COUNTRY FACTSHEET: AUSTRIA 2016
EUROPEAN MIGRATION NETWORK

1. Introduction

This EMN Country Factsheet provides a factual overview of the main policy developments in migration and international protection in Austria during 2016, including latest statistics.

2. International Protection including Asylum

Amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act became effective as of 1st June and 1st October 2016 respectively. These affected among other things the asylum application procedures, for example:

⭐ An application for international protection must be decided within 15 months at the very latest. This provision was implemented for a limited two-year period;

⭐ Legal counselling free of charge is generally provided when complaints are lodged against any decision issued by the Federal Office for Immigration and Asylum;

⭐ A residence permit for recognised refugees is granted initially for a limited period of three years. The residence permit can subsequently be renewed for an indefinite period of validity if there are no conditions that require the initiation of a procedure to withdraw the asylum status;

⭐ A card for persons granted asylum was introduced, which serves as proof of identity and legal residence status;

⭐ Special provisions were adopted allowing a reduction of the number of admitted asylum procedures due to a disproportionate pressure on the national asylum system in 2015 and 2016 in case of risk to public order and internal security.

In January 2016 it was decided to **limit the number of admitted asylum procedures** to a maximum of 1.5% of the population for a planning period of four years,

amounting to 37,500 refugees for 2016. This number was not reached.

Following the influx of asylum applicants, relevant resources and reception facilities were also increased, e.g. to ease the asylum application process 389 additional employees were hired in 2016. Furthermore, a basic training course, standardised throughout Austria, for new staff working in asylum procedures was put in place in 2016.

Accommodation facilities were also expanded to a total of 31 federal reception facilities, with a capacity of approx. 6,650 places. The Asylum Care Department within the Federal Ministry of the Interior was also restructured and expanded in 2016. As a result, regional management bodies in the provinces of Austria were set up to act primarily as liaisons with the department units in Vienna and to ensure quality standards.

Information material was also developed, including a [booklet](#) for distribution to asylum-seekers when they first contact the authorities, aiming to provide information on fundamental rights, duties and values, and about the stages of the asylum procedure.

As of February 2016 Algeria, Georgia, Ghana, Morocco, Mongolia and Tunisia were added to the list of **safe countries of origin.**

In summer 2016, Austria completed the second Humanitarian Admission Programme (HAP II). At the end of the year, the implementation of the third Humanitarian Admission Programme had begun and will continue throughout 2017.

3. Unaccompanied Minors and other Vulnerable Groups

The amendments to the Asylum Act et al introduced in June 2016 granted **unaccompanied minors** (UAMs) the same rules as other beneficiaries of subsidiary protection, insofar as in principle they must **wait three years** after having been granted subsidiary protection status with final effect until their parents may submit an application for family reunification.

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However, Art. 8 of the European Convention on Human Rights is always applied. On the other hand, the parents of these UAMs do not have to meet the normal requirements for family reunification, such as suitable accommodation or regular income.

A booklet for UAMs was updated. It provides key items of information concerning asylum and subsidiary protection along with important contact details. A more detailed version of the booklet has been made available online.

As for **other vulnerable groups**, **two medical reception facilities** were set up between 2015 and 2016, where certified health care and nursing staff are deployed to care for a total capacity of over 200 patients.

4. Legal Migration and Mobility

The Migration Council for Austria presented its **report "Understanding Migration — Managing Migration"** to the Austrian Federal Minister of the Interior on 7th December 2016. Focusing on ten work areas, the report provides a solid basis for developing further a comprehensive migration strategy for Austria.

4.1 PROMOTING LEGAL MIGRATION CHANNELS

Proposals were submitted in 2016 to introduce amendments to legislation to improve conditions for graduates and third-country nationals setting up start-up companies, these included:

⭐ to entitle bachelor students to be employed during the course of their studies for up to 20hrs (previously 10hrs) and for university graduates to obtain a written confirmation of the legality of their stay to seek employment for up to twelve months (previously six months) following the completion of their studies;

⭐ to improve the conditions under which founders of start-up companies are admitted to Austria; specifically, qualified start-up founders get the possibility to obtain a customised Red-White-Red Card (RWR Card). Two years after arrival, start-up founders with appropriate prerequisites will be able to change their status to a Red-White-Red Card Plus, allowing them unrestricted access to the labour market.

