



International Organization for Migration (IOM)



THE CHANGING INFLUX OF ASYLUM SEEKERS IN 2014–2016: AUSTRIA'S RESPONSES



Julia Rutz

Co-financed
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European Union



REPUBLIC OF AUSTRIA
FEDERAL MINISTRY OF THE INTERIOR

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Translation: Robert Schlarb

Layout and print: AV+Astoria Druckzentrum GmbH

This book has been printed on environmentally friendly paper.

Publisher: National Contact Point Austria in the
European Migration Network

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978-3-9504448-6-5 (paperback)

978-3-9504448-7-2 (PDF), German edition

978-3-9504448-8-9 (PDF), English edition

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EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2003 by the European Commission by order of the European Council in order to satisfy the need for a regular exchange of reliable information in the field of migration and asylum at the European level. Since 2008, Council Decision 2008/381/EC has constituted the legal basis of the EMN and National Contact Points (NCPs) have been established in the EU Member States (with the exception of Denmark, which has observer status) plus Norway.

The EMN's role is to meet the information needs of European Union (EU) institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the EU in these areas. The EMN also has a role in providing such information to the wider public.

The NCP Austria is – pursuant to an agreement with the Federal Ministry of the Interior – located in the Research and Migration Law Department of the Country Office for Austria of the International Organization for Migration (IOM). The IOM office was established in 1952 when Austria became one of the first members of the Organization. The main responsibility of the IOM Country Office is to analyse national migration issues and emerging trends and to develop and implement respective national projects and programmes.

The main task of the NCPs is to implement the work programme of the EMN including the drafting of the annual policy report and topic-specific studies, answering Ad Hoc Queries launched by other NCPs or the European Commission, carrying out visibility activities and networking in several forums. Furthermore, the NCPs in each country set up national networks consisting of organizations, institutions and individuals working in the field of migration and asylum.

In general, the NCPs do not conduct primary research but collect and analyse existing data and information. Exceptions might occur when these are not sufficient. EMN studies are elaborated in accordance with common study templates in order to achieve comparable results within the EU and

Norway. Since the comparability of the results is frequently challenging, the EMN has produced a glossary, which ensures the application of similar definitions and terminology in all national reports.

Upon completion of national reports, the European Commission with the support of a service provider drafts a synthesis report, which summarizes the most significant results of the individual national reports. In addition, topic-based policy briefs, so-called EMN Informs, are produced in order to present selected topics and compare national results in a concise manner. All national studies, synthesis reports, informs and the Glossary are available on the website of the European Commission Directorate-General for Migration and Home Affairs.

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EXECUTIVE SUMMARY

In the period from 2014 to 2016, many EU Member States faced a challenge in coping with the significant numbers of asylum seekers arriving in their territories.

In 2014 around 28,064 applications for asylum were filed in Austria, representing a 60 per cent increase over the previous year (2013: 17,503). In 2015 Austria recorded its all-time high for asylum applications, at 88,340. This figure was three times the number for the previous year. Following the record number of asylum applications in the previous year, the trend reversed in 2016, with applications in that year falling by more than half to 42,285.

The study is intended to provide an overview of Austria's responses to the changing influx of migrants. This is done by describing in detail the changes in Austrian asylum policy and the organizational steps taken. This should result in a summary picture of the strategy pursued by Austria in coping with the changing influx.

To control and manage the increased number of asylum seekers in the 2014 to 2016 period, changes and strategies were introduced that especially affected policies in the areas of border protection, registration, accommodation and integration.

Several changes relating to aliens law were also introduced between 2014 and 2016. The act introduced the constitutional power of the Federal State to bypass municipalities when establishing accommodation facilities for foreigners in need of aid and protection, even where provinces, districts or municipalities oppose such plans. An amendment to the Asylum Act gives persons granted asylum a right of residence that is initially limited to a period of three years and can then be renewed for an indefinite period of validity upon expiry. A shorter maximum period for the duration of procedures was also defined in the act, to counteract any delays in completion. Moreover, the rules applying to reunification of family members were amended in the corresponding laws. The modified legal framework provides that an application can be submitted, without additional conditions being imposed, only within the first three months of asylum being granted. Beyond that, evidence also has to be provided that further requirements are met.

Due to the acute migration situation in the 2014–2016 period, cooperation was stepped up at both national and international level. This applies in particular to joint efforts of the various federal ministries, between the Federal State and the provinces as well as with non-governmental organizations. Austria has been working for years at EU level to create a crisis-proof and sustainable system in order to avoid a situation like in 2015.

The study focuses on a long list of measures taken in Austria due to the situation of the changed influx. In total, 24 measures are listed here, grouped according to the areas specified by the common study template.

Due to the scale and quantity of measures taken, these cannot be evaluated in detail in terms of their effectiveness within the specified framework for this study. Measures are instead evaluated here by way of example. The measures were largely funded through national budgets. Austria also received emergency support from the European Commission for measures related to asylum and basic welfare support. The rise in the influx of asylum seekers led to a considerable increase in the burden on Austrian administration authorities. The main step taken to respond to this additional burden was to recruit more staff.

As a result of the changing influx between 2014 and 2016, Austria has put in place new structural (emergency planning) mechanisms to be prepared for any changing influx of asylum seekers in future. Worth mentioning here in particular is the emergency regulation.

Additional measures are also planned for the future. Measures in the areas of removal and integration are planned or already being implemented.

For Austria, setting up the various boards as well as the joint efforts with various stakeholders in pursuing common goals can be particularly mentioned as a good practice example.

1. INTRODUCTION

1.1 Study background

A total of 560,000 persons applied for asylum in the EU in 2014, according to Eurostat data. The number rose to 1.32 million in 2015, and another 1.26 million applied in 2016.¹ In the context of this increase in migration flows, the rules regulating borders and mobility within the Schengen area as well as the Dublin Regulation came under considerable pressure. At the same time, many refugees faced extreme uncertainty, risks and dangers while travelling to Europe. In 2014 IOM's *Missing Migrant Project* recorded a total of 3,283 fatalities just among persons attempting to cross the Mediterranean, with the comparable figures being 3,785 in 2015 and 5,143 in 2016.²

In the period from 2014 to 2016, many EU Member States faced a challenge in coping with the significant numbers of asylum seekers arriving in their territories.

The aim of this study is to compare the various policy approaches taken in the EU to manage the increased number of asylum seekers, and to better understand the responses made by the EU Member States. The study is also aimed at identifying in detail any possible interlinking of the measures taken by individual countries. Another intention in presenting the study is to help prepare for any similar situations in future, by describing good practices and successful responses to challenges.

1.2 European context

Following the Tampere Summit in 1999 and the Hague Programme, the Stockholm Programme was detailed as a roadmap for the development

- 1 Eurostat, *Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data (rounded)*, available at http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctza&lang=en (accessed on 29 January 2018).
- 2 IOM, *Missing Migrants, Deaths by route*, available at <https://missingmigrants.iom.int/region/mediterranean> (accessed on 13 December 2017).

of EU migration policies during the period from 2009 to 2014. It was aimed at building a Europe of “responsibility, solidarity and partnership in migration and asylum matters” by means of a “dynamic and comprehensive migration policy”.³ The Programme defines the EU’s priorities for migration, specifically including development of a global approach by the EU to migration.

Significant developments occurred in 2015 that affected the implementation of the Common European Asylum System. The recast Eurodac Regulation (603/2013/EU)⁴ entered into effect as of 20 July 2015, while those Member States bound by the recast Asylum Directive (2013/32/EU)⁵ and the recast Reception Conditions Directive (2013/33/EU)⁶ were under obligation to implement the new rules. In 2015 the Commission continued to stimulate practical cooperation, among Member States and in collaboration with EASO, in the field of international protection. Related activities here included organizing meetings and workshops with national experts. During a special meeting in 2015, the European Council decided on several commitments relating to migration.⁷ In response the European Commission issued the European Agenda on Migration. The document

- 3 European Council. 2010. The Stockholm Programme – An open and secure Europe serving and protecting citizens (2010/C 115/01). Available at [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52010XG0504\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52010XG0504(01)) (accessed on 9 January 2018).
- 4 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, 29. June 2013, L 180/1.
- 5 Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, 29. June 2013, L 180/60.
- 6 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, 29. June 2013, L 180/96.
- 7 See European Council, *Special meeting of the European Council, 23 April 2015 – statement*. Press Release, Brussels, 23 April 2015, available at www.consilium.europa.eu/en/press/press-releases/2015/04/23/special-euco-statement/ (accessed on 13 December 2017).

contains policy proposals that include immediate measures aimed at saving lives at sea and fighting criminal networks for smuggling migrants, as well as relocation programmes to respond to the large number of arrivals in the EU, the development of a common approach to resettlement, and initiatives to strengthen the Common European Asylum System and implement a long-term migration strategy.⁸ Also contained in the Agenda is the “Hotspot” approach for Italy and Greece.⁹ Mention also should be made here of the European Union’s decision of 18 March 2016 to end irregular migration from Turkey to the EU by means of a new agreement.¹⁰

Finally, in 2016 the European Commission also adopted two packages of draft legislation aimed at completing the reform of the Common European Asylum System (CEAS). The Commission proposed the establishment of a common procedure for granting international protection as well as harmonized standards of protection and rights for individuals granted that status. Another proposal aimed to harmonise reception conditions throughout the EU. At the same time, however, it also became apparent that many EU Member States were very hesitant when it came to admitting refugees (cf. Kratzmann, 2016:28).

1.3 Definitions

The key terms listed below are used in the study. The definitions are largely derived from the EMN Glossary 3.0 (EMN, 2014). Considering that this version is only available in English, the German translations of the definitions were taken or adapted from Version 2.0 of the Glossary (EMN,

8 Opinion of the European Economic and Social Committee on the ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A European Agenda on Migration’, COM(2015) 240 final, accessed on <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015AE4319&from=EN> (accessed on 12 January 2017).

9 See also EMN Common Template, *The changing influx of asylum seekers in 2014–2016: Member State responses*, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_eu_2017study_changing_influx_specifications_en.pdf, (accessed on 23 March 2018), chapter 3.

10 European Commission, *EU-Turkey Statement: Questions and Answers*. Press Release, Brussels, 19 March 2016, available at http://europa.eu/rapid/press-release_MEMO-16-963_en.htm (accessed on 12 December 2017).

2012). Several additional definitions have been taken from European legislation.¹¹ Other terminology sources are cited in the footnotes.

Asylum seeker: In the global context, a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments. In the EU context, a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken.

Applicant for international protection: A third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.

Application for asylum: An application made by a foreigner or a stateless person which can be understood as a request for protection under the Geneva Convention of 1951 or national refugee law.

Application for international protection: A request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU, that can be applied for separately.

Beneficiary of international protection: A person who has been granted refugee status or subsidiary protection status.

Integration: In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.

International protection: In the global context, the actions by the international community on the basis of international law, aimed at protecting the fundamental rights of a specific category of persons outside their countries of origin, who lack the national protection of their own countries. In the EU context, protection that encompasses refugee status and subsidiary protection status.

Third-country national: Any person who is not a citizen of the European Union within the meaning of Art. 20 para 1 of the Treaty on

11 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, 20 December 2011, L 337/9.

European Union and the Treaty on the Functioning of the European Union¹² and who is not a person enjoying the Community right of free movement, as defined in Art. 2 para 5 of the Schengen Borders Code.¹³

1.4 Methodology

The present study was conducted by the National Contact Point (NCP) Austria in the EMN within the framework of the EMN's 2017–2018 Work Programme. The study follows a common study template with a predefined set of questions developed by the EMN, in order to facilitate comparability of the findings across all Member States.

The study covers the 2014–2016 period. It is intended to provide an overview of Austria's responses to the changing influx of asylum seekers. This is done by describing in detail the changes in Austrian asylum policy and the organizational steps taken. This should result in a summary picture of the strategy pursued by Austria in coping with the changing influx.

The goal of the study is thus to portray the responses on the part of the EU Member States to the sudden increase in influx of asylum seekers. The study does not aim to provide a complete depiction of how the situation was handled in each country; rather, the focus is on the actions taken by the Member States.

Specific mention should also be made of the group of individuals serving as focus of the study. According to the common EMN template, the study is to centre on the numbers of asylum seekers arriving in the EU. An asylum seeker is defined as: "...a person who seeks safety from persecution [...] in a country other than their own and awaits a decision on the application for refugee status..."; or "...a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken".¹⁴

12 Consolidated version of the Treaty on the Functioning of the European Union, OJ C 326/47.

13 Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), 13 April 2006, ABI. L 105/1.

14 See above under 1.3. Definitions.

This study is therefore explicitly not targeted at individuals in transit through Austria. While 680,000 foreigners were transported through Austria between 1 and 31 September 2015 alone, it is nonetheless difficult to separate the two categories. For example, it is hardly possible to distinguish between asylum seekers and individuals in transit when they cross the border upon entry. This study does not, however, cover any measures pertaining only to individuals in transit. An example is the activities to assist migrants at Vienna's main train station, which are not covered here.

Legislative texts, national and international publications, press releases and internet sites were used as sources. The study was also able to draw on information from continuous media monitoring by the International Organization for Migration (IOM), Country Office for Austria. The statistics, provided by the Austrian Federal Ministry of the Interior, are based on data kept by the authorities in each particular case, here especially by the Federal Office for Immigration and Asylum. A major share of the information was provided by the Federal Ministry of the Interior, particularly during a joint interview with Hilbert Karl, head of Department III/5 (Asylum and Alien Matters).

The Federal Ministry of the Interior¹⁵ mentions in this connection that, due to the significant increase, the authorities are still occupied with processing the asylum applications from the period under study here. This accounts for the fact that, after consulting closely with the Federal Ministry of the Interior, no interviews were conducted to supplement the information provided in this study.

The study was prepared by Julia Rutz (Head of Research and Migration Law, IOM Country Office for Austria). Maria-Alexandra Bassermann (Research Associate, IOM Country Office for Austria) was responsible for researching and citing sources. Legal issues were addressed by Rainer Lukits (Legal Associate with the IOM Country Office for Austria until October 2017). The statistics included in the study were compiled by Saskia Heilemann (Research Associate, IOM Country Office for Austria).

The study was prepared in close cooperation with the Federal Ministry of the Interior.

