Katerina Kratzmann, Elisabeth Petzl, Mária Temesvári

PROGRAMMES AND STRATEGIES IN AUSTRIA FOSTERING ASSISTED RETURN TO AND RE-INTEGRATION IN THIRD COUNTRIES

The EMN was established via Council Decision 2008/381/EC and is financially supported by the European Union.
The EMN National Contact Point Austria is co-financed by the Austrian Federal Ministry of the Interior.

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The opinions presented in the national study are those of the National Contact Point Austria and do not necessarily represent the position of the Austrian Federal Ministry of the Interior.

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EMN Information

The EMN was launched in 2003 as a pilot project and was formally established by Council Decision 2008/381/EC[1] in May 2008. "As stipulated in Council Decision 2008/381/EC, the objective of the EMN is to meet the information needs of Union institutions and of Member States' authorities and institutions on migration and asylum, by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN will also serve to provide the wider public with such information."[2]

The EMN is co-ordinated by the European Commission (under the direct responsibility of the Directorate General for Justice, Freedom and Security) with the assistance of two service providers,[3] and is overseen by the EMN Steering Board. The EMN Steering Board is chaired by the Commission and consists of one representative from each Member State[4] and observers from Denmark[5] and the European Parliament. The role of the Steering Board is to provide political guidance, ensuring the link between the policy relevance and the activities undertaken, as well as contributing to the EMN's annual work programme.

At present the EMN consists of 26 National Contact Points, which are established in 26 EU Member States, with each one composed of at least three experts. The EMN NCPs have been designated by the government

1 Council Decision establishing a European Migration Network, 2008/381/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServdo?uri=CELEX:32008D0381:EN:NOT

2 European Commission: EMN Status Report 2009, Version 1, April 2010, p.6.

3 In 2009, the European Commission appointed GHK-COWI (increase the coordination capacity of the network and to produce the Synthesis Reports and other outputs in a timely manner) and iLiCONN (develop an Information Exchange System and an EMN Website) as Service Providers.

4 Initially Ireland did not participate in the adoption of the Council Decision in May 2008, instead notifying its willingness to opt-in in July 2008. This was finally concluded through Commission Decision C(2009)2708 and published in the Official Journal (L108/53 of 29th April 2009).

5 Even though Denmark is not formally required to designate an EMN NCP, nevertheless they do take part in some EMN activities and meetings.

of their Member State; in Austria the EMN NCP is based at the International Organization for Migration (IOM) in Vienna.[6] The core activities of the EMN NCPs include the preparation of Annual Policy Reports and Annual Reports on Asylum and Migration Statistics, undertaking research and draft studies addressing specific themes of relevance to policy developments, issuing ad-hoc queries and responding to such requests from other EMN NCPs. And last but not least, the NCPs are establishing a national network composed of organisations, institutions and individuals active in the area of migration and asylum.

The EMN NCPs do not engage in primary research, but rather collect, gather and evaluate pre-existing data. EMN Studies such as "Programmes and Strategies fostering Assisted Return to and Re-integration in Third Countries" are developed according to a common methodology in order to have comparable findings. To increase the comparability of the outputs, a Glossary has been launched. Specifications for studies and reports are developed by the EMN NCPs in co-operation with the European Commission.

Using these agreed specifications, each EMN NCP produces a national report which, whenever possible, is in co-operation with their national network members. A synthesis report is then prepared by the European Commission with the service provider GHK-COWI giving the key findings from each national report, highlighting the most important aspects and placing them within an EU perspective.

All national and synthesis reports are available on the EMN website.[7]

6 For more information on the EMN NCP AT visit www.emn.at and for more information on the IOM Vienna visit www.iomvienna.at

7 For more information on the EMN visit http://emn.sarenet.es/html/index.html

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Foreword

Dear Reader,

This national study has been produced within the framework of the European Migration Network. It provides information about the terminology concerning Assisted Return in Austria and offers a broad overview of the legal framework, Assisted Return measures and available data mainly focusing on the year 2009.

After an introduction and an elaboration of the methodology in the first chapter, the definitions, categories and existing data on Assisted Return are described in the second chapter. The third chapter sums up the political and legal framework and the influence of European policy and legislation. Furthermore, the main actors and Assisted Return activities are described. The fourth chapter deals with the organisation of Assisted Return. The information is provided in three parts: the motives of returnees and the State; organisational, ethical and legal obstacles to Assisted Return; and Assisted Return procedures for four different categories of returnees. In the fifth chapter, re-integration measures and the sustainability of Assisted Return are analyzed.

In total, 22 National Contact Points of the European Migration Network have produced a study on "Programmes and Strategies in the EU Member States fostering Assisted Return to and re-integration in third countries" detailing developments in their respective Member States. The study will form the basis for a synthesis report developed by the European Commission, which offers a comparison of the different measures and implementation methods concerning Assisted Returns in the EU Member States. Both the national report as well as the synthesis report aim at presenting an objective, scientific and reliable perspective of the debates on return policies.

The present national report was drafted by Elisabeth Petzl (Researcher), Mária Temesvári (Legal Adviser) and I. Special thanks go to the experts who were consulted through interviews for providing valuable input to the study and to Daniela Blecha, Andrea Götzelmann, Katie Rogers and Katharina Benedetter, all from IOM Vienna, who further contributed to the compiling of information and the drafting of the study. We also thank

Franz Buchmayer (Federal Ministry of the Interior) and Peter Zimmermann (IOM Vienna) for the support in the preparation of the statistics.

Dr. Katerina Kratzmann
Head of Research, IOM Vienna
Coordinator of the National Contact Point Austria

1. Introduction: Purpose and Methodology

1.1 Purpose

The purpose of the study is to increase knowledge across the EU Member States about programs and strategies to foster and facilitate the Assisted Return of migrants and asylum applicants. The outcomes will provide policy makers and institutions with objective information and support the development of policy measures. The national report contributes to a synthesis report of the varying practices of Assisted Return that are in place in Europe, which can provide examples towards enhanced co-operation and synergies between EU Member States. In addition, the synthesis report may contribute to a consistent overview of good practices on Assisted Return in Europe.

1.2 Methodology

This report is a follow-up on the national report "Return Migration in Austria"[8] published in 2006. While the former report also included aspects of forced return, this report only focuses on Assisted Return measures. In accordance with the approach of the EMN, it provides an objective description of current developments based on desk research. The report is based on up-to-date information available from sources at a national and international level including publications, existing studies and statistics, press and other media documents as well as Internet sources. During the desk research it became apparent that publications and studies on Assisted Return and re-integration in Austria are very limited. The available material consists mainly of technical and annual reports from return and re-integration projects,[9] analytical or scientific approaches towards Assisted Return

8 IOM Vienna: Return Migration in Austria, Vienna 2006, available at www.emn.at/studien.html

9 IOM: Assisted Voluntary Return Programme – Trends, Vienna 2006, available at www.iomvienna.at/images/stories/AVR_trends_2006_EN.pdf. Assisted Voluntary Return Programme, Annual Report 2005, available at www.iomvienna.at/images/stories/Schlussbericht_AHVR_2005_en_website.pdf

are rarely to be found.[10] To fill this lack of scientific empirical research at least in parts, the information gained through desk research is completed by qualitative semi-structured face-to-face interviews, last but not least in order to provide a thorough overview of actors involved in Assisted Return and re-integration programs and strategies in Austria. The sample included ten professionals, namely:

- Norbert Ceipek, Head of the Crisis Centre Drehscheibe, City of Vienna
- Günter Ecker, Head of Verein Menschenrechte Österreich
- Ilirjana Gashi, Head of Assisted Voluntary Return and Re-integration Unit, IOM Vienna
- Miriam Mlczoch, Project Coordinator for Voluntary Return Programmes, Österreichische Caritaszentrale
- Christoph Riedl, Head of Diakonie Österreich Flüchtlingsdienst
- Christian Schmalzl, Head of Immigration Police and Border Control Department at the Federal Ministry of the Interior
- Anna Thiersch, Project Assistant at Assisted Voluntary Return and Re-integration Unit, IOM Vienna
- Valerio Urban, Return Counsellor, European Homecare
- Beate Mathilde Wolf, Head of European External Borders and Return Fund Unit, Federal Ministry of the Interior
- Peter Zimmermann, Operations Assistant at Operations Department, IOM Vienna

Depending on the expertise of each interviewee, some interviews provided detailed information on specific issues, while others touched upon a variety of topics and illustrated Assisted Return and re-integration in a broader framework. The interview guidelines were developed in advance and covered all aspects and specifications relevant to this national report, but left enough room for responding to the particularities of the different interview partners. Most of the interviews were carried out individually by two interviewers from the EMN NCP Austria. Some of the interviews were conducted within a two-phase approach in order to verify and contextualize information gained during the first interview.

10 asylkoordination Österreich, Rückkehr in Sicherheit und Würde, available at www.asyl.at/umf/umf/ frepo_ rueckkehr.php. With regards to an overview of measures see Kratzmann, Katerina / Petzl, Elisabeth / Temesvári, Mária: Assisted Return in Austria: Terms, Policy and Projects, in: International Conference on „Building Structures for Assisted Voluntary Return and Reintegration in Europe". The specific case of Chechen Returnees. Vienna 2010, p. 41-47.

Please note that the findings of this study refer to the situation of Assisted Return and re-integration measures as of December 2009. As national projects co-funded by the European Return Fund are tendered and attributed on a yearly basis, actors and projects (may) change from one year to another.

2. Definitions, Categories and Data

2.1 Definitions of Assisted Return

The following relevant definitions provided in the EMN Glossary[11] and the IOM Glossary on Migration[12] serve as guidelines for the terminology used in this study:

Return (EMN Glossary): Broadly, this refers to the movement of a person returning to his/her country of origin, country of nationality or habitual residence, usually after spending a significant period of time (i.e. excluding holiday visits, business meetings and typically considered to be for a period of more than three months) in another country. This return may or may not be voluntary.

In the context of the Return Directive (2008/115/EC) this means the process of returning – whether in voluntary compliance with an obligation to return or forced – to:

- one's country of origin; or
- a country of transit in accordance with community or bilateral readmission agreements or other agreements; or
- another third country to which the third-country national voluntarily decides to return and in which he/she will be accepted.

This could be within the territorial boundaries of a country, as in the case of returning IDPs and demobilised combatants; or from a host country (either transit or destination) to the country of origin, as in the case of refugees, asylum applicants, and qualified nationals. There are subcategories of return, which describe the implementation of the return, e.g. voluntary, forced, assisted and spontaneous return.

Voluntary Return (EMN Glossary): Is defined as the assisted (in which case it would be Assisted Voluntary Return) or independent return to the country of origin, transit or third country, based on the free will of the returnee.

11 EMN: Asylum and Migration Glossary, Brussels 2010, available at www.emn.at/images/stories/EMN_ GLOSSARY_Publication_Version_January_2010.pdf

12 IOM: Glossary on Migration, 2004, available at www.iom.int/jahia/webdav/site/myjahiasite/shared/s hared/mainsite/published_docs/serial_publications/Glossary_eng.pdf

Voluntary Departure (EMN Glossary): Means compliance with the obligation to return within the time limit fixed for that purpose in the Return Decision.

Assisted Voluntary Return (EMN Glossary): Refers specifically to the provision of (logistical, financial and/or other material) assistance for the Voluntary Return of a returnee.

Assisted Voluntary Return is a narrower term of Voluntary Return. Often (financial) support is provided by a Member State, either directly or via funding of other entities. The European Return Fund is also another important source of funding.

Assisted Voluntary Return (IOM Glossary on Migration): Logistical and financial support to a person with a negative asylum decision, trafficked migrants, stranded students, qualified nationals and other migrants unable or unwilling to remain in the host country, who volunteer to return to their countries of origin.

As concluded in the previous national report on return migration from the year 2006, there are many different interpretations and understandings of the terms 'Assisted Return', 'Assisted Voluntary Return' and 'Voluntary Return' in Austria. In fact, "there are also several definitional approaches to return migration and to returnees that play a crucial role in guiding, if not shaping, the perceptions, taxonomies and policies adopted by governmental and intergovernmental agencies."[13] Accordingly, the question whether a return can be defined as 'voluntary' or 'forced' in a situation in which the returnee does not have any other opportunities beyond returning, is discussed controversially in Austria as in most other Member States of the European Union.[14] The UNHCR, for instance, only speaks of 'voluntary return' in cases where the positive economic and political developments in the country of origin are the main reason for the decision to return. Based on this understanding, a return following detention pending deportation

13 Cassarino, Jean-Pierre: Theorising Return Migration: The Conceptual Approach to Return Migration Revised, in: International Journal on Multicultural Societies (IJMS), Vol. 6, No. 2, 2004, p. 253-279, p. 254.

14 Kratzmann, Katerina: Freiwillige Rückkehr aus Österreich - Kontext, Praxis und Kritik, in: Kuckuck. Notizen zu Alltagskultur und Volkskunde. Themenheft Flucht, 2/2008, p.22-27. Black, Richard / Gent, Saskia: Defining, Measuring and Influencing Sustainable Return: The Case of the Balkans, Development Research Centre on Migration, Globalisation and Poverty, Working Paper T7, December 2004, p.7. Dünnwald, Stephan: Politiken der »freiwilligen« Rückführung, in: Hess, Sabine / Kasparek, Bernd: Grenzregime. Diskurse, Praktiken, Institutionen in Europa, Assoziation A, Berlin 2010, p.179-199.

with no major changes in the country of origin cannot be defined as 'voluntary'.[15]

Concerning the voluntariness of an Assisted Return, some stakeholders emphasise the rational motivations behind the returnees' decisions: "Some place great value on the distinction between a truly voluntary return […] and the so-called 'mandatory return' when somebody has the Aliens' Police on their doorstep and there is no chance to legally stay in Austria. […] Our approach towards voluntariness is pragmatic. If somebody comes to us and says they want to go back, […] then this is all that matters to us: He/she wants to go back, no matter if it is because he/she does not get along with their partner any more or because of the Aliens' Police or because he/she has earned enough and wants to get their stuff home,"[16] says Günter Ecker from Verein Menschenrechte Österreich.[17] Other stakeholders question the voluntariness of a return decision in certain circumstances: "The voluntariness is not really a given in detention pending deportation; also the sustainability of such a mandatory return can be questioned. […] If there is only a decision between forced removal and a so-called voluntary return, and there is money offered, well, probably anyone would return. The main problem remains and I consider the risk assessment to be one of the very central parts of return counselling. I think we have a responsibility as an organisation to help people in hopeless situations," Christoph Riedl comments from Diakonie Flüchtlingsdienst.[18] The Österreichische Caritaszentrale[19] is also in favor of an Assisted Returns which is based on a voluntarily decision, rather than promoting Assisted Return 'at any cost.' The different approaches also show in varying practices, e.g while Verein Menschenrechte Österreich accompanies returnees when they contact the embassy or consulate, the Österreichische Caritaszentrale emphasised that they do not accompany the clients to see as to whether the wish to return is genuine or not.[20]

The term 'Voluntary Return' is mentioned several times in the Austrian Aliens' Law, but no legal definition is provided. In the Memorandum of

15 UNHCR: Handbook – Voluntary Repatriation: International Protection, 1996.

16 Interview Günter Ecker, Head of Verein Menschenrechte Österreich, 12 March 2010.

17 For more information visit www.verein-menschenrechte.at

18 For more information visit http://fluechtlingsdienst.diakonie.at/goto/de/was/Beratung/beratung-in-justizanstalten/aktivitaeten

19 For more information visit www.caritas.at

20 Langthaler, Herbert: Rückkehr in Würde, in asyl aktuell, 1/2009, p.6.

Understanding between IOM Vienna and the Austrian Federal Ministry of the Interior 'voluntary return' is defined as follows: „For the purpose of this memorandum voluntary means that a person returns to the country of citizenship by free decision; if such a return is impossible or if the person is stateless, voluntary return means that the person returns to the country in which he or she had usually resided in, or in the country which is prepared or obliged to host the person."[21]

Due to the current discourse and controversies surrounding the term 'voluntary return' and for the consistency of the report, it was agreed in the EMN specifications to use the term 'Assisted Return'. The term is thereby not primarily based on the voluntariness, but rather on the organisational particularities of the return, namely the assistance with and provision of advisory, logistical, financial and/or other support for the person concerned. The term 'Assisted Voluntary Return' is used in this report only when referring to Austrian programs or project names which feature this term in their title.

