

**ORDER OF THE FEDERAL MINISTER OF THE INTERIOR
REGARDING THE PROVISION OF FEDERAL CARE FOR ASYLUM SEEKERS
(FEDERAL CARE PROVISION ORDER)**

- unofficial consolidated version -

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Pursuant to Article 6 of the Federal Care Provision Act, FLG No. 405/1991, the following order shall be applied, as agreed with the Minister of Finance:

Article 1. (1) The Federal Ministry of Internal Affairs shall take over the provision of care for asylum seekers in need of assistance (provision of federal care) in accordance with this Order.

(2) Asylum seekers may be accepted for federal care at the federal care centres located at Bad Kreuzen, Mödling-Vorderbrühl, Thalham and Traiskirchen.

(3) Asylum seekers

(a) Whose identity is not established to the degree required for the determination of their need for assistance, or

(b) In whose case the circumstances of importance in assessing their need for assistance cannot be sufficiently ascertained may be excluded from the provision of federal care.

Article 2. (1) Asylum seekers shall be regarded as in need of assistance if there is not available to them, on whatever legal basis, at least an amount of 399,70 € a month for their necessities of life, an amount of 159,90 € a month for a family member living with them in the same household and entitled to maintenance, and an amount of 72,70 € a month for each further such family member. Consideration shall be given to the asylum seeker's own assets and to benefits provided by third parties.

(2) In the assessment of the need for assistance, a refusal to accept reasonable employment or an auxiliary activity as defined in article 7, paragraph 1, of the Federal Care Provision Act shall be regarded as a relevant circumstance.

Article 3. (1) Federal care benefits may include the following:

1. Provision of food (food cost contribution),
2. Accommodation,
3. Health insurance,
4. Pocket money,
5. Clothing,
6. School needs,
7. Travel allowances,
8. Social care,
9. Funeral expenses,
10. Assistance in returning to the place of origin.

(2) In individual cases those benefits according to paragraph 1 that are essential for adequately meeting the necessities of life shall be provided. The scope of the said benefits shall be determined taking into account any benefits that may be provided by third parties as well as those needs for which the asylum seeker may be expected to

provide on his own. The asylum seeker shall be informed of the kind and scope of the said benefits.

Article 4. (1) Persons receiving care shall be required to furnish immediate notification of any change in circumstances relevant to the assessment of their need for assistance.

(2) If a change relevant to the assessment of the need for assistance occurs during the period of federal care, the scope of the benefits to be provided shall be newly determined accordingly.

Article 5. (1) In the provision of accommodation consideration shall be given, as far as possible, to the individual needs of the care recipient, his ethnic and national origin, family ties and the situation of single women.

(2) Unaccompanied minors receiving care shall, in concert with the curatorship authorities, be accommodated under such conditions as to make it possible to take account of their age and development as well as their particular personal situation.

Article 6. (1) Persons receiving care shall be issued a certificate (care card) bearing a photograph. The said certificate shall indicate the name, birth date and nationality of the care recipient as well as the date of issue and the designation of the issuing authority.

(2) No later than at the same time the said certificate is issued the asylum seeker shall be informed of the place at which he is to be provided with accommodation as part of the provision of federal care. Asylum seekers in federal care shall not be relocated except in cases involving:

- (a) The closing down of places of accommodation,
- (b) The reuniting of families,
- (c) Personal reasons particularly deserving of being taken into account, and
- (d) Organizational requirements.

(3) Benefits according to article 3, paragraph 1, shall be provided only to those care recipients who, on demand, present the care card to the persons and agencies of the Federal Ministry of Internal Affairs responsible for providing the benefit. Care recipients shall return the care card at the time they are released from federal care.

Article 7. (1) Pocket money shall be paid following the expiry of the first full calendar month under federal care. The pocket money shall be 40 € per month for all care recipients.

(2) The pocket money shall be paid for a maximum period of two months to those care recipients who are provided with pocket money, who are personally present, who produce their care card in accordance with article 6, paragraph 1, and who confirm the receipt.

(3) No pocket money shall be paid to asylum seekers who have their own income, receive allowances from third parties, or have assets of their own (for example, a motor car).

Article 8. (1) For the provision of particular benefits as part of the implementation of federal care the Federal Ministry of Internal Affairs may call on the services of third parties, with whom an appropriate contract, drawn up according to a standard model, shall be concluded to that end. Attention in this connection shall be given to regional differences. The said contract shall provide in particular for the appropriate monitoring of the proper provision of the agreed benefits. Private, humanitarian and ecclesiastical

establishments, free welfare institutions or regional entities are eligible as contractual partners.