15 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

2. FRAMEWORK FOR THE CHANGING INFLUX OF ASYLUM SEEKERS TO AUSTRIA

This chapter presents the framework for managing the changing influx of asylum seekers to Austria. A brief initial summary is provided covering the legislative and policy changes that were announced or implemented to appropriately deal with the increased influx of asylum seekers during 2014–2016, the period under study. Due to the great number of changes that occurred, the chapter is broken down by year.

Details of the period before 2014 are given in section 2.3 by way of comparison, to complete the overview of the situation in Austria as an EU Member State. Statistics covering developments in the 2014–2016 period are then provided in section 2.4.

2.1 Main policy changes

To control and manage the increased number of asylum seekers in the 2014 to 2016 period, changes and strategies were introduced that especially affected policies in the areas of border protection, registration, accommodation and integration.

Policy changes in 2014

As early as July 2014, the Federal Ministry of the Interior presented an emergency plan to accommodate asylum seekers (AT EMN NCP, 2015:31). The measures in the emergency plans were intended to ensure the proper accommodation of asylum seekers after a halt was imposed on admission to the Initial Reception Centre East at Traiskirchen in Lower Austria.¹⁶

16 Federal Ministry of the Interior, *Aufnahmestopp Traiskirchen*. Press Release, Vienna, 4 August 2015, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=442F6370706A347747536F3D&page=5&view=1 (accessed on 6 July 2017).

Policy changes in 2015

In the face of a renewed sharp increase in asylum seekers, additional emergency measures were adopted in May 2015 by the body referred to as the “extended crisis board”. The primary intention was to ensure proper accommodation of foreigners seeking international protection or asylum, the priorities being to provide permanent dwellings and prevent homelessness.¹⁷

Border controls were initially implemented in September 2015, as a temporary measure at crossing points with Hungary, Slovenia, Slovakia and Italy, in order to regulate the sharply increased influx of asylum seekers. The controls were extended several times, most recently until November 2017.¹⁸ In addition, the Austrian armed forces were deployed to assist in border protection.¹⁹ Plans were disclosed in November 2015 detailing police measures to secure Austria’s border with Slovenia. The plans included physical restructuring of the border crossing point and the erection of a border fence.²⁰ The primary goal of these changes in border policy was to regulate and limit the sharply increasing influx of asylum seekers entering Austria in particular via the Balkan route (AT EMN NCP, 2016:36–37; AT EMN NCP, 2017:12).

In the field of integration, new strategies for promoting language acquisition were developed in the period from April 2015 to July

- 17 Federal Ministry of the Interior, *Krisensitzung zur Versorgung der Kriegsflüchtlinge*. Press Release, Vienna, 15 May 2015, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=484C6B567A3057624445633D&page=61&view=1 (accessed on 6 July 2017).
- 18 Federal Ministry of the Interior, *Grenzkontrollen bis Februar 2016 verlängert*. Press Release, Vienna, 16 November 2015, available at www.bmi.gv.at/cms/bmi_asyl_betreuung/_news/bmi.aspx?id=2F3757665868792B5832513D&page=0&view=1 (accessed on 5 July 2017). Die Presse, *EU-Kommission verlängert Grenzkontrollen: „Letztes Mal“*, 2 May 2017, available at http://diepresse.com/home/ausland/eu/5210778/EUKommission-verlaengert-Grenzkontrollen_Letztes-Mal (accessed on 5 July 2017).
- 19 Austrian Armed Forces, *Sicherheitspolizeilicher Assistenzinsatz beginnt*. Press Release, Vienna, 15 September 2015, available at www.bundesheer.at/journalist/pa_body.php?id=3479&timeline=23 (accessed on 6 July 2017).
- 20 Federal Ministry of the Interior, *Stärkung der Spezialisten im Kampf gegen den Terror*. Press Release, Vienna, 16 November 2015, available at www.bmi.gv.at/cms/bmi_asyl_betreuung/_news/bmi.aspx?id=31533330424C71626743343D&page=0&view=1 (accessed on 6 July 2017).

2016.²¹ An “integration funding pool” was set up in September 2015 to bolster programmes and structures already established for the integration of individuals granted asylum as well as beneficiaries of subsidiary protection (Republic of Austria, 2015:2). A “50-Point Plan” was subsequently adopted in November, with the plan later enshrined in the Integration Act²² passed in 2017. The focus of the 50-Point Plan is the integration of recognized refugees, described as a “growing challenge for societal cohesion and for ensuring social peace in Austria” (Federal Ministry for Europe, Integration and Foreign Affairs, 2015:4). The aim is to take on the challenge of integrating persons granted asylum as well as to clearly define the obligations of both the state and asylum seekers (Federal Ministry for Europe, Integration and Foreign Affairs, 2015:4).

Policy changes in 2016

A pivotal development in Austrian asylum policy was the asylum summit held on 20 January 2016, at which the Federal State, the provinces and the municipalities discussed and agreed upon joint measures in a spirit of partnership. The goal was to reduce and effectively control “refugee and migration flows to Austria, by reasonable means and with lasting effect” (Republic of Austria, 2016:2). Steps adopted in this context included a focus on the return and readmission of rejected asylum seekers as well as stronger encouragement of voluntary return (AT EMN NCP, 2017:21).

In addition, a new border management system went into operation in January 2016 at the border crossing at Spielfeld on the Slovenian border, the aim being to guarantee structured procedures for persons crossing the border (Federal Ministry of the Interior, 2016:19).

21 Federal Ministry for Europe, Integration and Foreign Affairs, *7.300 neue Deutschkursplätze für syrische Flüchtlinge*. Press Release, Vienna, 16 April 2015, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/04/7300-neue-deutschkursplaetze-fuer-syrische-fluechtlinge/ (accessed on 11 July 2017), Federal Ministry of Education and Women’s Affairs, *Heinisch-Hosek: Integrationsbericht 2015 bestätigt den eingeschlagenen Weg des österreichischen Schulsystems!*. Press Release, Vienna, 16 July 2015, available at www.bmbf.gv.at/ministerium/vp/2015/20150716.html (accessed on 11 July 2017).

22 FLG I No. 86/2017.

2.2 Main legislative changes

Several changes relating to aliens law were introduced between 2014 and 2016. One aspect emphasized in this context was to develop and introduce legislation in response to the changing influx of asylum seekers or to allow better control of asylum-related migration flows to Austria.

Legislative changes in 2014

The authorities responsible for immigration matters were restructured in early 2014. Since 1 January 2014 the newly established Federal Office for Immigration and Asylum has been responsible in the first instance for conducting in particular asylum procedures, return procedures and procedures for humanitarian residence titles.²³ Since 1 January 2014, the Federal Administrative Court, another newly established body, has been responsible for second-instance decisions in such cases.²⁴ The specific aim in setting up the Federal Office for Immigration and Asylum was to pull together responsibilities in areas related to aliens law, as a means of achieving synergy effects and to be able to respond more rapidly and efficiently to increasing mixed migration flows.²⁵

Legislative changes in 2015

The Federal Constitutional Act concerning the accommodation and allocation of foreigners in need of aid and protection entered into effect on 1 October 2015.²⁶ This act, which was adopted in implementation of a resolution of 18 November 2014 by the Conference of Provincial Governors, introduces comprehensive changes to the admission procedure applied when application is made for international protection. This federal constitutional

23 See Art. 3 para 2 subpara 1, 3 and 4 Federal Office for Immigration and Asylum Procedures Act; Art. 56 para 1 Federal Office for Immigration and Asylum Procedures Act; Art. 3 and Art. 8 para 1 Act Establishing the Federal Office for Immigration and Asylum.

24 See Art. 7 para 1 Federal Office for Immigration and Asylum Procedures Act; Art. 27 para 1 Federal Administrative Court Act.

25 Act Introducing the Acts on Administrative Procedures 2008 Aliens Authorities Restructuring Act, Government Proposal, Explanatory Notes, p. 1, 3 and 5, available at www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01803/fname_255385.pdf (accessed on 19 May 2017).

26 FLG I No. 120/2015.

act is intended to ensure that foreigners in need of aid and protection are accommodated and distributed within the territory of Austria in a uniform and fair manner and in accordance with the principles of human dignity and solidarity (Art. 1 para 1).²⁷

The act also introduced the constitutional power of the Federal State to bypass municipalities when establishing accommodation facilities for foreigners in need of aid and protection, even where provinces, districts or municipalities oppose such plans. The Federal Constitutional Act was especially intended to manage the temporary shortage of accommodation for foreigners in need of aid and protection.²⁸ It is accordingly scheduled to expire as of 31 December 2018.²⁹

Legislative changes in 2016

The significant rise in the number of individuals seeking protection resulted in another amendment to aliens law,³⁰ which became effective as of 1 July 2016. This change was in response to the special “challenges in the areas of asylum and migration”.³¹ The following changes are to be mentioned in particular.

The amendments to the Asylum Act, which became effective as of 1 July 2016, give persons granted asylum a right of residence that is initially limited to a period of three years and can then be renewed for an indefinite period of validity (Art. 3 para 4 Asylum Act) upon expiry.

The responsibilities of the Country of Origin Information Unit were also modified to include support for the Federal Office for Immigration and Asylum when examining whether or not to initiate procedures for the withdrawal of asylum status. Specifically, the latter authority is required to

27 Cf. Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, available at www.parlament.gv.at/PAKT/VHG/XXV/II/I_00582/fname_401629.pdf (accessed on 26 September 2017).

28 Federal Constitutional Act on the accommodation and distribution of aliens in need and in need of protection, Government Proposal, Proposal, p. 3, available at www.parlament.gv.at/PAKT/VHG/XXV/A/A_01295/fname_462555.pdf (accessed on 21 September 2017).

29 See Art. 6 of the Federal Constitutional Act.

30 FLG I No. 100/2005, in the version of FLG I No. 24/2016.

31 Amendment of the Asylum Act 2005, of the Aliens Police Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, 2016, Government Proposal, Committee Report of the National Council, p. 1, available at www.parlament.gv.at/PAKT/VHG/XXV/II/I_01097/fname_528037.pdf (accessed on 26 July 2017).

evaluate certain countries of origin at least once every calendar year to determine whether there has been any “significant and lasting change in the specific conditions, and especially in the political conditions, which were the main cause of fear of persecution” (Art. 3 para 4a Asylum Act). Where that is the case, the authority is obliged to initiate a procedure to withdraw asylum status from the affected persons granted asylum (Art. 7 para 2a Asylum Act).

A shorter maximum period for the duration of procedures was also defined in the act, to counteract any delays in completion. Art. 22 para 1 of the Asylum Act specifies that “an application for international protection shall be decided within a maximum of 15 months”. The period had been previously set at six months, but this limit could no longer be met due to the increased number of applications. This change was intended to relieve pressure on authorities while “ensuring the full scope of legal protection”.³²

The Federal Office for Immigration and Asylum Procedures Act³³ was amended as of 1 July 2016 to include new rules on interpreting services, to respond to the exceptionally sharp increase in the number of asylum applications and to meet the accompanying “heightened need for interpreters [...] able to be consulted when conducting interviews in asylum procedures and procedures under aliens law”. The availability of an interpreter often cannot be ensured at short notice or anywhere in the country. Technical aids such as video transmission can be used during procedures to help shorten waiting times and travel distances (Art. 12 Federal Office for Immigration and Asylum Procedures Act).³⁴

The rules applying to reunification of family members were amended in the corresponding laws (amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act, as of 1 June 2016).³⁵ The modified legal framework entails two items. The family member of an alien who has been granted asylum may apply

32 Ibid., p. 7–8.

33 FLG I No. 100/2005, in the version of FLG I No. 24/2016.

34 Amendment of the Asylum Act 2005, des Aliens Police Act 2005 und des Federal Office for Immigration and Asylum Procedures Act, 2016, Government Proposal, Committee Report of the National Council, p. 31 and 32, available at www.parlament.gv.at/PAKT/VHG/XXV/II/I_01097/fname_528037.pdf (accessed on 26 July 2017).

35 FLG I No. 24/2016.

for entry without additional conditions within the first three months. Thereafter, applicants are required to submit evidence of suitable accommodation, health insurance providing benefits in Austria and of regular, fixed income according to the Settlement and Residence Act (Art. 35 para 1 Asylum Act). In the case of beneficiaries of subsidiary protection, application can be made for family reunification at the earliest three years (one year under the previous law) after the date on which the status was granted with final legal effect. In such cases, evidence also has to be provided that the requirements listed above (suitable accommodation, valid health insurance cover and regular, fixed income; Art. 35 para 2 Asylum Act) are met.

Other amendments to the Asylum Act included the option of issuing an emergency regulation (refer to section 6.1 below for details).

In August 2016, the Federal Minister for Europe, Integration and Foreign Affairs presented the key points of the planned Integration Act,³⁶ which subsequently became law on 28 June 2017. The aim of this Federal Act is the expeditious integration into Austrian society of individuals who have permanently settled in the country, by systematically providing them with integration measures and requiring them to play an active role in the integration process.³⁷

Also in 2016, the Act on Recognition and Assessment of Qualifications³⁸ entered into force, facilitating procedures for the recognition of graduation certificates from other countries and introducing special procedures for persons granted asylum or beneficiaries of subsidiary protection who, because of having had to flee their countries, are no longer able to present any documents certifying qualifications (AT EMN NCP, 2017:5–6).³⁹ The act is also intended to prevent poor pay and working conditions from

36 FLG I No. 86/2017.

37 FLG I No. 68/2017.

38 FLG I No. 55/2016.

39 Federal Ministry for Europe, Integration and Foreign Affairs, *Anerkennungs- und Bewertungsgesetz im Ministerrat beschlossen*. Press Release, Vienna, 12 April 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/04/aner kennungs-und-bewertungsgesetz-im-ministerrat-beschlossen/ (accessed on 11 July 2017), HELP.gv.at, *Anerkennungs- und Bewertungsgesetz u.a. – beschlossene Neuerungen*, available at www.help.gv.at/Portal.Node/hlpd/public/module2genetics.am=Content&p.contentid=10007.189679#Veroeffentlichung (accessed on 11 July 2017).

impeding migrants' integration and to ensure that their "labour market potential" is better utilized.⁴⁰

Additional countries were declared "safe countries of origin" in 2016. Those countries are Algeria, Georgia, Ghana, Morocco, Mongolia and Tunisia. The corresponding amendment to the Regulation on Countries of Origin⁴¹ was intended in particular to accelerate procedures involving individuals from those countries (AT EMN NCP, 2017:21).