2.2 Categorisation of returnees

In the specifications for the national study three different categories of potential returnees, based on the legal status, were agreed upon. These are as follows:

- Case 1: A third country national in possession of a valid permit or authorisation to stay in a Member State, who returns to a third country of his/her own free will and has no obligation to leave.
- Case 2: A third country national who does not have a valid permit or authorisation to stay in a Member State, who returns to a third country before being apprehended/ detected by the authorities.
- Case 3: A third country national who does not have a valid permit or authorisation to stay in a Member State and who is already subject to a forced removal, but who decides to comply voluntarily with the obligation to return.

The interviewed stakeholders agreed that these three cases do indeed exist in Austria, but the categorisation seems difficult in the Austrian context as the existing data on returnees does not allow a distinction between asylum applicants and former asylum applicants – which are the biggest share of persons who decide for an Assisted Return. Therefore these can be classi-

21 Memorandum of Understanding between the Federal Ministry of the Interior and the IOM, 14 June 2000.

fied as case 1 or case 3. With regard to the data, it can be assumed that the overwhelming majority of returnees have at one point of their stay in Austria been asylum applicants; in 2009 asylum applicants and former asylum applicants represented 84% of all returnees. According to the interviewed experts, former asylum applicants (case 3) accounted for the mayor share of returnees, whilst recognized refugees, people under subsidiary protection, overstayers, and irregular migrants who have not been detected are the exception within the group of returnees.

2.3 Data on Assisted Return

Data on the number of Assisted Returns, demographic characteristics (e.g. gender, age), the origin, residence permit status and citizenship of returnees is provided for the period 2004 to 2009. In order to estimate the magnitude of Assisted Returns, comparable data of the number of forced and Assisted Returns are provided in addition.

For the provision of the data various data sources were used. Statistics presented on Assisted Returns in this national report mainly refer to data provided by the Department of Immigration Police and Border Control of the Directorate General Public Security (II/3) of the Federal Ministry of the Interior. It is important to note, however, that this data is based on various calculations and is derived from various data sources: figures for 2004 and 2005 are based on data from IOM Vienna; statistics for 2006 to 2007 refer to annual reports of the Department of Asylum and Care of the Directorate General Legal Affairs (III/5). From mid-2008 onwards, when Assisted Return projects and activities and the respective data collection were shifted from Department III/5 to Department II/3 of the Federal Ministry of the Interior, statistics presented refer to data collected by the latter department. [22] Statistics provided by the Federal Ministry of the Interior are presented by citizenship of the returnees rather than their countries of return. A match is not inevitable. However experience shows that in almost all cases of return the country of citizenship is the same as the country of return.[23]

To offer a wider context additional data on forced removal provided by the Federal Ministry of the Interior, Department of Immigration Police and Border Control of the Directorate General Public Security (II/3) is presented. They refer to all forced removals (Abschiebungen) (also of EU natio-

22 The year 2008 represents a special year in which data collected by two departments were joined. For this reason no information on the sex can be provided for this year.

23 Email correspondence, Franz Buchmayr, Federal Ministry of the Interior, on 11 May 2010.

nals) which were executed by the Austrian authorities of the Aliens' Police in the years 2004[24] to 2009.

Data on voluntary departures is not presented due to a lack of comparability of the data over the reference period.

In order to present further characteristics of returnees (e.g. age groups, family situation, support structures, gender by country of return, unaccompanied minors) that could not be illustrated on the basis of the data from the Federal Ministry of the Interior, the study also refers to statistics provided by the Operations Department of IOM Vienna. It must be taken into consideration that these statistics refer only to returnees who have returned with the assistance of IOM Vienna and that in the period 2004-2009, depending on the year, IOM Vienna returnees accounted only for up to 93%-97% of all Assisted Returns from Austria. Statistics provided are presented by countries of return.

Finally, for the provision of data on Assisted Returns of unaccompanied minors, statistics from the Crisis Centre Drehscheibe of the City of Vienna are also displayed.

2.3.1 General developments

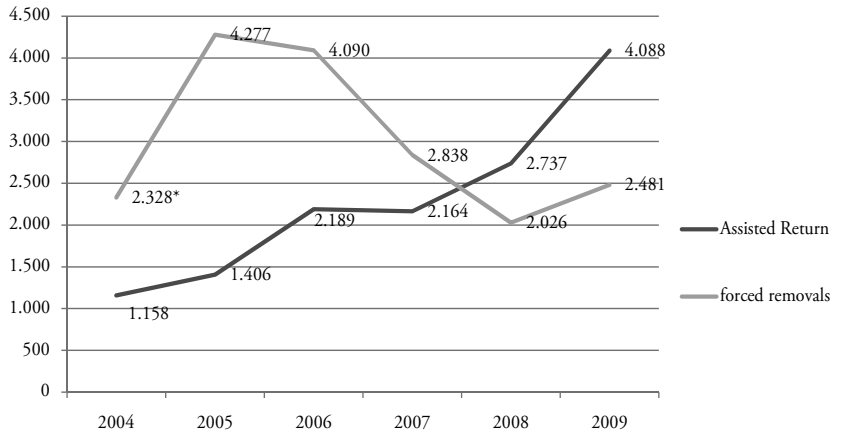
Since 2004 the annual number of Assisted Returns has increased continuously: while in 2004 there were 1.158 Assisted Returns, the number increased to 4.088 in 2009. The only exception was the year 2007 (2.164) in which the number remained just under the level of 2006 (2.189). According to the Federal Ministry of the Interior, the development of nationwide return counselling is one of the reasons for the increase of Assisted Returns.[25] Especially the great rise (+49%) in the number of Assisted Returns from Austria from 2008 (2.737) to 2009 (4.088) can be explained by the fact that the participation in Assisted Return measures of certain groups increased, namely that of returnees to the Chechen Republic and Kosovo.[26]

24 Because until 31 July 2004 "Abschiebungen" (forced removals) and "Zurückschiebungen" (forced removals of persons within seven days after irregular entry) were registered jointly, figures on forced removals in 2004 can only be provided for the period August – December 2004.

25 Federal Ministry of the Interior: Kerninhalte des österreichischen Mehrjahresprogrammems 2008-2013 für den Europäischen Rückkehr-fonds, 2008, p.8, available at www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/programme/ files/RF_MJP_ffentlich_neu.pdf

26 Kosovo / UNSCR 1244 is referred to as Kosovo in this study.

Graph 1: Development of number of assisted returns and forced removals 2004-2009



Source: FMI

*** The figure for 2004 refers to removals carried out in the period August – December 2004.**

Looking at the number of forced removals during the same period, an opposite trend can be traced. From 2005 (4.277) to 2008 (2.026) annual number of forced removals decreased steadily[27] and in 2009 numbers increased again to +22,5 % in the opposite to the year before (2.481), but remained at 58% of the level of 2005. In 2008, for the first time, the annual number of forced removals (2.026) was below the level of Assisted Returns (2.737). In 2009 the number of Assisted Returns (4.088) surpassed the number of forced removals (2.418) by 39%.

2.3.2 Countries of citizenship

The range of citizenships and countries of return is growing: In 2004 returnees were citizens of 47 different countries; whilst in 2009 87 different nationalities were represented.

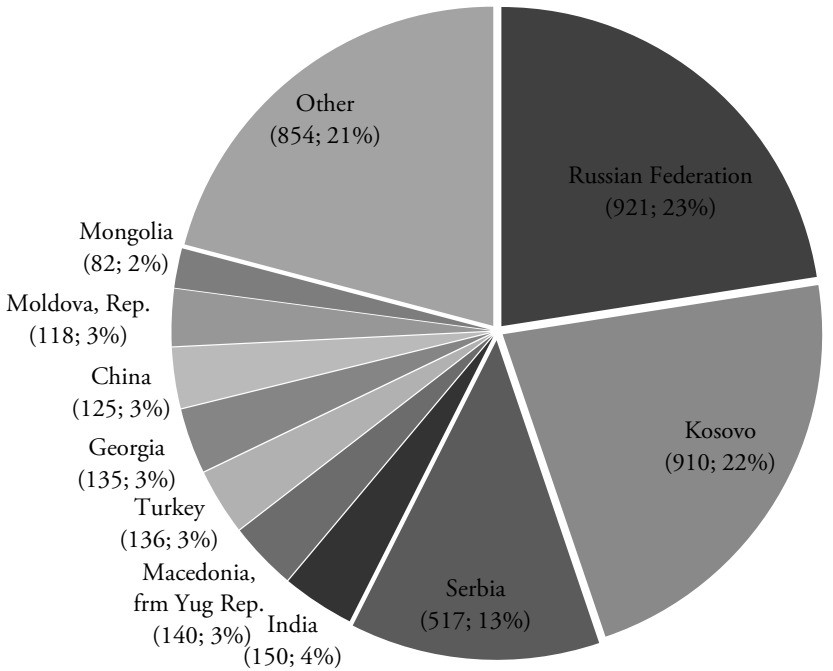
In 2009 most returnees from Austria were citizens of the Russian Federation (921; 23% mostly from the Chechen Republic[28]), followed by citizens of Kosovo (910, 22%), Serbia (517, 13%), India (150; 4%), the

27 Figures on forced removals in 2004 can only be provided for the period August to December 2004. Numbers for January to July can not be provided.

28 Interview, Christian Schmalzl, Head of Department of Immigration Police and Border Control, Federal Ministry of the Interior, 8 October 2009. Interview, Peter Zimmermann, Operations Assistant, IOM Vienna, 10 May 2010. For further information on returnees to the Chechen Republic see International Organization for Migration /

former Yugoslav Republic of Macedonia (140; 3%), Turkey (136; 3%) and Georgia (135; 3%), which have also been among the main countries of return during the last years.

Graph 2: Returnees by main countries of citizenship, 2009



Source: FMI

The number of returnees of all countries of citizenship has been growing in recent years. A particular increase can be noted for three main countries of return: Russian Federation (from the Chechen Republic), Kosovo and Serbia, who have all shown a strong increase since 2004 in absolute numbers. While in 2004 only 42 Russian citizens and 188 citizens of Former Yugoslavia returned, in 2009, returnees to the Russian Federation accounted for 921; a further 517 returned to Serbia and 910 to Kosovo.[29] The absolute number of returnees to the Russian Federation and Kosovo increased especially from 2008 to 2009: a rise of +128% was noticed for re-

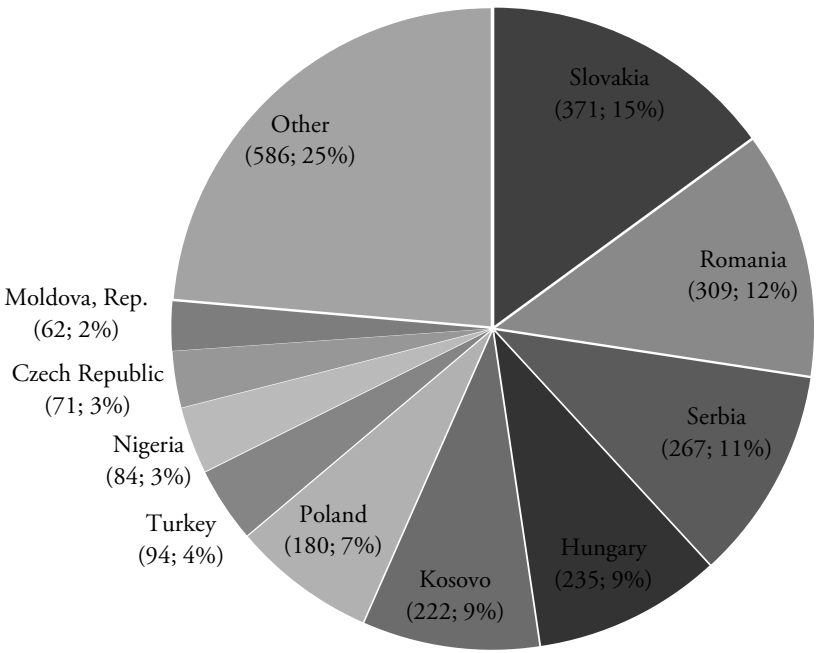
Federal Ministry of the Interior: Study on the Situation and Status of Russian Nationals from the Chechen Republic Receiving Basic Welfare Support in Austria. Vienna 2009.

29 Since the independence of Kosovo in 2008 separate figures are available for Kosovo and Serbia.

turnees to the Russian Federation (Chechen Republic), a rise of +113% in the number of returnees to Kosovo. Proportionally, the biggest growth was registered for returnees to the Russian Federation. Their proportion grew from 4% of the total number of returnees in 2004 to 23% in 2009.

In comparison, in 2009 forced removals from Austria were carried out to 77 countries. The main countries of return of deported persons were Slovakia (371; 15%), Romania (309; 12%), Serbia (267; 11%), Hungary (235; 9%) and Kosovo (222; 7%). With the exception of Austria's neighboring countries (Slovakia, Hungary) and Romania the aforementioned countries are also represented among the most important countries of Assisted Return.

Graph 3: Forced removals by countries of citizenship, 2009



Source: FMI

2.3.3 Sex Distribution[30]

In recent years most returnees have been male, although their proportion is declining. In 2004 and 2006 they accounted for 80% of all returnees and in 2007 for 81%; in 2009 the share decreased to 74%.

Graph 4: Returnees by sex, 2004-2009

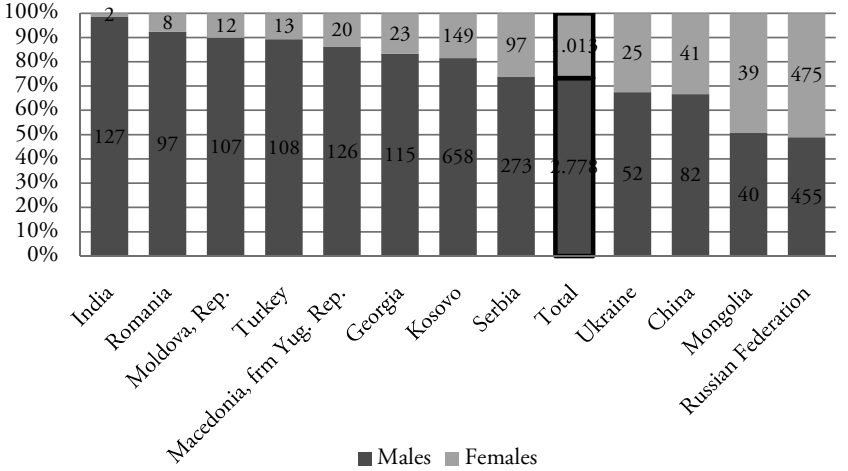
Source: FMI

When including the analysis of the countries of return, however, different outcomes can be assumed concerning the sex distributions[31]: In 2009 the highest proportion of male returnees was found for India (98%), Nigeria (95%) and Romania (92%).The share of female returnees, on the other hand, for some countries of return, was higher than the average of 26%: 33% of returnees to the Ukraine and China and 49% of those to Mongolia were female. The highest share of female returnees was to the Russian Federation (mostly the Chechen Republic); more than half of them (51%) were females, who mostly returned with their families.

