

Liechtenstein National Law Gazette**Vintage 2012****No. 29****issued on 31 January 2012**

Asylum Act (AsylG)

from 14 December 2011

I give my consent to the following resolution passed by the State Parliament: ¹

I. General provisions**Article 1***Object*

1) This law regulates:

- a) the granting of asylum and the legal status of refugees in Liechtenstein; and
- b) the granting of temporary protection in Liechtenstein.

2) Asylum encompasses the protection and legal status granted to persons in Liechtenstein on the basis of their refugee status. It includes the right to be present in Liechtenstein.

Article 2*Terms and designations*

1) For the purposes of this Act, the following are considered:

(a) "refugees" means foreign persons who:

- 1. owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, sex or political opinion, are outside the State of their nationality and are unable or, owing to such fear, are unwilling to avail themselves of the protection of that State; or
- 2. are stateless, are outside the State of their habitual residence as a result of the abovementioned circumstances and are unable or unwilling to return there because of the fears referred to;

(b) 'country of origin or country of origin' means the country of which the foreign person is a national or, in the case of a stateless person, the country in which he or she last resided;

(c) 'persons in need of protection' means foreign nationals who, pursuant to a Government decision, are granted temporary protection for the duration of a serious general threat, in particular during a war or civil war and in situations of generalised violence;

(d) "provisionally admitted persons": foreign persons who are not granted asylum in Liechtenstein, but for whom the enforcement of removal is not possible, not permissible or not reasonable;

(e) 'asylum application' means a written or oral declaration by which a foreign person indicates that he or she is seeking asylum in Liechtenstein;

(f) 'asylum seeker' means a foreign national whose application for asylum is pending;

g) "Family members":

- 1. the spouse or registered partner, provided that the marriage or registered partnership already existed in the country of origin or country of origin;
- 2. minor children, whether born in or out of wedlock;

3. other close relatives designated by the Government by decree, towards whom the person admitted to Liechtenstein has a maintenance obligation that already existed in the home country or country of origin;

(h) 'Dublin State' means a State bound by the Dublin acquis;

(i) "Dublin procedure": a procedure carried out on the basis of the Dublin acquis. ²

2) A well-founded fear of persecution within the meaning of paragraph 1(a) exists in particular when a threat to life, limb, or freedom can be asserted and measures are threatened that would cause unbearable psychological pressure; the specific reasons for fleeing that are specific to women must be taken into account. The well-founded fear of persecution may also be based on events that occurred after the asylum seeker left their home country or country of origin (objective subsequent reasons for fleeing).

3) Persecution within the meaning of paragraph 1(a) may arise:

(a) from the country of origin or country of origin;

b) by parties or organisations which control the country of origin or the country of origin or a substantial part of its territory;

(c) by non-State actors, where the actors referred to in points (a) and (b), including international organisations, are proven unable or unwilling to provide protection from persecution.

4) Unless otherwise provided, the designations used in this Act refer to both male and female persons.

Article 2a ³

Reference to legal provisions of the Schengen or Dublin acquis applicable in Liechtenstein

If this Act refers to legal provisions of the Schengen or Dublin acquis applicable in Liechtenstein, the applicable version of these legal provisions shall be determined from the publication of the treaties on the further development of the Schengen or Dublin acquis in the Liechtenstein National Law Gazette in accordance with Article 3 of the Publication Act.

Article 3

Prohibition of deportation

1) No person shall be compelled in any way to leave for a State where:

(a) their body, life or freedom is endangered for a reason referred to in Article 2(1)(a) or there is a risk that they will be compelled to leave for such a State; or

(b) he or she will be subjected to torture or inhuman or degrading treatment or punishment or will be in danger of being compelled to leave for such a State.

2) A person may not invoke the prohibition of return under paragraph 1(a) if:

a) there are substantial reasons to believe that it constitutes a threat to the security of Liechtenstein; or

b) they represent a threat to the Liechtenstein community because they have been finally convicted of a particularly serious crime.

Article 4

Proceedings

The procedure shall be governed by the Act on General State Administration, unless this Act provides otherwise.

II. Asylum seekers

A. General

Article 5⁴

Jurisdiction

- 1) The Government decides on the granting, refusal and termination of asylum.
- 2) The member of the Government responsible according to the allocation of responsibilities shall decide on the inadmissibility of an application for asylum pursuant to Article 20.
- 3) The Immigration and Passport Office shall conduct the asylum procedure and, after completion of the procedure, shall submit the asylum application to the Government or the competent member of the Government in accordance with paragraph 2 for a decision.

Article 5a⁵

Safe home and country of origin

After consulting the Advisory Commission (Article 85), the government shall designate safe countries of origin and homeland by decree. These are considered to be countries that, in particular, provide security from state persecution, protection from private persecution, and legal protection against human rights violations suffered.

Article 6

Duty to cooperate

- 1) Asylum seekers are obliged to cooperate in establishing the facts of their case. In particular, they must:
 - a) disclose their identity;
 - b) submit travel documents and identity cards when submitting an asylum application or obtain them upon request from the Immigration and Passport Office. Asylum seekers will be given a receipt and, after verification of the authenticity of the documents, a copy of the documents upon request, provided they are unfalsified.
 - c) state at the interview the reasons why they are seeking asylum;
 - d) fully identify any evidence and submit it promptly or, where reasonable, endeavour to obtain it within a reasonable period of time;
 - e) assist in the collection of biometric data.
- 2) Asylum seekers may be required to arrange for the translation of foreign-language documents. If the Immigration and Passport Office arranges for the translation of the documents itself, it may charge a translation fee, provided the asylum seeker has sufficient financial means.
- 3) Asylum seekers staying in Liechtenstein are required to remain available to the Immigration and Passport Office during the application process. They must immediately notify the Immigration and Passport Office of their address and any changes to their address.
- 4) Once an enforceable removal order has been issued, the persons concerned are obliged to cooperate in obtaining valid travel documents.
- 5) The duty to cooperate is not violated if the asylum seeker was unable to fulfil it through no fault of his own.

Article 7

search

- 1) Asylum seekers and their belongings may be searched for travel and identity documents as well as for dangerous objects, narcotics and assets of unclear origin by:

- a) the Immigration and Passport Office or the State Police when submitting the asylum application;
- b) the State Police when they are accommodated in a collective accommodation facility provided by the State; the search may be carried out in the presence of a representative of the Immigration and Passport Office.

2) Upon application by the Immigration and Passport Office, the Regional Court may order a search of apartments and rooms occupied by asylum seekers if there is suspicion that travel or identity documents or documents and items relevant to the proceedings are concealed therein. The search shall be conducted by the State Police.

3) The Immigration and Passport Office and the State Police shall record the results of the search pursuant to paragraphs 1 and 2 in writing. A copy of the report shall be given to the asylum seeker and, if the search is carried out by the State Police, to the Immigration and Passport Office.

4) Asylum seekers may only be searched by persons of the same sex.

Article 8

Evidence proceedings, seizure and confiscation of documents, age assessments

1) If an evidentiary procedure is conducted to establish the facts of the case, asylum seekers cannot comment in advance on the official order to take evidence.

2) Authorities shall retain travel documents, identity cards, or other documents that may provide information about the identity or origin of an asylum seeker for the attention of the Immigration and Passport Office. The asylum seeker shall be given a receipt and, upon request, a copy of the documents, provided they are authentic and unaltered, after verification of their authenticity and validity.

3) Forged or counterfeit documents will be confiscated by the Immigration and Passport Office or the State Police.