In addition, in case of complaints against a negative decision on an asylum application, the suspensive effect according to Art. 18 para 1 Federal Office for Immigration and Asylum Procedures Act can be withdrawn.

2.3 The period before 2014 in retrospect

After 1945, Austria's geographic location made it an important transit and destination country, especially for refugees from Eastern Europe (Fassmann, Musil and Gruber, 2014:17; Weigl, 2009:14; Bauer, 2008:4). Following the Second World War, approximately a half a million "displaced persons"⁴² from Eastern Europe resided in Austria, including some 300,000 ethnic Germans.

Subsequently, three major movements of refugees to Austria took place prior to 1990 (Bauer, 2008:4–5). In the wake of the popular uprising and its violent suppression in 1956–57, about 219,000 people fled Hungary for Austria (IOM, 2001:15); in 1968 roughly 162,000 Czechoslovaks sought refuge in Austria after the "Prague Spring" came to a violent end (Austrian Integration Fund, 2014:5); and between 120,000 and 150,000 Polish citizens arrived in Austria after martial law was imposed there in 1981–82, (Bauer, 2008:5).⁴³ Yet the majority of these

40 Recognition and Assessment Act and Amendment of the Federal Act on the External Quality Assurance in Higher Education 2016, Government Proposal, Explanatory Notes, p. 1, available at www.parlament.gv.at/PAKT/VHG/XXV/II/I_01084/fname_524424.pdf (accessed on 27 July 2017).

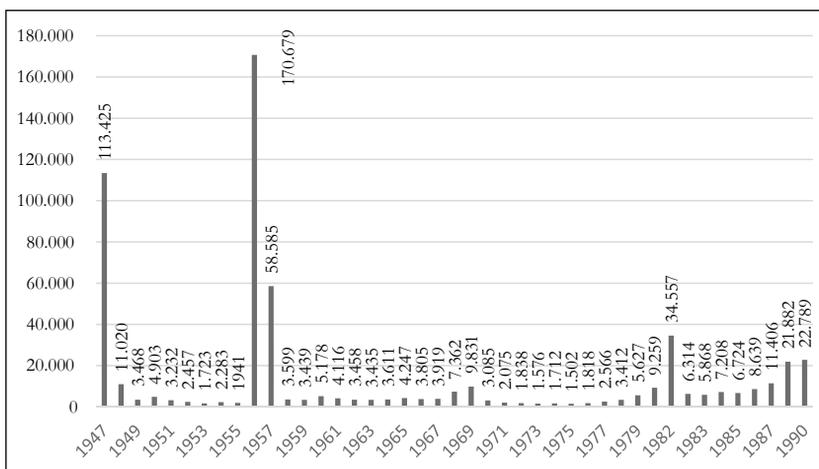
41 FLG I No. 47/2016.

42 "Displaced persons" include war refugees, liberated prisoners of concentration camps and forced laborers, displaced persons, former war prisoners and members of allies of the German Armed Forces (IOM, 2001:11).

43 Medienservicestelle Neue ÖsterreicherInnen, *Neuere österreichische Migrationsgeschichte*, available at http://medienservicestelle.at/migration_bewegt/2011/05/25/neue-osterreichische-migrationsgeschichte/ (accessed on 21 June 2017).

people later either migrated to other Western countries or to other continents or returned to their countries of origin. In the end, only about ten per cent of the Hungarian refugees and eight per cent of the Czechoslovakian refugees remained in Austria (Austrian Integration Fund, 2014:5).⁴⁴

Figure 1: Application for asylum in Austria 1947–1990



Source: Federal Ministry of the Interior. n.d. Asylwesen – Statistik, available at www.bmi.gv.at/301/Statistiken/ (accessed on 12 December 2017); Statistic Austria. n.d. Asyl, available at www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/wanderungen/asyl/index.html (accessed on 12 December 2017).

After the fall of the Iron Curtain and the outbreak of war in the former Yugoslavia, Austria was the destination for several refugee movements originating in the Balkan states in the 1990s and the early 2000s (Weigl, 2009:31-33; IOM, 2001:29-30; Fassmann, Musil and Gruber, 2014:23). With almost 30,000 recorded each year, the number of asylum seekers continued to rise until 1991 as a result of the wars in former Yugoslavia, whereas a decline was seen initially in the following years.

In reaction to the increasing number of asylum seekers fleeing those wars, Austria's asylum laws and the country's traditionally liberal treatment

44 See also Wisbauer, A., *Asyl-Migration im Spiegel der Bevölkerungsstatistik* (Wien, Statistik Austria, 2016), available at www.osg.or.at/download/files/%7BBBF268FB1-E7B9-42E8-9149-B8D6CFDC6667%7D/04_Alexander_Wisbauer.pdf (accessed on 16 February 2018), slide 3.

of asylum seekers became more restrictive (Münz, Zeuser and Kytri, 2003:29). Among the accompanying changes was an arrangement with Bulgaria in 1989 referred to as a visa agreement,⁴⁵ the deployment of the Austrian armed forces beginning in 1990 to help protect Austria's eastern border,⁴⁶ and an amendment to the Aliens Police Act⁴⁷ to facilitate the return of aliens irregularly entering the country.⁴⁸ In addition, the new Asylum Act⁴⁹ became law as of 1 June 1992 in response to the “consistently increasing flow” of persons seeking protection in Austria and with the main purpose of reducing the “sharp rise in the number of unjustified asylum applications”.⁵⁰ Core provisions of the act included the establishment of a separate, specialized asylum authority in the first instance and measures to accelerate matters, aimed at achieving faster and more efficient asylum procedures with improved quality.⁵¹ Another central feature was referred to as the “third country clause”, according to which asylum applications submitted by applicants entering Austria from a safe third country were to be rejected (Münz, Zeuser and Kytri, 2003:29).⁵² Consequently, any refugees entering the country by land could be rejected, since all countries neighbouring Austria had signed the Geneva Refugee Convention and

45 Following this agreement, Bulgarian (and subsequently Turkish and Rumanian) citizens could only enter Austria with a visa. (Fassmann and Fenzl, 2003:285).

46 Austrian Armed Forces, *Geschichte*, available at www.bundesheer.at/facts/50jahrebh/geschichte/inland.shtml (accessed on 3 August 2017).

47 FLG Nr. 1990/190.

48 In Article 10 and 10a of the Aliens Police Act is determined that Aliens can be forcible returned as of now without delay, if they arrived by bypassing border controls and are arrested within the first seven days. After the arrest, the alien has to be expelled within 48 hours. Aliens who cannot be forcibly returned should be expelled with a notice within a period of four months after entry. Additionally, the appeal against an expulsion does not entail a suspensory effect and after the order of deportation the alien has to leave the federal territory immediately (Art. 10 and 10a, in the version of the Federal Law Gazette 1990/1909).

49 FLG 1992/8.

50 Asylum Act 1991, Preamble, Government Proposal, Explanatory Notes, p. 8 and 10, available at www.parlament.gv.at/PAKT/VHG/XVIII/I/I_00270/imfname_260788.pdf (accessed on 4 August 2017).

51 *Ibid.*, p. 8.

52 The third-country clause determined that asylum seekers can be returned in a safe third-country, through which they arrived, under the condition that this country was considered safe at the time of the residence, signed the Geneva Refugee Convention and is complying with the European Convention on Human Rights (ECHR) (Art. 2 para 2 subpara 3 Asylum Act 1991).

were thus considered safe countries of origin (Bauböck and Perchinig, 2006:733).

The 1997 Aliens Act,⁵³ in which legal obligations were implemented at international and EU level, entailed further changes (Dimmel, 2006:647). The main items included new provisions regulating border entry (asylum at the border), the introduction of accelerated procedures in straightforward cases, extension of asylum status to family members and the establishment of an independent Federal Asylum Review Senate (Fassmann and Fenzl, 2003:285). These measures helped reduce the number of applications for asylum between 1992 and 1997, to less than 10,000 a year (Münz, Zeuser and Kytri, 2003:29).

Starting in 1998, there was a renewed strong increase in the influx of asylum seekers to Austria, occasioned especially by the outbreak of war in the region now known as UNSC resolution 1244-administered Kosovo⁵⁴ (Wisbauer, 2016:3). That increase was interrupted by a slight decline in 2000 (Austrian Integration Fund, 2014:5). The number of asylum applications peaked again in 2002. This was attributed to the growing number of asylum seekers from Afghanistan (41% in 2001) and Iraq (Kohlbacher, 2007:163–164).

Between 2003 and 2007, asylum applications fell by about 30 per cent; after a slight increase in 2008 and 2009, the number dropped to 11,012 by 2010, the record low for the 2000s (Austrian Integration Fund, 2014:5). Since then a consistent increase has been observed (Austrian Integration Fund, 2014:5).⁵⁵ Austria has been among the highest ranking European countries in terms of asylum applications per capita since 2001, usually appearing in the top three.⁵⁶

In the 2000–2013 period, as earlier in the 1990s, laws governing asylum and aliens' residence were amended several times in response to the changing influx of migrants to Austria.

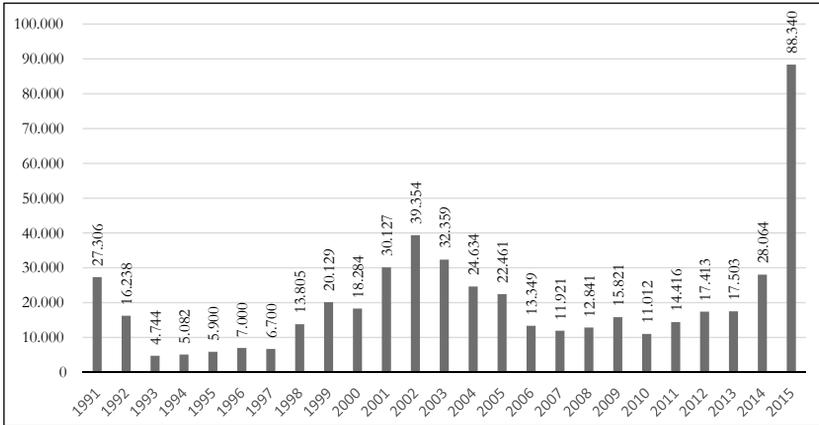
53 FLG I No. 76/1997.

54 Hereinafter referred to as Kosovo/UNSC 1244.

55 See also Alexander Wisbauer, Statistik Austria, *Asyl-Migration im Spiegel der Bevölkerungsstatistik*, available at www.osg.or.at/download/files/%7BBF268FB1-E7B9-42E8-9149-B8D6CFDC6667%7D/04_Alexander_Wisbauer.pdf, Slide 3 (accessed on 16 February 2018).

56 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

Figure 2: Application for asylum in Austria 1991–2015



Source: Federal Ministry of the Interior. n.d. Asylwesen – Statistik, available at www.bmi.gv.at/301/Statistiken/ (accessed on 12 December 2017); Statistic Austria. n.d. Asyl, available at www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/bevoelkerung/wanderungen/asyl/index.html (accessed on 12 December 2017).

The 2003 amendment to the Asylum Act⁵⁷ was passed “against the background of a consistent increase in the number of asylum applications and was driven by the goal of completing procedures sooner and more efficiently” (Vogl, 2007:19–20). The changes included stronger involvement of security authorities,⁵⁸ a preliminary admission procedure prior to the actual procedure⁵⁹ and the lifting of the automatic suspensive effect of certain legal remedies,⁶⁰ as well as the introduction of a simplified procedure for families.⁶¹

The Basic Welfare Support Agreement introduced in 2004⁶² is regarded as a milestone in the asylum policy of that period. The main effect was to define and divide between the Federal State and the provinces the powers and responsibilities relating to initial reception, distribution, accommodation and care (cf. Vogl, 2007:39). Article 8 of the Basic Welfare Support Agreement additionally includes special provisions for cases of mass influx

57 Became effective on 1 May 2004, FLG I 1997/76.

58 Art. 18, 34a and 35 Asylum Act 2003.

59 Art. 24a Asylum Act 2003.

60 Art. 32 para 3 Asylum Act 2003.

61 Art. 10 and 16 Asylum Act 2003; for further list of amendments see (Vogl, 2007:20).

62 FLG I No. 80/2004.

of refugees. In such cases, basic welfare support can be limited to satisfying recipients' basic needs (Art. 8 para 4 Basic Welfare Support Agreement).

On 1 January 2016, the Asylum Act 2005⁶³ (hereinafter referred to as: Asylum Act) came into force. Essential innovations included the timely securing of Dublin procedures, the reformulation of the determination of traumatization, the detailed delineation of the obligation to cooperate of asylum seekers as well as the development of solutions for delinquent asylum seekers. Amendments to the Asylum Act were made by the Act Amending the Aliens Law 2009 and 2011 among others.

2.4 Statistical information

In terms of influx of asylum seekers, Austria recorded high volatility in the years 2014, 2015 and 2016.

In **2014** around 28,064 applications for asylum were filed in Austria, representing a 60 per cent increase over the previous year (2013: 17,503). The increase was mainly attributed to applications made by Syrian (+5,763) and Afghan nationals (+2,481), stateless persons (+1,032), persons from UNSC resolution 1244-administered Kosovo (+968) and Somalis (+729).⁶⁴

In **2015** Austria recorded its all-time high for asylum applications, at 88,340. This figure was three times the number for the previous year (2014: 28,064 applications). The rise in 2015 is attributed to increases in asylum applications by nationals from the following countries: Afghanistan (+20,399), the Syrian Arab Republic (+16,808) and Iraq (+12,497).⁶⁵

In both years there was also a sharp rise in asylum applications by individuals from Kosovo/UNSC 1244. In late 2014 and early 2015, an unprecedented number of persons from Kosovo/UNSC 1244 applied for asylum in Austria (Eurostat, 2015a). Whereas there were only 41 applications in July 2014, this figure had risen to 1,067 by January 2015, representing

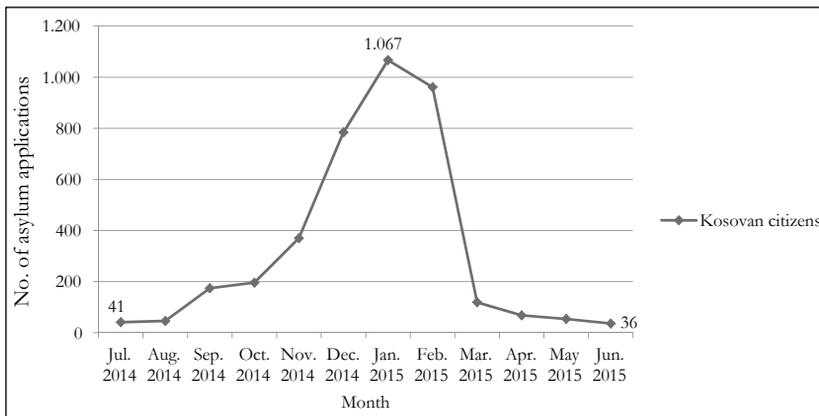
63 FLG I No. 100/2005.