4.2. ECONOMIC MIGRATION

A draft act was introduced in late 2016 to transpose the **Seasonal Workers Directive** (Directive 2014/36/EU) and the **Inter-Corporate Transferees Directive** (Directive 2014/66/EU). The draft act furthermore provides for:

⭐ more flexible conditions governing the issuing and the validity period of national category D visas;

⭐ the introduction of residence titles granting settlement status to artists and researchers as well as to certain special categories of persons pursuing dependent employment;

⭐ the definitions of two specific forms of illegal residence and of illegal entry by foreigners as tougher punishable criminal acts.

Also, the Regulation for Skilled Workers issued in 2016, defines that third-country nationals in **eleven[1] shortage occupations can apply for a RWR Card** for skilled workers in shortage occupations in 2017. In addition, the 2016 Recognition and Assessment Act promotes the labour market integration of individuals who have acquired **qualifications in other countries** and defines special procedures for those persons granted asylum or subsidiary protection without documentation of completed education or training.

A new **Act to Combat Wage and Social Dumping** was also adopted in June 2016, and concerns workers posted or hired out on a cross-border basis. The act also brings changes necessary for the transposition of the Enforcement Directive (Directive 2014/67/EU).

4.3. FAMILY REUNIFICATION

Amendments to the Asylum Act et al introduced in 2016 set **stricter requirements for family reunification** involving persons granted asylum or subsidiary protection. For example:

⭐ When family members do not apply for family reunification sponsored under a person granted asylum within three months after the legally granted asylum status, they are required to submit evidence of suitable accommodation, health insurance providing benefits in Austria and of regular income;

⭐ An application for family reunification referred to beneficiaries of subsidiary protection can be made at the earliest three years after the sponsor received that status with final legal effect. In such cases, regardless of when the application is made, evidence has to also be provided of meeting the above requirements, except in the case of where the family member is a parent of an unaccompanied minor.

As for measures to **prevent the misuse** of family reunification channels, forced marriage became a criminal offence on 1st January 2016, with prison sentences of between six months and five years. Forced marriage is punishable under certain circumstances even if committed outside Austria.

4.4. MANAGING MIGRATION AND MOBILITY

The **Visa Information System (VIS)** went into operation in February 2016. Moreover, in response to the ongoing migration crisis, and in agreement with the Schengen Borders Code, the **temporary border controls** introduced in 2015 along the land borders with Hungary and Slovenia were extended to February 2017.

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[1] Milling machinists, mechanical engineering technicians, asphalt roofers, metal turners, data processing technicians (engineer), high-voltage electrical technicians (engineer), graduate mechanical engineers, roofers, (other) high-voltage electrical technicians, graduate engineers for data processing, and nursing professionals who are in the process of having their professional qualifications recognized and have started the additional training required before the end of 2016.

5. Integration

"50 Action Points for the integration of persons entitled to asylum or subsidiary protection in Austria" were approved in January 2016. It gives special attention to language acquisition, entry into the labour market and an understanding of the rule of law and principles. Subsequently, courses on values and providing orientation and integration workshops have been carried out nationwide, and cooperation was sought with the Public Employment Service. The latter spent approx. 75 million euro on measures aimed at integrating refugees into the labour market during 2016 and it is anticipated the budget will increase to 90 million euro in 2017.

Following the amendments to the Asylum Act et al in 2016 and for the purpose of integration support, it is now obligatory for third-country nationals to visit one of the **Austrian Integration Fund's centres** for seeking integration support immediately after having been granted asylum or subsidiary protection. Asylum-seekers to whom in all likelihood protection status will be granted have the right - but not the duty - to participate in integration assistance measures. As part of the "German & Integration Start Package" a common language support strategy has been carried out which entails closer coordination of language support activities targeted at recognised refugees and beneficiaries of subsidiary protection, as well as at asylum seekers most likely to remain in Austria.

The Compulsory Education and Training Act of July 2016 made school or vocational education compulsory for minors to prevent premature discontinuation. The requirement applies also to all legally residing third-country nationals who do not reside only temporarily in Austria. The Act will enter into force in July 2017.

6. External Dimension of EU Migration Policy

No policy developments were reported in 2016.

7. Irregular Migration and Return

7.1 THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION

In 2016 Austria launched the first-ever information campaign in Afghanistan to help the containment of irregular immigration by counteracting distorted, overly positive conceptions of Austria and Europe and providing a realistic picture of asylum procedures and practices. A **Joint Operational Office** also opened in May 2016 to reinforce international cooperation at operational level in counteracting human smuggling and trafficking.