30 A breakdown of the data by sex for the years 2005 and 2008 is not available.

31 Please note that following statistics refer only to returnees who returned with the assistance of IOM Vienna. In the period 2004-2009, depending on the year, these accounted for only 93%-97% of all Assisted Returns from Austria.

Graph 5: Returnees of main countries of return assisted by IOM Vienna by sex, 2009



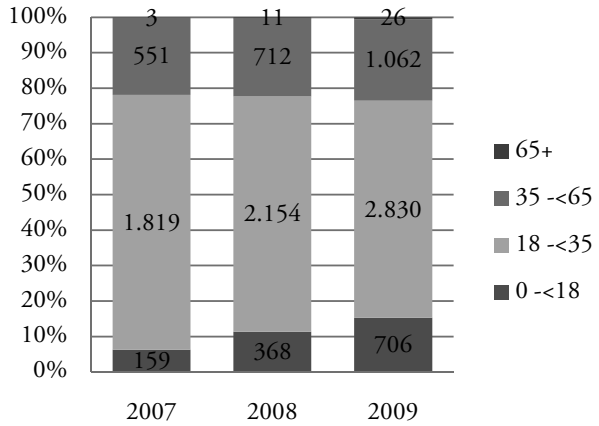
Source: IOM Vienna

2.3.4 Age Structure[32]

From 2007 to 2009 the largest group of returnees was aged between 18 and 35, although their proportion is declining. In 2007 this age group made up 65% of all returnees; in 2008 it decreased to 59% and in 2009 to 53%. The second largest age group is made up of persons aged between 35 and 65. They accounted for 27% of all returnees both in 2007 and 2008, and 28% in 2009. At the same time, the number of returning minors increased proportionally from 8% in 2007, 14% in 2008 and 19% in 2009. The number of persons older than 65 was very low. Their proportion was 1% in 2007, 2008 and 2009.

32 These statistics refer only to returnees assisted by IOM Vienna.

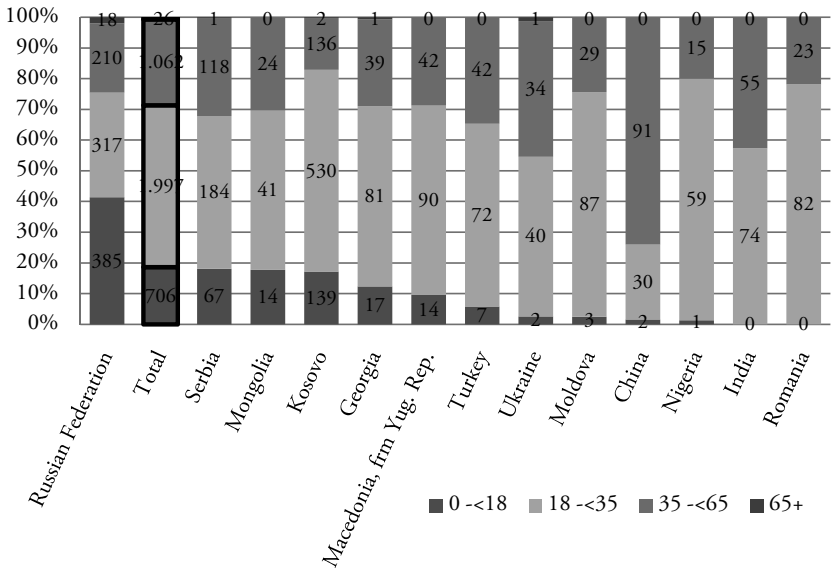
Graph 6: Returnees assisted by IOM Vienna by age group, 2007-2009



Source: IOM Vienna

When including the analysis of the main countries of return, however, different outcomes can be assumed concerning specific age patterns: While e.g. 79% of all returnees to Nigeria, 78% of those to Romania and 73% of those to Moldova in 2009 were aged between 18 and 35, 74% of all returnees to China were between 35 and 65. The large share of minors (19%) in 2009 can especially be attributed to returnees to the Russian Federation (Chechen Republic) of whom 41% were aged under 18 in 2009.

Graph 7: Returnees of main countries of return assisted by IOM Vienna by age group, 2009



Source: IOM Vienna

2.3.5 Family situation[33]

When looking at other statistics provided by IOM Vienna for 2007 to 2009, it becomes apparent that a majority of returnees return on their own rather than jointly with family members. However, the share of persons returning in the company of family members is increasing. In 2007 82% of all returnees returned alone, in 2008 "single returnees" amounted to 71% and in 2009 their share declined to 62%.

Table 1: Returnees assisted by IOM Vienna by family situation, 2007-2009

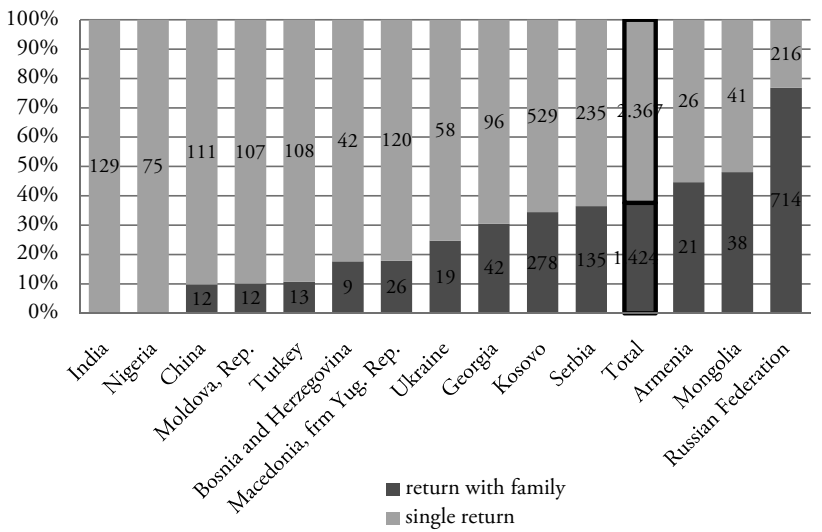
Year	Single		Family		Total
	abs.	%	abs.	%	
2007	1684	82%	377	18%	2.061
2008	1891	71%	757	29%	2.648
2009	2367	62%	1424	38%	3.791

Source: IOM Vienna

33 Please note that these statistics refer only to returnees who returned with the assistance of IOM Vienna. In this context it is important to note that over the period 2004-2009, depending on the year, IOM Vienna returnees accounted for only 93%-97% of all Assisted Returns from Austria.

When including the analysis of the main countries of return, however, different outcomes can be assumed concerning the family situation: in 2009 both 100% of all returnees to India (mostly male, as can be seen above) and 100% of all returnees to Nigeria returned to alone. The proportion of single returns to China and Moldova was 90% and for of those to Turkey it was 89%. In countries with lower percentages of return (number of returnees <10), persons also predominately returned on their own. On the other hand, there were countries of return for which the proportion of persons who returned in company of their family was above average. This accounted for returnees to Armenia (45%) and Mongolia (48%), to which almost half of all returnees returned with their families. The highest share of returnees who returned in accompaniment of their family members (77%) could be found for returnees to the Russian Federation (Chechen Republic).

Graph 8: Returnees of main countries of return assisted by IOM Vienna by family situation, 2009

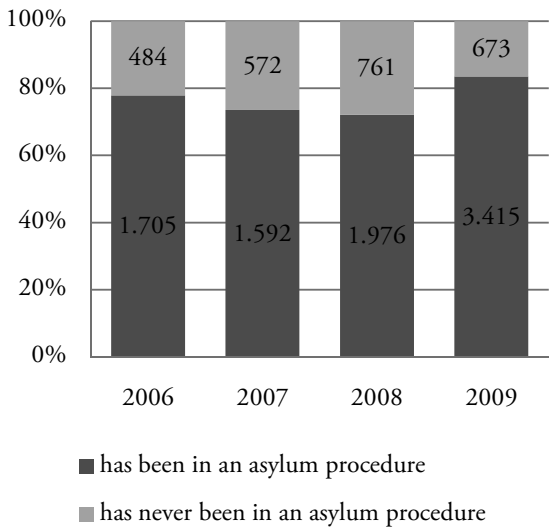


Source: IOM Vienna

2.3.6 Status

The data provided does not enable an illustration of the exact status of the returnee at the time of return, but does give information on whether the returnee had submitted an asylum application in Austria. The majority of returnees were at some point during their stay asylum applicants in Austria. While their share in the total number of returnees declined from 78% in 2006 to 74% in 2007, 72% in 2008, in 2009, their proportion rose again to 84%.[34]

Graph 9: Returnees by status, 2006-2009



Source: FMI

2.3.7 Financial aspects[35]

With regards to financial support structures returnees can be divided into those whose return is funded as part of the Basic Welfare Agreement or the General Humanitarian Return Program and the so-called 'self-payers', hereafter referred to as 'not funded'. The latter represent various categories

34 The numbers include all categories of returnees who launched an asylum application (asylum applicants, recognised refugees, persons with a negative asylum decision, etc.). According to experts, the majority of returnees are former asylum applicants and non-nationals who were subject to return measures.

35 The following calculations are based on statistics provided by IOM Vienna. In 2009, the figures of IOM Vienna accounted for 93% of all Assisted Returns from Austria, in 2008 for 97% and in 2007 for 95%.

of returnees: e.g. those who finance their Assisted Return on their own because they do not meet the eligibility criteria.[36] In some cases, their return is nevertheless funded by the authorities. Their group also includes persons that returned under Art. 133a Prison Administration Act which, according to the consulted experts, raises the numbers. The majority of Assisted Returns organised by IOM Vienna were financially supported by the Ministry of the Interior. Following a decline from 91% in 2006 to 74% in 2008, their proportion increased once again to 85% in 2009.

Table 2: Returnees assisted by IOM Vienna by financial aspects, 2006-2009

Year	Funded		Not funded		Total
	abs.	%	abs.	%	abs.
2006	1.939	91%	183	9%	2.122
2007	1.643	80%	418	20%	2.061
2008	1.953	74%	695	26%	2.648
2009	3.218	85%	573	15%	3.791

Source: IOM Vienna

Looking at the countries of returnees whose departure was funded in 2009, most returned to the Russian Federation (918), Kosovo (703), Serbia (281), Georgia (124) and China (122). Most of the 'self-payers' returnees returned to Romania (105), Kosovo (104), Serbia (89), the Former Yugoslav Republic of Macedonia (35) and Turkey (18).

36 E.g. they have already participated in the programme or the criteria of indigence could not be met.

Table 3: Returnees assisted by IOM Vienna by financial aspects and main countries of return, 2009

IOM Vienna returnees, funded, 2009		
Country of return	abs.	%
Russian Federation	918	29%
Kosovo	703	22%
Serbia	281	9%
Georgia	124	4%
China	122	4%
India	118	4%
Macedonia, frm Yug. Rep. of	111	3%
Turkey	103	3%
Moldova, Rep. of	101	3%
Mongolia	77	2%
Total	3.218	100%
IOM Vienna returnees, not funded, 2009		
Country of return	abs.	%
Romania	105	18%
Kosovo	104	18%
Serbia	89	16%
Macedonia, frm Yug. Rep. of	35	6%
Turkey	18	3%
Moldova, Rep. of	18	3%
Bosnia and Herzegovina	17	3%
Ukraine	16	3%
Poland	14	2%
Georgia	14	2%
Total	573	100%

Source: IOM Vienna

2.3.8 Unaccompanied minors

Data on unaccompanied minors refers to statistics provided by IOM Vienna and the Crisis Centre Drehscheibe. The Assisted Return of unaccompanied minors is jointly organized by the Crisis Centre Drehscheibe and IOM Vienna then these cases are presented in the statistics of both organisations; double counts might occur.

In 2009 a total number of 19 Assisted Returns of unaccompanied minors were carried out by IOM Vienna. In the years 2004 to 2008 their numbers were between 5 and 18 per year. The main countries of return in 2009 were Kosovo and the Russian Federation. In 2009 the Crisis Centre Drehscheibe assisted 34 unaccompanied minors in their Assisted Return, mostly to Bulgaria, Romania, Hungary and Slovakia. This represents a growth of 36% compared to 2008, in which 25 unaccompanied minors returned. The main countries of return were the same as in 2009.

3. The Political and Legal Framework

3.1 The political and legal framework in Austria

The return of migrants was not always been an accepted migration policy instrument. "Indeed between the end of the Second World War and the late 1980s the main proponents of the international refugee regime rarely considered the return of refugees as important."[37] Until the end of the 80s migration policies concentrated on the integration of migrants rather than their return, a development that continues today. But during the 1980s a debate among academics emerged "on the return phenomenon and its impact on countries of origin."[38] This included a special focus on the link between international migration and economic development in the countries of origin of migrants and potential returnees. When the Cold War ended in 1989, in many places, including Austria, increased attention was given to the return of migrants. Gradually, migration was internationalised and the number of migrants and asylum applicants started to increase. In this context, the return of migrants became a widely accepted migration policy.

In Austria, Assisted Return and re-integration were first implemented in the context of refugee migration from Bosnia and Herzegovina, as well as from Kosovo. During the 1990s these measures were joint actions between the Federal Ministry of the Interior and the federal provinces, and they included visits to certain areas ('go and see visits') as well as inspections of buildings (cataloguing the condition of houses), individual return counselling partly in cooperation with non-governmental organisations (NGOs),

37 Black, Richard / Gent, Saskia: Defining, Measuring and Influencing Sustainable Return: The Case of the Balkans, in: Sussex Centre for Migration Research, Working Paper T7, December 2004, p.4, available at www.migrationdrc.org/publications/working_papers/WP-T7.pdf (in reference to Chimni, B.S.: From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugees Problems, in: New Issues in Refugee Research No. 2., 1999, p. 2.).

38 Cassarino, Jean-Pierre: Theorising Return Migration: The Conceptual Approach to Return Migrants Revisited, in International Journal on Multicultural Societies (IJMS), Vol. 6, No. 2, 2004, p. 253-279, p. 254.

educational measures and an increased cooperation with IOM Vienna to organize the return and re-integration.[39]

In 2000 a Memorandum of Understanding (MoU) was signed between the Federal Ministry of the Interior and IOM which represents the basis for cooperation with regard to Assisted Return measures. At the same time, with the help of the European Refugee Fund as well as subsequently in the context of the "Afghanistan Return Plan"[40] in 2002, projects for the promotion of Assisted Return could be supported and participation in international projects (e.g. "Return, Reception and re-integration of Afghan Nationals to Afghanistan Programme – RANA" and "Return of Qualified Afghans from the EU-Programme-EU RQA") took place.

