

In practice, the integration into the labour market is hindered for beneficiaries that also receive basic care. There is a very low maximum limit of money that can be earned additionally to the basic care (€ 110). If beneficiaries earn more they run the risk of losing basic care, access to the social security system, organised housing etc. As the group of displaced persons from Ukraine mainly consists of women and children, it is in many cases not possible to work full time. Therefore, it is risky to start working and losing access to basic care because if the job is lost after few months it might be difficult to access the basic care system again.⁸⁶ A separate additional income regulation was created for displaced people from Ukraine in October 2022 (implementation starting in 2023), namely the 65/35 regulation (see [Social welfare](#)).

In the case of labour exploitation, counselling services from the Vienna Chamber of Labour and the Undok association can be used free of charge.⁸⁷

As of 14th January 2024 3, 16,311 people with Ukrainian citizenship were employed in Austria with full insurance, 3,500 were employed less than part-time (no more than 8 hours per week, only accident

⁸⁰ Statistics presented as part of a meeting organised by the Ukraine Refugee Coordination Unit, 19 January 2024.

⁸¹ Information presented as part of a meeting organised by the Ukraine Refugee Coordination Unit, unpublished

⁸² Tralalobe, 'Brave Jobberatungsstelle', available in German at: <https://bit.ly/3JK6lqg>.

⁸³ ÖIF, 'Gesetzliche Aufträge des ÖIF', available in German at: <https://bit.ly/4aY4lXb>.

⁸⁴ OOE ORF.at, „Bemühungspflicht“ für Ukrainer in OÖ“, 27 February 2023, available in German at: <https://bit.ly/3y5FHes>.

⁸⁵ Quarterly NGO exchange meeting organised by asylkoordination, unpublished

⁸⁶ Profil, 'Flüchtlingskoordinator Achrainer: Ukraine-Vertriebene im Wartedilemma', 28 December 2023, available in German at: <https://bit.ly/3UrFE3Q>.

⁸⁷ Arbeiterkammer, website available in German at: <https://bit.ly/3whPnlh> and UNDOK, 'Aktuelle Veratungsinfos', 12 January 2023, available in German at: <https://bit.ly/3UH5Qc1>.

insurance, not like with full insurance: health, unemployment, accident and pension insurance).⁸⁸ It is important to mention that these statistics include ALL Ukrainian citizens, including those who worked in Austria before the outbreak of war in Ukraine. In the query system of the main association of all insured people, queries can only be made about nationality, not about residence permit. Before February 2022 5,026 Ukrainian citizens were fully employed and 720 less than part time (Geringfügige Beschäftigung).

The special Covid provisions in the Medical Act have been extended until July 2024. This means that these people can continue to work, even though they, for example, do not have the required level of German. Work on a long term solution is set to start in the first half of 2024.⁸⁹

2. Access to education

In Austria, schooling is compulsory for 9 years for children aged 6-15. At the beginning of 2022, compulsory schooling did not include displaced persons. However, with the start of the new school year in September 2022, compulsory schooling was communicated about more broadly and demanded by the school authorities.⁹⁰

In practice many children attend school in Austria in the morning and school in Ukraine via online tools in the afternoon.⁹¹ Language acquisition remains the main focal point in kindergarten, primary school, and secondary school in the school year 2022/2023 and 2023/2024. Depending on how well this is achieved, Ukrainian pupils can achieve considerable success at school.

Children up to 16 years old are entitled to education under the same conditions as nationals. After the end of compulsory schooling, access to education depends on the capacity of the schools. In this area, some problems have been surged because schools simply did not have the capacity to accept all displaced persons under the age of 18.⁹²

As of 3rd July 2023, 5,641 displaced persons from Ukraine were attending primary school (Prim – 6-10 years old), 5,325 were attending middle school (Sek I, 11-14 years old) and 2,033 attended high school (Sek II, 15-18 years old).