4) If there are indications that an allegedly minor asylum seeker has reached the age of majority, the Immigration and Passport Office may arrange for an age assessment.

Article 9

Deliveries

Services are made with proof of delivery to the asylum seeker or to a person authorized by him in accordance with the provisions of the Service Act.

Article 10

Relationship to immigration law proceedings

Article 4 of the Aliens Act applies to the relationship between the asylum procedure and the immigration procedure.

Article 11

Language

1) Decisions and orders of the Government or the responsible member of the Government shall be translated to the asylum seeker in writing or orally into a language that he or she understands or can be assumed to understand. The translation shall include at least the verdict and a summary of the reasons for the decision, as well as the information on legal remedies.⁶

2) When communicating with the asylum seeker, it must be ensured that he or she is able to understand the information concerning him or her. If necessary, the Immigration and Passport Office will involve a qualified interpreter during interviews.

3) The interpreter is subject to a duty of confidentiality towards third parties.

4) The Government may regulate the details by decree.

Article 11a ⁷

Medical examination

1) The Office of Public Health may order a medical examination, particularly after an asylum seeker's entry. It shall cooperate closely with the independent third parties responsible for providing care (Article 59) in this regard.

2) The Immigration and Passport Office may request medical examinations from the Health Office.

3) Article 8(4) and Article 59(2)(c) remain reserved.

Article 12

Special procedural provisions

1) The Immigration and Passport Office shall immediately request the Regional Court to appoint a curator for unaccompanied minor asylum seekers, who will represent their legal interests and simultaneously act as their legal representative. The Regional Court shall inform the Liechtenstein Bar Association of the appointment of the legal representative. ⁸

2) The Government shall issue by decree supplementary provisions on the asylum procedure for women, unaccompanied minors and victims of torture, taking into account the mental state and age of these persons.

Article 13

Legal advice

1) The Government shall take the necessary measures to ensure access to legal advice for asylum seekers. It may conclude service agreements with independent third parties for this purpose.

2) Legal advice includes in particular: ⁹

- a) the explanation of rights and obligations;
- b) procedural and opportunity advice; and
- c) advice and support in the complaint procedure.

3) Persons providing legal advice must have appropriate legal qualifications. They are subject to a duty of confidentiality towards third parties and may not act as representatives of the aid organization or legal representatives of the asylum seeker during the entire asylum procedure. ¹⁰

4) The Immigration and Passport Office informs asylum seekers about the possibility of legal advice during the first interview.

Article 14

Inspection of files

1) The asylum seeker and persons providing legal advice shall be granted access to the interview records upon request until a decision is taken at first instance, unless special circumstances preclude this.

2) Following a first-instance decision, comprehensive access to the files must be granted.

B. Submission of asylum applications and entry

Article 15

Filing office in Liechtenstein

A person in Liechtenstein must submit his or her asylum application to the Immigration and Passport Office or, outside office hours, to the National Police.

Article 16

Asylum application at the border, after detention in the border area during illegal entry or in the country

- 1) Persons who submit an application for asylum at the border or after being stopped for illegal entry in the border area or in the country shall be assigned to the Immigration and Passport Office.
- 2) The Immigration and Passport Office shall examine its competence to conduct the asylum procedure, taking into account the Dublin acquis applicable to Liechtenstein.

C. The first instance proceedings

Article 16a ¹¹

Preparation phase

- 1) After the asylum application is submitted, the preparatory phase begins. This phase generally lasts ten days in the Dublin procedure and a maximum of 21 days in the other procedures.
- 2) The Immigration and Passport Office informs asylum seekers of their rights and obligations in the asylum procedure. It may conduct an interview pursuant to Article 17. It may clarify with the asylum seeker whether their asylum application is sufficiently substantiated. If this is not the case and the asylum seeker withdraws their asylum application, it will be formally dismissed, and the return journey initiated.
- 3) The comparison of data pursuant to Article 73(2) and (3) and the request for admission or readmission to the competent Dublin State shall be carried out during the preparatory phase.

Article 17

Survey about person and travel route

- 1) After the application for asylum has been submitted, the Immigration and Passport Office establishes the personal details of the asylum seeker and questions him about his travel route and, at least in summary, about the reasons why he is submitting an application for asylum.
- 2) A record of the interview shall be drawn up and signed by the representative of the Immigration and Passport Office, the asylum seeker and, where appropriate, the interpreter and the asylum seeker's legal representative.
- 3) Asylum seekers may be accompanied by a trusted person and an interpreter of their choice who are not themselves asylum seekers. ¹²

Article 18

Survey on the reasons for asylum

- 1) If the questioning about the person and the route of travel and the reasons for asylum are not carried out together and the asylum application is not inadmissible, the Immigration and Passport Office will normally question the asylum seeker about the reasons for asylum within 20 days.
- 2) The purpose of the interview is to determine the facts relevant to the decision on the asylum application and the probability of their existence. The Immigration and Passport Office is entitled to ask all questions whose answers are essential for a decision on the asylum application.
- 3) In all other respects, Article 17 paragraphs 2 and 3 shall apply mutatis mutandis. ¹³

Article 19

Aid organization representation

- 1) The aid organisations recognised by the government shall join together in an umbrella organisation and send a representative to the hearing on the grounds for asylum pursuant to Article 18, unless the asylum seeker refuses this or is legally represented.
- 2) The Immigration and Passport Office will notify the aid organizations of the hearing dates in a timely manner. If the representatives of the aid organizations do not respond to the invitation, the hearing will nevertheless have full legal effect.
- 3) The representatives of the aid organizations observe the hearing but have no party rights. They may ask questions to clarify the facts.
- 4) The representatives of the aid organisations are subject to a duty of confidentiality towards third parties and may not act as legal advisors or legal representatives of the asylum seeker during the entire asylum procedure.
- 5) The representatives of the aid organizations confirm their participation in the minutes. They may raise objections and suggest further clarifications.
- 6) The Government may regulate the details by decree.

Article 20

Inadmissibility of the asylum application

- 1) An application for asylum is inadmissible if:
 - a) another Dublin State has already recognised refugee status;
 - b) the asylum seeker may travel to another Dublin State which is responsible under international law for carrying out the asylum and removal procedure;
 - c) the asylum seeker may leave for another Dublin State in which he or she previously resided;
 - d) the asylum seeker has already undergone an asylum procedure in Liechtenstein or has withdrawn his or her application for asylum or his or her application for asylum has been dismissed pursuant to Article 28(2) or has returned to his or her home country or country of origin while the procedure is pending and cannot credibly demonstrate that events relevant to refugee status have occurred in the meantime;
 - e) the asylum seeker can return to a safe country of origin or country of origin in which he or she previously resided, provided there is no concrete evidence of persecution;¹⁴
 - f) the conditions of Article 2(1)(e) are not met. This applies in particular if the application for asylum is submitted exclusively for economic or medical reasons;¹⁵
 - g) the asylum seeker's conduct indicates that he or she is neither willing nor able to integrate into the existing order. This applies in particular if he or she has committed repeated infringements or has been convicted of a misdemeanor or crime;¹⁶
 - h) the asylum seeker violates his or her duty to cooperate without good reason or is not available to the Immigration and Passport Office despite having stayed in Liechtenstein for more than 20 days.¹⁷
- 2) Decisions of inadmissibility must be justified at least summarily.¹⁸
- 3) The Immigration and Passport Office may carry out the asylum procedure despite the existence of a reason for inadmissibility pursuant to paragraph 1 if:¹⁹
 - (a) humanitarian reasons justify it;
 - b) Liechtenstein is responsible for examining the asylum application under the Dublin acquis; or
 - c) there are concrete indications of persecution.