The importance of Assisted Return especially as an alternative to forced removal was increasingly acknowledged by all stakeholders involved, which was also reflected in the increasing number of Assisted Returns since the 1990s: While in 2004 1.158 persons received return assistance, in 2009 already 4.088 persons were assisted in their return. Due to the increase in number of Assisted Returns the return counselling structures expanded in Austria, first with co-funding from the European Refugee Fund and later with co-funding from the European Return Fund.[41]

Assisted Return[42] is currently regulated in the Basic Welfare Support Agreement, the Federal Basic Welfare Support Act, the various welfare support acts of the Austrian provinces and the Asylum Act. The conditions and procedures for Assisted Return of sentenced non-nationals are stipulated in the Prison Administration Act. The Basic Welfare Support Agreement regulates the division of competencies between the federal state and the federal provinces; it sets the framework and lays down the services which have to be provided by all parties in the Agreement. The provisions of the Basic Welfare Support Agreement are transposed and implemented in the Federal Basic Welfare Support Act and in the provincial basic welfare legislations.[43]

39 Federal Ministry of the Interior: Kerninhalte des österreichischen Mehrjahresprogrammems 2008-2013 für den Europäischen Rückkehrfonds, 2008, p.8, available at www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/programme/files/ RF _MJP_ ffentlich_neu.pdf

40 Council of the European Union: Afghanistan Return Plan, 2002, 14654/02 MIGR 124 RELEX 248, 25.11.2002.

41 Assisted Return and re-integration projects have been co-funded by the European Return Fund since 2008.

42 Austrian law uses the term 'voluntary return'; the term 'Assisted Return' is used here in the interest of coherence.

43 In practice the federal and the provincial laws refer to the provisions of the Basic Welfare Support Agreement.

Based on the latter, asylum applicants and other beneficiaries of basic welfare support can claim benefits. The Basic Welfare Support Agreement places the responsibility to coordinate and implement return programs with the federal state.[44] The federal state can task humanitarian, clerical, and private organisations with the implementation of these programs. Beneficiaries[45] of basic welfare support are granted information, return counselling and social assistance concerning Assisted Return through trained staff with translators if necessary.[46]

The Basic Welfare Support Agreement fixes the maximum amount of start-up aid that can be granted to returnees at 370 EUR per person and the maximum rate of the travel costs according to the rates of IOM.[47] The costs of the basic welfare support, including the travel costs and the costs for the start-up aid are borne by the federal state and the federal provinces in the ratio of 6:4.[48]

The Asylum Act[49] stipulates that asylum applicants are to be granted access to return counselling at all stages of the asylum procedure. Return counselling covers future perspectives during and after the asylum procedure. Moreover, if the asylum applicant decides to make use of the return assistance and to return, he/she may be granted financial support.[50] The legal advisors in the initial reception centres for asylum applicants are involved in the final counselling session with regard to the return assistance process.

Specific Assisted Return measures are foreseen for sentenced non-nationals in Austrian prisons: a non-national who has served half of his/her prison term (but be at least three months) can be released earlier, if the person is willing to return to his/her country of origin immediately, as long as there are no legal or factual barriers to the return and if a residence ban is imposed.[51] Further execution of the sentence is foregone as soon as the person leaves Austria. In view of the severity of certain crimes and in the interest of general crime prevention, Assisted Return can be prohibited until the non-

44 Art. 3 para 2 (6) Basic Welfare Support Agreement
45 Art. 2 Basic Welfare Support Agreement; asylum applicants, recognised refugees within the first three months after the final decision, persons with subsidiary protection, and irregularly residing persons who cannot be removed for legal or factual reasons, e.g. if the person has no identity documents.
46 Art. 6 para 1 (8) Basic Welfare Support Agreement
47 Art. 9 (5) Basic Welfare Support Agreement
48 Art. 10 Basic Welfare Support Agreement
49 Art. 67 Asylum Act
50 Art. 12 Federal Basic Welfare Support Act
51 For example non-refoulment or the identity of the person cannot be established.

national has served 2/3 of his/her sentence, even if all other conditions are fulfilled.[52] The nature of the crime is not prescribed by law. The reason for the establishment of these measures was the continuously increasing number of non-nationals in Austrian prisons and the idea that re-socialisation efforts can be more successful in the country of origin.[53]

The Memorandum of Understanding between the Federal Ministry of the Interior and IOM establishes the framework for the practical implementation of Assisted Return measures in Austria and forms the basis for the "General Humanitarian Return Programme". According to the Memorandum of Understanding the main tasks of IOM Vienna are: the provision of information on Assisted Return, support of the returnees in attaining travel documents, organisation of the logistics for the return from Austria as well as transit to the country of return and the payment of financial support. The target groups defined under the Memorandum of Understanding are asylum applicants, former asylum applicants whose application has been rejected and irregularly resident migrants.

The relation between Assisted Return and forced removal is not explicitly regulated under Austrian law; however, Assisted Return is generally favoured over forced removal in Austria, as Christian Schmalzl from the Federal Ministry of the Interior emphasizes.[54] In line with this development there is also an emphasis on 'Assisted Voluntary Return' in the governmental program 2008-2013.[55] Despite the favoring of Assisted Return, Beate Mathilde Wolf from the Federal Ministry of the Interior emphasizes that Assisted Return measures are only effective as long as they constitute an alternative to forced removal. The knowledge that a return decision could ultimately be enforced is an important signal for migrants. Thus, Assisted Return measures will never completely replace forced removals.[56]

In 2009 and in early 2010 Assisted Return was not widely discussed in the Austrian media. When it was mentioned it referred mostly to the rising number of persons receiving assistance to return to their countries of

52 Art. 133a Prison Administration Act

53 Federal Ministry of the Interior: Kerninhalte des österreichischen Mehrjahresprogrammems 2008-2013 für den Europäischen Rückkehrfonds, 2008, available at www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/programme/files/RF_MJP_ffentlich_neu.pdf

54 Interview Christian Schmalzl, Head of Department Immigration Police and Border Control, Federal Ministry of the Interior, 8 October 2009.

55 Federal Chancellery: Regierungsprogramme für die XXIV. Gesetzgebungsperiode, Vienna 2008.

56 Interview, Beate Mathilde Wold, Head of Unit II/3/D, European External Borders and Return Fund, Federal Ministry of the Interior, 11 May 2010.

origin.[57] Forced removals[58] were discussed in the context of charter operations by Frontex[59] as well as in cases in which the intended forced removal of families who were perceived to be well integrated into society after a considerable length of stay in Austria had lead to a strong opposition in the local community.[60]

3.2 The influence of European policy and legislation

The Austrian legislation is in compliance with the European legislative and political developments, particularly with the European Pact on Immigration and Asylum.[61] The directives and council decisions, as described below, have been integrated into national law. Due to Austria's active role in discussions on the EU level radical changes in the legislation to date have not been necessary.[62]

- **Council Directive 2001/40/EC63 on the mutual recognition of decisions on the expulsion of third-country nationals**

The Directive is transposed by Art. 71 Aliens' Police Act and Art. 28 Settlement and Residence Act. The Art. 71 Aliens' Police Act stipulates that an expulsion decision of other EEA Member States can be enforced if: 1) The expulsion decision is justified on the grounds of a serious and imminent threat to public security and order or national security, and is based on a criminal conviction that carries a period of imprisonment of at least one year or has been issued on substantiated grounds that the third-country national has committed serious crimes or there is specific evidence that

57 Salzburger Nachrichten, So viele Rückkehrer wie nie (So many returnees as never before), 5 March 2010, p.7; Die Presse, Die große Heimkehr (The big return home), 5 April 2009, p.4.

58 Die Presse, Vergewaltigte: VfGH stoppt Abschiebung (Raped: Constitutional Court stops deportation), 6 May 2010, p.5.

59 Falter, Europas Schub (Europe's removal), 11 May 2010, p.13; Der Standard, Wien Drehscheibe für EU-Abschiebeflüge (Vienna Platform for EU-Removalflights), 5 May 2010.

60 Kurier, Bürger vereiteln Abschiebung (Citizens blight deportation), 26 April 2010, p.22; Kurier, Zwischen Verzweiflung und Gesetz (Between dispair and law), 12 August 2009, p.17.

61 European Pact on Immigration and Asylum, available at: http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf

62 Interview with Christian Schmalzl, Head of Department Immigration Police and Border Control, Federal Ministry of the Interior, 8 October 2009.

63 Council Directive on the mutual recognition of decisions on the expulsion of third-country nationals, 2001/40/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:149:0034:0036:EN:PDF

he/she plans to commit the same crime in the territory of a Member State or 2.) The expulsion decision was taken because the third-country national had violated the provisions on entry and residence of the Member State taking the decision.

Complementarily, a residence permit can be withdrawn if another EU Member State has issued a final expulsion decision (residence ban) for the same reasons as defined in Art. 71 Aliens' Police.[64]

- **Council Directive 2003/110/EC65 on assistance in cases of transit for the purposes of removal by air**

The Directive is transposed in Art. 48 and in Art. 111, 112 Aliens' Police Act. Art. 48 regulates the transit and the assistance of third-country nationals through Austria upon the request of an EEA Member State or any other country based on a bilateral treaty, while Art. 111 and 112 set out the responsibilities and the sanctions of the carriers. In accordance with the Directive, the responsibilities, among others, encompass registering and passing on identity and travel data to the authorities, returning thirdcountry nationals who have been transported by the carrier and whose entry has been refused, etc. Sanctions can be imposed on carriers if they have transported non-nationals to Austria without a travel document or the necessary visa, or if they do not register and transfer the above mentioned data. Exceptions are made if the third-country national is granted asylum or subsidiary protection status, as well as if he/she cannot be removed due to the principle of non-refoulement.

64 Art. 28 Settlement and Residence Act

65 Council Directive on assistance in cases of transit for the purposes of removal by air, 2003/110/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:321:0026:0031:EN:PDF

- **Council Decision 2004/191/EC66 on the determination of criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals**

Before the adoption of the Council Decision the compensation of the financial imbalances was settled between Austria and other EU Member State, based on bilateral treaties. This practice has been followed since the adoption of the Council Decision.[67]

- **Council Decision 2004/573/EC68 on the organisation of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders**

The first joint return flight for removal (charter flight) was organised from Austria to Armenia in 2006 together with France and Poland during the Austrian Presidency of the EU. As Christian Schmalzl from the Federal Ministry of the Interior points out, Austria has been among the most active Member States in participating in such operations since then.[69] In 2006 and in 2007 Austria participated in four charter flights with other EU Member States. In 2009 Austria independently organised eleven joint charter flights and participated in the organisation of eight other flights.[70]

66 Council Decision on the determination of criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals, 2004/191/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004D0191:EN:NOT

67 Interview with Christian Schmalzl, Head of Department Immigration Police and Border Control, Federal Ministry of the Interior, 8 October 2009.

68 Council Decision on the organisation of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders, 2004/573/EC, available at http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_261/l_26120040806en00280035.pdf

69 Interview with Christian Schmalzl, Head of Department Immigration Police and Border Control, Federal Ministry of the Interior, 8 October 2009.

70 Frontex: General Report 2009, available at www.frontex.europa.eu/gfx/frontex/files/general_report/2009/ general_ report_2009_en.pdf

- **Council Decision 575/2007/EC71 of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General program "Solidarity and Management of Migration Flows" and related Implementing Acts**

Within the National Program 2009 of the European Return Fund[72] a total of 1.4 million EUR of EU-funding was attributed to Austria for return and re-integration projects. The Austrian priorities on Assisted Return have rested on the following measures: [73]

- **Return counselling (including return preparation in detention pending deportation)**
- **Assisted Return measures for non-national detainees in prisons (Art. 133a Prison Administration Act)**
- **Assisted Return of victims of human trafficking**
- **Country-specific Assisted Return and re-integration measures**

For the National Program 2010 of the European Return Fund[74] a total of 1.9 million EUR of EU-funding has been distributed. Measures for this year's program rest on the same priorities as in 2009.

With the shift of Assisted Return measures from the European Refugee Fund to the European Return Fund in mid 2008 the responsibilities for Assisted Return measures were delegated within the Ministry of the Interior from the Department of Asylum and Care (III/5) of the Directorate General Legal Affairs to the Department of Immigration Police and Border Control (II/3) of the Directorate General Public Security.

71 Council Decision of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and related Implementing Acts, 575/2007/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0575:EN:NOT

72 This time frame does not refer to the calendar year 2009 but to the period of 1 July 2009 to 30 June 2010.

73 The current project phases are running from July 2009 to June 2010. A detailed list of all European Return Fund projects can be found in the Annex.

74 Period from 1 July 2010 to 30 June 2011.

- **Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals75 (Return Directive)**

The transposition of the Return Directive is planned for 2010 but the specific changes in the law cannot be predicted yet. However, it is expected that the implementation will not bring about major changes to the legislation concerning the return of third-country nationals. Modifications could focus on legal counselling in detention pending deportation according to Art.13 (4), on setting a period for voluntary departure and on the current system of residence and re-entry bans.[76]

- **Re-admission Agreements**

The Re-admission Agreements concluded between Austria and third countries do not contain clauses on Assisted Return.

- **European Convention on Human Rights (ECHR)[77]**

The ECHR is constitutionally embedded in Austria and is directly applicable.[78] The authorities are bound by the ECHR obligations and they are obliged to consider it whenever any decision is made. This guarantees a high quality of legal protection for the individual. For the asylum and aliens' law procedures Art. 2, 3 and 8 and Protocols 6 and 13 of the ECHR are especially relevant. The jurisdiction of the highest courts in Austria – the Administrative and the Constitutional Court – complies with the case law of the European Court of Human Rights.

3.3 Main actors in Assisted Return

Main actors involved in Assisted Return and re-integration activities in Austria may change from one year to another as national projects which are co-funded by the European Return Fund are tendered and attributed on a

75 Directive of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, 2008/115/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0115:EN:NOT

76 Interview Christian Schmalzl, Head of Department Immigration Police and Border Control, Federal Ministry of the Interior, 8 October 2009.

77 ECHR, available at http://conventions.coe.int/treaty/en/Treaties/Html/005.htm

78 Öhlinger, Theo: Verfassungsrecht, p.78, Vienna 1997.

yearly basis.[79] Thus, in the past more NGOs were active in return counselling and organisational activities, e.g. Volkshilfe Oberösterreich; whereas in the project year 2010, new actors (e.g. ICMPD) were involved. The actors presented are those being active in December 2009. These are as follows:

Table 4: Main actors in Assisted Return and re-integration activities

Function	Institutions/Organisations
Donors	European Level: • European Return Fund National level: • Federal Ministry of the Interior • Federal Ministry of Justice • Austrian Development Agency • Federal provinces
Return Counselling/ Organisation of Assisted Returns	• Caritas Österreich • Verein Menschenrechte Österreich • European Homecare • Refugee Department of the Office of the Provincial Government of Carinthia • Diakonie Flüchtlingsdienst • LEFÖ-IBF (trafficked women) • Drehscheibe (City of Vienna) (unaccompanied minors)
Organisation of travel and further assistance	• International Organization for Migration • All actors carrying out return counselling
Re-integration measures	• International Organization for Migration • Caritas Österreich • Federal province Tyrol

3.3.1 Donors

The main responsibility for Assisted Return and re-integration measures in Austria lies with the Federal Ministry of the Interior.[80] The Federal Ministry decides whether costs of Assisted Returns (flight, transit assistance, etc.) that meet the eligibility criteria are borne by the federal state and the federal provinces on the basis of the Basic Welfare Support Agreement. It is also the Federal Ministry of the Interior that co-funds, manages and assigns national programs co-financed by the European Return Fund.

79 For further information on the national European Return Fund projects during the National Programme year 2009 (1 July 2009 – 30 June 2010) see Annex V.

80 For further information visit www.bmi.gv.at

The Federal Ministry of Justice[81] co-funds return counselling activities for sentenced third-country nationals in prisons in the framework of the National Programme of the European Return Fund.

The Austrian Development Agency[82] (ADA) which supports countries in Africa, Asia and Central America as well as in South-Eastern Europe in their sustainable social, economic and democratic development co-financed the project "Coordination of the Return and re-integration Assistance for Voluntary Returnees to Moldova" which was carried out by IOM Vienna until December 2009.

