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**Austria
and
International Organization for Migration**

Agreement between the Republic of Austria and the International Organization for Migration regarding the legal status of the organization in Austria and the Headquarters of its offices in Vienna (with annex). Vienna, 27 December 2013

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**Autriche
et
Organisation internationale pour les migrations**

Accord entre la République d'Autriche et l'Organisation internationale pour les migrations concernant le statut juridique de l'organisation en Autriche et le Siège de ses bureaux à Vienne (avec annexe). Vienne, 27 décembre 2013

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN
THE REPUBLIC OF AUSTRIA
AND
THE INTERNATIONAL ORGANIZATION FOR MIGRATION
REGARDING THE LEGAL STATUS OF THE ORGANIZATION IN AUSTRIA AND THE
HEADQUARTERS OF ITS OFFICES IN VIENNA

Preamble

The Republic of Austria, on the one hand, and the International Organization for Migration (IOM), on the other hand,

HAVING REGARD to the Resolution to establish a Provisional Intergovernmental Committee for the Movement of Migrants from Europe (PICMME), adopted on 5 December 1951 and to the Constitution of the International Organization for Migration of 19 October 1953, as amended on 20 May 1987 (hereinafter referred to as the "Constitution");

RECALLING that the Republic of Austria is a founding member of IOM;

NOTING that IOM has been operating a Country Office in Austria since 1954 and, in addition, is now establishing a Regional Office for Eastern and South-Eastern Europe and Central Asia;

HAVING REGARD to the decree of the Federal Government of the Republic of Austria of 11 November 1980 on the Granting of Privileges and Immunities to the Intergovernmental Committee for Migration, Federal Law Gazette No. 530/1980 as amended;

DESIROUS to define the status, privileges and immunities of IOM, the Country Office and the Regional Office of IOM in the Republic of Austria and to enable IOM to fulfil its purposes and functions;

HAVE AGREED as follows:

Article 1

DEFINITIONS

For the purpose of this Agreement:

- (a) "Austrian authorities" means such federal, state, municipal or other authorities in the Republic of Austria as may be appropriate in the context, and in accordance with the laws and customs applicable in the Republic of Austria;
- (b) "Organization" or "IOM" means the International Organization for Migration;
- (c) "Country Office" means the office of the Organization in Vienna, which implements projects for Austria;
- (d) "Regional Office" means the office of the Organization in Vienna, which provides support to IOM country offices in Eastern and South-Eastern Europe and Central Asia;
- (e) "Offices" means the Regional Office and the Country Office of the Organization in Vienna;
- (f) "Heads of the Offices" refers to Head of the Regional Office and Head of the Country Office;
- (g) "Staff Members" means persons employed by IOM, including persons seconded by a Government or international organization to IOM;
- (h) "Staff Members of the Offices" means Staff Members of one of the Offices, including persons seconded by a Government or international organization to work at one of the Offices, except those who are locally recruited and assigned to hourly rates;
- (i) "Official activities" means any activities necessary for carrying out the purpose of the Organization as set forth in the Constitution and resolutions of its Governing Bodies; and
- (j) "Official Visitors" means representatives of Governments, international organizations and other entities co-operating with the Organization who are invited by IOM or its offices to its Seat in Austria on official business.

Article 2

LEGAL PERSONALITY

The Republic of Austria recognizes the international juridical personality of the Organization, deriving from the Constitution, and its legal capacity within Austria, in particular its capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute and respond to legal proceedings; and
- (d) to take such other action as may be necessary or useful for its purpose and activities.

Article 3

SEAT PREMISES

(1) The Seat premises shall comprise the land, installations and office premises that the Offices occupy for their activities. The Seat area shall be defined by common understanding between the Organization and the Government of the Republic of Austria.

(2) Any building in or outside Vienna used with the agreement of the Government for official meetings convened by the Organization shall be deemed temporarily to form part of the Seat premises.

Article 4

INVIOABILITY OF THE SEAT PREMISES

(1) The Seat premises shall be inviolable. No officer or official of the Republic of Austria, or other person exercising any public authority within the Republic of Austria, may enter the Seat premises to perform any duties except with the consent of, and under conditions approved by, the respective Head of the Offices. However, in the event of fire or other such emergency, such consent shall be deemed to have been given if immediate protective measures are required.