Article 21

*Clarifications*²⁰

1) The Immigration and Passport Office shall conduct the necessary investigations to determine the facts of the case for the asylum decision. It may, in particular, obtain information from the Liechtenstein representation or the representation responsible for Liechtenstein or conduct a supplementary hearing with the asylum seeker.

2) The Immigration and Passport Office may involve experts with specific knowledge of the asylum seeker's home country or country of origin. In exceptional circumstances, the Immigration and Passport Office may delegate the interview to experts.

3) Repealed²¹

Article 21a²²*First instance procedural deadlines*

1) Subject to paragraphs 2 and 3, decisions on applications for asylum shall be taken within three months of the completion of the preparatory phase.

2) Decisions on the inadmissibility of asylum applications shall be taken within 20 working days of the application being lodged or, where a ground for inadmissibility exists, within seven working days of the application being lodged in the cases referred to in Article 20(1)(e). Paragraph 3 remains reserved.

3) If the complexity of the facts or the application requires longer clarifications or if an exceptional situation exists, the deadlines set out in paragraphs 1 and 2 may be exceeded. In this case, the asylum seeker must be informed by the Immigration and Passport Office about the status of the procedure.

D. Legal status of asylum seekersArticles 22²³*Right of residence during the asylum procedure*

Asylum seekers may stay in Liechtenstein until the end of the procedure.

Article 23

employment

1) Asylum seekers are obliged to provide for their own livelihood as far as possible during the procedure.

2) The pursuit of gainful employment requires the approval of the Immigration and Passport Office. Such approval may be subject to conditions.

3) Once the removal procedure has been initiated, the consent may be limited in time.

4) The employment relationships of asylum seekers are subject to the provisions of labour law.

Article 24

Compulsory schooling

1) Minor children of asylum seekers and unaccompanied minors are obliged to attend kindergarten, primary school and secondary schools provided by the State within the framework of compulsory education.

2) School attendance shall normally begin no later than 30 days after the application for asylum has been submitted, taking into account school holidays and in consultation with the school authority.

E. Removal, provisional admission and serious personal hardship

Article 25

Signposting

1) If the asylum application is rejected or dismissed on the grounds of inadmissibility (Article 20), the expulsion from Liechtenstein shall be ordered at the same time as the decision, subject to Article 29, paragraph 1. In doing so, the principle of family unity shall be taken into account. ²⁴

1a) A legally binding removal order to a Dublin State remains in effect for up to one month after departure from Liechtenstein. ²⁵

2) Employment relationships or training shall not be taken into account when ordering enforcement, unless there are special reasons in the individual case.

3) The Government may regulate the details by decree.

Article 26

Removal order

1) The removal order contains:

- (a) the obligation of the asylum seeker to leave Liechtenstein;
- (b) the determination of the date by which the asylum seeker must have left Liechtenstein;
- (c) the imposition of coercive measures in the event of failure to comply;
- (d) where appropriate, the designation of the States to which the asylum seeker may not be returned;
- (e) where appropriate, the ordering of an alternative measure instead of enforcement;
- f) the information on legal remedies.

2) The removal order shall specify a reasonable period of departure between seven and thirty days. A longer period of departure shall be set, or the period of departure may be extended upon request if special circumstances, such as family circumstances or a long stay, so require. The person concerned shall be issued a confirmation of the extension of the period of departure.

3) Repealed ²⁶

Article 26a ²⁷

Alert in the Schengen Information System

1) ~~The data of third-country nationals against whom a return decision within the meaning of Directive 2008/115/EC~~ ²⁸ has been adopted in accordance with Articles 25 and 26 shall be entered into the Schengen Information System by the competent authority.

2) In all other respects, Articles 54b to 54e of the Aliens Act shall apply mutatis mutandis.

Article 27 ²⁹

Coercive measures

Articles 55 to 63 and 69a of the Aliens Act shall apply mutatis mutandis to the application of coercive measures.

Article 28

Measures in case of unknown whereabouts

1) If an asylum seeker evades enforcement during a pending asylum procedure or following a removal order by concealing his or her place of residence, the Immigration and Passport Office may issue a police alert.

2) If the asylum seeker's whereabouts remain unknown for more than 20 days during a pending asylum procedure, the asylum application and related complaints and applications may be formally dismissed. A new application may be filed no earlier than three years later. Compliance with the Convention relating to the Status of Refugees of 28 July 1951 remains reserved.³⁰

Article 29

Provisional admission

1) If the execution of the removal order is not possible, not permissible, or not reasonable, provisional admission shall be ordered.³¹

2) Enforcement is not possible if the person affected by the removal order cannot leave or be taken to his or her home country or country of origin or to a third country.

3) Enforcement shall not be permissible if Liechtenstein's obligations under international law prevent the person affected by the removal from continuing his or her journey to his or her home country, country of origin or a third country.

4) The execution of the removal order may be unreasonable for the person affected by the removal order if he or she is in concrete danger in situations such as war, civil war, general violence and medical emergency in the country of origin or country of origin.

5) Provisional admission shall be limited to a maximum of one year. It may be extended if the conditions for its imposition are still met. Otherwise, the Government shall, after hearing the person concerned, order the enforcement of the removal order.³²

6) Articles 23 and 24 shall apply mutatis mutandis to the employment and compulsory schooling of temporarily admitted persons. Furthermore, temporarily admitted persons shall be granted access to appropriate training and further education if this promotes integration or increases their ability to return.

7) In all other respects, Articles 7 and 31 shall apply mutatis mutandis to persons admitted provisionally.

Article 30

Family members and their reunification

1) Family members of persons granted provisional admission may be granted provisional admission.

(2) Paragraph 1 shall not apply to family members of persons provisionally admitted on the grounds referred to in Articles 36, 40 or 41.

3) The Government shall regulate the details of the temporary admission of family members by decree.

Article 31

*Advanced Integration*³³

1) The Government may grant a residence permit upon application if:

- a) the asylum seeker has resided in Liechtenstein for at least five years since submitting the asylum application;
- (b) the asylum seeker's whereabouts were always known to the authorities; and
- c) integration has progressed.³⁴

2) The residence status of the persons concerned shall be governed by the provisions of the Aliens Act.

3) The government shall regulate the details by decree.

III. Granting of asylum and legal status of refugees

A. Granting of asylum

Article 32

Granting asylum

- 1) A person shall be granted asylum if:
 - a) he or she proves or makes it prima facie apparent that he or she is a refugee within the meaning of Article 2(1)(a); and
 - b) there are no grounds for refusal or exclusion under Articles 34 to 36.³⁵
- 2) Refugee status is prima facie established if the government considers its existence to be preponderantly probable. The asylum seeker's difficult evidentiary situation must be taken into account.
- 3) In particular, allegations which are insufficiently substantiated or contradictory in essential points, do not correspond to the facts or are based primarily on falsified or distorted evidence are not credible.
- 4) The Government may, within the framework of European asylum policy:
 - a) transfer asylum seekers from another Dublin State for the purpose of processing their asylum application; or
 - b) grant asylum to refugees who have been recognised as refugees by another Dublin State.
- 5) The Government may grant asylum to persons recognised as refugees by the United Nations High Commissioner for Refugees (UNHCR) who are in a country of first reception.