The federal provinces finance Assisted Return measures in the framework of the Federal Basic Welfare Support Agreement. Furthermore, they conduct their own re-integration projects (e.g. Tyrol in Kosovo), they are active as co-funding project partners (e.g. Lower Austria, Tyrol and Carinthia as partners of a re-integration project in Kosovo), or provide additional financial assistance to returnees on a case by case basis (e.g. Vorarlberg, Tyrol, Carinthia).

3.3.2 Return counselling and organisation of Assisted Returns

Caritas Österreich[83] is a faith-based non-governmental organisation that supports refugees, asylum applicants and migrants in Austria and since 1998 has been active in general return counselling and return preparation from detention pending deportation. For the project years 2009 and 2010 of the European Return Fund, the Österreichische Caritaszentrale[84] was mandated by the Federal Ministry of the Interior with 'voluntary return counselling' and organisational activities of Assisted Return in the federal provinces of Burgenland, Salzburg, Styria, Upper Austria, Vorarlberg and Vienna.[85] In the project year 2009, the Österreichische Caritaszentrale carried out assisted return counselling and return preparation of detention pending deportation in the federal provinces of Styria and Vorarlberg.[86] For

81 For further information on the Federal Ministry of Justice visit www.bmj.gv.at/internet/html/default/home

82 For more information on the Austrian Development Agency visit www.entwicklung.at

83 For more information on Caritas Österreich visit www.caritas.at

84 The Österreichische Caritaszentrale is the coordinating body of Caritas Österreich.

85 Project "Rückkehrberatung – Integriertes Rückkehrmanagement IRMA 1.1". This project continues in the RF (European Return Fund) National Programme 2010.

86 Project "Rückkehrvorbereitung in Schubhaft in den Polizeianhaltezentren der Bundesländer Steiermark und Vorarlberg - IRMA 1". For the RF National Programme Year 2010, Caritas was also mandated with return counselling and return preparation in detention pending deportation in Upper Austria.

the project year 2010, Caritas was further mandated with the project implementation in the province of Upper Austria. Since 2006 the organisation has also carried out counselling activities in prisons. Currently, Caritas is engaged in return counselling in prisons in Upper Austria and Vienna.

The Verein Menschenrechte Österreich[87] offers conflict management and counselling of asylum applicants during the Dublin procedure in the Initial Reception Centre West (Talham) and the Reception Centre Nord (Bad Kreuzen) as well as legal counselling in the Federal Asylum Offices. Since 2003 the NGO has also been active in return counselling, the organisation of Assisted Returns and Assisted Return preparation in detention pending deportation. In the project year 2009 of the European Return Fund the Verein Menschenrechte Österreich was active in the general return counselling and organisation of Assisted Return[88] in Lower Austria, Upper Austria, Tyrol and Vienna and in return counselling and organisation of Assisted Return in detention pending deportation[89] in Burgenland, Carinthia, Lower Austria, Salzburg, Tyrol, Upper Austria and Vienna. These projects continue in the project year 2010.[90]

Since 2003 European Homecare[91] has provided social services in the field of asylum. The organisation assists asylum applicants in the four initial reception centres in Austria through the provision of social and psychological care, accommodation and transfer services. European Homecare also provides return counselling, mainly for asylum applicants in the Initial Reception Centre in Traiskirchen. Following a pilot project in 2007, the organisation operates the so-called "Voluntary Return - Telephone Hotline", a toll free telephone hotline in Austria through which counsellors offer anonymous information on Assisted Return.[92]

The Refugee Department of the Office of the Provincial Government of Carinthia (Flüchtlingsreferat des Amts der Kärntner Landesregierung)

87 For more information on Verein Menschenrechte Österreich visit www.vereinmenschenrechte.at

88 Project "Rückkehrberatung". This project continues in the RF National Programme 2010.

89 Project "Rückkehrvorbereitung in Schubhaft in den Polizeianhaltezentren der Bundesländer Wien, NÖ, Burgenland, OÖ, Salzburg, Tirol und Kärnten".

90 For the RF National Programme Year 2010, Verein Menschenrechte has been mandated with return preparation in detention pending deportation for the federal provinces Burgenland, Carinthia, Lower Austria, Salzburg, Tyrol and Vienna. The federal provinces in which regular return counselling activities are carried out remain in the project year 2010 unchanged to 2009.

91 For more information on European Homecare visit www.eu-homecare.com/at

92 Project "Return Telephone Hotline". This project continues in the National Programme 2010 of the European Return Fund.

implements general return counselling and organizes Assisted Returns in Carinthia.[93]

The Diakonie Flüchtlingsdienst[94] which is engaged in counselling, mentoring, accommodation, training, medical and psychological care of asylum applicants, refugees, migrants and Austrians, was active in return counselling in detention pending deportation from 1996 to 2008. Since 2008 it has been mandated by the Federal Ministry of Justice with return counselling activities in prisons for sentenced non-nationals according to Art. 133a Prison Administration Act.[95] While counselling activities in prisons are carried out by the Diakonie Flüchtlingsdienst in the federal provinces Carinthia, Lower Austria, Salzburg, Tyrol and Burgenland, counselling in Upper Austria has been transferred from Diakonie Flüchtlingsdienst to Caritas. In Vienna counselling is carried out jointly by the Diakonie Flüchtlingsdienst and Caritas.

The association LEFÖ-Berating, Bildung und Begleitung von Migrantinnen[96] is active in the field of counter trafficking in human beings. The main aims of the organisation are the prevention of trafficking in women and the protection of women from exploitation. Since November 2009 the section IBF- Interventionsstelle für Betroffene des Frauenhandels has been carrying out a project on Assisted Return for female victims of human trafficking[97]. It aims to expand sustainable national and international structures and cooperation agreements on the secure return and re-integration of female victims of trafficking.

The Crisis Centre Drehscheibe of the City of Vienna (Municipality Department 11 - Department for Youth and Family) is primarily responsible for the care of unaccompanied minors that have been picked up by the police in Vienna. The institution acts as the legal guardian during the stay of unaccompanied minors at the crisis centre. It offers accommodation and, in certain cases, also organizes Assisted Returns.

93 For more information on the Refugee Department of the office of the Provincial Government of Carinthia visit www.ktn.gv.at/46191_DE-Organisation-Sozialwesen

94 For more information on Diakonie Flüchtlingsdienst visit http://fluechtlingsdienst.diakonie.at/goto/de/startseite

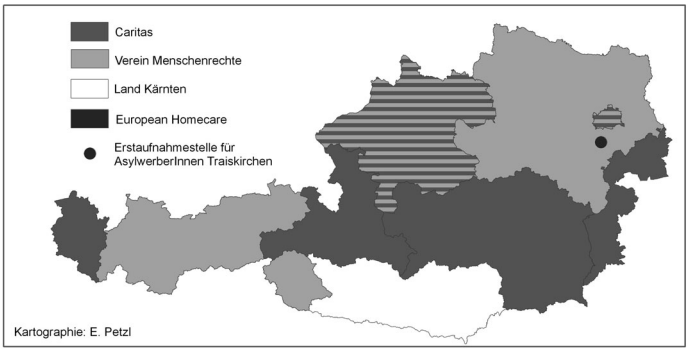
95 Project „Unterstützende Maßnahmen zur freiwilligen Rückkehr gemäß § 133a Strafvollzugsgesetz (StVG)"

96 For more information on LEFÖ visit www.lefoe.at

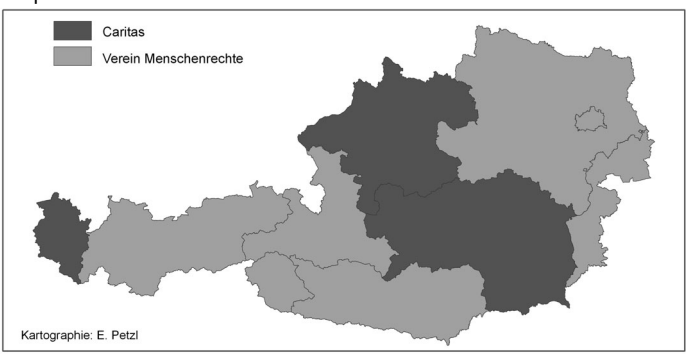
97 Project „Freiwillige Rückkehr von Opfern des Menschenhandels - FROM"

Hereafter an overview of counseling activities on Assisted Return in Austria in 2010 is given. Please note that the maps refer to the period after July 2010.

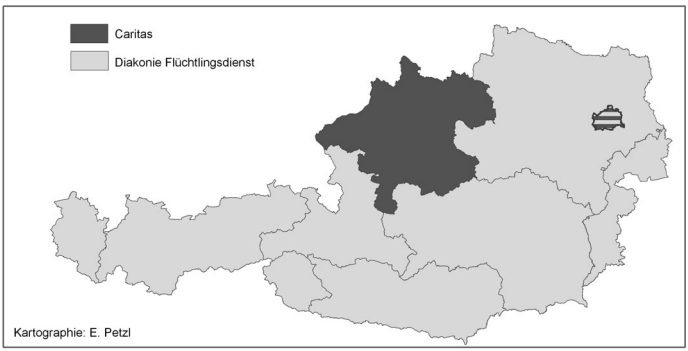
Graph 10: Counselling on Assisted Return



Graph 11: Preparation of Assisted Return from Detention Pending Deportation[98]



Graph 12: Assisted Return Counselling in Prisons



98 **From July 2009 until July 2010, counselling on and preparation activities for Assisted Return from Detention Pending Deportation in Upper Austria was carried out by Verein Menschenrechte.**

3.3.3 Organisation of travel and further assistance

All actors engaged in return counselling mentioned above are also active in the organisation of travel and assistance of Assisted Returns.

Furthermore, based on the Memorandum of Understanding with the Federal Ministry of the Interior, the International Organization for Migration (IOM) in Vienna[99] is in charge of the operational part of Assisted Return carried out in the framework of the "General Humanitarian Return Programme". This includes the provision of information on Assisted Return, support of the returnees in attaining travel documents, organisation of the logistics for the return from Austria as well as to the country of transit and origin, and the payment of the start-up aid.

3.3.4 Re-integration measures

IOM Vienna also implements country-specific re-integration projects in the Russian Federation (Chechen Republic), Kosovo and Nigeria which are co-funded by the Austrian Ministry of the Interior and the European Return Fund.[100] A further reintegration initiative is the IRRICO II project "Enhanced and Integrated Approach regarding Information on Return and Re-integration in Countries of Origin" which was implemented by IOM Vienna from 2008 to 2010 and aimed at providing information on countries of return to return counsellors and their clients.[101]

Caritas Österreich is further part of the European Re-integration Support Organisations (ERSO) network[102] which aims to improve the assistance for migrants upon return in their countries of origin.

In the province Vorarlberg Caritas Vorarlberg manages additional financial support to returnees on behalf of the provincial government. Since April 2010 Caritas has been running a reintegration project co-financed by the government of Liechtenstein which provides re-integration support to people returning to Armenia from all over Europe.

The province Tyrol supports returnees in Kosovo, especially in the Podujevo region, as part of a general development project for this region.

99 For more information on IOM Vienna visit www.iomvienna.at

100 Projects „Entwicklung und Implementierung eines Pilotprojekts zur Unterstützung der Freiwilligen Rückkehr und Reintegration von TschetschenInnen", Freiwillige Rückkehr und Reintegrationshilfe für Staatsangehörige aus dem Kosovo" and „Freiwillige Rückkehr und Reintegrationshilfe für Staatsangehörige aus Nigeria".

101 For further information on IRRICO visit http://irrico.belgium.iom.int

102 For more information on ERSO visit www.erso-project.eu

4. Organisation of Assisted Return

4.1 Motives for Assisted Return

In corresponding with the motives which are theoretically identified to explain the movement of people in general – there are different approaches like the neoclassical theory, the New Economics of labour Migration, more structurally orientated explanations and newer theories like transnationalism – also divers interpretation patterns exist for the analysis of the reasons for migrants' return are available.[103] Generalizing one can assume that "The return decision is always complex. It is often made on the basis of multiple factors that are hard to disentangle, even for the person making the decision."[104] Every case is unique and a decision is influenced by multiple factors, which are not necessarily based on rational grounds: "Nobody is a perfectly 'rational' decision-maker, and different people come to different conclusions even on the basis of the same evidence. One reason for this relates to individual characteristics such as age and gender. Another relates to the broader context of social relations".[105]

In Austria, a categorisation or systematized overview of specific groups and their motivations to return can not be provided. Therefore, the study describes various aspects influencing a return decision. These aspects for Assisted Return which were identified within the expert interviews are divided into two subchapters: the motives of returnees and those of the Austrian state

103 Vgl. Currle, Edda: Theorieansätze zur Erklärung von Rückkehr und Remigration: in: so-Fid Migration und ethnische Minderheiten, 2006/2, p.7-23.

104 Black, Richard / Koser, Khalid / Munk, Karen: Understanding voluntary return. Home Office Online Report 50/04, 2004, p.9, available at http://rds.homeoffice.gov.uk/rds/pdfs04/rdsolr5004.pdf. Black, Koser and Munk base their findings on the research of Kosovan returnees and present a model of different influential factors of a return decision including conditions in the country of origin and in the host country; social relations; incentives and disincentives and individual attributes. For more details see Black, Richard / Eastmond, Marita / Gent, Saskia: Introduction - Sustainable Return in the Balkans: Beyond Property Restitution and Policy, in: International Migration, 44 (3); 2006, p. 5-13; Black, Richard/ Gent, Saskia: Sustainalbe Return in Post-Conflict Contexts, in: International Migration, 44 (3), 2006, p.15-38.

105 Idem, p.19.

4.1.1 Motives of returnees[106]

The following aspects might have an effect on the return decision of returnees:

- **Rejection of an asylum application**
- **Wish to return in a dignity**
- **Family-related and private issues**
- **Unfulfilled expectations**
- **Changes in the country of origin**
- **Economic factors**

Persons with a rejected asylum application, or an asylum application which will probably be rejected in the near future might decide to return to their country of origin due to the lack of prospects for a regular stay in Austria. This includes persons who are subject to a Dublin transfer. In addition to this lack of prospects, the time spent in Austria waiting for an asylum case to be decided can be a tiring experience. Therefore, persons sometimes opt for Assisted Return in order to end the waiting process. If the person concerned has a negative asylum decision, Assisted Return may also be chosen to avoid detention pending deportation and forced removal, as it involves a high stress factor. The imposed return or residence ban in case of a forced removal will also create problems if the person wants to return to Austria in the future. In addition, migrants and (former) asylum applicants might opt for Assisted Return in order to make use of the services offered within the framework of the assistance and/or re-integration measures.

According to experts, the wish to return to the country of origin in dignity is widespread among returnees who are at risk of forced removal. Assisted Return measures provide these migrants with a humanitarian way to return, avoiding humiliation. Furthermore, these measures may prevent potential penalties for traveling without a valid visa or residence title in the Schengen area, deportation stamps in the passport and potential intimidating behavior of police or officials in the country of origin at arrival, which makes Assisted Return an attractive Alternative.

Other main aspects influencing a return decision are family-related and private issues.[107] "When migrants are asked to indicate their reasons

106 The following information is based on interviews conducted with stakeholders in the field of Assisted Return, not on direct contact with returnees; therefore, the perspective of migrants and asylum applicants might differ from the perception of the stakeholders presented here.

107 An exception of family reunion cases are migrants who return to their country of origin with the intention to re-migrate back to Austria soon afterwards because according

for return in questionnaires and interview surveys most studies report the predominance of non-economic factors. The most frequently mentioned motives are family ties and the desire to rejoin relatives and old friends."[108] This also applies to Austria. In some cases, persons miss their family, which renders attractive a legal, institutionalized, and financed way of returning to the country of origin.