(2) Only holders of a concession for the lodging of guests and/or the preparation of food shall be called upon to provide food and accommodation for care recipients. In the case of regional entities and of ecclesiastical and humanitarian organizations this requirement may be waived where there is a guarantee that the quality of the accommodation and food is on a par with that of comparable business establishments.

(3) The following maximum amounts shall be paid for accommodation and board per care recipient per day:

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|------------------------|---------|
| 1. Breakfast | € 1,80, |
| 2. Lunch | € 4,40, |
| 3. Evening meal | € 2,50, |
| 4. Accommodation | € 7,60. |

Any heating costs shall be covered under the amount for accommodation.

(4) If contractual partners provide further benefits (for example, language courses, help in seeking work, etc.) in connection with the provision of federal care, the actual costs may be reimbursed under a special contract upon presentation of the corresponding proof.

Article 9. (1) The provision of federal care shall in any case end with the cessation of the need for assistance, with the voluntary renunciation of the federal care benefits, or with the withdrawal of the asylum application, and, at the latest, with the final and conclusive termination of the asylum procedure. Further, it may be terminated in cases involving the suspicion of criminal acts or where there has been a continuous pattern of behaviour that represents an unacceptable burden on those providing the accommodation or on other care recipients.

(2) In cases of particular need for assistance and for the purpose of supporting the affected person's own initiative, federal care may continue to be provided, to the extent unconditionally necessary and for not more than a period of three months, even after the final and conclusive termination of the asylum procedure.

(3) Care recipients shall be informed in writing of the impending termination of federal care. In particularly justified cases, dismissal from federal care may be immediate and without formalities. Benefits shall be terminated on the date announced. Care recipients shall be required to leave the accommodation by that date without undue delay. As a rule, they shall be accorded a period of four weeks for that purpose.

Article 10. (1) If care recipients undertake a remunerated activity during the period when they are under federal care, or if they receive allowances as part of training by the labour market administration, they may be allowed, in return for a cost contribution, to remain in their accommodation for up to six months, provided that they have no other place to reside and the capacities of the federal care system so permit.

(2) In the aforementioned case the care recipient shall be required to pay a monthly amount of 72,70 € for accommodation and an identical amount for food plus a monthly amount of 18,20 € each for every additional person living in the household.

Article 11. Care recipients shall be required to reimburse the costs of federal care benefits that were provided on the basis of untrue or incomplete statements by the care recipient or as a result of the violation of the duty of notification according to article 4, paragraph 1.

Article 12. (1) Aliens who have withdrawn their asylum application or whose asylum application has been rejected, as well as refugees under the terms of the Asylum Act, may, if they are needy and prepared to return to their home State or – if they are stateless – to their State of origin, be provided with assistance to enable them to return.

(2) The assistance for the return of the aforementioned persons shall in each case include the costs of the cheapest possible form of travel for the return journey.

(3) Cost reimbursements beyond those mentioned shall be granted only in the case of actions involving the return of groups of persons whose return is effected in concert with international organizations. In such cases the total amount of the assistance for the return may not exceed the cost that would arise if the persons in question were left under federal care for over six months.

Article 13. The remuneration provided for in article 7, paragraph (2), of the Federal Care Provision Act shall be 3 € per hour. Records on every care recipient employed in such auxiliary activities shall be kept at the federal care centres referred to in article 1, paragraph 2.

Article 14. The Federal Ministry of Internal Affairs shall issue house rules for the federal care centres referred to in article 1, paragraph 2. These shall contain detailed regulations regarding the assignment and use of rooms, the use of other facilities, possible opening times, the modalities for the payment of pocket money, outfitting and the dispensing of food, and the admittance of outsiders. Further, the said rules shall lay down the maximum number of care recipients who may be accommodated at the federal care centre in question and the number of additional emergency lodgings available.

Article 15. The federal gendarmerie and the federal police authorities shall assist the refugee care agencies of the Federal Ministry of Internal Affairs, at their request, in ensuring the implementation of their directives relating to specific places of accommodation within the scope of their legal sphere of operation.

Enter into force

Article 16. The articles 2 paragraph (1), 7 paragraph (1), 8 paragraph (3), 10 paragraph (2) and 13 pursuant to the ordinance FLG II No. 441/2001 will enter into force as of 1 January 2002.