The Austrian Criminal Intelligence Service published its 2015 report on the smuggling of migrants. The report revealed a clear increase in the number of individuals apprehended, while providing a description of smuggler routes currently used.

In 2016 Austria decided to increase its involvement in the 'EUNAVFOR MED Operation Sophia', aimed at counteracting organised migrant smuggling networks and preventing illegal arms trade in the Mediterranean region.

7.2 RETURN OF IRREGULAR MIGRANTS

With the aim of increasing the return of rejected asylum–seekers to their countries of origin or safe third countries, a **national strategy** was developed with an emphasis on **voluntary return**. It included the following elements:

★ a comprehensive package of measures in the area of return and readmission including an information campaign targeting asylum-seekers about options for voluntary departure;

★ a return counselling system and reintegration programmes were expanded - co-funded by AMIF and carried out by NGOs;

★ the pilot project "Return Assistance– a new start with perspectives" providing varying levels of return assistance to asylum-seekers from Afghanistan, Morocco and Nigeria.

Austria joined the European Reintegration Network (ERIN) as an official partner in June 2016 and provides in this role reintegration assistance in eight countries of origin.

8. Actions against Trafficking in Human Beings

Various training and information measures targeting authorities and relevant stakeholders dealing with victims of human trafficking were conducted in 2016. These included training sessions aimed at improving skills in identifying victims for groups including: judges, public prosecutors, consulate employees and labour inspectors.

An information booklet containing potential indications of trafficking in human beings and referral information, for distribution to institutions and offices with potential contact to victims was also developed, while guidelines to identify and dealing with potential victims of child trafficking were also distributed to relevant offices. Finally, information booklets in several languages were distributed to sex workers targeting potential victims of human trafficking for the purpose of **sexual exploitation**; and to all domestic workers of diplomats accredited in Austria upon issue of the worker's identity card to prevent the exploitation and trafficking of persons working in **diplomats' households**.

STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Austria on aspects of migration and asylum (2013-2016), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as "N/A.

# Statistical Annex: Migration and Asylum in Austria (2013-2016)

1. INTERNATIONAL PROTECTION AND ASYLUM

Figure 1: Asylum applications as a share of the total population in Austria, EU average and EU high and low (2013-2016)
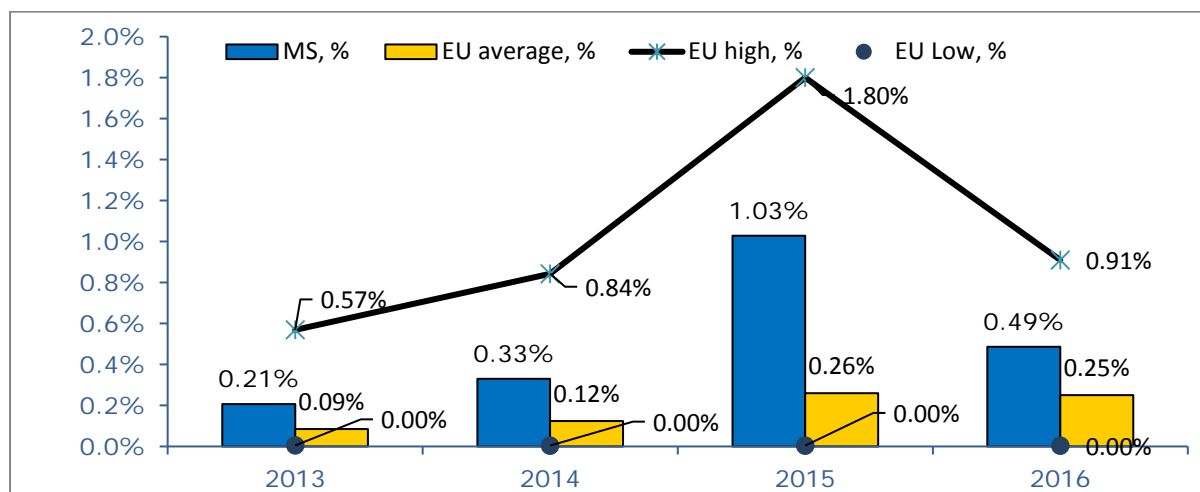
Source: Eurostat migration statistics (migr_asyappctza)[2], data extracted 28/07/2017