64 Federal Ministry of the Interior. *Asylstatistik 2014*, available at www.bmi.gv.at/cms/BMI_Asylwesen/statistik/files/Asyl_Jahresstatistik_2014.pdf (accessed on 4 August 2017).

65 Federal Ministry of the Interior. *Asylstatistik 2015*, available at www.bmi.gv.at/cms/BMI_Asylwesen/statistik/files/Asyl_Jahresstatistik_2015.pdf (accessed on 4 August 2017).

a 26-fold increase. The number dropped again to only 36 asylum applications by June 2015 (AT EMN NCP, 2016:15). The figure below shows these changes in chart form.

Figure 3: Asylum applications in Austria by persons from Kosovo/UNSC 1244 (July 2014–June 2015)



Source: Ministry of the Interior, December 2014:6 und December 2015:6. Available at www.bmi.gv.at/301/Statistiken/ (accessed on 9 January 2018).

Following the record number of asylum applications in 2015, the trend reversed in **2016**, with applications in that year falling by more than half to 42,285 (AT EMN NCP, 2017:16).⁶⁶

66 Federal Ministry of the Interior. *Asylstatistik 2016*, available at www.bmi.gv.at/cms/BMI_Asylwesen/statistik/files/Jahresstatistik_Asyl_2016.pdf (accessed on 4 August 2017).

3. COOPERATION

Due to the acute migration situation in the 2014–2016 period, cooperation was stepped up at both national and international level. This applies in particular to joint efforts of the various federal ministries and between the Federal State and the provinces, as described in sections 3.1 and 3.2 below. Section 3.3 focuses exclusively on cooperation with other Member States and third countries.

3.1 Closer cooperation among ministries

Extended crisis board

On 15 May 2015, representatives of the Ministry of the Interior, the Ministry of Defence, the provinces, firefighters' associations and non-governmental organizations attended a crisis meeting convened by the Ministry of the Interior. An “extended crisis board” was installed for the purpose of responding to the needs of war refugees.⁶⁷

Coordination board for the “acute migration situation”

In addition, in response to the acute migration situation, a coordination board was appointed as of 17 August 2015 to act under the Federal Ministry of the Interior.⁶⁸ The coordination board was given these responsibilities:⁶⁹

- to coordinate throughout Austria each and every measure related to basic welfare support for asylum seekers and other persons entitled to such support;

67 Federal Ministry of the Interior, *Krisensitzung zur Versorgung der Kriegsflüchtlinge*. Press Release, Vienna, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=484C6B567A3057624445633D&page=57&view=1 (accessed on 26 July 2017).

68 Federal Ministry of the Interior, *Asyl- und Fremdenwesen – Einrichtung eines Stabes im BMI zur Migrationslage*. Press Release, Vienna, 18 August 2015, available at <http://bmi.gv.at/news.aspx?id=6D327033314B57747253673D> (accessed on 13 December 2017).

69 See Federal Ministry of the Interior, GZ.: BMI-FW 1620/1955-III/2015.

- to steer throughout Austria the processes and measures established in all provinces, related to the support structures of the Ministry of the Interior's Department III/9 and the ministry's helpline, to ensure that all facilities for accommodation and care are provided in line with humanitarian principles and with individual needs to the target group referred to above, in addition to the basic welfare support provided by the provinces;
- to take coordinated measures to (re-) launch and maintain the functioning of all distribution centres and initial reception centres, to ensure that all newly arriving asylum seekers are initially processed by the authorities of the federal reception system and receive medical checks in a timely manner;
- to funnel relevant information and ensure its communication along appropriate paths as required within the designated scope of responsibility;
- to maintain a nationwide overview of the specific situation and ensure that policy and strategy-level management is duly informed.

The coordination board is composed of employees from the four directorates of the Federal Ministry of the Interior as well as employees of the Federal Office for Immigration and Asylum, the Federal Criminal Police Office and the Federal Office for Protection of the Constitution and Counterterrorism.⁷⁰

Parties from outside the ministry are tied in through an **expert group**, composed of representatives of the Ministry of Foreign Affairs, the Austrian armed forces and the Ministry of Finance, as well as non-governmental organizations involved in asylum, including the Austrian Red Cross, the Workers' Samaritan Organization, the Professional Firefighters' Association and the United Nations High Commissioner for Refugees (UNHCR).⁷¹

As from 16 September 2015, employees of the Federal Ministry of Defence and Sports have been present at the traffic control centre of the Austrian Federal Railways to coordinate refugee transports.⁷²

70 Federal Ministry of the Interior, Informieren, koordinieren, entscheiden. In: Öffentliche Sicherheit 11–12/2015, p. 64–65, available at www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2015/11_12/files/FLUECHTLINGSWESEN.pdf (accessed on 7 July 2017).

71 Ibid.

72 Ibid.

Coordination board for the “migration situation/security police”

An additional police coordination board was instated in the same month, as a means of coping with the drastic increase in foreigners seeking protection from a security police point of view. On 27 August 2015 the Federal Ministry of the Interior instated the coordination board for the “migration situation/security police” with the task of setting up an information centre and advising decision-makers. The aim of the board is to ensure information management and prepare daily status reports on current migration flows nationwide. On completion, the reports are to be made available to decision makers. The coordination board, which consists of representatives from various directorates of the Federal Ministry of the Interior, works with the Federal Ministry of Defence and Sports as well as the national police authorities of Bavaria and Germany (Federal Ministry of the Interior, 2015:65, AT EMN NCP, 2016:17–18).

Asylum task force

A body referred to as the “asylum task force” was instated on 27 August 2015. Its task is to meet on a weekly basis to discuss urgent issues relating to managing the drastic increase in asylum seekers in Austria. The asylum task force then consisted of Federal Chancellor Werner Faymann, Vice-Chancellor Reinhold Mitterlehner, Minister of the Interior Johanna Mikl-Leitner, Minister of Foreign Affairs Sebastian Kurz, Minister of Defence Gerald Klug and Federal Chancellery Minister Josef Ostermayer. The objective was to meet weekly to discuss asylum issues (Austrian Integration Fund, 2015:4).

3.2 Closer cooperation between the Federal State and the provinces

Closer cooperation between the Federal State and the provinces and faster distribution

By way of background information on the topic of basic welfare support, the Federal Ministry of the Interior refers to the already in 2014 existing Basic Welfare Support Agreement. It is claimed that the previous system had become overtaxed by the major increase in foreigners seeking protection and required improvement through even closer cooperation between the Federal State, the provinces and non-governmental

organizations. As a result, capacity for almost 60,000 additional care recipients could be created within a brief period. The number of persons accommodated peaked at 87,000 in 2016.⁷³ According to information from the Federal Ministry of the Interior, the system was restructured in ongoing consultation with non-governmental organizations.⁷⁴

A new system of basic welfare support at a federal level was adopted in November 2014, entailing the plan to relieve pressure on the initial reception centres at Traiskirchen and Thalham. Previously, every asylum seeker had been brought to one of these two centres, regardless of the province where the asylum application was made. The admission procedure then took place at that centre, with Austria's responsibility in the individual case examined. That responsibility is now decided in the province where the asylum seeker initially applied for protection. Asylum seekers receive care and accommodation at a distribution centre. They then relocate to private accommodation in a province which has not yet met the reception quota.⁷⁵

This system results in a more even distribution of refugees throughout Austria. The previous arrangements at the initial reception centres at Traiskirchen and Thalham have been discontinued, with the centres still being required only for special clarification, such as in Dublin cases. This restructuring was intended to avoid any unnecessary transfers and to prevent care facilities from becoming overburdened (AT EMN NCP, 2015:31).

Bypass power of the Federal State

The Federal Constitutional Act concerning the accommodation and allocation of foreigners in need of aid and protection⁷⁶ entered into effect on 1 October 2015. The act permits the Federal State to bypass municipalities when establishing accommodation facilities, even where provinces, districts or municipalities oppose such plans. The special bypass power of the Federal State expires as of 31 December 2018. The bypass power was introduced to

73 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

74 Ibid.

75 Federal Ministry of the Interior, *Neues System der Grundversorgung*. Press Release, Vienna, 19 November 2014, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=47796F3039574533714F553D&page=0&view=1 (accessed on 21 July 2017).

76 FLG I No. 120/2015.

additionally relieve the accommodation shortage.⁷⁷ The federal constitutional act allows the Ministry of the Interior in future to make refugee quarters available on property belonging to the Federal State or in leased buildings even when not specifically designated for the purpose, if the provinces or municipalities do not meet their responsibility to accommodate refugees.⁷⁸

Common procedures of the Federal State, Provinces and Municipalities adopted at asylum summit

At the asylum summit on 20 January 2016, Common Procedures of the Federal State, Provinces and Municipalities were defined and published in a document entitled accordingly.⁷⁹ The document lays down a common basis for future activities and defines joint measures aimed at reducing refugee flows through and to Austria. This step was taken “...to reduce and effectively control refugee and migration flows to Austria, in a reasonable way and with lasting effect”.⁸⁰

Impact of measures taken at federal level

Local authorities in Austria were impacted to varying degrees depending on the various migration routes. Main centres of impact were at the border crossings allowing entry to and departure from Austria at Nickelsdorf and Schärding.⁸¹

In having to supply accommodations with goods and making them available, local authorities were more broadly affected by measures taken at federal level: all municipalities in Austria were requested to make housing available and to provide for asylum seekers.⁸²

77 Federal Ministry of the Interior, *Durchgriffsrecht des Bundes tritt in Kraft*. Press Release, Vienna, 1 October 2015, available at <http://bmi.gv.at/news.aspx?id=4A436E364242646D4A52553D> (accessed on 27 November 2017).

78 Parlament der Republik Österreich, *Flüchtlingsquartiere: Bundesrat stimmt Durchgriffsrecht des Bundes zu*. Press Release, Vienna, 25 September 2015, available at www.parlament.gv.at/PAKT/PR/JAHR_2015/PK0999/index.shtml (accessed on 19 April 2016).

79 *Asylgipfel am 20. Jänner 2016 Gemeinsame Vorgangsweise von Bund, Ländern, Städten und Gemeinden*, p. 2, available at www.bmwf.gv.at/Presse/Documents/Asylgipfel%20-%20Gemeinsame%20Vorgehensweise%20Bund,%20L%C3%A4nder,%20St%C3%A4dte%20und%20Gemeinden.pdf (accessed on 10 July 2017).

80 Ibid.

81 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

82 Ibid.

3.3 Cooperation with neighbouring countries

During the 2014–2016 period, Austria consistently consulted with other Member States concerning the strong migration flows and pointed out the necessity for a fair burden-sharing at EU level.

Border control support for other Member States

Austrian police officers participated in a number of joint operations under the European Border and Coast Guard Agency (FRONTEX). To support the FRONTEX activities on the external EU border, the Federal Ministry of the Interior set up an expert pool of 170 specialists in 2016. More than 40 police officers, along with vehicles and suitable equipment, were deployed for border protection, while another 20 police officers supported the Macedonian authorities along the border between Greece and the former Yugoslav Republic of Macedonia (AT EMN NCP, 2017:15).

Accommodation in Slovakia

A cooperation agreement was signed on 21 July 2015 between Austria and neighbouring Slovakia. The agreement stipulates that 500 asylum seekers from the Traiskirchen reception centre in Austria will receive accommodation and care in Slovakia, while the asylum procedures will continue to be processed by Austrian authorities. Austria is to be responsible for providing care and security services on site. Refugees accommodated in Slovakia are to be returned to Austria on completion of their asylum procedures. The agreement represents a measure to address the accommodation challenge. The agreement is temporary, running for an initial term of two years.⁸³

Protection of the external EU borders

Austria also cooperated closely with other countries and provided appropriate advice in guarding the external EU borders.

One example is an agreement reached in June 2015 between the Austrian Minister of the Interior and the Hungarian counterpart, stipulating

83 Federal Ministry of the Interior, *Mikl-Leitner: „Österreichisch-slowakische Asylkooperation beispielgebend für Europa“*. Press Release, Vienna, 21 July 2015, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=3057395A77426F7777524D3D&page=40&view=1 (accessed on 9 December 2015).

better protection of the external EU borders and preferential processing of Dublin cases. In this connection, the Austrian Ministry of the Interior announced that 40 police officers would alternate on duty at the border of Hungary and Serbia. Within the same month, the promised contingent was increased to 80 officers (AT EMN NCP, 2016:38).

In addition, at a Council of Ministers meeting on 13 September 2016, it was decided to deploy 85 Austrian soldiers in the Hungarian–Serbian border zone for a period of six months. There the soldiers are active in logistics and services (AT EMN NCP, 2017:15). This decision is reported to have been the result of talks between Austria and Hungary in July 2016, at which Hungary asked for support from Austria in guarding its borders (AT EMN NCP, 2017:15).

In February 2016 the Austrian Foreign Minister visited the Western Balkan states to discuss key issues surrounding the refugee situation. In the course of the visits to other countries, Austria succeeded in stipulating bilateral action plans containing detailed support measures. One example is the agreement with the former Yugoslav Republic of Macedonia, which provides for the deployment of Austrian forces and vehicles to assist in guarding that country's borders. The Minister of the Interior also had numerous opportunities for talks with her counterparts in the Western Balkan states on the subject of intensifying bilateral cooperation in border protection. One instance was the Minister of the Interior's visit to Serbia in December (AT EMN NCP, 2017:13).

