

## Information Sheet for Arrested Persons– English

under the Aliens Police Act (hereinafter FPG)

You have been arrested by the police. This information sheet shall inform you about your rights. The explanations are written in easy language so that you can better understand them.

**The police officers must tell you why you have been arrested. They also have to tell you about the charges against you. This means, what you have done wrong.**

The police must take you immediately to the Regional Police Directorate. Only if the reasons for your arrest have ceased, you can be released by the police.

### 1. How long will I be detained?

**The police have arrested you under the Aliens Police Act**, in short: FPG. The FPG sets forth the maximum duration of your detention. This is dependent upon the reason for your arrest.

Here the police will check the reasons for your arrest	Sections: These Sections are in the FPG	Here are the reasons for your arrest:
<input type="checkbox"/>	Section 39/1/1 FPG	You reside unlawfully in Austria. The police must release you again within 24 hours.
<input type="checkbox"/>	Section 39/1/2 FPG	You are not carrying any documents. The police must release you again within 24 hours.
<input type="checkbox"/>	Section 39/1/3 FPG	<p>You have violated the</p> <p><input type="checkbox"/> district restriction. District restriction means that you must stay in that district in Austria, where your care unit is situated. This is regulated in Section 52a FPG.</p> <p><input type="checkbox"/> fixed domicile condition. Fixed domicile means that you have to stay in a specific accommodation provided by the State. The Federal Office has ordered you to stay in this accommodation. This is regulated in Section 57 FPG.</p> <p><input type="checkbox"/> accommodation order. The Federal Office has ordered you to stay in certain accommodations. This is regulated in 15b Asylum Act 2005.</p> <p><input type="checkbox"/> regional restriction. Regional restriction means that you have to stay in the Federal Province where you are provided with basic social services. This is regulated in 15c Asylum Act 2005</p> <p>The police must release you again within 24 hours.</p>
<input type="checkbox"/>	Section 39/2/3 FPG	There is a readmission declaration. This means you have been returned to Austria from another country. The police must release you again within 48 hours.

<input type="checkbox"/>	Section 39/3 FPG	You reside in Austria unlawfully. Austria wants to return you to another country. Within 48 hours latest you will be informed by the police whether they want to detain you longer. Such information is a written decision issued by the authority. The Regional Police Directorate may decide to detain you for a maximum period of 14 days.
<input type="checkbox"/>	Section 39/5b FPG	An order for your arrest has been issued by the Regional Police Directorate. The police want to return you to _____ . The police must release you again within 72 hours.

**2. May I call a person I trust? Or a lawyer?**

You are entitled to call a person you trust. Such a person may be:

- a family member
- a friend
- your probation officer.

You may tell the person you trust about your arrest.

You are entitled to inform legal counsel about your arrest. Legal counsel is a lawyer.

The lawyer may represent you if you so wish.

You can call such person yourself.

But there are cases when the police must make the call on your behalf.

You have no telephone? Then you may use a police telephone for this communication. Ask a police officer, when you can reach a lawyer. You have to pay for the lawyer yourself.

<input type="checkbox"/>	Have you not yet reached the age of 18? The police will inform somebody to represent you: <input type="checkbox"/> A legal representative. That is the person, who always represents you with authorities. <input type="checkbox"/> Your mother or your father. <input type="checkbox"/> A representative from the Youth Welfare Authority. This is a person from an Austrian Youth Welfare Authority.
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The police may inform the consulate of your home country about your arrest if you wish them to do so.

There are agreements with some countries. Then the police are obliged to inform your consulate.

**3. Is there a medical doctor?**

There is medical assistance. You will be examined by a medical doctor.

But in this respect, you may also select a medical doctor of your choice to be present when you are being examined, if

- you pay such a medical doctor yourself, and
- this does not cause any long delays.

Do you urgently need medication? Because you are a diabetic, for instance?  
Please immediately tell the police.

#### **4. Can I do something against my arrest?**

You may lodge a written complaint against your arrest. This means that you have to send such complaint to the Regional administrative court. This is regulated in Section 82 FPG.

In such complaint you have to indicate the following:

- That you have been arrested by the Regional Police Directorate.
- When were you arrested by the Regional Police Directorate.
- What you think was wrong with your arrest.

You may lodge such a complaint,

- once you have been released,
- or if you are still being detained,
- but not later than within 6 weeks from your release.

The complaint has to be written in German!