Figure 2: Number of asylum applications and as a share of the total number of applications in the EU (2013-2016)
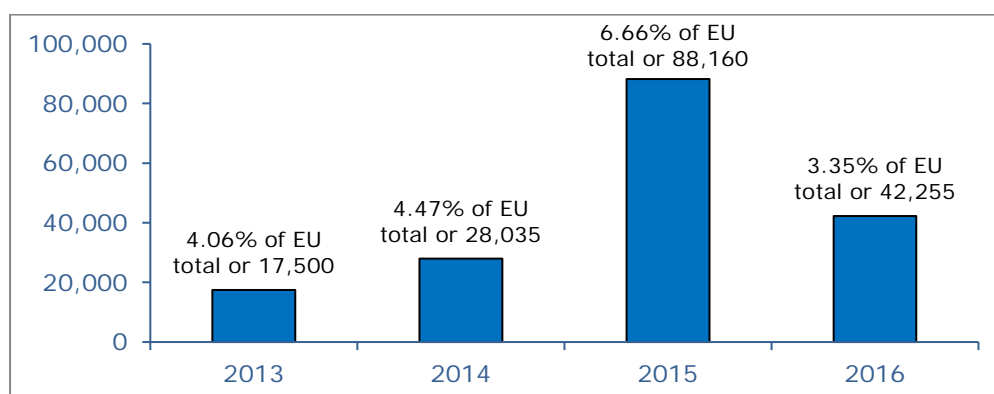
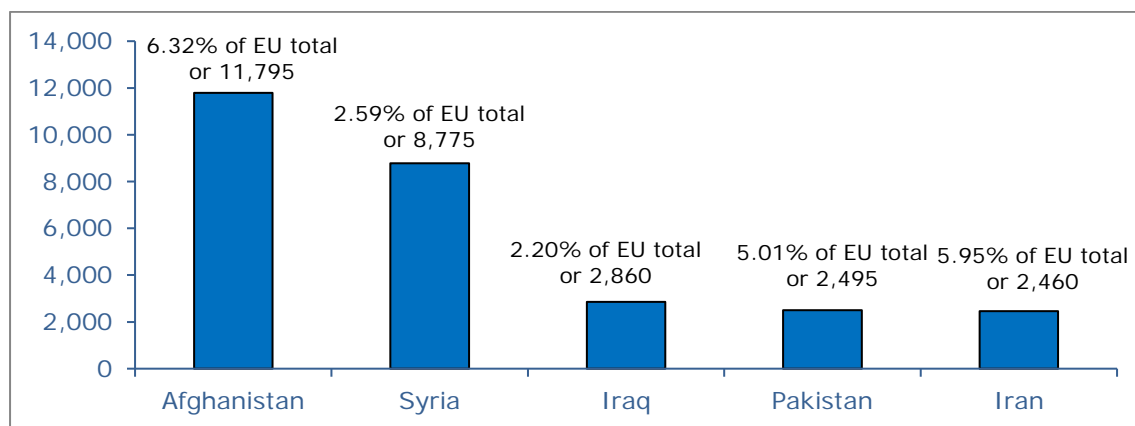*Source: Eurostat migration statistics (migr_asyappctza), data extracted 28/07/2017*

Table 1: Asylum applications: Top five third-country nationalities (2013–2016)

2013			2014			2015			2016		
Nationality	**No.**	**% of total**	**Nationality**	**No.**	**% of total**	**Nationality**	**No.**	**% of total**	**Nationality**	**No.**	**% of total**
Russia	2,850	**16%**	**Syria**	7,730	**28%**	**Afghanistan**	25,265	**29%**	**Afghanistan**	11,795	**28%**
Afghanistan	2,590	**15%**	**Afghanistan**	5,075	**18%**	**Syria**	25,015	**28%**	**Syria**	8,775	**21%**
Syria	2,005	**11%**	**Russia**	1,995	**7%**	**Iraq**	13,545	**15%**	**Iraq**	2,860	**7%**
Pakistan	1,035	**6%**	**Kosovo**	1,905	**7%**	**Iran**	3,430	**4%**	**Pakistan**	2,495	**6%**
Algeria	945	**5%**	**Stateless**	1,135	**4%**	**Pakistan**	3,035	**3%**	**Iran**	2,460	**6%**

Source: Eurostat migration statistics (migr_asyappctza), data extracted 28/07/2017

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[2] Figures regarding the total population were extracted from Eurostat (demo_gind)