Cooperation in controlling the borders with Italy and Germany

Enhanced compensatory measures were taken in the vicinity of the Italian border in close consultation with the Italian authorities. Such compensatory measures include joint bilateral and trilateral patrols with officers from Italy and Germany. In addition, a new common police cooperation centre was opened at Passau, in the German state of Bavaria on the border with Austria. This step has helped to simplify and enhance communication and joint border management (AT EMN NCP, 2017:12–13).

Salzburg Forum

Aspects of illegal migration represented one of the main topics of discussion when the heads of police forces met on 31 March 2016, including

representatives of the Salzburg Forum member countries⁸⁴ as well as of Albania, the former Yugoslav Republic of Macedonia, Serbia, Greece and Kosovo/UNSC 1244. During the meeting, the participants came out in favour of supporting Greece and other countries along the external EU border, as required, through the deployment of additional police officers to serve in FRONTEX and EASO operations.

At the ministers' conference of the Salzburg Forum in Prague, Czechia on 4 November 2016, discussion focused on the necessity of providing effective protection to the external EU border and to the borders of Western Balkan countries. A commitment was made to deploy 20 Austrian police officers to support Hungary's management of its border with Serbia (AT EMN NCP, 2017:13).

Police Cooperation Convention for Southeast Europe

Representatives of the Police Cooperation Convention for Southeast Europe (PCC SEE)⁸⁵ convened in Vienna on 10 and 11 May 2016 to review progress and decide on future priorities. Within the framework of the PCC SEE, Austrian police officers were deployed to countries including the former Yugoslav Republic of Macedonia to assist in border protection in 2016.⁸⁶ Based on the PCC SEE, a Memorandum of Understanding with the aim of counteracting irregular migration was signed with the former Yugoslav Republic of Macedonia in 2016 (AT EMN NCP, 2017:14).

84 The Salzburg Forum is a Central European security partnership based on an initiative of the Austrian Federal Ministry of the Interior in the year 2000. Member states of the Forum are Austria, Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia and Slovenia. Salzburg Forum, www.salzburgforum.org/ (accessed on 11 September 2017).

85 The Police Cooperation for Southeast Europe (PCC SEE) was signed during the Austrian EU-Council presidency in 2006. Member states of the Convention are Albania, Bosnia and Herzegovina, Bulgaria, the former Yugoslav Republic of Macedonia, Republic of Moldova, Montenegro, Austria, Romania, Serbia, Slovenia and Hungary. The PCC SEE is the most important multilateral legal basis for operative cooperation by the police in the areas migration, organized crime as well as terrorism and extremism. PCC SEE, www.pccseeseecretariat.si/ (accessed on 29 December 2016).

86 Federal Ministry of the Interior, *Sobotka: Polizeikooperation mit Südosteuropa wird weiter vertieft*. Press Release, Vienna, 11 May 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=7A5277516D527A346749383D&page=8&view=1 (accessed on 29 December 2016).

Central European Initiative

On 16 June 2016 the Austrian Minister of the Interior participated in a meeting of the member countries of the Central European Initiative (CEI)⁸⁷ in Bosnia and Herzegovina. The main topic discussed at the meeting was the refugee situation and potential solutions (AT EMN NCP, 2017:14).

Joint Declaration and summit meeting on the Balkan route

A meeting of police representatives took place on 30 June 2016 at the invitation of the Austrian Ministry of the Interior, with Bulgaria, Croatia, Czechia, Greece, Hungary, the former Yugoslav Republic of Macedonia, Poland, Romania, Serbia, Slovakia and Slovenia as well as EUROPOL and FRONTEX attending. During the meeting a Joint Declaration on Managing Migration Flows was adopted. The Joint Declaration provides for measures aimed at managing migration flows and for the deployment of police officers along borders severely affected by irregular migration. The Federal Ministry of the Interior sees the Joint Declaration as having the de-facto effect of closing the Western Balkan route (AT EMN NCP, 2017:14–15).

On 24 September 2016 Austria hosted a summit meeting on the topic of migration along the Balkan route. This meeting was attended by the heads of government from Albania, Bulgaria, Croatia, Germany, Greece, Hungary, the former Yugoslav Republic of Macedonia, Serbia and Slovenia, as well as by the President of the European Council, the EU Commissioner for Migration and the Romanian Minister of the Interior. At the meeting the delegates mainly discussed converging positions on building additional capacities for border protection (AT EMN NCP, 2017:15).

87 The CEI was founded in 1989 by Austria, Italy, the former Yugoslavia and Hungary and consists of 18 member states from Central, Eastern and Southern Europe today, 10 of which are currently EU members. The objective of this regional international organization is the support of its members with the European Integration. Through a stronger cooperation with others, activities should be bundled and synergies should be created in the organizations that are active in CEI member states, available at www.bmeia.gv.at/europa-aussenpolitik/europapolitik/zentraleuropaeische-initiative/ (accessed on 21 January 2018).

3.4 Effects of measures in neighbouring countries

A consequence of the migrant flows along the West Balkan route in September 2015 was the daily arrival in Austria of several thousand migrants on foot, buses and trains – especially in Vienna. Most of them continued on to Germany (AT EMN NCP, 2016:36).

Accordingly, border controls were temporarily re-introduced along Austria's frontiers with Hungary, Italy and Slovakia on 16 September 2015, within the framework of the Schengen Agreement. Among the reasons cited by the Federal Ministry of the Interior as making the controls necessary was that Germany had already decided previously to set up temporary controls at the borders.⁸⁸

The closure of the borders in neighbouring countries also resulted in a reduction in the influx of migrants to Austria according to the Federal Ministry of the Interior. The more consistent registration of persons on the routes also limited unhindered migration to Austria.⁸⁹

88 Federal Ministry of the Interior, *200 neue Polizisten für grenz- und fremdenpolizeiliche Aufgaben*. Press Release, Vienna, 7 October 2015, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=6D5A69336350736A4771383D&page=11&view=1 (accessed on 10 July 2017).

89 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

4. MEASURES TAKEN

All of the measures described in the chapter below were introduced in response to the increased number of asylum applications. The areas specified in the common study template are used as the basis for describing the measures taken by Austria.

Among the measures to be listed here, mention should additionally be made of the coordination boards and mechanisms that were set up in Austria during the period when the number of migrants rose, between 2014 and 2016. The responsibilities and activities of those boards cover several of the areas described below. The specific coordination boards are referred to in section 3.1.

4.1 Border control

Introduction of temporary border controls

Temporary border controls were introduced and extended several times in response to the continued strong increase in the influx of asylum seekers.⁹⁰ The introduction of temporary border controls was aimed at limiting and regulating the sharply increasing influx of asylum seekers entering Austria, in particular via the Balkan route (AT EMN NCP, 2016:36–37; AT EMN NCP, 2017:12).

The introduction of temporary border controls allowed checks to be carried out at all airports and national borders and border crossings to be limited to official checkpoints. To meet this goal, temporary infrastructure facilities were set up on the border with Hungary (for example near Nickelsdorf) and with Slovenia (for example near Spielfeld; AT EMN NCP, 2016:36–37; AT EMN NCP, 2017:12).

90 Federal Ministry of the Interior, *Grenzkontrollen bis Februar 2016 verlängert*. Press Release, Vienna, 16 November 2015, available at www.bmi.gv.at/cms/bmi_asyl_betreuung/_news/bmi.aspx?id=2F3757665868792B5832513D&page=0&view=1 (accessed on 5 July 2017), Die Presse, *EU-Kommission verlängert Grenzkontrollen: „Letztes Mal“*, 2 May 2017, available at http://diepresse.com/home/ausland/eu/5210778/EUKommission-verlaengert-Grenzkontrollen_Letztes-Mal (accessed on 5 July 2017).

The border controls were introduced in Austria on 16 September 2015 and subsequently extended in November 2015, May 2016, November 2016 and May 2017.⁹¹

Deployment of the armed forces along the Austrian borders

To allow better regulation of migration flows, the Austrian armed forces were deployed to assist the security police with border protection duties (AT EMN NCP, 2016:36–37). The deployment of assistance by the armed forces along the Austrian borders includes staffing and technical support for security officers responsible for checking border areas, as well as help with the reception of refugees, the provision of food, clothing and accommodation, and with refugee transport.⁹²

This deployment of the armed forces was based on a decision by the Austrian Federal Government that was announced on 15 September 2015. The planning directive for the armed forces originated from the Federal Ministry of Defence and Sports. The planning directive represented the order issued to the armed forces and contained the details on carrying out the operation, which subsequently took place under the direction of the Federal Ministry of the Interior.⁹³

Additional deployment of the armed forces was resolved by Parliament in a session on 13 September 2016. Specifically, 85 Austrian soldiers were to be posted to the Hungarian-Serbian border to assist with logistics and services. Referring to the purpose of this operation, the Federal Chancellery stated that it was “to help control illegal migration and combat migrant smuggling”.⁹⁴ Another goal mentioned by the Minister of Defence was to protect the external EU borders,

91 European Commission, *Member States 'notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 et seq. of the Schengen Borders Code*, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms_notifications_-_reintroduction_of_border_control_en.pdf (accessed on 5 July 2017).

92 Austrian Armed Forces, *Flüchtlinge: Das Bundesheer hilft*, available at www.bundesheer.at/archiv/a2015/fluechtlingshilfe/index.shtml (accessed on 7 December 2017).

93 Austrian Armed Forces, *Flüchtlinge – Bundesheer bereitet sich auf Assistenzeinsatz vor*. Press Release, Vienna, 14 September 2015, available at www.bundesheer.at/journalist/pa_body.php?id=3477&timeline=23 (accessed on 6 July 2017).

94 Federal Chancellery, *Soforthilfe für Afritz – Beitrag zur Eindämmung der illegalen Migration – Bekämpfung der Schlepperei*. Press Release, Vienna, 13 September 2016, available at http://d34.vie.bka.gv.at/site/cob__63699/currentpage__0/5911/default.aspx (accessed on 10 July 2017).

which in this region, he said, was crucial for Austria. The operation officially started on 3 November 2016 and was planned for a period of six months.⁹⁵

Plans for police measures to secure Austria's border with Slovenia

On 16 November 2015 the Federal Ministry of the Interior disclosed plans for police measures to secure Austria's border with Slovenia.⁹⁶

The plan was to be implemented in two stages. Initially it was about modifying the structures at the Spielfeld border crossing, stepping up patrols along border areas without checkpoints, erecting a four-kilometre border fence and preparing for the erection of a 25-kilometre fence. Preparations were also made to be able to erect the full 25-kilometre border fence in sections within 48 hours (AT EMN NCP, 2016:36–37).

4.2 Reception centres or other accommodation arrangements

Bypass power of the Federal State

The bypass power of the Federal State in the context of accommodating and allocating foreigners in need of aid and protection was adopted on 1 October 2015 (see also 3.2 above). Based on the bypass power, the Federal State can make living quarters available even if the provinces and municipalities are opposed to such action (AT EMN NCP, 2016:18).⁹⁷ This measure helped in particular to relieve the situation at the federal reception facilities, which had come under considerable pressure as a result of the drastic increase in influx of migrants seeking asylum and protection (AT EMN NCP, 2016:18).⁹⁸

95 Austrian Armed Forces, *EU-Außengrenzschutz: Doskozil verabschiedete Bundesheer-Kontingent nach Ungarn*. Press Release, Vienna, 3 November 2016, available at www.bundesheer.at/cms/artikel.php?ID=8606 (accessed on 3 August 2017).

96 Federal Ministry of the Interior, *Stärkung der Spezialisten im Kampf gegen den Terror*. Press Release, Vienna, 16 November 2015, available at www.bmi.gv.at/cms/bmi_asyl_betreuung/_news/bmi.aspx?id=31533330424C71626743343D&page=0&view=1 (accessed on 6 July 2017).

97 Federal Ministry of the Interior, *Durchgriffsrecht des Bundes tritt in Kraft*. Press Release, Vienna, 1 October 2015, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=4A436E364242646D4A52553D&page=13&view=1 (accessed on 6 July 2017).

98 News, *Durchgriffsrecht – was bedeutet das?*, 1 October 2015, available at www.news.at/a/asyl-durchgriffsrecht-sieben-fragen (accessed on 6 July 2017), Die Presse, *Asyl: Nationalrat beschließt Durchgriffsrecht des Bundes*, 23 September 2015, http://diepresse.com/home/innenpolitik/4827252/Asyl_Nationalrat-beschliesst-Durchgriffsrecht-des-Bundes (accessed on 6 July 2017).

The bypass power of the Federal State is defined in the Federal Constitutional Act concerning the accommodation and allocation of foreigners in need of aid and protection,⁹⁹ which entered into effect on 1 October 2015 and expires on 31 December 2018.

Halt on admission to the initial reception centre

The capacity of the Initial Reception Centre East at Traiskirchen was exceeded due to the increasing number of asylum applications, as well as challenges in the allocation of refugees to other provinces. The first halt on admission was imposed for that centre as of 30 July 2014. The Initial Reception Centre East at Traiskirchen was again filled beyond capacity in mid-2015.¹⁰⁰ Criticism of the situation at the reception centre came from several quarters.¹⁰¹ A renewed halt on admission, due to breach of public health regulations, was imposed for the Traiskirchen reception facility as of 4 August 2015 (AT EMN NCP, 2016:17).¹⁰²

The halt on admission in July 2014 and August 2015 had originally been intended to relieve pressure on the initial reception centre, which was

99 FLG I No. 120/2015.

100 Federal Ministry of the Interior, *Aktuelle Situation in Traiskirchen*. Press Release, Vienna, 16 October 2015, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=39774B6B766B6E723133493D&page=3&view=1 (accessed on 6 July 2017), Federal Ministry of the Interior, *Unterkünfte für Kriegsflüchtlinge*. Press Release, Vienna, 3 August 2015, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=5937366E4A303765737A6B3D&page=7&view=1 (accessed on 6 July 2017), Federal Ministry of the Interior/APA, *BMI-Menschenrechtskoordinator Walter Ruscher zur aktuellen Situation in Traiskirchen: Situation weiterhin prekär – Unterstützung notwendig*. Press Release, Vienna, 21 August 2015, available at www.ots.at/presseaussendung/OTS_20150821_OTS0080/bmi-menschenrechtskoordinator-walter-ruscher-zur-aktuellen-situation-in-traiskirchen-situation-weiterhin-prekaer-unterstuetzung-notwendig (accessed on 7 July 2017).