Displaced persons from Ukraine in schools as of 3 rd July 2023				
Province	Primary school	Middle school	High school	Total
Burgenland	214	175	100	489
Kärnten	199	206	56	461
Niederösterreich	1,299	1,318	416	3,033
Oberösterreich	668	626	191	1.485
Salzburg	250	221	134	605
Steiermark	596	537	254	1.387
Tirol	364	380	53	797
Vorarlberg	165	144	42	351
Wien	1,886	1,718	787	4,391
All provinces	5,641	5,325	2,033	12,999

Source: Ministry of Education

⁸⁸ Statistics presented as part of a meeting organised by the Ukraine Refugee Coordination Unit, 19 January 2024.

⁸⁹ Änderung des Ärztegesetzes/Verlängerung Covid Bestimmungen, available online [here](#).

⁹⁰ Stabsstelle Ukraine Flüchtlingskoordination, Tätigkeitsbericht März bis Dezember 2022, unpublished; Tiroler Tageszeitung, 'Ab neuem Schuljahr uneingeschränkte Schulpflicht für ukrainische Kinder', 22 August 2022, available in German at: <https://bit.ly/3KfgU9S>.

⁹¹ Wiener Zeitung, 'Gekommen um zu bleiben', 22 February 2023, available in German at: <https://bit.ly/3zJl3go>.

⁹² Information presented as part of a meeting organised by the Ukraine Refugee Coordination Unit.

So-called transition classes were activated for displaced children in 2022.⁹³ These were already introduced in 2015/16 and exist to allow those who could not get a school place in the regular class system to access school nevertheless. In the transition classes, the focus is on learning the German language; mathematics, English and physical education are also taught. However, due to a shortage of teachers, there was a backlog in the allocation of school places in 2022. The transition classes are also heavily criticised as being segregational.⁹⁴ Transition classes were prolonged for 2023/2024. The possibility of accepting course participants from other refugee countries, which is new and already taking place in some cases, is seen as very positive. Some of the difficulties that have arisen (as the transitional training programmes are not formally schools), such as the provision of free textbooks, have been solved by donations from the ÖBV.⁹⁵ However, many pupils were transferred to regular classes.

A challenge is the fact that many Ukrainian children still attend Ukrainian school via online tools in the afternoon. Some of the children are under a lot of stress because they go to school in the morning and follow online Ukrainian lessons in the afternoon. In some cases there have been reports of parents putting a lot of pressure and obliging their children to follow the lessons from Ukraine rather than the lessons in the Austrian schools or both. This has to be understood in the general context and the general waiting dilemma that displaced persons are currently facing.⁹⁶ Their willingness to take part in the way of living in Austria depends on for how long the war will last and a sustainable return to Ukraine is not feasible.⁹⁷

Due to the lack of knowledge of German, children have had to repeat classes or were downgraded to a lower school level. This 'demotion' is not motivating and is seen as unfair by children and parents as they were already one or two grades ahead in Ukraine as reports from the Ukrainian telegram groups show. At the end of the 2022/23 school year (June 2023), it was possible to amend a regulation in the context of German promotion. Specifically, the Ministry of Education requested that the education directorates and schools allow children and young people to move from one type of school to another (primary school to secondary school, or after the 8th/9th grade when changing school type) even if their German was insufficient.⁹⁸

In general, the special needs of some children are addressed and alternative arrangements are put in place if they cannot enter the regular education system but this depends on the province where the person lives.

However, the law does not provide access to education or vocational training for adults/young people.

Displaced persons from Ukraine are accepted into the universities. They do not have to pay for students' fees.⁹⁹ This regulation was prolonged in 2023/24.¹⁰⁰

For Ukrainians over 16 years, there is no compulsory education anymore. Therefore, there are many reports reaching asylkoordination österreich mentioning that institutions deny access to schools when there is no capacity without offering an alternative. Vocational training is possible, but if salary is included it gets more complicated: the employer then needs to apply for a working permit and if the beneficiary is receiving basic care, only € 110 can be earned without reduction of the basic care support. In some cases,

⁹³ Standard, 'Ukrainische Flüchtlinge: Deutschklassen nicht für alle sinnvoll', 14 April 2022, available in German at: <https://bit.ly/3o23JBH>.

⁹⁴ Tiroler Tageszeitung, 'Tiroler Landessschulrat: Deutschklassen fördern Segregation', 12 April 2018, available in German at: <https://bit.ly/3KpyND7>; Standard, 'AK fordert umfangreiche Reform der Deutschförderklassen', 11 October 2022, available in German at: <https://bit.ly/3miM6wl>.