Figure 3: Asylum applications: Top five third-country nationalities as a share of EU total per given nationality (2016)

Source: Eurostat migration statistics (migr_asyappctza), data extracted 28/07/2017
*Note: the figure reads as: Austria received 11,795 asylum applications from Afghanistan or 6.32% of all asylum applications launched by Afghanistan in EU in 2016.*

Table 2: Asylum applications - First instance decisions by outcome (2013-2016)

| Year | Total decisions | Positive decisions[3] | Of which: | | Humanitarian reasons | Negative decisions |
			Refugee status	Subsidiary protection		
2013	16,610	4,920	3,160	1,760	N/A	11,690
2014	9,405	7,175	5,655	1,380	140	2,230
2015	21,095	15,045	12,590	2,100	355	6,050
2016	42,415	30,370	24,685	5,355	330	12,045

Source: Eurostat migration statistics (migr_asydcfsta), data extracted 28/07/2017

Figures 4-7: Asylum applications - First instance decisions by outcome (2013-2016)
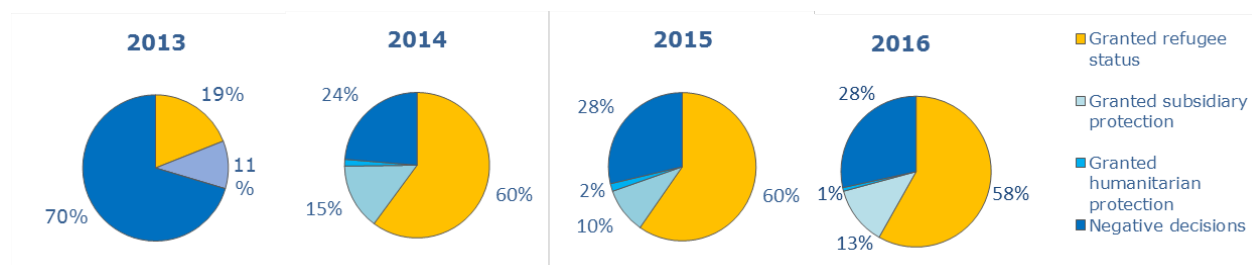
Source: Eurostat migration statistics (migr_asydcfsta), data extracted 28/07/2017

Figure 8: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2016)
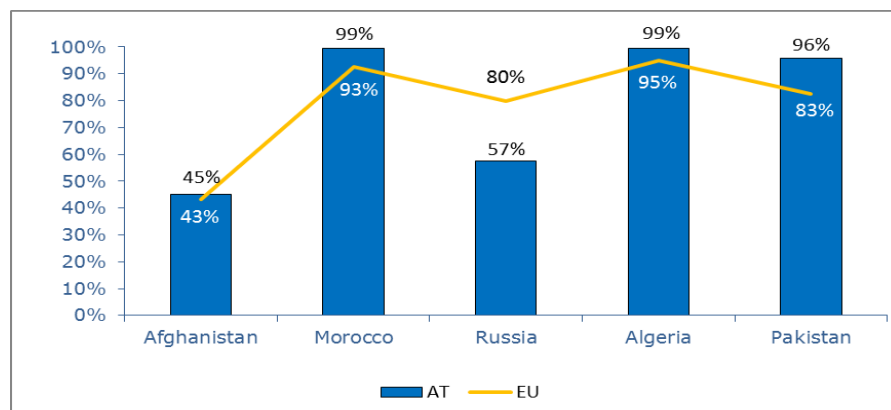
Source: Eurostat migration statistics (migr_asydcfsta), data extracted 28/07/2017

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[3] The number of positive decisions also includes those granted on humanitarian reasons.

Figure 9: Third-country nationals resettled (2013-2016)
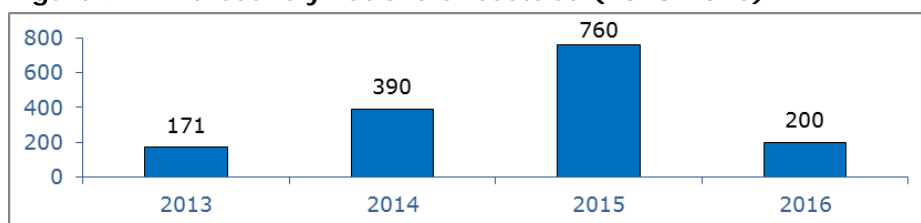
Source: Eurostat migration statistics (migr_asyresa), data extracted 03/08/2017; 2013 data provided by EMN NCP (Resettlement and the Humanitarian Admission Programme in Austria, p. 86)