101 See Austrian Ombudsman Board, *Versorgung von UMF: Situation in Traiskirchen unerträglich*, available at <http://volksanwaltschaft.gv.at/artikel/versorgung-von-umf-situation-in-traiskirchen-unertraeglich> (accessed on 7 July 2017), Doctors without borders, *Bericht zur medizinisch-humanitären Lage im Erstaufnahmezentrum Traiskirchen August 2015*, available at www.aerzte-ohne-grenzen.at/sites/default/files/attachments/msf_traiskirchen_bericht_2015.pdf (accessed on 7 July 2017), Amnesty International, *QUO VADIS AUSTRIA? Die Situation in Traiskirchen darf nicht die Zukunft der Flüchtlingsbetreuung in Österreich werden*, available at www.amnesty.at/de/traiskirchen-bericht/ (accessed on 7 July 2017).

102 Federal Ministry of the Interior, *Aufnahmestopp Traiskirchen*. Press Release, Vienna, 4 August 2015, available at <http://bmi.gv.at/news.aspx?id=442F6370706A347747536F3D> (accessed on 27 February 2018).

full beyond capacity, and thus to relieve both the accommodated asylum seekers and neighbouring residents. The measures, particularly in the summer of 2015, were intended to ensure proper accommodation of asylum seekers.

Various emergency measures were adopted following the halt on admission, such as setting up “single points of contact” at the central police administration offices of the provinces, providing federal care at container sites and making living quarters available at police detention centres (AT EMN NCP, 2016:17).¹⁰³

Emergency measures for ensuring proper accommodation

In the face of a renewed sharp increase in asylum seekers, additional emergency measures were adopted in May 2015 by the “extended crisis board”. The primary intention was to ensure proper accommodation of foreigners seeking international protection or asylum, with the provision of permanent dwellings and prevention of homelessness being specified as priorities.¹⁰⁴

In light of this an appeal was made to the general population to provide accommodation space for asylum seekers. In addition, a 24/7 hotline was set up and information events were organized in individual municipalities.¹⁰⁵

New system of federal basic welfare support

A new system of federal basic welfare support was adopted as of 19 November 2014, under which the duty of establishing responsibility for asylum procedures was moved from the initial reception centres to the distribution centres in the provinces (AT EMN NCP, 2015:31).

The aim in introducing the new system was to avoid unnecessary transfers and to take pressure off the initial reception centres at Traiskirchen and Thalham (AT EMN NCP, 2015:29–30).¹⁰⁶ This was to ensure that,

103 Ibid.

104 Federal Ministry of the Interior, *Krisensitzung zur Versorgung der Kriegsflüchtlinge*. Press Release, Vienna, 15 May 2015, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=484C6B567A3057624445633D&page=61&view=1 (accessed on 6 July 2017).

105 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

106 See Federal Ministry of the Interior, *Neues Konzept der Grundversorgung: Verteilerquartiere nehmen Arbeit auf*. Press Release, Vienna, 17 July 2015, available at www.ots.at/presseaussendung/OTS_20150717_OT0034/neues-konzept-der-grundversorgung-verteilerquartiere-nehmen-arbeit-auf (accessed on 20 September 2017).

immediately after applying for asylum, new arrivals would be evenly distributed among the individual provinces (AT EMN NCP, 2015:31) (see also chapter 3.2).

Appointment of the refugee coordinator

The Federal Government appointed a refugee coordinator on 1 October 2015. This role was intended as a central coordination point for evaluating accommodation needs throughout Austria and for planning the availability of living quarters (Austrian Integration Fund, 2015:4).

At the time of appointment, it was planned that, “especially when advising and discussing with policymakers at federal, provincial and municipal levels and with representatives of non-governmental organizations”, the coordinator would “make efforts to ensure that refugees are accommodated and distributed within Austria in a uniform and fair manner and in accordance with the principles of human dignity and solidarity”.¹⁰⁷

4.3 More generalized reception conditions

Amendments to the Asylum Act

A key amendment to the Asylum Act in 2016 related to new provisions for introducing an initially limited-term residence status for persons granted asylum. Other amendments related to modified responsibilities for the Country of Origin Information Unit, a maximum duration for asylum procedures and measures to meet the increased demand for interpreters. Refer to section 2.2 for details.

107 Federal Ministry of Health, *Anfragebeantwortung durch die Bundesministerin für Gesundheit Dr. Sabine Oberhauser*. Press Release, Vienna, 19 November 2015, available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_06324/imfname_486789.pdf (accessed on 26 July 2017).

4.4 Registration of asylum seekers

Installation of a new border management system

A new border management system was installed in December 2015 at the Spielfeld crossing point on the border with Slovenia, with the aim of guaranteeing structured procedures for persons crossing the border (Federal Ministry of the Interior, 2016:19).

The new border management system was intended to guarantee structured procedures for foreign refugees crossing the border and seeking protection. The step was taken after border controls were re-introduced on the borders with Hungary and Slovenia. Specifically, a temporary infrastructure including a guarded entry and guidance system was erected (AT EMN NCP, 2017:12). The infrastructure includes a system for recording data on individuals who are not eligible to enter Austria and can consequently be rejected at the border. The Federal Ministry of the Interior notes that Austria intended from the very outset to register all persons entering Austria.¹⁰⁸

Trial operation of the border management system began on 20 January 2016. The border controls were set to be lifted in November 2017.¹⁰⁹

4.5 Asylum procedures

Additional “safe countries of origin”

The Regulation on Countries of Origin¹¹⁰ was amended as of 16 February 2016, thereby extending the list of “safe countries of origin” as defined in the Asylum Act. The amendment was intended to allow accelerated asylum procedures to be conducted for individuals from safe countries of origin, while the suspensory effect of a complaint lodged against

108 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

109 European Commission, *Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 et seq. of the Schengen Borders Code*, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms_notifications_-_reintroduction_of_border_control_en.pdf (accessed on 5 July 2017).

110 FLG I No. 47/2016.

a negative asylum decision can be lifted in such cases (AT EMN NCP, 2017:21). Refer to section 2.2 above for details.

Amendment of the right to family reunification

In response to the increase in asylum applications, provisions governing the reunification of family members were amended.¹¹¹ Refer to section 2.2 for details.

Further legal changes like the “asylum on time”

Among the legal amendments introduced between 2014 and 2016, especially the so called “asylum on time” is to be mentioned. Since 1 July 2016 the Asylum Act foresees in its Art. 3 para. 4 a right of residence that is initially limited to four years for persons granted asylum. Refer to section 2.2 for further details.

Return counselling

Return counselling became enshrined in law, specifically through an amendment to Art. 52a of the Federal Office for Immigration and Asylum Procedures Act as of 21 May 2015. Paragraphs 2 and 3 also now specify for the first time a compulsory return counselling session in certain cases for aliens who have been issued a return decision.¹¹² Return counselling centres are mandated with holding such sessions, and with “providing information on return options and advice on all related issues” (Art. 12 para. 3 Federal Basic Welfare Support Act¹¹³). Return counselling is provided in Austria by Caritas Austria and Verein Menschenrechte Österreich. With the aid of those organizations, it was possible to expand the system of return counselling to cover all of Austria;

111 Amendment of the Asylum Act 2005, des Aliens Police Act 2005 und des Federal Office for Immigration and Asylum-Procedure Act, 2016, Government Proposal – Preamble and Impact Evaluation, p. 3, available at www.parlament.gv.at/PAKT/VHG/XXV/II/I_00996/imfname_498907.pdf (accessed on 1 September 2017).

112 Resolution of the National Council from 21 May 2015 concerning a Federal Act with which the Act Establishing the Federal Office for Immigration and Asylum, the Federal Office for Immigration and Asylum Procedures Act, the Asylum Act 2005, the Aliens Police Act 2005, the Settlement and Residence Act and the Federal Basic Welfare Support Act 2005 are amended, available at www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR_00177/index.shtml (accessed on 6 December 2017).

113 Basic Welfare Support Act FLG I No. 405/1991, in the version of FLG I No. 145/2017.

the system is funded by the European Asylum, Migration and Integration Fund (AMIF) with co-funding by the Federal Ministry of the Interior in 2016.¹¹⁴

4.6 Infrastructure and personnel of the responsible authorities

Additional staff and branches of the Federal Office for Immigration and Asylum

To manage the increase in asylum applications, the staff of the Federal Office for Immigration and Asylum grew to almost three times the original number of 555 employees at the time of its establishment in 2014. As part of geographic expansion, seven new provincial branch offices were also established, while a standardized Austrian programme was developed for training staff members.¹¹⁵ This measure was primarily intended to cope with the increasing number of asylum applications and the resulting backlog of pending asylum procedures (AT EMN NCP, 2017:18).¹¹⁶

Staff expansion of the Federal Ministry of the Interior

Between March 2015 and March 2016, Department III/9 (Basic Welfare Support and Asylum Care) of the Federal Ministry of the Interior was expanded by the addition of 150 new employees and 37 new offices.

114 National Contact Point Austria in the European Migration Network (AT EMN NCP) 2017, *Annual Policy Report 2016*. IOM, Vienna. Available at www.emn.at/wp-content/uploads/2016/12/APR-2016_National-Report-Austria-Part-2_Final.pdf (accessed on 2 January 2018), Verein für Menschenrechte, *Rückkehrberatung*, available at www.verein-menschenrechte.at/rueck.html (accessed on 6 December 2017), Caritas, *Projekt „IRMA“ – Rückkehrberatung*, available at www.caritas.at/hilfe-beratung/migrantinnen-fluechtlinge/beratung-vertretung/rueckkehrhilfe-reintegration/irma-rueckkehrberatung/ (accessed on 6 December 2017).

115 Federal Office for Immigration and Asylum, „2016 – Das Jahr der Erweiterung“ *Das Bundesamt für Fremdenwesen und Asyl legt im 3. Jahr Bilanz*, available at www.bfa.gv.at/files/Statistiken/BFA_Jahresbilanz_2016.pdf (accessed on 10 July 2017).

116 Amendment of the Asylum Act 2005, des Aliens Police Act 2005 und des Federal Office for Immigration and Asylum-Procedure Act, 2016, Government Proposal – Preamble Committee Report of the National Council, p. 7 and 8, available at www.parlament.gv.at/PAKT/VHG/XXV/II/I_01097/fname_528037.pdf (accessed on 26 July 2017).

The goal here was to meet the challenge of providing care and accommodation to the increasing number of asylum seekers.

The department was subsequently restructured in 2016. One change was to set up regional management bodies in the provinces of Austria to act primarily as a point of liaison with the department units in Vienna as well as to ensure quality standards.¹¹⁷ It was also necessary to install a new training management system, including advanced training programmes in areas such as legal framework, compliance and specialized computer applications. Cooperation with other departments was made a special focus.¹¹⁸

Additional officers for border and aliens police duties

The increase in foreigners seeking protection in Austria also presented the police force with new challenges. In response, within the framework of an abbreviated programme, additional officers were trained for border and aliens police duties.

Two hundred new police officers began the six-month training course in border and aliens police duties on 1 January 2016. After completing their training, these officers were deployed to serve with the border and aliens police as well as to assist the security police in tasks such as surveillance.¹¹⁹

Staff expansion at the Federal Administrative Court

As early as the beginning of 2016, the staff of the Federal Administrative Court was expanded to cope with the significant challenges posed by

117 Federal Ministry of the Interior, *Künftige Herausforderungen in der Grundversorgung*. Press Release, Vienna, 13 June 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=4C6A69382F634356586B513D&page=5&view=1 (accessed on 10 July 2017), Federal Ministry of the Interior, *Starker Personalzuwachs erforderte neues Bildungsmanagement*. Press Release, 4 March 2016, available at www.bmi.gv.at/cms/bmi_asyl_betreuung/_news/bmi.aspx?id=6C386E7A455568686F5A453D&page=0&view=1 (accessed on 10 July 2017).

118 Federal Ministry of the Interior, *Starker Personalzuwachs erforderte neues Bildungsmanagement*. Press Release, 4 March 2016, available at www.bmi.gv.at/cms/bmi_asyl_betreuung/_news/bmi.aspx?id=6C386E7A455568686F5A453D&page=0&view=1 (accessed on 10 July 2017).

119 Federal Ministry of the Interior, *200 neue Polizisten für grenz- und fremdenpolizeiliche Aufgaben*. Press Release, 7 October 2015, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=6D5A69336350736A4771383D&page=11&view=1 (accessed on 10 July 2017).

proceedings in complaint cases, in particular related to immigration and asylum. The necessary legislation was adopted in May 2016.¹²⁰

The large number of cases being brought under asylum and aliens law was stated as the reason for the 2017 budget increase for the Federal Administrative Court, amounting to roughly 32 per cent or EUR 67.8 million. Legislators thus allowed the Federal Administrative Court to increase its staff by 120 planned positions.¹²¹ This increase resulted in a 2017 staff plan for the Federal Administrative Court that provided for a total of 591 planned positions (2016: 531), with 218 planned for judges (2016: 198).¹²²

4.7 Law enforcement

Target (or “maximum”) number of asylum applications in Austria

At the asylum summit on 20 January 2016, an extensive debate began over the target (or “maximum”) number of asylum seekers permitted in Austria.

In the face of the drastic increase in asylum applications, the Federal Government agreed on such a political target (or “maximum”) number to be admitted, which became effective as of 1 June 2016. The aim was to ensure the maintenance of public order and the protection of internal security (AT EMN NCP, 2017:19). The plan called for the number of refugees admitted to asylum procedures to be limited to a maximum target level of 1.5 per cent of the population – corresponding to 127,500 persons – for a planning period of four years. The corresponding number for 2016 was 37,500 (AT EMN NCP, 2017:19).

120 On 18 May 2016 the Federal Fiscal Framework Act 2017 to 2020 was decided as well as the amendment of the Federal Fiscal Framework Act 2016 to 2019 and of the Federal Fiscal Act, FLG. I No. 34/2016.

121 Federal Administrative Court of the Republic of Austria, *Tätigkeitsberichte*, available at www.bvwg.gv.at/allgemeines/taetigkeitsbericht/taetigkeitsbericht_start.html (accessed on 13 January 2018).

122 Budget committee: More staff for the Federal Administrative Court, Correspondence with the Parliament Nr. 1222 from 15 November 2016, www.parlament.gv.at/PAKT/PR/JAHR_2016/PK1222/ (accessed on 5 December 2017).