Grounds for refusal and exclusion

Article 33³⁶

Lifted

Article 34

b) Internal flight and residence alternative

- 1) No asylum shall be granted if there is no well-founded fear of persecution in a part of the home country or country of origin and the asylum seeker can be reasonably expected to remain in that part of the national territory.
- (2) Protection from persecution shall in any event be ensured if the actors referred to in Article 2(3)(a) and (b), including international organisations, take appropriate steps to prevent persecution, for example by establishing effective legal provisions for the investigation, prosecution and punishment of acts constituting persecution, and if the asylum seeker has access to such protection.
- 3) In examining whether there is an alternative means of escape and residence within the country, the general circumstances of the country of origin or country of origin and the personal circumstances of the asylum seeker at the time the decision on the application is taken shall be taken into account.

Article 35

c) Subjective reasons for subsequent flight

No asylum shall be granted if asylum seekers only became refugees within the meaning of Article 2(1)(a) as a result of their departure from their home country or country of origin or because of their conduct after departure.

Article 36

d) Grounds for exclusion

1) No asylum will be granted if:

- (a) asylum-seekers enjoy the protection or assistance of a United Nations organization or agency, other than the United Nations High Commissioner for Refugees (UNHCR), in accordance with Article 1(D) of the Convention relating to the Status of Refugees of 28 July 1951. If such protection ceases to be granted without the situation of the persons concerned being definitively clarified in accordance with the relevant resolutions of the United Nations General Assembly, they shall enjoy the protection of this Law;
- b) asylum seekers, in the opinion of the Immigration and Passport Office, have all the rights and obligations of Liechtenstein nationals;
- (c) there are substantial grounds for believing that asylum seekers pose a serious threat to the security of Liechtenstein;
- d) asylum seekers pose a danger to the Liechtenstein community because they have been convicted of a crime after their arrival.

2) Furthermore, no asylum shall be granted if there are serious reasons to believe that the asylum seeker:

- (a) has committed a crime against peace, a war crime or a crime against humanity within the meaning of international instruments containing provisions for the prevention of such crimes;
- b) has committed a serious crime under common law outside Liechtenstein before submitting an application for asylum in Liechtenstein;
- (c) has been guilty of acts contrary to the purposes and principles of the United Nations.

B. Legal status of refugees

Article 37

principle

The legal status of refugees in Liechtenstein is governed by the Aliens Act, unless special provisions, namely this Act and the Convention of 28 July 1951 relating to the Status of Refugees, apply.

Article 38

Right of residence

Once granted asylum, the persons concerned have the right to reside in Liechtenstein. Unless this law contains specific provisions, their residence is governed by the Foreign Nationals Act.

Article 39

Family members and their reunification

Family members of refugees are also granted asylum if the family was separated during their flight and wishes to reunite in Liechtenstein.

C. Termination of asylum

Article 40

Revocation of asylum

1) The Government shall revoke asylum or deny refugee status if the person concerned:

- (a) has obtained asylum by providing false information or by concealing essential facts;
- (b) has voluntarily returned to the protection of the State of which he or she is a national;
- (c) has voluntarily reacquired the lost nationality;
- (d) has acquired a new nationality or has been granted asylum or another right of permanent residence in another State and enjoys protection in that State;
- (e) has voluntarily returned to the State which he or she left or has not entered for fear of persecution and has settled there;
- (f) once the circumstances which led to his or her recognition as a refugee have ceased to exist, he or she can no longer refuse to avail himself or herself of the protection of his or her country of origin or country of origin; or
- (g) is stateless and is able to return to the State of his or her former residence once the circumstances which led to his or her recognition as a refugee have ceased to exist.

(2) Paragraph 1(f) and (g) shall not apply to refugees who refuse the protection of their country of origin or country of origin for compelling reasons related to previous persecution.

3) The Government shall revoke asylum if:

- (a) there are substantial grounds to believe that the refugee poses a serious threat to the security of Liechtenstein;
- b) the refugee represents a danger to the Liechtenstein community because he or she has been convicted of a crime after his or her arrival.

4) The revocation of asylum or the withdrawal of refugee status shall not extend to family members unless it turns out that they do not need asylum.

Article 41

Expiration of asylum

The government declares that asylum has lapsed if:

- (a) the refugee has resided abroad for more than two years;
- b) the refugee has been granted asylum or permanent residence in another State;
- c) the refugee waives this right;
- (d) the expulsion has been carried out;
- e) the refugee acquires Liechtenstein nationality.

Article 42

Expulsion

Refugees who have been granted asylum in Liechtenstein may only be expelled if they endanger Liechtenstein's internal or external security or have seriously violated public order.

IV. Temporary protection

A. General

Article 43

Decision on granting temporary protection

1) The Government shall determine by decree whether and according to which criteria and to what extent temporary protection shall be granted to groups of persons in need of protection.

2) It shall consult in advance the Advisory Commission (Article 85) and the United Nations High Commissioner for Refugees (UNHCR).

Article 44

Measures abroad

The temporary granting of protection complements measures and assistance in the home country or country of origin or in the region of origin of those in need of protection.

Article 45

Family members and their reunification

1) Family members of persons in need of protection shall also be granted temporary protection if the family has been separated by events for which the Government has granted temporary protection and wishes to reunite in Liechtenstein.

2) In other cases, the Government shall decide on family reunification.

B. Procedure

Article 46

Proceedings abroad

1) The Immigration and Passport Office determines who belongs to a group and who is granted temporary protection in Liechtenstein. In doing so, it takes into account the principle of family unity.

2) The decision to grant temporary protection is not subject to appeal.

3) The state can cover the costs of entry.

Article 47

Domestic proceedings

1) The application for temporary protection shall be submitted in accordance with Articles 15 and 16.

2) If a person is granted temporary protection, the asylum and removal proceedings are suspended. The decision does not require a hearing.

3) In all other respects, Articles 6 to 14 and 16a to 21a shall apply *mutatis mutandis*.³⁷

Article 48

Grounds for exclusion

Temporary protection will not be granted if the person in need of protection:

- a) has violated or seriously endangered public security and order in the country of origin or country of origin; or
- b) fulfils an offence under Article 40(3).

C. Legal status of those in need of protection

Article 49

Regulation of attendance

1) The person in need of protection may stay in Liechtenstein for the duration of the temporary protection.

2) If the protection period lasts longer than five years, the person in need of protection will receive a residence permit. Their residence status is governed by the provisions of the Aliens Act.

Article 50

Employment and training

1) Articles 23 and 24 shall apply mutatis mutandis to the employment and compulsory schooling of persons in need of protection. Persons in need of protection may also be granted access to appropriate training and further education if this promotes integration or increases their ability to return.

2) The Government may regulate the details by decree.

D. Termination of temporary protection

Article 51

Revocation of protection and removal

1) The Government shall, after consultations with the Advisory Commission (Article 85) and with the United Nations High Commissioner for Refugees (UNHCR), decide on the date of withdrawal of temporary protection for certain groups of persons in need of protection; the withdrawal shall be effected by decree.

2) If there are indications of persecution, there is a right to an asylum procedure.

3) In other cases, the Immigration and Passport Office shall order the removal after hearing the person concerned. Articles 25 to 28 shall apply mutatis mutandis to the execution of the removal.

Article 52

Revocation

1) The Immigration and Passport Office may revoke temporary protection if:

- a) it was obtained by false statements or by concealing essential facts; or
- b) the person in need of protection has violated or seriously endangered public safety and order or has been convicted of a crime in Liechtenstein.