2. UNACCOMPANIED MINORS

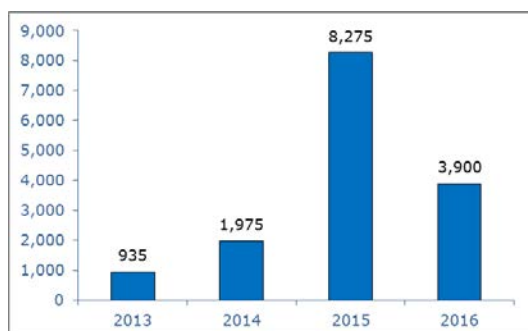**Figure 10: Unaccompanied minors applying for asylum (2013-2016)**

Table 3: Unaccompanied minors (2013-2016)

	2013	2014	2015	2016
Unaccompanied minors (total) [4]	N/A	N/A	N/A	N/A
Unaccompanied minor asylum applicants	935	1,975	8,275	3,900

Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) (migr_asyunaa), data extracted 17/04/2017; EMN NCPs

3. LEGAL MIGRATION AND MOBILITY

Figure 11: First residence permits, by reason (2013-2016)
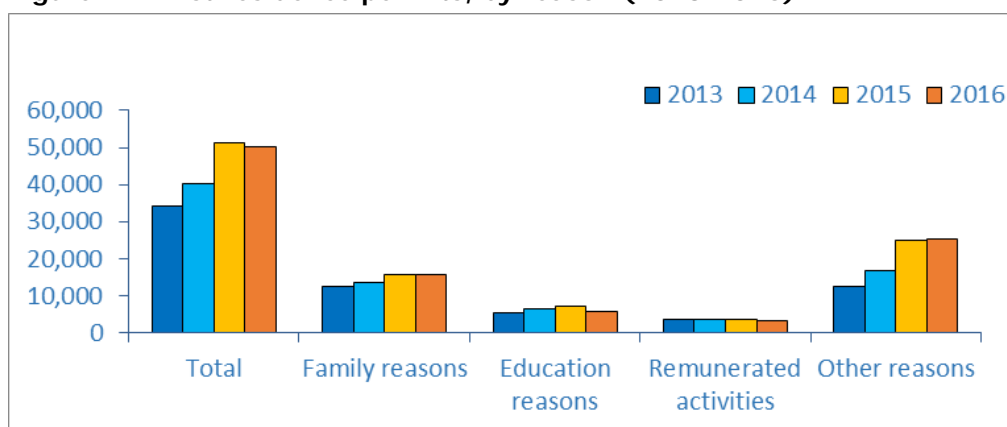
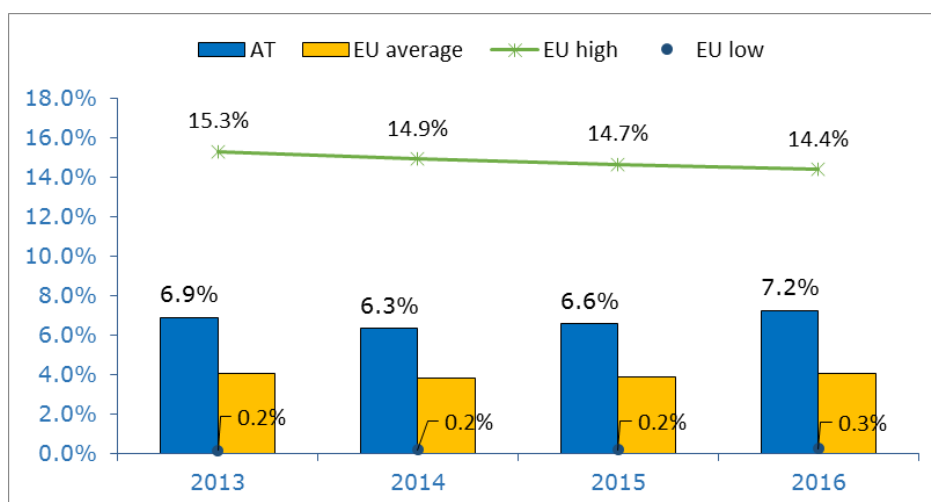*Source: Eurostat (migr_resfirst), data extracted 17/04/2017; EMN NCPs*