The 2016 amendment to the Asylum Act¹²³ included emergency provisions, which would take effect if the target (or “maximum”) number were reached. In the end, however, no such legal state came into effect in 2016, since the set number was never reached (AT EMN NCP, 2017:19).

4.8 Integration measures for asylum seekers

During the period under study here, integration measures in Austria were heavily expanded. While the measures listed below are aimed at persons granted asylum and beneficiaries of subsidiary protection, and thus not at the target group of this EMN study, the programmes were in fact implemented in response to the sharp increase in asylum applications. They are thus described here briefly in order to provide a complete picture.

Recognition of foreign graduation certificates

The Act on Recognition and Assessment of Qualifications¹²⁴ entered into force on 12 July 2016, facilitating procedures for the recognition of graduation certificates from other countries and introducing special procedures for persons granted and beneficiaries of subsidiary protection who, because of having had to flee their countries, are no longer able to present any documents certifying their qualifications (AT EMN NCP, 2017:5–6).¹²⁵

One of the aims in introducing the new Act was to facilitate evaluation of individuals with qualifications acquired in other countries. Another aspect was to support such persons in finding employment matching their qualifications as well as to promote labour market integration in general. One of the main objects of this was to prevent poor pay and working conditions as well as under-qualified employment from impeding migrants’

123 FLG I No. 100/2005, in the version of FLGI No. 24/2016.

124 FLG. I. No. 55/2016.

125 Federal Ministry for Europe, Integration and Foreign Affairs, *Anerkennungs- und Bewertungsgesetz im Ministerrat beschlossen*. Press Release, Vienna, 12 April 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/04/aner kennungs-und-bewertungsgesetz-im-ministerrat-beschlossen/ (accessed on 11 July 2017), [HELP.gv.at](http://www.help.gv.at), *Anerkennungs- und Bewertungsgesetz u. a. – beschlossene Neuerungen*, available at www.help.gv.at/Portal.Node/hlpd/public/module?genetics.am=Content&p.contentid=10007.189679#Veroeffentlichung (accessed on 11 July 2017).

integration. The ultimate aim was to ensure that migrants’ “labour market potential” is better utilized.¹²⁶

“Integration funding pot”

In response to the drastic increase in asylum seekers in 2015, several integration measures were enacted to specifically target persons granted asylum and beneficiaries of subsidiary protection (AT EMN NCP, 2017:29–31). During the closed government consultations on 11 September 2015, a 75-million-euro facility known as the “integration funding pot” was set up to provide funding for projects initiated by any ministry. This funding facility was intended to help the Federal State, the provinces and municipalities to strengthen and expand existing schemes and structures (Republic of Austria, 2015:2).

50-Point Plan for the integration of persons granted asylum and beneficiaries of subsidiary protection

On 19 November 2015, a 50-Point Plan was adopted to serve as a nationwide strategy for the integration of persons granted asylum and beneficiaries of subsidiary protection (Expert Council for Integration, 2016:39). The plan, it is claimed, was in response to the increasing number of persons granted asylum (Federal Ministry for Europe, Integration and Foreign Affairs, 2015:4).

The focus of the 50-Point Plan is the integration of recognized refugees, which is referred to as a “growing challenge for societal cohesion and for ensuring social peace in Austria” (Federal Ministry for Europe, Integration and Foreign Affairs, 2015:4). The need for a strategy became more urgent as the numbers of persons granted asylum and of applications for family reunification increased in the years 2014 and 2015. The goal of the plan is to take on the challenge of integrating persons granted asylum while clearly defining the obligations of both the state and asylum seekers (Federal Ministry for Europe, Integration and Foreign Affairs, 2015:4). The plan specifies measures based on the seven fields of action set forth in the National Action Plan for Integration (NAP.I) (Federal Ministry for Europe,

126 Recognition and Assessment Act and Amendment of the Federal Act on the External Quality Assurance in Higher Education 2016 Government Proposal, Explanatory Notes, p. 1, available at www.parlament.gv.at/PAKT/VHG/XXV/1/I_01084/fname_524424.pdf (accessed on 27 July 2017).

Integration and Foreign Affairs, 2015:8). Special emphasis is placed on language acquisition, labour market integration and the communication of values.¹²⁷

4.9 Further measures

Working meeting of the heads of police in Balkan states

The heads of police from several countries along the Balkan route were invited to a working meeting by the Federal Ministry of the Interior, with the aim of strengthening international cooperation in the interests of combating “uncontrolled migration” and establishing control over the situation along the Balkan route.

The meeting on 30 July 2016 in Vienna was attended by representatives from Bulgaria, Croatia, Czechia, Greece, Hungary, the former Yugoslav Republic of Macedonia, Poland, Romania, Serbia, Slovakia and Slovenia as well as representatives of the European Police Office (EUROPOL) and the European Border and Coast Guard Agency (FRONTEX).¹²⁸

The meeting closed with a Joint Declaration on Managing Migration Flows, a commitment by the participants to consult on further measures for controlling migration flows and to support heavily affected countries. The measures include the posting of officers to borders especially affected, more detailed exchange of information (also with FRONTEX and EUROPOL), closer cooperation on the immediate return of migrants, as well as more stringent border controls and surveillance (see also section 3.3).¹²⁹

127 Federal Ministry for Europe, Integration and Foreign Affairs, *50-Punkte Plan im Ministerrat angenommen*. Press Release, Vienna, 9 January 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/01/50-punkte-plan-im-ministerrat-angenommen/ (accessed on 11 July 2017).

128 Federal Ministry of the Interior, *Polizeichefs der Balkanstaaten: Unkontrollierte Migration verhindern*. Press Release, Vienna, 30 July 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=72304A4E505470545333673D&page=2&view=1 (accessed on 13 July 2017).

129 Police Chiefs Meeting 2016, *Joint Declaration on Managing Migration Flows*, available at www.bmi.gv.at/cms/cs03documentsbmi/1858.pdf (accessed on 13 July 2017).

Information initiative in Afghanistan

In March 2016, the Federal Ministry of the Interior launched an information campaign in Afghanistan to dispel false expectations of potential migrants, thereby reducing irregular migration.¹³⁰ The campaign seeks to inform residents of Afghanistan about laws, rules and obligations applying in Austria, as a counterbalance to the information provided by human smugglers. Use is made of slogans such as “Austria now with even stricter asylum laws” and “False information by people smugglers leads to false expectations at home”.

The methods used to spread information include the following: 16-sheet billboard advertising in Afghanistan’s five largest cities, online advertising on as many as 1,000 websites in Afghanistan via Google Display Network, newspaper ads, outdoor advertising on Kabul civic buses, short TV features (including in the context of news broadcasts spotlighting illegal migration and returnees from Europe) and social media channels in the national language (for example on Facebook and Twitter).¹³¹

Reinforced measures for reintegration

Since early 2016, Austria has been involved in the European Reintegration Network (ERIN), a return and reintegration programme at European level. Furthermore, the budget for voluntary return has been increased (Lukits, 2016:16). Between June 2016 and June 2017, a total of 449 individuals who had returned from Austria to their home countries applied for ERIN reintegration assistance. During the same period, 291 reintegration plans were processed and approved.¹³²

In such cases the Federal Ministry of the Interior serves as an information point and central coordination office and is responsible for approving each of the returnees’ reintegration plans.¹³³

130 Federal Ministry of the Interior, *Innenministerium startet Informations-Offensive in Afghanistan*. Press Release, Vienna, 1 March 2016, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=477833493269586B2B2F6F3D&page=129&view=1 (accessed on 11 July 2017).

131 Ibid.

132 Federal Ministry of the Interior, *spezifische Maßnahme – ERIN*, available at www.bmi.gv.at/107/EU_Foerderungen/Finanzrahmen_2014_2020/AMIF/ERIN.aspx (accessed on 7 December 2017).

133 Ibid.

5. MEASURES IN RETROSPECT

The following section of the EMN study highlights the period after the specific measures were implemented, examining in retrospect the effectiveness of the measures described in chapter 4 and how these programmes were managed at administrative level.

5.1 Effectiveness of implemented measures

Due to the scale and quantity of measures taken, these cannot be evaluated in detail in terms of their effectiveness within the specified framework for this study. Measures are instead evaluated here by way of example, based on estimates by the Federal Ministry of the Interior.

Regarding basic welfare support, Austria is today even better prepared as a result of having experienced large numbers of asylum applications in the 2014–2016 period.¹³⁴ The Federal Ministry of the Interior pointed out that a situation of this kind could only be managed through combined efforts with civil society stakeholders.¹³⁵

According to information of the Federal Ministry of the Interior, ongoing consultations were held with relevant non-governmental organizations even before the increased influx. Such talks became more frequent as the number of migrants rose, giving way to an ongoing exchange on how to jointly cope with the challenge. The main concerns were ensuring accommodation and initial care at the border, while focusing in particular on especially vulnerable individuals. These plans were implemented in practice through written agreements and within the framework of project.¹³⁶

One of the secondary questions asked in the common study template is whether the changing influx of asylum seekers has brought about changes in other national policy areas.

134 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

135 Ibid.

136 Ibid.

In Austria, the increase in asylum seekers during the period under study here led to changes in the national policy applying to family reunification. The rules applying to family members wishing to join relatives in Austria were modified as a result of an amendment effective as of 1 June 2016 (see section 2.2 for details). These changes were in response to the increase, seen in 2015, in the number of applications for family reunification from beneficiaries of subsidiary protection and persons granted asylum. Whereas 1,970 applications under the Asylum Act were made in 2014, this number increased almost four-fold in 2015 to total 7,803 (AT EMN NCP, 2017:10–11). Moreover, an initially limited-term right of residence was enacted for persons granted asylum (see section 2.2 above for details).

In light of this, the Federal Ministry of the Interior stresses the urgent need, particularly in view of such increased numbers of applications, for finding common solutions at EU level in order to prevent an uncontrolled influx into Europe from the outset.¹³⁷

5.2 Administrative management of measures

The following section reviews how the measures were funded and administrated.

The measures were largely funded through national budgets. Austria also received emergency support¹³⁸ from the European Commission for measures related to asylum and basic welfare support.¹³⁹

The rise in the influx of asylum seekers led to a considerable increase in the burden on Austrian administration authorities. The main step taken to respond to this additional burden was to recruit more staff (see section 4.6 above for details).

Specifically, the staff of Department III/9 (Asylum Care), within the Federal Ministry of the Interior, was expanded and the department subsequently restructured in 2016. In this context, special emphasis was

137 Ibid.

138 Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0369&from=EN> (accessed on 1 December 2017).

139 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

put on measures for basic and advanced training and on cooperation with other departments (AT EMN NCP, 2017:18).

The staff of the Federal Office for Immigration and Asylum has also been increased to almost three times its original size, in order to manage the growing number of asylum applications. Both the personnel and budget resources allocated to the Federal Administrative Court have increased considerably.

A related administrative agreement was signed in November 2014, providing for the transfer of staff from the Federal Ministry of Defence and Sports. Subsequently, by the end of 2014, employees of that ministry were transferring voluntarily to the Federal Office for Immigration and Asylum by way of reinforcement, with their salaries continuing to be paid by the Ministry of Defence while they were being assigned their new duties.¹⁴⁰

In addition, a standardized Austrian programme was developed to train the new staff. The four-month course consists of classroom instruction and a practice-oriented phase. The newly trained employees are also supported by team leaders or tutors (AT EMN NCP, 2017:18).¹⁴¹

Finally, the increase in foreigners seeking protection also presented the police force with new challenges. In response, additional officers were trained for border and aliens police duties within the framework of an abbreviated programme beginning on 1 January 2016. From September 2015 onwards, staff of the police administration of the provinces worked a total of 150,000 overtime hours each month. To provide additional support, the Austrian Federal Government deployed 2,200 soldiers from the armed forces to assist them with their duties.¹⁴²

140 Federal Office for Immigration and Asylum, *87 neue Mitarbeiterinnen und Mitarbeiter für Bundesamt für Fremdenwesen und Asyl*. Press Release, Vienna, 29 November 2014, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=64432F7155503034314D733D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=8 (accessed on 2 August 2017).

141 Federal Office for Immigration and Asylum, 2017. „2016 – Das Jahr der Erweiterung“ *Das Bundesamt für Fremdenwesen und Asyl legt im 3. Jahr Bilanz*, available at, www.bfa.gv.at/files/Statistiken/BFA_Jahresbilanz_2016.pdf (accessed on 14 September 2017).

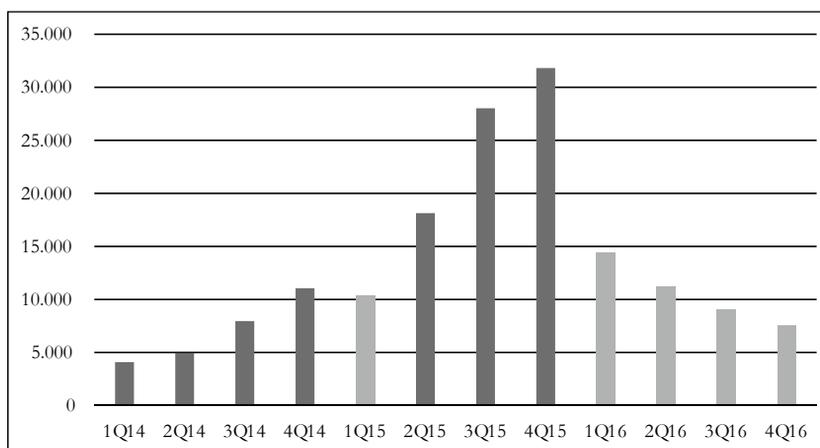
142 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

5.3 Impact of a decrease in applications

The following section deals with any possible decrease in the number of applications during the period under study, to determine whether there was any such decrease and, if so, whether this has had an impact on the measures introduced earlier in response to the increased number of applications.

During the three-year period from 2014 to 2016, Austria recorded a significant and almost continuous increase in asylum applications, which lasted until the fourth quarter of 2015. The number rose from 4,088 in the first quarter of 2014 to 31,811 in the final quarter of 2015, representing a more than seven-fold increase. There was a slight decrease only in the first quarter of 2015 (see figure below).

Figure 4: Number of asylum applications in Austria in the period 2014–2016 (by quarter)



Source: Federal Ministry of the Interior, Asylum Statistics (Asylstatistik), available at www.bmi.gv.at/301/Statistiken/start.aspx#pk_2014 (accessed on 21 September 2017).