2) The withdrawal of temporary protection shall not extend to family members unless it turns out that they are not in need of protection.

3) If temporary protection is withdrawn, the person concerned shall be expelled, applying Articles 25 to 28 mutatis mutandis.

Article 53

Extinction

The Immigration and Passport Office shall determine the expiration of temporary protection if the person in need of protection:

- a) relocates the centre of life abroad;
- b) waives temporary protection; or
- c) has received a residence permit under the Aliens Act or the Free Movement of Persons Act.

V. Welfare benefits, social security benefits, wage assignment and reimbursement of costs

Article 54

Welfare benefits

1) Asylum seekers, temporarily admitted persons and persons in need of protection who are in need of assistance are entitled to welfare benefits.

2) The Government shall determine by decree the amount of welfare benefits at a flat rate per person per day and shall provide the necessary funds for their provision.

3) Welfare benefits shall, where possible, be provided in the form of benefits in kind.

4) The provision of welfare services is carried out by the third parties entrusted with the care.

Article 55

Social security benefits

1) The provision of social security benefits to asylum seekers, temporarily admitted persons and persons in need of protection shall be governed by the relevant special laws, unless this Law provides otherwise.

2) Child allowances for asylum seekers are retained during the asylum procedure. They are paid out if the asylum seeker is recognized as a refugee or is provisionally admitted pursuant to Article 29, paragraphs 3 and 4. ³⁸

3) The State shall provide for needy asylum seekers, temporarily admitted persons and persons in need of protection:

- a) the premiums and cost contributions incurred under compulsory health insurance; and
- b) the costs of dental treatment, insofar as this serves to treat pain or is absolutely necessary for health reasons.

4) The Government shall regulate the procedure for the assumption of costs pursuant to paragraph 3(b) by regulation.

Wage assignment

Article 56

a) Principle

1) Where an asylum seeker, temporarily admitted person or person in need of protection is entitled to wage claims or other monetary claims of a replacement income nature, these shall be assigned to the State (assignment of wages), subject to paragraph 2; the funds shall be administered by the third parties entrusted with their care.

2) Asylum seekers, temporarily admitted persons and persons in need of protection shall be paid an amount of the withheld money determined by the Government by decree during the period of wage assignment.

3) The Immigration and Passport Office shall inform the employer or other debtor of the terms of the wage assignment.

4) The Government may regulate the details by decree.

Article 57

b) Termination

1) The wage assignment ends:

- a) with the granting of asylum;
- b) upon granting a residence permit;
- c) with the proven departure from Liechtenstein;
- d) with the rejection of the asylum application pursuant to Article 28 paragraph 2; or
- (e) no later than five years after the application for asylum or temporary protection was lodged.

2) Upon termination of the wage assignment, the asylum seeker, temporarily admitted person or person in need of protection shall be entitled to payment of the managed wages.

3) Costs incurred during the stay of the asylum seeker, temporarily admitted person, or person in need of protection in Liechtenstein will generally be offset against the salary credit at the time the wage assignment is terminated by the Immigration and Passport Office. Upon request, the person concerned will be provided with a ruling regarding the offsetting.

4) If the asylum application has been rejected, the temporary admission has not been extended or the temporary protection has been revoked and the expulsion order has been issued, the expected costs of departure and enforcement must also be retained.

5) The Immigration and Passport Office may, upon request, waive the offsetting if asylum is granted or if the offsetting would represent an unreasonable hardship for the person concerned.

6) The claim to payment of the wage credit shall expire if it is not asserted within five years after the termination of the wage assignment in accordance with paragraph 1(c) and (d).

Article 58

Reimbursement of costs

1) Asylum seekers, temporarily admitted persons or persons in need of protection who have sufficient assets shall be obliged to reimburse the costs referred to in Article 57, paragraphs 3 and 4.

2) The Immigration and Passport Office shall determine the amount of the refund by order; the amount shall be transferred to an account established at the Finance Office.³⁹

3) The Immigration and Passport Office and the National Police may seize assets that asylum seekers or persons in need of protection have with them upon entry into Liechtenstein for the purpose of reimbursing the costs pursuant to paragraph 1. The persons concerned shall be issued with a certificate of acceptance.

4) Article 57(5) shall apply mutatis mutandis to the exceptions to the obligation to reimburse.

5) The Government may regulate the details of reimbursement of costs and the securing of assets by regulation.⁴⁰

VI. Care

Article 59

Care

1) The government shall ensure the care of persons falling within the scope of this Act. It shall conclude service agreements with independent third parties for the independent provision of care.

2) The support includes in particular:

- (a) accommodation in suitable accommodation;
- b) the implementation of payroll administration;
- c) ensuring economic, medical and psychosocial care;
- d) advice and support during the stay in Liechtenstein;
- (e) promoting integration and the ability to return;
- f) meaningful employment and support in finding employment;
- (g) the exchange of information with the competent authorities;
- h) the recruitment, instruction, deployment and control of the relief agency representatives.

VII. Financing

Article 60

Cost coverage

1) The State shall bear the costs of:

- (a) the establishment, fitting out and maintenance of a reception centre;
- b) the rental and provision of any additional accommodation for persons covered by this Act;
- c) accommodation, food, care, insurance and cost sharing in the event of illness and accident for the persons covered by this Act;
- d) providing legal advice to persons covered by this Act; and
- (e) the expenditure incurred by the third parties commissioned to carry out tasks under this Act and the associated administrative costs.

2) The Government may regulate the details of the assumption of costs by regulation.

Article 61

More articles

1) The State may promote the implementation of employment programs.

2) Within the framework of international cooperation pursuant to Article 84, the State may provide contributions to the sponsors of internationally oriented projects or to internationally active organisations.

3) The Government shall regulate the conditions and procedures for the payment and settlement of contributions by decree.

Article 62

Entry and exit costs

1) The State may cover the costs of entry and exit of persons seeking asylum who have been granted entry by the Government, as well as of persons in need of protection.

2) The State may, subject to the obligation of third parties to bear the costs, assume the costs of the departure of needy persons who must leave Liechtenstein under this Act.

3) The government shall regulate the conditions and procedures for payment and settlement of contributions by regulation. Where possible, it shall set flat rates.

Article 63

Return assistance and reintegration

1) The State may provide return assistance by:

- a) fully or partially finances return counselling projects and projects to maintain the ability to return to Liechtenstein;
- (b) finances, in whole or in part, projects to facilitate return and reintegration in the country of origin, country of origin or third country; and
- (c) financial assistance is provided in individual cases to facilitate integration or to ensure basic needs in the home country, country of origin or third country.

2) For the purpose of coordinating the projects referred to in paragraph 1(a) and (b), the State may cooperate with international organisations and other States and may establish a coordinating body.

3) The Government shall regulate the conditions and procedures for the payment and settlement of contributions by decree.

Article 64

Supervision

1) The government shall verify that state subsidies are used correctly and accounted for in accordance with the relevant subsidy regulations. It may also commission third parties to perform

this task.

2) Recipients of state subsidies must, upon request, provide the necessary files and accounting documents to the bodies entrusted with financial supervision, provide the necessary information, and grant on-site access. Violations of this obligation will be sanctioned *mutatis mutandis* in accordance with Article 17 of the Subsidies Act.

VIII. Administrative assistance

Article 65

principle

1) Courts and administrative authorities shall, upon request, assist the Immigration and Passport Office in the performance of its statutory duties by providing administrative assistance, provided that doing so does not violate statutory confidentiality obligations or overriding public or private interests. Administrative assistance includes, in particular, the provision of information, the delivery of copies of judgments, or the communication of circumstances and facts necessary for the Immigration and Passport Office to fulfill its duties.