⁹⁵ *Stabsstelle Ukraine Flüchtlingskoordination, Quartalsbericht 04.23*, unpublished.

⁹⁶ SN.at, 'Die große Sehnsucht nach zu Hause', 2 January 2024, available in German at: <https://bit.ly/3UG8ejr>.

⁹⁷ *Stabsstelle Ukraine Flüchtlingskoordination, Tätigkeitsbericht März bis Dezember 2022*, unpublished.

⁹⁸ *Stabsstelle Ukraine Flüchtlingskoordination, Quartalsbericht 02.23*, unpublished.

⁹⁹ Federal Ministry of Education, Science and Research, 'Ukrainische Studierende auch im Wintersemester 2023/24 von der Studienbeitragspflicht befreit', available in German at: <https://bit.ly/3KuEZKi>.

¹⁰⁰ Federal Ministry of Education, Science and Research, 'Wichtige Fragen und Antworten für Studierende und Forschende', available in German at: <https://bit.ly/3whkjSK>.

the beneficiaries earned too much which resulted in the whole family losing access to basic care services, NGOs and supporters from civil society report.

As 45% of all displaced persons from Ukraine live in Vienna, transportation was not a big issue until the free transportation was cut. Now, transportation costs are generally an obstacle for taking up training and job¹⁰¹ (see [Movement and mobility](#)).

F. Social welfare

Ukrainian nationals registered as displaced persons receiving basic care as of 9 th January 2024			
Age group/Gender	Male	Female	Total
Under 7 years	1,714	1,627	3,341
7-14	3,035	2,865	5,900
14-18	1,812	1,649	3,461
18-24	1,186	1,828	3,014
24-60	4,215	13,041	17,256
Over 60	2,110	5,344	7,454
Total	14,072	26,354	40,426

Source: Federal Ministry of Interior, Basic care system (unpublished)

Distribution of beneficiaries of temporary protection receiving Basic Care as of 9 th January 2024			
Province	Organised accommodation	Private housing	Total
Burgenland	1,059	414	1,473
Kärnten	176	850	1,026
Niederösterreich	2,635	5,648	8,283
Oberösterreich	941	2,403	3,344
Salzburg	963	426	1,389
Steiermark	3,418	2,314	5,732
Tirol	1,476	1,186	2,662
Vorarlberg	1,164	373	1,537
Wien	3,243	12,007	15,250
Total	15,075	25,621	40,701

Source: Federal Ministry of Interior, Basic care system (unpublished)

Basic Care

Beneficiaries of temporary protection do not have access to social welfare.

They are in the same basic care system as asylum seekers (see [General report – Reception conditions, Social welfare](#)) and are not a target group of social welfare system. Authorities responsible for granting

¹⁰¹ Stabsstelle Ukraine Flüchtlingskoordination, Tätigkeitsbericht März bis Dezember 2022, unpublished.

basic care and social welfare are regional authorities of the provinces. In the area of basic care, the actual implementation and counselling is outsourced to NGOs like Caritas, Volkshilfe etc.

The basic care provided to beneficiaries of temporary protection is linked to a requirement to reside in the province providing it. Contrary to asylum seekers, beneficiaries of temporary protection choose which province to go to, resulting in an uneven distribution with 45% in Vienna.

Beneficiaries receiving basic care in practice face difficulties, mainly due to unclear rules and different applications of basic care regulations in the federal states. The narrowness of the basic care system contributes to the confusion. The basis for receiving basic care is the need for assistance. Basic care is always subsidiary, which means that if the person has an income, such as from work, pension, etc., this must be reported. Income is always counted towards the basic care provision. For the first time with displaced people from Ukraine, the topic of pension benefits in the basic care system became apparent. The state pension from Ukraine is counted 100% towards the basic care in Austria. Bank statements must be presented to determine the amount of the pension. If people cannot access their UKR pension, an affidavit can be signed. This is usually accepted by the basic care state offices. The argument that many UKR pensioners cover expenses in Ukraine with their pension is not accepted in Austria, the pension is taken into account in full. Efforts on the part of the Ukrainian refugee staff unit with regard to the non-crediting of the UKR pension have so far not been fruitful.¹⁰² In addition, many decisions regarding regulations in the basic care system are not transparent and there is a gap in official information.¹⁰³