Norbert Ceipek from the Crisis Centre Drehscheibe describes this factor in the case of unaccompanied minors: "It starts with homesickness. The family is in the country of origin and the minor is alone in Austria. Everybody has the need to see or be in contact with their family. […] And if it is difficult for the minor to maintain contact with his/her family the wish to see the family intensifies over time. Additionally, the minor might be in an asylum procedure which contributes to the difficulties. So there is the happy medium: 'I want to go home'."[109] Valerio Urban from European Homecare confirms this for adults: "I see a lot of men and women who have left without their partners and children and they cannot stand this situation for very long. They sometimes say that even if they were to be granted asylum it would be too difficult for them to stay in the country without their family."[110]

An Assisted Return also becomes a potential choice if a family member in the country of origin is severely sick. Migrants sometimes receive negative news from the country of origin about sickness or a case of death in the family which also influences a return decision. Return counselling becomes especially important in these cases: "They fear for their family in their country of origin. They receive bad news and say: 'I have to go there, no matter what'. And there is only little support to help them find out whether it is the right decision or not; they might potentially endanger themselves

to the Austrian law (Art. 21 Settlement and Residence Act), third county nationals have to apply for a residence permit from abroad (this also applies to cases of marriage). Thus, in some cases returnees misuse the Assisted Return measures to return to their country of origin in order to fulfil the requirements of the law.

108 King, Russell: Generalizations from the History of return Migration, in: Ghosh, Bimal: Return Migration. Journey of Hope or Despair? International Organization of Migration, Geneva 2000, p.7-56, p.17.

109 Interview Norbert Ceipek, Head of Crisis Centre Drehscheibe, Municipality Department 11, Youth and Family Authority, City of Vienna, 17 March 2010.

110 Interview Valerio Urban, Return Counsellor, European Homecare, 19 March 2010.

and base their decision on pure desperation. This is a huge problem. […] These people are in need of better advice and counselling"[111]

Unfulfilled expectations are also an influential factor for a return decision as migrants sometimes arrive in a country they knew little about before they came. "Social imaginations"[112] and expectations of how their stay in the country of destination would be sometimes differ from the reality. In this case the wish to return arises. Norbert Ceipek has observed this phenomenon especially among unaccompanied minors: "With Assisted Return the main scenario is that the children and minors realize after some time that their situation in Austria is not what they expected, that it is more difficult than they thought and then they think that life might be better in their country of origin."[113] The same applies to adults, "because the conditions in Austria are not as expected."[114] Valerio Urban from European Homecare confirms this: "We have the impression that our current clients in return counselling aim for an extended family reunification, whereby family members come to Austria years later after some family member has already been granted asylum as well as accommodation and there appear to be encouraging future prospects. […] And if these people see that it is not working out in Austria as they had expected, they try to extend the family visit as long as possible, but ultimately […] they decide to return."[115]

The political, social and economic changes in the country of origin can also influence (though to a lesser degree) the return decision of migrants. If the situation in the country of origin becomes politically stable and economic growth can be foreseen, migrants have new perspectives to build up a life in their country of origin. For example, the independence of Kosovo in 2008 motivated many persons to go back. In some cases recognized refugees return to their country of origin when the political situation stabilizes and the security situation improves. This can be observed in the case of elderly refugees, who miss their way of live in the country of origin and

111 Interview Christoph Riedl, Head of Diakonie Flüchtlingsdienst Österreich, 24 March 2010.

112 Cp. Appadurai, Arjun, Modernity at Large. Cultural Dimensions of Globalisation. London 1996.

113 Interview Norbert Ceipek, Head of Crisis Centre Drehscheibe, Municipality Department 11, Youth and Family Authority, City of Vienna, 17 March 2010.

114 Langthaler, Herbert: Rückkehr in Würde, in: asyl aktuell, 1/2009, p.2-7, p.4.

115 Interview Valerio Urban, Return Counsellor, European Homecare, 19 March 2010.

are more likely to return once the situation in their country of origin has improved.[116]

Some of the interviewed stakeholders identified economic factors for the return decision in the context of financial resources accumulated during the stay in Austria: "Another group [of returnees] is the 'Quick-money-group'. Their aim is to earn some money within a certain amount of time, e.g. to reinvest in their country of origin or to buy something they need for their business back home and once that goal is achieved they no longer need any more money, they don't want to stay here and then it is clear: 'We will go back to our country of origin'."[117] By working illegally in the shadow economy migrants might be able to accumulate some financial capital in these cases. Other economic factors influencing the return decision include the lack of working possibilities in Austria (e.g. no possibility to work as an asylum applicant, difficulties in receiving recognition for skills and qualifications acquired abroad, language barriers, discrimination of foreign workers), as well as integration difficulties.

Most interviewed stakeholders did not consider the financial support offered by Austria within the framework of Assisted Return an influential factor on return decisions. In general, the start-up aid of EUR 370 as well as the re-integration assistance in country-specific projects is not decisive for a return decision, even though it is of course an additional benefit. Additional re-integration measures make the transition back into their country of origin easier for the returnees. However, they do not constitute a real reason or motive to return, but rather an advantage returnees gladly accept. It is only when the Return Assistance is really substantial and client-oriented (e.g. in the framework of in-kind re-integration measures) that returnees who have been afraid to return 'with empty hands' before are more likely to consider Assisted Return as an option than without assistance. Yet even in these cases the economic aspect is not the main deciding factor for a return decision.

116 Interview Peter Zimmermann, Operations Assistant, IOM Vienna, 10 May 2010. Of course it must be taken into consideration that the situation in the country of origin can change again, so that a political stable situation changed again to the worse and a return decision may be taken in an unstable context.

117 Interview Valerio Urban, Return Counsellor, European Homecare, 19 March 2010. This phenomenon is also decribed by Georg Elwert, who characterises irregular migrants as economical players within a global economy. Elwert, Georg: Unternehmerische Illegale. Ziele und Organisationen eines unterschätzten Typs illegaler Einwanderer, in: IMIS Beiträge, Heft 19, 2002, p.7-20, p.7.

4.1.2 Motives of the Austrian State[118]

The following motives for the Austrian state to support Assisted Return could be identified:

- **Possibility for migrants to return in dignity**
- **Sustainability**
- **Cost-effectiveness**

According to experts, Austria prefers Assisted Return to forced removal, a.o. as it gives migrants the chance to return in dignity, which is both in their interest (as mentioned above) and in the interest of the state.

In addition, an Assisted Return is meant to be a long-term solution for a returnee and if a migrant can return in dignity and benefit from re-integration measures, the sustainability of a return is more likely, as there are better prospects in the return country, which also counters new incentives for re-migration.

An Assisted Return is also more cost-effective for the state than a forced removal. Günter Ecker notes that "An Assisted Return, even if the flight is paid for and re-integration assistance is offered, is much cheaper for the state than the alternative forced removal."[119] There are no available figures on the costs of Assisted Returns and forced removals, but most stakeholders assume that an Assisted Return costs approximately a quarter of a forced removal.

Some stakeholders argue that in the future more financial resources will be needed for Assisted Returns. In the last few years Austria has invested in upgrading its asylum institutions[120] with the aim of reducing the uncompleted asylum procedures. In total, at the end of December 2009, a number of about 28.600 asylum applications in Austria were pending.[121] According to Verein Menschenrechte Österreich, the rising numbers of negative decisions and especially the rising numbers of persons who are obliged to leave Austria are not adequately being taken into consideration in the cal-

118 The information used is based on interviews with selected stakeholders in the field of Assisted Return. It does not represent an official opinion of the Austrian government.

119 Interview Günter Ecker, Head of Verein Menschenrechte Österreich, 12 March 2010.

120 In 2008, the Asylum Court was established as court of last resort and has replaced the Independent Asylum Senate. Additionally, the personnel of the Asylum Court was increased compared to its predecessor.

121 Cp. Eurostat. Persons subject of asylum applications pending at the end of the month by citizenship, age and sex Monthly data. December 2009. http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asypenctzm&lang=de

culations of prospective costs: "These people have to leave the country and in general, asylum applicants do not tend to accumulate a massive amount of for them to pay for their return themselves. There is a lack of funding to assist the person with a negative asylum decision in their return. We get the impression that Assisted Return is under financial pressure which would be absolutely wrong if you consider the alternative costs of a forced removal. Out of the three options: Assisted Return, forced removal or Dublin transfer, Assisted Return is the most cost-efficient alternative."[122]

4.2 Obstacles to Assisted Return

Civil society institutions engaged in return counselling as well IOM Vienna offer their help in overcoming obstacles. The cancellation of an Assisted Return due to external factors is a very rare exception. Nevertheless, some obstacles or problems were mentioned by the interviewed experts in the context of Assisted Return, which can be summed up as organisational, ethical and legal obstacles.

4.2.1 Organisational obstacles

The following organisational obstacles might occur in the event of an Assisted Return:

- Difficulties in obtaining travel documents
- Lack of cooperation with countries of origin and EU Member States
- Overlapping dates of departure and/or lack of coordination between institutions
- One-off usage of Assisted Return measures

In some cases it is difficult for a returnee to obtain a travel authorisation, which is essential for the implementation of the return: a travel document such as an international passport, a laissez-passer or a Kosovo ID card is needed. The NGOs responsible for return counselling in Austria deal differently with the procurement of documents. The Österreichische Caritaszentrale, for instance, is of the opinion that the returnee is responsible for obtaining all the necessary documents needed for an Assisted Return, as this effort shows the returnee's will to return. The Verein Menschenrechte Österreich, on the other hand, accompanies migrants and asylum applicants to the embassy to assist with the procurement of documents. In general, problems with acquiring an identity certificate and/or a travel au-

122 Interview Günter Ecker, Head of Verein Menschenrechte Österreich, 12 March 2010.

thorisation are not seen as big issues. If the person is willing to return and provide the NGO with his/her identity details papers can be obtained. Nevertheless, in some cases there are problems with obtaining papers, especially if the responsible embassy does not issue the necessary documents. Depending on the embassy of the country of origin, obtaining the documents can take up to several months. Upon request IOM Vienna can help contact the embassies and provide a confirmation of the flight reservation.[123]

In this context, a lack of cooperation with the countries of origin as well as among the EU Member States was highlighted by some stakeholders: „Some countries are 'white stains' on the map. This is partly due to the clients and their identities and partly to the embassies' own conceptions of the procedures in cases of issuing a travel document or laisser passer. […] If there are no papers, there is no Assisted Return".[124] Valerio Urban from European Homecare on the cooperation within the EU Member States mentions: „There is a lack of cooperation between the EU Member States concerning the documents of returnees. I have a lot of Chechens here whose passports are in Poland, at the Polish asylum authority. Once I had to wait for four and a half months for a passport. […] Now I am counselling an Armenian woman. She wants to go back to Russia as she is from an Armenian minority and lives in Russia. Her documents are at the Hungarian asylum authority in Budapest and there is no chance to get them. The Russian embassy sent an application to Moscow and the staff from the Russian embassy told me that it will take at least three months. These are bureaucratic obstacles".[125]

A further organisational obstacle for an Assisted Return might be overlapping dates or lack of coordination between involved actors. In particular for persons who are subject to Dublin transfer, but also for other returnees, it may happen that a date for a transfer to another EU Member State within the Dublin II regulation has already been set and arranged by the Aliens' Police. In this case returnees can no longer use Assisted Return measures. In detention pending deportation there might also be a lack of coordination between institutions for forced and Assisted Return, so that the Aliens' Police does not release the detainee for an Assisted Return because they think he/she will be deported. In such cases some civil society actors work under

123 Interview Peter Zimmermann, Operations Assistant, IOM Vienna, 10 May 2010.
124 Interview Günter Ecker, Head of Verein Menschenrechte Österreich, 12 March 2010.
125 Interview Valerio Urban, Return Counsellor, European Homecare, 19 March 2010.

time pressure to arrange for an Assisted Return in order to avoid arranging a forced removal.

Another organisational obstacle for Assisted Return, which was mentioned by the experts, is the one-off usage of assisted Return measures.[126] According to the criteria prescribed by the Federal Ministry of the Interior in Austria returnees have to pay for their travel themselves if they have enough money. In most instances this is not the case and the individual concerned receives assistance with the funding of his/her return. However, in certain cases – e.g. if an Assisted Return is chosen for the second time, or the returnee has relatives in Austria – financial support may not be granted. In these cases Assisted Return might not be possible if the returnee has no financial resources to pay for the travel. The Verein Menschenrechte Österreich criticizes this practice: „If a returnee has money to return he/she should use it. But if the absorption of costs is only denied due to the fact that he/she has relatives in Austria or because he/she is returning for the second time then this is rationally incomprehensible for us."[127]

4.2.2 Ethical obstacles

The following ethical obstacles appear during an Assisted Return:

- Insufficient structures in the countries of origin
- Incorrect or incomplete information
- Sickness/ weak physical condition of the returnee
- Lack of resources for re-integration

Some stakeholders question whether an Assisted Return is in the best interest of the returnee in some cases, especially if they return to countries of origin which lack human rights standards, if penalisation of the returnees can be expected after the return and/or if the person concerned belongs to a vulnerable group.[128] „Missing or insufficient structures in the countries of origin prevent a guarantee for the best interest of the child and questions the legitimacy of their return. Returnees are afraid of criminal prosecution

126 Assisted Return measures are widespread throughout the European Union Member States and migrants might migrate to the European Union and use the service of Assisted Return in one Member State to return to their country of origin, re-migrate to the European Union and once again use assisted measurements from another Member State. There is no exchange of data between the different Member States and their returnees, so a multiple usage is possible.

127 Interview Günter Ecker, Head of Verein Menschenrechte Österreich, 12 March 2010.

128 See Düvell, Franck: Die Ethik der Politik der freiwiligen Rückkehr, in: Flüchtlingsrat, Zeitschrift für Flüchtlingspolitik in Niedersachsen, Ausgabe 6/04, Heft 104/105, 2005, p.61-67.

and reprisals in the country of origin. [...] Especially in countries such as the Chechen Republic or Afghanistan there are almost no structures. [...] You have to go to these countries and find out what is really going on before assisting someone in their return. This is the only way to make sure if it is safe and if structures for a normal life are in place."[129] The lack of internal structures in the country of return might lead to difficulties in the re-integration process, e.g. the integration into an employment market which is structurally characterized by high unemployment is rather hard to achieve.[130]

Furthermore, incorrect or incomplete information about the country of origin is sometimes spread throughout the community, as some experts argued. This information influences the picture of potential returnees about the situation in the country of origin and about Assisted Return measures. This might not always paint a realistic picture and even if returnees have a realistic picture of the political, economic, and social situation in the country of origin they might still struggle adapting to this situation and might find it difficult to cope with the changes that have come about during their time of absence. Even if re-integration measures are embraced and used some returnees might still find it difficult to re-integrate in their country of origin and the integration process is met with the same obstructions as any other country.

Illness or a weak physical and/or psychological condition of a returnee also involves ethical matters for Assisted Return. If a potential returnee is very ill and needs permanent medication which is not available or very expensive in the country of origin it might be risky to assist a person to return to that country, even if he/she wants to return. In cases of severe illness that require permanent treatment the interviewed stakeholders suggested offering the returnees supplies of medication or other forms of support such as wheelchairs in order to make an Assisted Return worthwhile for them. In a few exceptional cases the migrant has come to Austria for medical treatment and/or operations and then wants to return to his/her country of origin when the treatment is over. If this is attempted via Assisted return channels the legitimacy of the assistance can be questioned. Furthermore

129 Interview, Norbert Ceipek, Head of the Crisis Centre Drehscheibe, Municipality Department 11, Youth and Family Authority, City of Vienna, 17 March 2010.