2) Private organisations carrying out public tasks in the area of asylum law are also obliged to provide administrative assistance.

3) The Immigration and Passport Office shall provide administrative assistance at the request of the courts and other administrative authorities, provided that this does not violate statutory confidentiality obligations or overriding public or private interests.

IX. Data protection

A. General

Article 66 ⁴¹

Processing of personal data

The authorities responsible for the implementation of this Act may process or have processed personal data, including special categories of personal data and personal data relating to criminal convictions and offences, of an asylum seeker or person in need of protection and his or her relatives, insofar as this is necessary to fulfil their duties under this Act.

Article 67

Transfer of personal data to the home country or country of origin ⁴²

1) Personal data, including special categories of personal data and personal data relating to criminal convictions and offenses, of asylum seekers, recognized refugees, and persons in need of protection shall not be transferred to the country of origin or country of origin if doing so would endanger the person concerned or their family members. No information may be provided regarding an asylum application. ⁴³

2) The Immigration and Passport Office or the State Police may contact the home country or country of origin in order to obtain the travel documents necessary for the execution of the removal order if the asylum application has been legally rejected.

3) For the purpose of enforcing a removal order to the home country or country of origin, the Immigration and Passport Office or the State Police may transmit the following personal data to the foreign authority: ⁴⁴

(a) personal details (surname, first name, aliases, date of birth, place of birth, sex, nationality, surname and first name of the parents and last address in the country of origin or country of

- origin) of the data subject and, where necessary, of the family members;
- b) details of the passport or other identity documents;
 - c) fingerprints and photographs;
 - d) other data necessary to identify a person;
 - (e) information concerning the state of health, insofar as this is in the interest of the data subject;
 - (f) the data necessary to ensure entry into the country of destination and the safety of the accompanying persons;
 - g) information on criminal proceedings, insofar as this is necessary in the specific case to process the readmission and to maintain public security and order in the country of origin or country of origin and does not endanger the person concerned.

Article 68

*Transfer of personal data to third countries and international organizations*⁴⁵

1) The Immigration and Passport Office and the appeals authorities may, for the purpose of enforcing this Act, transmit personal data, including special categories of personal data and personal data relating to criminal convictions and offenses, to foreign authorities and international organizations entrusted with corresponding tasks, in accordance with data protection legislation.⁴⁶

2) The following personal data may be transmitted:⁴⁷

- (a) personal details (surname, first name, aliases, date of birth, place of birth, sex, nationality, surname and first name of the parents and last address in the country of origin or country of origin) of the data subject and, where necessary, of the family members;
- b) details of the passport or other identity documents;
- c) fingerprints and photographs;
- d) other data necessary to identify a person;
- (e) information concerning the state of health, insofar as this is in the interest of the data subject;
- (f) the data necessary to ensure entry into the country of destination and the safety of the accompanying persons;
- g) information on whereabouts and travel routes;
- h) information on residence permits and visas issued;
- i) Information on an asylum application (place and date of submission, status of the procedure, summary information on the content of a decision taken).

Article 69

Cooperation with law enforcement authorities

If there is reasonable suspicion that the asylum seeker or person in need of protection has committed an offense or crime, the Immigration and Passport Office must inform the law enforcement authorities of this fact.

Article 70

Biometric data

1) The Immigration and Passport Office or the State Police may collect and process biometric data to establish the identity of asylum seekers and persons in need of protection.⁴⁸

2) The government shall determine by regulation which biometric data is collected and regulate access.

Article 71

Identification treatment

1) Asylum seekers and persons in need of protection are subject to identification procedures. All fingerprints are taken and photographs are taken; fingerprints are taken from the age of 14.

2) The Immigration and Passport Office or the State Police shall arrange for the identification of these persons in order to:

- (a) to verify and record the identity of the data subject;
- (b) to check whether they have already submitted an application for asylum;
- (c) to check whether there is any identification information that confirms or contradicts their statements; and
- d) to examine whether there is any identification information that calls into question their eligibility for asylum.

3) The identification data may only be used by the State Police and the Immigration and Passport Office to fulfil their statutory duties.

4) The data will be deleted:

- (a) if asylum is granted;
- b) upon granting a residence permit;
- (c) at the latest ten years after the final rejection, withdrawal or dismissal of the asylum application or after a decision on the inadmissibility of the asylum application;
- (d) in the case of persons in need of protection, no later than ten years after the end of temporary protection.

*Article 72⁴⁹**Automated registers*

1) The Immigration and Passport Office maintains automated registers for the processing of personal data pursuant to Article 66.

2) The registers referred to in paragraph 1 shall serve the following purposes:

- (a) registration of asylum seekers, persons in need of protection and temporarily admitted persons;
- b) recording the alias data of asylum seekers, persons in need of protection and temporarily admitted persons;
- c) recording of the Liechtenstein EURODAC identification number;
- d) issuing of identity documents under this Act;
- e) processing of notifications, particularly in the case of relocation;
- f) carrying out administrative deregistration due to unknown whereabouts or enforcement of removal orders;
- g) recording of administrative measures;
- h) management of business control; and
- i) Compilation of statistics.

3) Access to the registers referred to in paragraph 1 shall be granted only to persons employed by the Immigration and Passport Office and the State Police who are entrusted with the enforcement of this Act.

B. Data processing within the framework of the Dublin acquis applicable to Liechtenstein⁵⁰*Eurodac⁵¹*

Article 73

a) Principle ⁵²

1) Within the framework of the Dublin acquis applicable to Liechtenstein, the Aliens and Passport Office is responsible for communication with the central unit of the Eurodac system.

2) The Immigration and Passport Office or the State Police shall transmit the following data to the Central Unit within 72 hours of the application being submitted: ⁵³

- (a) the place and date of the application in Liechtenstein;
- b) the sex of the applicant;
- (c) the fingerprints taken pursuant to Article 71(1);
- d) the Liechtenstein fingerprint identification number;
- (e) the date on which the fingerprints were taken; and
- (f) the date on which the data were transmitted to the Central Unit.

3) The transmitted data will be stored in the Eurodac database and compared with the data already stored in this database.

4) The data will be automatically destroyed ten years after the fingerprints are taken. The Immigration and Passport Office will immediately request the Central Unit to destroy the data early as soon as it becomes aware that the asylum seeker:

- a) has acquired the nationality of a Dublin State before the expiry of that period; or
- b) has received a residence permit in Liechtenstein.

Article 73a ⁵⁴

b) Comparison of data in Eurodac for the prevention, detection or investigation of terrorist offences or other serious criminal offences

1) The Aliens and Passport Office, as the national access point, may, subject to paragraph 4, compare fingerprints with the data stored in the Eurodac central system for the purposes of the prevention, detection or investigation of terrorist offences or other serious criminal offences within the meaning of the Annex to the Police Act on the basis of Article 19 of Regulation (EU) No 603/2013 ⁵⁵.

2) The national police units responsible for preventing and combating terrorist offences or other serious crimes may, within the scope of their statutory duties, request a comparison of fingerprints in Eurodac from the national verification authority referred to in paragraph 3.

3) The Government shall regulate by regulation which unit of the National Police shall assume the function of the national verification body pursuant to Article 6 of Regulation (EU) No. 603/2013. This unit shall verify whether the requirements for comparison in Eurodac pursuant to Article 20 of Regulation (EU) No. 603/2013 are met.