The regulation in the Basic Care Acts of the state and the federal provinces requires a contribution to Basic Care if persons have an income. In practice, there is only an allowance of € 110 plus € 80 for each family member and the rest is used as contribution towards the reception cost. Also under the regular system, if they have been receiving an income for more than 3 months, Basic Care support should no longer be provided. For beneficiaries of TPD, the rules were modified at the start of 2023: a separate additional income regulation was created for displaced people from Ukraine in October 2022 (implementation starting in 2023), namely the 65/35 regulation. After deducting the exempted amount of € 110, as mentioned above, only 65% of the income is credited towards the basic pension, as long as it is below the basic care entitlement; 35% is not affected at all and remains with the person. Despite all efforts to simplify it, the additional earnings limit for displaced Ukrainian is a bureaucratic hurdle.¹⁰⁴ The calculations are not easily explained and processing often takes several weeks.

The basic care system is also seen as a **trap of inactivity**. The regulations for additional income are bureaucratic and complicated and can result in a loss of accommodation. Better incentives need to be created so that people go to work without a complicated offsetting system like in basic care system preventing this.¹⁰⁵

In addition, not all federal states apply the new additional income regulations for displaced Ukrainians: Salzburg, Lower Austria and Carinthia do not apply them. Tyrol began implementation at the end of 2023.¹⁰⁶ Unfortunately, there is not enough transparent information about the new additional income regulation on all websites of the basic care offices in the federal states. Only Tyrol, Vienna and Styria provide information.¹⁰⁷ There is an unofficial calculator developed by the community of Ukrainians in Austria.¹⁰⁸

¹⁰² Stabsstelle Ukraine Flüchtlingskoordination, *Quartalsbericht 01.24-04.24*, unpublished.

¹⁰³ Quarterly NGO exchange meeting organised by asylkoordination, unpublished.

¹⁰⁴ Ministry of Interior, 'Anhebung der Zuverdienstgrenze für kriegsvertriebene Ukrainerinnen und Ukrainer', available in German at: <https://bit.ly/4dqRnZp>.

¹⁰⁵ Der Standard, 'AMS-Chef Kopf für Arbeitsanreize im Sozialsystem', 1 April 2023, available in German at: <https://bit.ly/3Ur2U1W>.

¹⁰⁶ Wien ORF.at, 'Zuverdienstgrenze: Hürde für Ukraine-Vertriebene', 17 October 2023, available in German at: <https://bit.ly/3wguZkG>; Profil, 'Ukraine-Vertriebene in Österreich: Gefangen im System', 29 August 2022, available in German at: <https://bit.ly/3UHPEr8>.

¹⁰⁷ Tiroler soziale Dienste, *Information zur Berechnung der Zuverdienstgrenze Tiroler Grundversorgung*, available in German [here](#); Steiermark, "Zuverdienst in der Grundversorgung", available in German [here](#); Fonds Soziales Wien, "Asyl & Arbeit", available in German [here](#).

¹⁰⁸ asylkoordination österreich, Jenia's very unofficial calculator for the Zuverdienstgrenze v. 2.1, available in Ukrainian at: <https://bit.ly/3oXigzc>.

Family allowance and childcare subsidies

On 31 December 2023, an amendment to the Family Equalisation Act (FLAG) came into force, and extended the entitlement of displaced persons to child care subsidies and family allowance until 4 March 2025. The aim was to extend family benefits for displaced persons. The entitlement to family benefits was previously limited to 4 March 2024 (and before that to March 2023). Thus, the extension is in line with the EU Council's decision to extend the temporary right of residence until 4 March 2025 (Austrian Parliament, 2023a).¹⁰⁹

The family allowance is not counted as income and therefore does not count towards the basic care. In contrast, 100% of childcare subsidies are counted towards the basic care. Families who decide to apply for childcare subsidies must consider this carefully in advance, as it will be deducted from the basic pension.