130 Dahinden, Janine: Rückkehr ins Herkunftsland: Möglichkeiten und Grenzen von Rückkehrpolitiken und -programmen, in: Asyl, Schweizerische Zeitschrift für Asylrecht und -praxis, 2006, p.18-22, p.21.

stakeholders mentioned psychological problems of potential returnees[131], which can be pretty severe so that a return might not be in the best interest of the person concerned, if there is no sufficient psychological care available in the country of origin.

In this context it is important to mention that in some cases, a person has given up everything in his/her country of origin in order to migrate, so that no resources in any sense are left there. Accordingly, some stakeholders find it unethical to advise these persons to return to their country of origin, as the essential resources for re-integration are not available.

4.2.3 Legal Obstacles

Open criminal procedures of potential returnees can constitute a legal obstacle to Assisted Return measures. Some stakeholders see a legal problem in assisting potential returnees who have committed a crime in Austria in the past to return to their country of origin, as long as the criminal procedure is ongoing. In these cases the judges are informed and consulted on the person's wish to return, to determine whether an Assisted Return is possible or not. Delinquency is not a reason for exclusion from Assisted Return measures; however, the criminal proceedings have to be completed before the departure from Austria. Once a person has served a sentence he/she can return via Assisted Return.

4.3 Procedures of Assisted Return

Due to the great variety of projects, actors and institutions involved in the return process it is not possible to provide a universal overview of the procedures. However, in order to streamline the information flow between authorities, NGOs and IOM Vienna, the Federal Ministry of the Interior has issued communication guidelines which authorities or organisations have to be informed about at different stages of the Assisted Return procedure.[132] These guidelines serve as the basis for a description of the various procedures.

131 Interview with Ilirjana Gashi and Anna Thiersch, Head of and Project Assistant, respectively, Assisted Voluntary Return and Re-integration Unit, IOM Vienna, 12 May, 2010.

132 Federal Ministry of the Interior, Verständigungen im Zuge der 'Freiwilligen Rückkehr', 5 August 2009.

4.3.1 General return counselling and Assisted Return

Asylum applicants, persons whose asylum application has been rejected and irregular migrants as well as recognized refugees can contact one of the organisations/institutions that offer general return counselling, such as in 2009[133] the Österreichische Caritaszentrale, European Homecare, Verein Menschenrechte Österreich or in the case of Carinthia the Refugee Department of the Office of the Provincial Government. Information on Assisted Return is disseminated via different channels: The asylum authorities and the initial reception centres inform asylum applicants about Assisted Return measures. Return counselling is offered at any stage of the asylum procedure. Furthermore, information is provided via brochures in different languages[134] as well as through migrant networks. Additionally, in order to facilitate access to return counselling, especially for asylum applicants who are accommodated in a decentralised way in the federal provinces in various pensions and other facilities, a toll-free telephone hotline[135] is operated by European Homecare. The hotline is not seen as an alternative but as a supplement to existing counselling activities and works in close cooperation with local counselling organisations. The existence of the hotline is communicated at all initial reception centres for asylum applicants via posters, stickers, folders, free give-aways, and the homepage of the hotline.[136]

The NGOs (and in the case of Carinthia, the Refugee Department of the Office of the Provincial Government) carry out counselling activities in (regional) offices as well as on a mobile basis.[137] They offer between three to five return counselling sessions. In the first counselling session future perspectives in Austria (prospects during and after the asylum procedure) and in the country of return (political situation, possibility of participation in re-integration projects, access to support structures, etc.) are discussed.[138] The return decision is to be taken autonomously by the client and can be

133 Please note the European Return Fund project year is referred to and not the calendar year.

134 E.g. brochures from European Homecare, available at www.eu-homecare.com/at/download/formulare/hotline/Hotline_Englisch.PDF

135 For further information visit www.eu-homecare.com/at/projekte/projekte.htm

136 For further information visit www.0800203040.at

137 Although, in principle, the return counsellors all have the same tasks, it should be pointed out that the focus and the methods of counselling differ between the various NGOs. Currently, there are efforts undertaken to formulate standards of return counselling; however, until now no compulsory standards have been set up.

138 For further information visit www.caritas.at/hilfe-einrichtungen/fluechtlinge/beratung-und-vertretung/rueckkehrhilfe-und-rueckkehrberatung-irma

revised at any time. In the subsequent counselling sessions migrants are supported in the communication with authorities, doctors etc. Vulnerable groups such as unaccompanied minors, persons with special needs, who are disabled or have suffered traumas, or persons with mental-health problems, can receive more intensive and sensitive care. Once a person has decided to make use of Assisted Return measures or has revised this decision, the Aliens' Police, and in the case of asylum applicants, the asylum authorities also have to be informed.[139]

At the same time, the NGO files an application for the absorption of the return costs and for the start-up aid to the Department of Immigration and Border Police of the Federal Ministry of the Interior. The Federal Ministry of the Interior covers the travel costs (one-way flight); the cost of the travel documents and provides start-up aid of up to EUR 370. The actual amount of start-up aid depends on the needs of the returnee. According to the guidelines of the Federal Ministry of the Interior a person can receive up to EUR 370, for third-country nationals in detention pending deportation the amount is fixed to a maximum of EUR 150, while minors under 14 years may receive up to EUR 200. An asylum applicant who is subject to the Dublin procedure and is to be transferred to Poland is granted a maximum of EUR 200 (if Poland has accepted to take the person).[140] This is seen as necessary to prevent Austria from becoming attractive for persons who are in a Dublin procedure, as the maximum amount of financial assistance granted in Poland is also EUR 200. If the person is not in need or is an EU national, he/she has to cover the return costs him/herself and the NGO directly contacts IOM Vienna.

Once the decision about the costs is made by the Federal Ministry of the Interior, IOM Vienna is informed. IOM Vienna is responsible for the operational part of the return: the organisation books the flight ticket, takes care of the returnee at the airport and hands out the start-up aid. In exceptional cases the return counselling NGO organizes the journey itself, e.g. if the person returns by train[141] or if IOM Vienna cannot operate in the country of return due to security reasons. Currently, IOM Vienna does not

139 Federal Ministry of the Interior: Verständigungen im Zuge der 'Freiwilligen Rückkehr', 5 August 2009.

140 Information received by e-mail, Beate Mathilde Wolf, Head of Unit European External Border and Return Fund.

141 Interview, Miriam Mlczoch, Project Coordinator for Voluntary Return Programmes, Department of Refugee and Migration Affairs, Österreichische Caritaszentrale, 2 February 2010.

assist persons returning to Iran and to Somalia for safety reasons.[142] Returnees assisted by IOM Vienna can also benefit from the transit visa waiver arrangements at selected transit locations.[143] In the EU Member States, these agreements are implemented in Amsterdam, Athens, Brussels, Budapest, Copenhagen, Frankfurt, Helsinki, Lisbon, London, Paris and Vienna.[144] Another advantage is the competitive airfares which are often well below or on par with locally available market fares, with the added advantage of most fares being less restrictive (for instance, the possibility of rebooking or even cancellation without penalty).[145] At the airport, the main task of IOM Vienna is to support returnees with checking in and to accompany them to the gate. Concerning the accompanying of returnees, almost all clients arrive at the airport with an NGO representative, at which point IOM Vienna takes over the returnee; only a few clients come to the airport on their own.

When the returnee has left Austria IOM Vienna informs the Federal Ministry of the Interior, the Aliens' Police, the responsible NGO, or in the case of asylum applicants, also the responsible asylum authority.[146] The return is registered in the Aliens' Information System; the return of former asylum applicants is also entered in the Asylum Information System. For asylum applicants the file on an application for international protection is closed "as no longer relevant" [147] once the person has left Austria.

4.3.2 Assisted Return from detention pending deportation

Assisted Return is also possible for those in detention pending deportation. As the steps are similar to those described above only the main differences are highlighted here. In Austria detention pending deportation is a security measure in connection with an expulsion procedure. It is not imposed as a criminal sanction and it should be distinguished from detention in prisons.

142 Interview with Peter Zimmermann, Operations Assistant, IOM Vienna, 10 May 2010.

143 IOM: Concession Fares, available at www.IOM.int/jahia/Jahia/pid/1820

144 IOM: IOM Transit Locations, available at www.IOM.int/jahia/webdav/shared/shared/mainsite/activities/mepmm/transit_locations.pdf

145 IOM: Concession Fares, available at www.iom.int/jahia/Jahia/pid/1820

146 Federal Ministry of the Interior, Verständigungen im Zuge der 'Freiwilligen Rückkehr', 5 August 2009.

147 Art. 25 para 1 (3) Asylum Act

Since September 2008 NGOs have been offering return counselling in detention pending deportation.[148]

There are no guidelines or standards of how return counselling has to be organised in detention pending deportation. In 2008 UNHCR observed in its report on the detention condition for asylum applicants in Austria that there are significant differences in the quality of the return counselling between the various NGOs.[149]

In the framework of the projects of the Österreichische Caritaszentrale and the Verein Menschenrechte Österreich, third-country nationals are offered psychological care[150] as well as preparation for forced return and return counselling. According to Günter Ecker from Verein Menschenrechte Österreich, about 20% of the persons in detention pending deportation decide to make use of Assisted Return measures.[151] The option of Assisted Return is usually already discussed during the first counselling session. Third-country nationals spend on average three to four weeks in detention pending deportation before they leave Austria. Thus, both the returnee and the NGOs face time constraints for an Assisted Return, as the client usually has two weeks to make the decision and afterwards the NGO has two weeks to arrange the Assisted Return.

Due to the returnees being in detention they are not in a position to organize their travel documents on their own, so the NGOs assist them in handing in applications and picking up the documents at the embassy or consulate.

148 The projects on return counselling including return preparation in detention pending deportation have replaced the projects "Care in the Detention Centre" and "Assisted Return counselling in Detention Pending Deportation".

149 UNHCR, Monitoring der Schubhaftsituation von Asylsuchenden, 2008, p.11, available at www.unhcr.ch/fileadmin/unhcr_data/pdfs/rechtsinformationen/5_Oesterreich/2_A-Stellungnahmen/UNHCR-Monitoring-der-Schubhaftsituation-von-Asylsuchenden.pdf

150 Psycho-social care encompasses counselling, support in structuring the daily routine and in handling the detention situation, provision of information about the procedures and rights; establishment of contacts with relatives and persons of trust; provision of medical care, sanitary products, food, crisis management, etc.

151 Interview, Günter Ecker, Head of Verein Menschenrechte Österreich, 12 March 2010.

4.3.3 Assisted Return from prisons

The possibility of Assisted Return from Austrian prisons was established by law in 2008 in the framework of the so-called Prison Relief Package,[152] which allows for the release of non-nationals who have served one part of their sentence if they return immediately to their countries of origin. Prior to this law Assisted Return from prison was only possible if the migrants were released after having served the sentence and were transferred to detention pending deportation.[153]

According to the Prison Administration Act a sentenced non-national who has served half of his/her prison term (but at least three months) has to be released earlier if:

a) a residence ban has been imposed

b) the person is willing to return immediately to the country of origin

c) if there are no legal or factual hindrances impeding the return (e.g. non-refoulement or the identity of the person cannot be established)[154]

The further execution of the sentence is abandoned if the person leaves Austria. In the interest of general crime prevention, Assisted Return can be prohibited until the migrant has served 2/3 of his/her sentence, even if all other conditions are fulfilled. The decision needs to be taken by the courts. All third-country nationals must be informed at least three months in advance about the possibility of Assisted Return before they meet the conditions described above.[155] The counselling is primarily carried out by Diakonie Flüchtlingsdienst and by Österreichische Caritaszentrale. However, some prisons also counsel the potential returnees themselves through their social services, e.g. in prisons in Linz and Simmering.

In the case of a positive decision by the court on the return, the head of the prison must inform the Aliens' Police and if necessary the returnee is transferred to another prison that is more suitable for the preparation of the return. The journey to the country of origin must be supervised by the Aliens' Police in order to ensure that the person concerned has actually left the country. The Aliens' Police escort the migrants to the airport, where IOM accompanies them to the gate and helps them with the check-in. The

152 Strafgesetzbuch, Strafprozessordnung 1975 u.a.; Änderung, available at www.parlament.gv.at/PG/DE/XXIII/I/I_00302/pmh.shtml

153 This is still an option for convicts who decide not to take part in the return programme, for example because they hope that the residence ban will not be imposed on them in this way.

154 Art. 133a Prison Administration Act

155 Idem.

Aliens' Police is obliged to report the departure to the head of the prison and the court. Should the person return to Austria during the period during which the residence ban is still valid then the execution of the sentence is continued and the migrant has to be detained once again.[156]

4.3.4 Unaccompanied minors

In accordance with an agreement between the Austrian Federal Ministry of the Interior and IOM Vienna, certain additional principles and standards, based upon Art. 3 (1) of the United Nations Convention on the Rights of the Child (CRC),[157] the guidelines for repatriation of UNHCR[158] and the IOM Handbook on Voluntary Return,[159] are followed when assisting in the return of an unaccompanied minor.[160] Unaccompanied minors are only assisted in returning to their country of origin if their legal guardian signs the application for an Assisted Return. Thus, a minor cannot decide independently to return, but his/her wish and best interests must be taken into account.

At the same time, the youth welfare authorities in the country of return are contacted. Depending on the country, this may be the local youth welfare authorities or ministries. If necessary, field offices of international organisations, NGOs or other stakeholders can also be contacted.

Specific Assisted Return measures for minors apprehended by the police in Vienna are implemented by the Crisis Centre Drehscheibe. Following the transfer of an unaccompanied minor, the circumstances of the child's stay in Austria are investigated, with particular attention being paid to the reasons for her/his immigration to Austria, to the child's legal status, and to the present place of residence of her/his parents. Possible symptoms of physical or mental abuse are taken notice of and – if necessary – a medical and psychological assessment is carried out. Children are provided with the

156 Art. 133a para 5 Prison Administration Act

157 UN General Assembly, Convention on the Rights of the Child, 20 November 1989, available at www2.ohchr.org/english/law/crc.htm

158 UN High Commissioner for Refugees, Voluntary Repatriation: International Protection, 1996.

159 IOM: Assisted Voluntary Return and re-integration Handbook, 2011 (forthcoming).

160 Federal Ministry of the Interior, Kerninhalte des österreichischen Mehrjahresprogrammes 2008-2013 für den Europäischen Rückkehrfonds, 2008, available at www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/programme/files/RF_MJP_ffentlich_neu.pdf

required health care and receive a certificate to be used in case they need certain medical services.[161]

The Crisis Centre Drehscheibe cooperates with institutions active in the field of return, accommodation, care for and/or re-integration of unaccompanied minors. Upon establishing contact with partners in the country of origin the Crisis Centre Drehscheibe carries out an independent assessment to consider whether the well-being of the child can be ensured upon his/her return and whether adequate structures for his/her re-integration into the country of origin are available. Before a child is assisted in his/her return to the country of origin, the organisation seeks the local authorities' guarantee that the minor will be cared for appropriately upon his/her return. Only then is the child's repatriation initiated and the relevant embassy contacted. In cases where his/her well-being in the country of origin cannot be ensured, the child remains in Austria.

Different measures are taken in order to prepare minors for their return and in order to minimize their insecurity and fear as much as possible. These include the continuous provision of relevant information to the children, the possibility of contacting their family members and informing them about their return before the departure from Austria.