4) If the requirements under paragraph 3 are met, the national verification authority shall initiate the query in Eurodac. The comparison of fingerprints in Eurodac is carried out automatically by the Immigration and Passport Office or, outside office hours, by the National Police.

(5) In urgent exceptional cases pursuant to Article 19(3) of Regulation (EU) No 603/2013, the national audit authority may initiate the query in Eurodac immediately and subsequently verify whether all the conditions laid down in paragraph 3 are met.

Article 74 ⁵⁶

Transfer of personal data to a Dublin State

The transfer of personal data, including special categories of personal data and personal data relating to criminal convictions and offences, to the competent authorities of Dublin States shall be

treated as if such data were transferred between domestic authorities.

Article 75 ⁵⁷

Transfer of personal data to a state not bound by the Dublin acquis

Personal data, including special categories of personal data and personal data relating to criminal convictions and offences, may only be transferred to third countries in accordance with data protection legislation.

X. Legal protection

Article 76 ⁵⁸

Legal remedies

1) Decisions of the Government or the competent member of the Government may be appealed to the Administrative Court within 14 days of service.

2) Article 46a of the Law on General State Administration shall not apply. ⁵⁹

Article 77

Jurisdiction and procedure

1) The Administrative Court shall decide on appeals against decisions of the Government concerning:

- a) Repealed ⁶⁰
- b) refusal of asylum;
- c) signposting;
- d) termination of asylum;
- (e) Revocation of temporary protection.

2) A single judge of the Administrative Court shall make a final decision on: ⁶¹

- (a) appeals against decisions concerning the inadmissibility of an asylum application and the associated removal;
- b) other complaints; and
- c) Applications.

3) The Government may issue supplementary procedural rules on oral hearings, oral notice of injunctions and summary proceedings.

4) The single judge responsible for the decision pursuant to paragraph 2 shall be determined in the rules of procedure of the Administrative Court. ⁶²

Article 78

Power of review and new facts and evidence

1) The power of review of the Administrative Court and its single judge is limited to legal and factual issues. Discretion is reviewed exclusively on legal grounds.

2) In appeal proceedings before the Administrative Court and its single judge, new facts and evidence may only be presented if:

- (a) they already existed at the time of the decision at first instance, but were demonstrably unknown to the complainant or could not have been known to him even if he had exercised due diligence;
or
- b) new facts have emerged after the date of the contested decision.

Article 79

Appealable interim orders

- 1) Interim orders issued pursuant to Article 8(2), Articles 15 to 31 and Articles 54 to 58 may be contested only by means of an appeal against the final decision.
- 2) Provisional measures are independently contestable if they may cause irreparable harm.

Article 80

Procedural deadlines

- 1) The grace period for improving the complaint shall be seven days.
 - 1a) If an application for legal aid is granted, the grace period for improving the complaint shall be 14 days from the appointment of the legal aid officer.⁶³
- 2) The deadline for providing supporting documents is seven days if the supporting documents must be obtained domestically and 30 days if the supporting documents must be obtained abroad. Expert opinions must be submitted within 30 days.
- 3) If the deadlines set out in paragraphs 1 to 2 cannot be met despite credible efforts by an asylum seeker, or if the applicant or his representative is prevented from doing so, in particular due to illness or accident, a further deadline may be granted.⁶⁴

Article 81⁶⁵

Suspensive effect

Appeals against decisions of the Government or the responsible Government member have suspensive effect.

Article 82

Effect of extraordinary legal remedies

The filing of extraordinary legal remedies and appeals shall not prevent the execution of the decision unless the competent authority decides otherwise.

Article 83

Legal aid

- 1) Asylum seekers, temporarily admitted persons and persons in need of protection may be granted legal aid in accordance with the relevant provisions of the Code of Civil Procedure:
 - a) in the appeal procedure;
 - b) in first instance proceedings, where the proceedings are complex.
- 1a) An application for legal aid may be filed at the earliest with the pleading initiating the proceedings or with the appeal.⁶⁶
- 2) If a decision is referred back to the first instance, a new application for legal aid must be made.
- 3) The Government shall regulate the details of the complexity of a procedure by regulation.
- 4) Legal aid officers appointed for minor asylum seekers pursuant to Article 12, paragraph 1, are not required to apply for legal aid. Paragraphs 1 to 3 do not apply to them. The scope of legal aid is governed by the relevant provisions of the Code of Civil Procedure.⁶⁷

XI. International Cooperation and Advisory Commission

Article 84

International cooperation

1) The State participates in resolving refugee problems abroad and at the international level within the framework of the International Humanitarian Cooperation and Development Act (IHZEG). It cooperates, in particular, with the United Nations High Commissioner for Refugees (UNHCR) and supports other international organizations and aid agencies active in the field of refugee assistance.

2) The Immigration and Passport Office shall, at the request of the United Nations High Commissioner for Refugees (UNHCR), provide the necessary information for the performance of its duties under Article 35 of the Convention relating to the Status of Refugees of 28 July 1951.

3) Decisions on asylum applications or other information, in particular the reasons for persecution presented, may only be transmitted, except in anonymized form, if the asylum seeker has personally contacted the United Nations High Commissioner for Refugees (UNHCR) or if the asylum seeker's consent has been otherwise proven. The asylum seeker's consent is not required if they are no longer residing in Liechtenstein and there is no reason to believe that the asylum seeker's legitimate interests would conflict with the transmission.

4) The data may only be used for the purpose for which it was transmitted.

Article 85

Advisory Commission

1) The Government shall appoint an advisory commission composed of seven to eleven members.

2) The Commission shall include representatives of the government, municipalities, the Immigration and Passport Office, the Foreign Affairs Office, the private sector, and aid organizations. The government shall appoint the chairperson. The term of office shall be four years.

3) The Commission shall advise the Government on all matters relating to the reception of asylum seekers and persons in need of protection and shall make recommendations to the Government and other competent authorities.

4) The Government or the Immigration and Passport Office may invite the Commission to submit its opinion on a specific matter within its remit.

5) The Commission shall consult the United Nations High Commissioner for Refugees (UNHCR) on fundamental and important issues.

XII. Penal provisions

Article 86

Deception of the authorities

Anyone who deceives the authorities responsible for the enforcement of this Act by providing false information or by concealing essential facts and thereby obtains a monetary advantage within the meaning of Chapter V to which he is not entitled shall be punished by the Regional Court with imprisonment for up to one year or a fine of up to 360 daily rates.

Article 87⁶⁸

Improper processing of personal data

Anyone who intentionally processes data stored in Eurodac for purposes other than those provided for by law will be punished by the Regional Court with a fine of up to CHF 10,000.

Article 88

Administrative offenses

The Immigration and Passport Office will impose a fine of up to CHF 10,000 on anyone who intentionally or negligently:

- a) is employed without the consent of the Immigration and Passport Office;
- b) provides an asylum seeker, temporarily admitted person or person in need of protection with gainful employment without the necessary consent of the Immigration and Passport Office or employs such a person without the necessary consent of the Immigration and Passport Office;
- c) fails to comply with the obligation to cooperate pursuant to Article 6(4).

XIII. Transitional and final provisions

Article 89

Transitional provisions

- 1) The previous law shall apply to proceedings pending at the time this Act enters into force.
- 2) The Commission for Refugee Issues appointed under the previous law shall continue to carry out its business in accordance with the provisions of this Act until the new advisory commission is appointed.
- 3) The service agreements concluded under previous law shall remain in force until new service agreements are concluded, unless otherwise provided therein.