The trend started to reverse in 2016. The number of asylum applications fell considerably, by more than half, in the first quarter of 2016 and continued to decrease thereafter. By the fourth quarter of that year, only 7,528 asylum applications were filed: a figure comparable to that recorded in the third quarter of 2014.

Despite the relative decrease in asylum applications, 7,528 in the final quarter of 2016 is nonetheless a high level when compared with other

European countries. This puts Austria in sixth place among EU Member States as well as Switzerland, Liechtenstein, Iceland and Norway, and therefore ahead of Sweden, the Netherlands and Spain.¹⁴³

The Federal Ministry of the Interior observes that the decrease in applications did in fact relieve pressure considerably in several areas, such as allocation of living quarters, provision of special transport and staffing at borders. The measures have been maintained in part, however, due to the consistently large numbers of outstanding cases, for example involving procedures awaiting completion. In addition, an increased workload has reportedly again been experienced in other areas such as the removal of rejected applicants or managing integration measures, and this is why the measures are to be maintained for the time being.¹⁴⁴

This stands in contrast to the accommodation situation: some facilities for asylum seekers, both those run by federal and by provincial authorities, have now been closed down. The Austrian Broadcasting Corporation (ORF) reports, for example, the closure of asylum accommodation facilities due to a decrease in applications. The asylum residences at Neulengbach (in the St. Pölten district) and on the grounds of Melk Monastery are specifically mentioned. The ORF reports that 20 residences for asylum seekers and six for unaccompanied minor refugees have closed since the start of 2017. The shutdown is only temporary, however, according to the minister of Lower Austria with portfolio. He stated that, “In consultation with the Federal Ministry of the Interior, we will continue to observe international developments and reserve the necessary accommodation capacities in accordance with our responsibility as government of the province.”¹⁴⁵

143 EUROSTAT, *Asylum and first time asylum applicants by citizenship, age and sex, monthly data (rounded)*, available at http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyappctzm&lang=en (accessed on 7 December 2017).

The number of asylum applications for the fourth quarter 2016 result from the addition of the respective monthly numbers. The comparison of the results of the individual countries result in the following order (here up to place ten): (1) Germany: 82,656, (2) Italy: 38,305, (3) France: 21,675, (4) Greece: 20,610, (5) United Kingdom of Great Britain and Northern Ireland: 9,495, (6) Austria: 7,520, (7) Sweden: 6,630, (8) Netherlands: 5,940, (9) Switzerland: 5,810, (10) Spain 5,260.

144 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

145 noe.ORF. *Immer mehr Asylquartiere stillgelegt*, 3 September 2017, available at <http://noe.orf.at/news/stories/2863842/> (accessed on 14 September 2017).

The European Union Agency for Fundamental Rights (FRA) also reported, in August 2017 and based on information from the Federal Ministry of the Interior, the closure of six of the 11 federal reception facilities for persons with enhanced care needs, with the low number of vulnerable persons requiring enhanced care being given as the reason.¹⁴⁶

Authorities in some provinces are also considering closing down private accommodation facilities in order to make better use of capacities in organized facilities. The FRA accordingly reports the decision by the Province of Carinthia to prohibit the accommodation of asylum seekers in private residences, in order to avoid having to close newly erected reception centres.¹⁴⁷

146 European Union Agency for Fundamental Rights, *Monthly data collection on the current migration situation in the EU – August 2017 Highlights*, available at <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews> (accessed on 14 September 2017).

147 Ibid.

6. PROSPECTS

The final chapter of this EMN study takes a look forward to examine how well EMN member states, in this case Austria, are prepared to respond to any renewed increase in the number of asylum seekers in future. As in every EMN study, the final section describes special challenges and good practices.

6.1 Emergency mechanisms

As a result of the changing influx between 2014 and 2016, Austria has put in place new structural (emergency planning) mechanisms to be prepared for any changing influx of asylum seekers in future.

The first item to mention is the emergency regulation, which was introduced as of 20 May 2016 through amendments to the Asylum Act, the 2005 Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act.¹⁴⁸ Article 36 of the Asylum Act allows an emergency regulation to be adopted if the maintenance of public order and the protection of internal security are jeopardized, as a result of the number of asylum applications. Such a regulation is to be passed when the “maximum” number of 37,500 refugees in 2016 is reached.¹⁴⁹ The possibility of obtaining asylum in Austria would be greatly limited if such an emergency regulation were indeed issued (see Art. 39–40 Asylum Act). The Federal Government and the Main Committee of the National Council maintain joint responsibility for issuing an emergency regulation (Art. 36 para 1 Asylum Act).

In addition, the Federal Ministry of the Interior reports that extensive measures have been taken to ensure swift completion of procedures and to

148 FLG I Nr. 24/2016.

149 Republic of Austria. 2016. *Asylgipfel am 20. Jänner 2016 Gemeinsame Vorgangsweise von Bund, Ländern, Städten und Gemeinden*, S. 2–4, available at www.bmdw.gv.at/Presse/Documents/Asylgipfel%20-%20Gemeinsame%20Vorgehensweise%20Bund,%20L%C3%A4nder,%20St%C3%A4dte%20und%20Gemeinden.pdf (accessed on 12 January 2017).

guarantee the provision of care. The ministry underscores Austria's intention to put in place at European level a system capable of meeting any crisis in order to avoid a situation such as occurred in 2015 and 2016.¹⁵⁰

6.2 Planned measures

Additional measures are also planned for the future. Measures in the areas of removal and integration are planned or already being implemented. The focus, according to the Federal Ministry of the Interior, will be on measures to support and step up the removal of rejected asylum seekers.¹⁵¹

Mention is made here of legislative changes, specifically the amendments included in the 2017 Act Amending the Aliens Law.¹⁵² Numerous amendments are planned in this context, including changes to the responsibilities of the youth welfare authorities (Art. 12 para 3 Aliens Police Act), a visa for particularly exceptional circumstances (Art. 20 Aliens Police Act), detention pending removal in cases of “any criminal conviction” (Art. 76 para 2a and 3 subpara 8 Aliens Police Act) and procedures for withdrawing asylum status after a shorter decision period (Art. 7 Asylum Act; Art. 21 Federal Office for Immigration and Asylum Procedures Act).

The introduction of the new 2017 Integration Act¹⁵³ during the first six months of the year involved a number of new measures. As stated in Art. 1 of the Integration Act, the purpose is to “rapidly integrate into Austrian society persons legally residing in Austria”. Another main goal is to encourage integration, specifically by offering integration measures and introducing an integration obligation, in other words, the requirement for individuals to actively cooperate in integration. An example here is Art. 4–6 of the act, where support in language acquisition and orientation is specified for persons granted asylum and beneficiaries of subsidiary protection, as well as the obligation to cooperate in such measures and possible sanctions.

150 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

151 Ibid.

152 FLG I No. 145/2017.

153 Amendment of the Integration Act, FLG I No. 86/2017. The amendment of the Integration Act in Austria was decided on 28 March 2017 and became effective on 9 June 2017.

6.3 Special challenges

With regard to the main challenges needing to be overcome in designing and implementing measures to manage the situation in 2014–2016, the Federal Ministry of the Interior refers primarily to the very large number of persons seeking protection who entered the country.¹⁵⁴ Another main challenge cited was the need to manage migrant flows so that the system does not collapse. Other special challenges mentioned include the need to provide people with suitable accommodation and to register them and verify their identities.¹⁵⁵

Further challenge is the return of persons, without the requirement for protection after finalization of the procedure, where a legally binding decision exists. In these cases, priority is given to voluntary return – also with regard to the implementation of EU requirements. Only when the voluntary departure is not performed, a compulsory return is initiated in the final consequence, if legally and factually possible.¹⁵⁶

6.4 Good practices

The Federal Ministry of the Interior is able to identify several good practices in responding to the changing influx of asylum seekers to Austria.

The good practice examples mentioned include setting up the various boards (see section 3.1) as well as the joint efforts with various stakeholders in pursuing common goals.¹⁵⁷

The partner policy agreed with Slovakia in the area of asylum is also an example of good practice, in the view of the Ministry of the Interior.¹⁵⁸ As described above in section 3.3, a cooperation agreement was signed on 21 July 2015 between Austria and neighbouring Slovakia, stipulating that 500 asylum seekers from the Traiskirchen reception centre in Austria would receive accommodation and care in Slovakia.

154 Interview with Hilbert Karl, Federal Ministry of the Interior, 27 November 2017.

155 Ibid.

156 Ibid.

157 Ibid.

158 Ibid.

ANNEX

A.1 List of translations and abbreviations

English term	English abbreviation	German term	German abbreviation
Act Amending the Aliens Law	-	Fremdenrechtsänderungsgesetz	FrÄG
Act on Recognition and Assessment of Qualifications	-	Anerkennungs- und Bewertungsgesetz	AuBG
administrative agreement	-	Verwaltungsübereinkommen	-
Aliens Police Act	-	Fremdenpolizeigesetz	FPG
aliens/foreigners	-	Fremde	-
Asylum Act	-	Asylgesetz	AsylG
Asylum and Alien Law	-	Asyl- und Fremdenrecht	-
asylum seeker	-	AsylwerberIn	-
Austrian Broadcasting Corporation	ORF	Österreichische Rundfunk	ORF
Austrian Federal Railways	-	Österreichische Bundesbahn	ÖBB
Austrian Integration Fund	-	Österreichischer Integrationsfonds	ÖIF
Austrian Red Cross	-	Österreichisches Rotes Kreuz	-
basic welfare support	-	Bundesgrundversorgung	-
Basic Welfare Support Agreement	-	Grundversorgungsvereinbarung	GVV
bypass power		Durchgriffsrecht	
Central European Initiative	CEI	Zentraleuropäische Initiative	ZEI
Common European Asylum System	CEAS	Gemeinsames Europäisches Asylsystem	GEAS
complaint	-	Beschwerde	-
confer/compare	cf.	vergleiche	vgl.
Emergency regulation		Notverordnung	
European Asylum Support Office	EASO	Europäisches Unterstützungs-büro für Asylfragen	EASO
European Asylum, Migration and Integration Fund	AMIF	Asyl-, Migrations-und Integrationsfonds	AMIF
European Border and Coast Guard Agency	FRONTEX	Europäische Agentur für die Grenz- und Küstenwache	FRONTEX
European Commission	-	Europäische Kommission	-
European Committee of the Regions	-	Ausschuss der Regionen	-
European Convention on Human Rights	-	Europäische Menschenrechts-konvention	EMRK

English term	English abbreviation	German term	German abbreviation
European Council		Europäischer Rat	-
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Parliament	-	Europäisches Parlament	-
European Police Office	EUROPOL	Europäisches Polizeiamt	EUROPOL
European Reintegration Network	ERIN	Europäischen Reintegrationsnetzwerk	ERIN
European Social and Economic Committee	-	Europäischer Wirtschafts und Sozialausschuss	-
European Union	EU	Europäische Union	EU
European Union Agency for Fundamental Rights	FRA	Europäische Grundrechtsagentur	FRA
Expert Council for Integration	-	Expertenrat für Integration	-
family members		Familienangehörige	-
family reunification	-	Familienzusammenführung	-
Federal Act	-	Bundesgesetz	-
Federal Administrative Court	-	Bundesverwaltungsgericht	BVwG
Federal Asylum Review Senate	-	Bundesasylsenat	-
Federal Chancellery	-	Bundeskanzleramt	-
Federal Constitutional Act	-	Bundesverfassungsgesetz	-
Federal Criminal Police Office	-	Bundeskriminalamt	-
Federal Basic Welfare Support Act	-	Grundversorgungsgesetz – Bund 2005	GVGB
Federal Law Gazette	-	Bundesgesetzblatt	BGBl.
Federal Ministry for Europe, Integration and Foreign Affairs	-	Bundesministerium für Europa, Integration und Äußeres	BMEIA
Federal Ministry of Defence and Sports	-	Bundesministeriums für Landesverteidigung und Sport	BMLVS
Federal Ministry of Health	-	Bundesministerium für Gesundheit	-
Federal Ministry of the Interior	-	Bundesministerium für Inneres	BMI
Federal Office for Immigration and Asylum	-	Bundesamt für Fremdenwesen und Asyl	BFA
Federal Office for Immigration and Asylum Procedures Act		BFA-Verfahrensgesetz	BFA-VG
Federal Office for Protection of the Constitution and Counterterrorism	-	Bundesamts für Verfassungsschutz und Terrorismusbekämpfung	-
final	-	rechtskräftig	-
Geneva Refugee Convention	-	Genfer Flüchtlingskonvention	GFK
Integration Act	-	Integrationsgesetz	-

English term	English abbreviation	German term	German abbreviation
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
National Action Plan for Integration	NAPI	Nationaler Aktionsplan für Integration	NAPI
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
no date	n.d.	Ohne Jahresangabe	o.J.
non-governmental organization	NGO	Nichtregierungsorganisation	NRO
persons granted asylum	-	Asylberechtigte	-
persons granted subsidiary protection	-	subsidiär Schutzberechtigte	-
police administration(s) of the provinces	-	Landespolizeidirektion(en)	-
Police Cooperation Convention for Southeast Europe	PCC SEE	Polizeikooperationskonvention für Südosteuropa	PCC SEE
procedure for withdrawing asylum status	-	Aberkennungsverfahren	-
Professional Firefighters' Association	-	Bundesfeuerwehrverband	-
province	-	Bundesland	-
Regulation on Countries of Origin	-	Herkunftsstaaten Verordnung	HStV
resettlement	-	Neuansiedlung	-
return decision	-	Rückkehrentscheidung	-
Settlement and Residence Act	-	Niederlassungs und Aufenthaltsgesetz	NAG
system for comparing fingerprint data of applicants for asylum	Eurodac	System zum Abgleich der Fingerabdruckdaten von Asylwerbern	Eurodac
third-country national		Drittstaatsangehörige/r	-
UN Security Council	UNSC	UN-Sicherheitsrat	-
unaccompanied minors	-	unbegleitete Minderjährige	-
United Nations High Commissioner for Refugees	UNHCR	Flüchtlingshochkommissariat der Vereinten Nationen	UNHCR
Workers' Samaritan Organization	-	Arbeitersamariterbund	-

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- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, 29 June 2013, L 180/60.
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