Table 4: First residence permits: Top five third-country nationalities (2013–2016)

2013		2014		2015		2016	
Nationality	**Number**	**Nationality**	**Number**	**Nationality**	**Number**	**Nationality**	**Number**
Serbia	4,120	**Serbia**	4,660	**Syria**	8,424	**Syria**	8,391
Turkey	4,036	**Bosnia and Herzegovina**	4,057	**Serbia**	5,288	**Serbia**	5,018
Bosnia and Herzegovina	3,603	**Syria**	3,946	**Bosnia and Herzegovina**	4,520	**Bosnia and Herzegovina**	4,060
Russia	2,443	**Turkey**	3,732	**Turkey**	3,961	**Turkey**	3,939
Afghanistan	2,201	**Afghanistan**	3,312	**Afghanistan**	3,606	**Afghanistan**	3,673

Source: Eurostat migration statistics (migr_resfirst), data extracted 17/04/2017

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[4] Austria only collects the number of unaccompanied minors who lodged an asylum application.

Figure 12: Resident population of third-country nationals as a share of total population in Austria, EU average, EU high and low (2014-2016)

Source: Eurostat migration statistics (migr_pop1ctz), data extracted 17/04/2017

4. IRREGULAR MIGRATION AND RETURN

Table 5: Number of third-country nationals refused entry at external borders (2013–2016)

Third country nationals:	2013	2014	2015	2016
Refused entry at external borders	360	455	560	460
Found to be illegally present	25,960	33,055	86,220	49,810
Ordered to leave	10,085	N/A	9,910	11,850
Returned following an order to leave	6,790	2,480	5,275	6,095

Source: Eurostat migration statistics (migr_eirfs)(migr_eipre)(migr_eiord),(migr_eirtn) data extracted 09/05/2017

Table 6: Third-country nationals returned (2013-2016)

Year	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2013	512	3,095	2,601
2014	N/A	N/A	N/A
2015	N/A	N/A	N/A
2016	N/A	N/A	N/A

Source: EMN NCPs

5. SECURING EUROPE'S EXTERNAL BORDERS

Table 7: Number of Schengen visas applications (2013–2016)

	2013	2014	2015	2016
Uniform visas (short-stay visas)	313,579	266,356	259,167	268,388

Source: DG Migration and Home – Complete statistics on short-stay visas issued by the Schengen States

Figure 13: Uniform visa applications received in MS as a share of the total number of uniform visa applications in all Schengen states consulates (2013-2016)
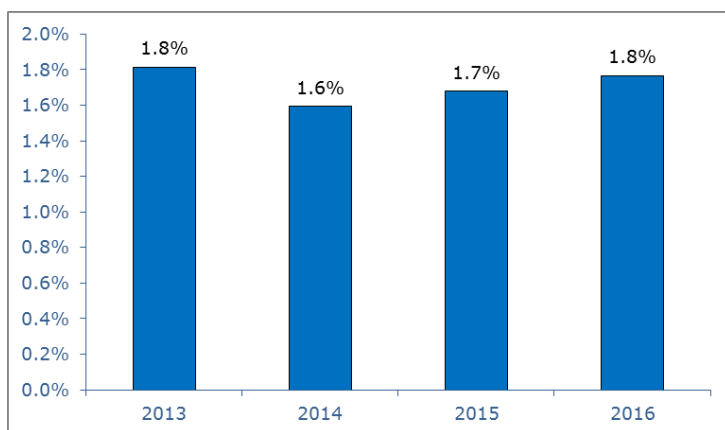
Source: DG Migration and Home affairs – Complete statistics on short-stay visas issued by the Schengen States

Table 8: Top five countries in which the highest number of visa applications for MS was lodged (2013-2016)

2013		2014		2015		2016	
Countries	**Number**	**Countries**	**Number**	**Countries**	**Number**	**Countries**	**Number**
Russia	118,422	**Russia**	82,170	**Russian Federation**	45,020	**China**	46,200
China	31,290	**China**	27,356	**China**	36,705	**Russian Federation**	38,617
Ukraine	30,633	**Ukraine**	22,510	**Turkey**	22,896	**Turkey**	21,863
Turkey	17,842	**Turkey**	17,988	**Ukraine**	19,583	**India**	26,844
India	14,518	**India**	15,062	**India**	19,368	**Ukraine**	22,473

Source: DG Migration and Home affairs