Article 90

Implementing regulations

The Government shall issue the regulations necessary for the implementation of this Act.

Article 91

Repeal of previous law

The following are repealed:

- a) Law of 2 April 1998 on the Reception of Asylum Seekers and Persons in Need of Protection (Refugee Act), LGBI. 1998 No. 107;
- b) Announcement of 11 August 1998 on the correction of the State Law Gazette 1998 No. 107, LGBI. 1998 No. 133;
- c) Law of 18 December 1998 amending the Law on the Reception of Asylum Seekers and Persons in Need of Protection (Refugee Act), LGBI. 1999 No. 47;
- d) Law of 19 October 2005 amending the Law on the Reception of Asylum Seekers and Persons in Need of Protection (Refugee Act), LGBI. 2005 No. 238;
- e) Law of 17 September 2008 amending the Refugee Act, LGBI. 2008 No. 314;
- f) Law of 22 October 2008 amending the Refugee Act, LGBI. 2008 No. 340;
- g) Law of 16 March 2011 amending the Refugee Act, LGBI. 2011 No. 357.

Article 92

Come into effect

This law comes into force on 1 June 2012.

On behalf of the sovereign:

signed *Alois*

Erbprinz

signed *Dr. Klaus Tschütscher*,

Princely Head of Government

Transitional provisions

152.3 Asylum Act (AsylG)

Liechtenstein National Law Gazette

Year 2016 No. 411 issued on 1 December 2016

Law

from 28 September 2016

on the amendment of the Asylum Act

...

II.

Transitional provision

The previous law shall apply to proceedings pending at the time of entry into force ~~of this Act.~~

...

Liechtenstein National Law Gazette

Volume 2018 No. 19 issued on 7 February 2018

Law

from 5 December 2017

on the amendment of the Asylum Act

...

II.

Transitional provision

The previous law shall apply to proceedings pending at the time of entry into force ~~of this Act.~~

...

Liechtenstein National Law Gazette

Year 2018 No. 270 issued on 7 December 2018

Law

from 5 October 2018

on the amendment of the Asylum Act

...

II.**Transitional provision**

The previous law shall apply to appeal proceedings pending at the time of entry into force of this Act.

...

1 Report and application as well as Government Opinion No. 85/2011 and 133/2011

2 Article 2 paragraph 1 letter i amended by LGBI. 2016 No. 411.

3 Art. 2a inserted by LGBI. 2020 No. 242.

4 Article 5 amended by LGBI. 2016 No. 411.

5 Art. 5a inserted by LGBI. 2016 No. 411.

6 Article 11 paragraph 1 amended by LGBI. 2016 No. 411.

7 Art. 11a inserted by LGBI. 2016 No. 411.

8 Article 12 paragraph 1 amended by LGBI. 2016 No. 411.

9 Article 13 paragraph 2 amended by LGBI. 2018 No. 270.

10 Article 13 paragraph 3 amended by LGBI. 2018 No. 270.

11 Art. 16a inserted by LGBI. 2016 No. 411.

12 Article 17 paragraph 3 amended by LGBI. 2016 No. 411.

13 Article 18 paragraph 3 amended by LGBI. 2016 No. 411.

14 Article 20 paragraph 1 letter e inserted by LGBI. 2016 No. 411.

15 Article 20 paragraph 1 letter f inserted by LGBI. 2016 No. 411.

16 Article 20 paragraph 1 letter g inserted by LGBI. 2016 No. 411.

17 Article 20 paragraph 1 letter h inserted by LGBI. 2016 No. 411.

18 Article 20 paragraph 2 amended by LGBI. 2016 No. 411.

19 Article 20 paragraph 3 amended by LGBI. 2016 No. 411 .

20 Art. 21 heading amended by LGBI. 2016 No. 411 .

21 Article 21 paragraph 3 repealed by LGBI. 2016 No. 411 .

22 Art. 21a inserted by LGBI. 2016 No. 411 .

23 Article 22 amended by LGBI. 2016 No. 411 .

24 Article 25 paragraph 1 amended by LGBI. 2016 No. 411 .

25 Article 25 paragraph 1a inserted by LGBI. 2016 No. 411 .

26 Article 26 paragraph 3 repealed by LGBI. 2016 No. 411 .

27 Art. 26a inserted by LGBI. 2020 No. 242 .

28 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98) .

29 Article 27 amended by LGBI. 2021 No. 315 .

30 Article 28 paragraph 2 amended by LGBI. 2016 No. 411 .

31 Article 29 paragraph 1 amended by LGBI. 2016 No. 411 .

32 Article 29 paragraph 5 amended by LGBI. 2016 No. 411 .

33 Art. 31 heading amended by LGBI. 2016 No. 411 .

34 Article 31 paragraph 1 letter c amended by LGBI. 2016 No. 411 .

35 Article 32 paragraph 1 letter b amended by LGBI. 2016 No. 411 .

36 Article 33 repealed by LGBI. 2016 No. 411 .

37 Article 47 paragraph 3 amended by LGBI. 2016 No. 411 .

38 Article 55 paragraph 2 amended by LGBI. 2014 No. 17 .

39 Article 58 paragraph 2 amended by LGBI. 2023 No. 378 .

40 Article 58 paragraph 5 inserted by LGBI. 2016 No. 411 .

41 Article 66 amended by LGBI. 2018 No. 392 .

42 Art. 67 heading amended by LGBI. 2018 No. 392 .

43 Article 67 paragraph 1 amended by LGBI. 2018 No. 392 .

44 Article 67 paragraph 3 introductory sentence amended by LGBI. 2018 No. 392 .

45 Art. 68 heading amended by LGBI. 2018 No. 392 .

46 Article 68 paragraph 1 amended by LGBI. 2018 No. 392 .

47 Article 68 paragraph 2 introductory sentence amended by LGBI. 2018 No. 392 .

48 Article 70 paragraph 1 amended by LGBI. 2018 No. 392 .

49 Article 72 amended by LGBI. 2022 No. 221.

50 Heading before Art. 73 amended by LGBI. 2018 No. 392.

51 Subject heading before Art. 73 inserted by LGBI. 2025 No. 38.

52 Art. 73 heading amended by LGBI. 2025 No. 38.

53 Article 73 paragraph 2 introductory sentence amended by LGBI. 2016 No. 411.

54 Art. 73a inserted by LGBI. 2025 No. 38.

55 Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1)

56 Article 74 amended by LGBI. 2018 No. 392.

57 Article 75 amended by LGBI. 2018 No. 392.

58 Art. 76 amended by LGBI. 2016 No. 411.

59 Article 76 paragraph 2 amended by LGBI. 2018 No. 19.

60 Article 77 paragraph 1 letter a repealed by LGBI. 2016 No. 411.

61 Article 77 paragraph 2 amended by LGBI. 2016 No. 411.

62 Article 77 paragraph 4 inserted by LGBI. 2016 No. 411.

63 Article 80 paragraph 1a inserted by LGBI. 2018 No. 270.

64 Article 80 paragraph 3 amended by LGBI. 2018 No. 270.

65 Art. 81 amended by LGBI. 2016 No. 411.

66 Article 83 paragraph 1a amended by LGBI. 2018 No. 270.

67 Article 83 paragraph 4 inserted by LGBI. 2016 No. 411.

68 Art. 87 amended by LGBI. 2024 No. 40.

69 Entry into force: 1 January 2017.

70 Entry into force: 1 March 2018.

71 Entry into force: 8 December 2018.