At the end of December, child care subsidies had been awarded 445 times. Family allowance was received for 16,347 children. Increased family allowance is paid for 347 children.¹¹⁰

Increased family allowance can be applied if children have significant disabilities. A significant disability within the meaning of the Family Equalisation Act 1967 exists if a child suffers from a non temporary health impairment and the degree of disability is at least 50%, or the child is likely to be permanently disabled, or the child is likely to be permanently unable to support themselves. If there is a 50% disability, the increased family allowance is granted for as long as the general family allowance is due. The degree of disability or the probable permanent incapacity to work must be confirmed by a certificate issued by the certificate issued by the Social Ministry Service on the basis of a medical expert's report.¹¹¹

Care Allowance

The Supreme court ruled in its decision of 22 August 2023 that displaced persons are entitled to the care allowance if the other requirements are met. The aim was to clarify the legal question of whether displaced persons can be entitled to care allowance according to the Federal Care Allowance.

In the case at hand, the plaintiff was a Ukrainian citizen with an ID card for displaced persons. Her application for care allowance was rejected on the grounds that she did not belong to the group of people eligible under the federal care allowance act (Bundespflegegeldgesetz).¹¹²

G. Health care

Displaced persons from Ukraine are included in Austrian health insurance via basic care system as soon as they register for temporary protection status.¹¹³ This also applies to displaced persons who do not receive basic care services. In the summer of 2023, an interface was created between the Ministry of the Interior and the health insurance fund. As soon as displaced people register a main residence, health insurance is activated automatically. This interface was necessary to establish, because there were always gaps in health insurance. Health insurance must be active even without receiving basic services. Health insurance is not limited to emergency medical care. Displaced persons are exempt from prescription fees for medication and co-payments for medical aids or hospitalisation.¹¹⁴ Beneficiaries have access to the same health care as Austrian nationals.

¹⁰⁹ Amendment of the Family Burdens Equalisation Act 1967, BGBl. I Nr. 184/2023.

¹⁰⁹ Family Burdens Equalisation Act, BGBl. Nr. 376/1967, as amended by BGBl. I Nr. 184/2023.

¹¹⁰ Minutes of exchange meeting organised by the Ukraine Refugee Coordination Unit 19.1.24, unpublished.

¹¹¹ Federal Chancellery, 'Erhöhte Familienbeihilfe', available in German at: <https://bit.ly/4bnwkFh>.

¹¹² Federal care allowance act, BGBl. Nr. 110/1993, as amended by BGBl. I Nr. 109/2023.

¹¹³ Art 2 (1) (3) GVV.

¹¹⁴ Austrian Health Insurance Fund, 'Ukrainian refugees - health insurance', available in German at: <https://bit.ly/4bm77uC>.

Displaced people from Ukraine do not receive an e-card (health insurance card), but a replacement e-card receipt in paper form. The replacement e-card must be picked up quarterly from a health insurance branch office. Displaced persons who are employed receive the usual plastic e-card in credit card format.

In the first months after February 2022, persons assisting displaced persons and NGOs (Diakonie Flüchtlingsdienst, Caritas and Train of hope) reported repeatedly that there were problems with the e-card replacement receipt. Hospitals or doctors were not well informed and asked for an e-card. Occasionally there are still ambiguities today. These difficulties continued to exist in 2023. The Ukrainian refugee coordination unit reported in one of the exchange meetings, that there were still people being sent away from doctors or hospitals, although less than before. The problem is discussed in regular meetings with the Austrian health insurance fund (ÖGK), and the ÖGK has promised to start a new internal information campaign to brief employees, hospitals and doctors intensively once more.¹¹⁵

A major problem is the lack of consistent language mediation in the medical field. As part of the basic care, costs for language mediation in the medical field are not covered. In justified individual cases, the costs will be covered, but this is not always the case. The hospitals do not feel responsible for organising language mediation, but often require that language mediation be brought along in order to receive treatment. It happens again and again that people are sent away on the grounds that they cannot understand each other. This was an existing problem even before the Ukraine crisis.¹¹⁶

¹¹⁵ Minutes of exchange meeting organised by the Ukraine Refugee Coordination Unit, unpublished.

¹¹⁶ Minutes of exchange meeting organised by the Ukraine Refugee Coordination Unit, unpublished.