In order to ensure the well-being of the child in the country of origin, a monitoring system is implemented by the Crisis Centre Drehscheibe for a period of six months after the return of a minor. The monitoring mechanism consists of two main components: a bi-monthly review of the reports on the returned child compiled by the relevant authorities and NGOs and personal visits to the child.[162] In all cases it is evaluated whether a) the accommodation of the minor is appropriate, b) he/she attends school on a regular basis and c) the minor is safe. In cases where children are in need of health care, it is also evaluated whether they receive the necessary treatments. If a child is re-integrated into his/her family a further control mechanism is jointly implemented by the school the child attends (one main component of the re-integration foreseen for the minor), the responsible person from the youth welfare in the country of origin and the local police. If the minor does not appear at school for several days the youth welfare and the police are notified accordingly and the reasons for the absence are investigated.

161 This is particularly relevant for minors who are in need of long-term health care and who will have to draw on health care services offered in their countries of origin.

162 The personal visits are carried out either by the staff of the Crisis Centre Drehscheibe or by local NGOs and institutions, depending on whether the Crisis Centre Drehscheibe has the capacity to travel to the respective country or not.

5. Re-Integration and Sustainability of Return

5.1 Re-integration

Re-integration is a very complex process whereby the returnees redefine their social status within and their relationship to the people in their country of origin. The re-integration process can vary depending on the time spent abroad, the resources that are brought back to the country of origin, and the strength of the social networks and ties within the family, community and society. Most returnees from Austria do not accumulate a huge amount of financial resources during their stay in Austria and therefore have little capital to redefine their social place in the country of origin and/or find their place within the society. Depending on the social, economic and political circumstances in the country of origin, re-integration measures offered by the Austrian state can absorb this lack and strengthen the returnee's position in the country of origin after their return, which supports the re-integration process and its sustainability.

Austria currently offers returnees various re-integration measures to support them in their country of return. Some of the general re-integration measures are only offered by specific stakeholders to their clientele, others target specific countries of origin.

5.1.1 General re-integration measures

As mentioned above, some federal provinces provide further financial assistance to returnees from their provinces, in addition to their provisions in the framework of the Federal Basic Welfare Support Agreement, on a case to case basis, Examples of financial support measures of the two provinces Tyrol and Vorarlberg are described hereafter:

The federal province Vorarlberg started providing financial re-integration support to returnees in 2008. Adult returnees who have received at least six months basic welfare support in Vorarlberg can receive up to EUR 1.500 when returning to their country of origin; minors who also fulfill the criteria of the minimum length of stay in Vorarlberg can receive up to EUR 750. In vulnerable cases returnees can receive up to EUR 2.500. The project is carried out via Caritas Vorarlberg. In future, this project might

be expanded in the sense of an appropriation of payments as implemented within the framework of the return and country-specific re-integration projects. The payment is issued in two installments; the payment of the second installment is dependent on a report illustrating the situation of the returnee in his/her country of origin.

The federal province Tyrol offers additional financial re-integration assistance for returnees on a case-to-case basis. The measures are implemented by Verein Menschenrechte Österreich and offer additional financial support of between EUR 130 to 3.000. The beneficiaries are migrants that have received basic welfare support in the federal province for more than six months and meet the criteria of indigence. Persons with a negative asylum decision and those in detention pending deportation are not eligible and only receive the EUR 370 as laid down in the Basic Welfare Support Agreement.[163] The main countries of return of the beneficiaries of this assistance in recent years have been the Russian Federation (Chechen Republic), Kosovo and the Republic of Moldova. Special reintegration measures are provided for the returnees to Kosovo.

Furthermore, Caritas Österreich is involved in the implementation of re-integration mechanisms through its participation in the ERSO network[164]. The ERSO network consists of eleven NGOs in Austria, Belgium, Bulgaria, Germany, Hungary, the Netherlands, Spain and the United Kingdom and supports returnees during their re-introduction to their country of origin. The ERSO network cooperates with partners in the countries of return and aims to offer returnees impartial counselling before departure; information about reintegration possibilities in the country of return before the return; tailored reintegration assistance and monitoring after return through the partners in the country of return. The ERSO network focuses on the establishment of sustainable structures, the enhancement of continuous information exchange concerning available support mechanisms and allows the sharing of resources established by partner organisations for all institutions participating in the network.

The IRRiCO II Project[165] (Enhanced and Integrated Approach regarding Information on Return and Reintegration in Countries of Origin) which is co-financed by the European Commission and carried out by

163 No financial re-integration assistance is granted to forced removals when re-integration assistance has already been granted and in the case of pending criminal procedures.

164 For further information visit www.erso-project.eu

165 For further information visit http://irrico.belgium.iom.int

IOM Vienna as a project partner seeks to provide information on countries of return that help to ease the re-integration process. Although the project ended in 2010 information is still available in the form of country sheets about health care, housing, education, employment, business opportunities, custom issues and transportation. In addition, in each country of origin, a contact list of relevant organisations and service providers: hospitals, schools, universities, ministries, NGOs, etc. is provided with the addresses.

5.1.2 Country-specific re-integration measures

IOM Vienna currently carries out three country-specific re-integration projects for Kosovo,[166] Nigeria[167] and the Russian Federation / Chechen Republic.[168] All three return and re-integration projects are co-funded by the European Return Fund and the Federal Ministry of the Interior (and in the case of the Kosovo project, by the federal provinces). The target groups are those defined by the European Return Fund, such as asylum applicants or persons with rejected asylum applications.[169]

The basic components of all return and re-integration projects include return and re-integration assistance. The re-integration assistance focuses on income-generating activities, aiming at rendering the beneficiaries self-sustainable. In general, re-integration assistance comprises the following elements in all three countries:

- **Trainings (e.g. for becoming an electrician, plumber, mechanic, hairdresser) taking into consideration the demands of the local labour market**
- **Acquisition of work equipment (machines, tools, seed, poultry, etc.)**

166 Since September 2008 IOM Vienna has been in charge of implementing a re-integration project in Kosovo. This project is funded by the Federal Ministry of the Interior and the European Return Fund and is co-financed by the federal provinces of Lower Austria, Tirol or Carinthia. To date, 235 persons (plus 200 family members) could be supported.

167 The re-integration project to Nigeria was started in September 2009 by IOM Vienna. To date, 45 persons have been supported with the project.

168 In the framework of the pilot project (1 July 2009 – 30 June 2010) 12 returnees have been supported. In the follow-up project, which started in July 2010, support measures are foressen for 70 returnees.

169 However, the country-specific projects may have their own specific criteria identifying who is eligible to join the projects. Especially the current place of residence of migrants in Austria also determines project eligibility, as not all federal provinces are involved in the re-integration project (only Carinthia, Tyrol, Lower Austria).

- **Support in setting up a small business (e.g. tailoring, bakery, drug store, grocery store, workshop, taxi company, catering, etc.), including business trainings**
- **Support of people with special needs (such as single parents, elderly, unaccompanied minors, victims of human trafficking and people with special health needs)**
- **Monitoring of the re-integration process in order to adapt current measures to the needs of the returnees and the local conditions, if required**
- **Country-specific services offered to the returnees:**

Country-specific re-integration projects		
	Russian Federation/ Chechen Republic	• legal counselling • assistance in applying for public funding (national compensation programs, unemployment assistance, etc.)
	Kosovo	• networking and counselling of returning farmers on their methods of production; purchase of machines • support in applying for micro- and small credits for business start-ups; negotiation with Raiffeisenbank Kosovo in order to facilitate access to micro-credits with reduced interest loans • support in finding a job through cooperation with Austrian and local enterprises in Kosovo
	Nigeria	• career's advice guidance before return • establishment of telephone contact between former returnees and future returnees in order to build trust • support in finding a job through cooperation with Austrian and local enterprises in Nigeria

Overall, re-integration mechanisms are non-cash benefits which aim at providing a basis for successful long-term and sustainable re-integration. The country-specific services were developed on the basis of trends in the occupational choices of returnees which were identified in the respective countries of return: While setting up businesses in the agricultural sector are very popular among returnees to Kosovo, most of the returnees to Nigeria decide to start a business in retailing, mainly in the field of automobiles, textiles, electronic spare parts and transport. The close cooperation with branches of Austrian companies in different countries of return and the provision of career's advice guidance, combined with the provision of training in Austria before the return, as foreseen in Kosovo and Nigeria, are new aspects of the Austrian return and re-integration projects.

All measures funded within the framework of the re-integration projects, i.e. the implementation of the re-integration process and its monito-

ring, currently need to be finalized six months after the return. This is also the reason why returnees are usually „encouraged to take a decision on the future direction of their professional life within two months after arrival."[170]

Further re-integration assistance for returnees to Kosovo is granted in the framework of the development aid project "Reconstruction and Return Aid" for Kosovo of the province Tyrol which has been running since 1999. The project, which was donated EUR 2,2 million, focuses especially on the municipality of Podujevo in the northern part of the country and provides general support measures such as agricultural development, supply of machines, building-up of infrastructure (e.g. schools, community centres), institutional structures and capacity-building. These support measures that are based on a community-approach encompass tailored re-integration measures for returnees from Tyrol, ranging from job trainings (e.g. in agriculture, engineering, carpentry, solar technology), supply of machines and tools, to support in the reconstruction of destroyed family homes. These measures are additionally financed by donations from the Tyrolean private sector. Regular visits to Podujevo and close contact between the Tyrolean authorities/media with the local community help to monitor the success of the re-integration processes.

A similar approach was followed in the framework of the country-specific project for Moldova,[171] financed by the European Return Fund, the Federal Ministry of the Interior and the Austrian Development Agency. It was implemented by IOM Vienna and ended in December 2009. The project was integrated into the general development support measures of the Austrian government for Moldova. As such, members of the local communities were also eligible to receive tool kits and further equipment necessary for their occupation.

170 Interview with Ilirjana Gashi and Anna Thiersch, Head of and Project Assistant, respectively, Assisted Voluntary Return and Re-integration Unit, IOM Vienna, 12 May, 2010.

171 For further information see www.iomvienna.at/index.php?option=com_content&view=article&id=97%3%20Akoordinationder-rueckkehr-und-reintegrationshilfe-fuer-freiwillig-rueckkehrende-nach-moldau&catid=102:%20unterstuetzte-freiwillige-rueckkehr-aus-oesterreich&Itemid=144&lang=en

Within the project „Development and Migration in the Armenian Context",[172] Caritas Vorarlberg, with financial support from the Government of Liechtenstein, recently started re-integration measures in Armenia which support the re-integration process of returnees through providing assistance in economic stability and social protection. In this context, returnees are offered the following support mechanisms: specific re-integration counselling, tailored re-integration measures, occupational re-training, business training, provision of loans and implementation of a Diaspora fund for returnees.

5.2 Monitoring

Various Austrian stakeholders implement different measures to monitor the return and re-integration process of the returnees they are 'responsible for', since standardized monitoring procedures are not common in Austria. Current measures include telephone monitoring, monitoring reports, monitoring trips as well as informal procedures.

Some Austrian institutions (e.g. Verein Menschenrechte Österreich and European Homecare) currently monitor in the field of return counselling via so-called telephone monitoring. Before leaving Austria the returnees provide their return counsellors with a telephone number with which they can be reached once they have arrived in the country of origin. The return counsellors contact them a few days after their return and assess whether they are still satisfied with their decision to go back or not. Sometimes it is easier for the return counsellors to get in touch with relatives of the returnees who still live in Austria to find out relevant information from them. However, the telephone monitoring does not always provide reliable information, since returnees are neither obliged to confirm their correct contact details nor to respond to phone calls nor are they forced to share their 'true' feelings with the Austrian return counsellors,.

Some Austrian institutions responsible for implementing Assisted Return and re-integration procedures (e.g. the Crisis Centre Drehscheibe, IOM Vienna and the federal state of Vorarlberg) receive monitoring reports compiled by the organisations in charge in the countries of origin. The return and re-integration assistance projects designed by IOM Vienna foresee that the IOM missions (or local partners) in charge of implementing the reintegration measures in the country of origin provide regular reports

172 For further information see www.caritas-vorarlberg.at/auslandshilfe/migration-und-entwicklung/migration-und-entwicklung-armenien

on their work, even after the implementation measure is fulfilled. These reports offer insight into the current well-being of the returnees, e.g. with regard to their private and professional situation. They indicate whether the returnees have been able to find an appropriate accommodation, whether they have successfully integrated into the local labour market or started a training program and whether they still reside in their country of origin. The compilation of such monitoring reports is closely linked to the implementation of re-integration measures and usually ends once the respective re-integration project has been finalized.

Some institutions working in the field of Assisted Return (e.g. Österreichische Caritaszentrale, Crisis Centre Drehscheibe and IOM Vienna) also carry out monitoring trips to the countries of return. These monitoring trips include liaison activities with local stakeholders and visits to returnees. They allow the Austrian visitors to form a more realistic picture of the challenges faced by returnees and the specific needs they might develop upon return. Monitoring trips are broadly perceived as very effective measures, therefore IOM missions in the countries of origin conduct regular internal monitoring trips and IOM Vienna carries out monitoring within almost every re-integration project at least once a year.

Various forms of informal monitoring procedures are sometimes used by IOM Vienna in order to receive information about the situation of the returnees at a later stage. Established networks with reliable contacts to stakeholders in the country of origin can enable Austrian institutions to gather second-hand data on the current situation of the returnees through interviews on site. Moreover, monitoring trips within the framework of follow-up projects or new phases of an already established re-integration program in the same country of origin sometimes gives Austrian stakeholders the possibility to visit returnees from previous programs.

While some of the monitoring mechanisms are carried out solely by Austrian stakeholders (e.g. telephone monitoring) others are implemented in close co-operation with stakeholders in the countries of origin (e.g. monitoring reports). However, the monitoring procedures are usually not implemented on a regular basis. By and large, the monitoring period varies between some days or weeks (telephone monitoring) and several months (screening of monitoring reports). Usually the monitoring does not extend longer than half a year, and, if combined with a re-integration program, they end at the latest with the finalisation of the program.

5.3 Sustainability

The sustainability of an Assisted Return is mostly dependent on the duration of the return, whether the returnee re-migrates or stays in the country of return for good. The sustainability of Assisted Return measures concerning the length of stay and integration in the country of origin are determined by some key requirements: „Returning migrants arguably need employment, housing, access to public and social services, education, public utilities and security."[173] The Österreichische Caritaszentrale also stresses the fact that re-integration is much more sustainable if the return decision is made voluntarily. In this respect, the Österreichische Caritaszentrale and IOM Vienna considered the sustainability of their current Assisted Return and re-integration projects to be high. The Österreichische Caritaszentrale[174] reports that a high percentage of people who return within the framework of the ERSO project stay in their country of origin in the long run and IOM Vienna[175] reported that many of the returnees plan to stay permanently in their country of return when using Assisted Return and re-integration measures. .Due to a lack of long-term monitoring mechanisms, official figures of the percentage of returnees remaining in their country of origin long-term are not available. Therefore, the current situation is difficult to assess.

The provisions offered within the framework of the current projects foresee sustainable solutions such as educational training and start-up aid, and foster the possibility of establishing long-term prospects in the country of origin. The specific measures are taken to ensure the sustainability of Assisted Return and re-integration mechanisms, but they are still expandable. In this regard, the Austrian stakeholders interviewed for the purpose of this study identify various aspects as crucial prerequisites for guaranteeing the sustainability of Assisted Return measures:

- The wish to return to the country of origin. If returnees do not take an informed, autonomous return decision, re-migration is more likely;

173 Black, Richard / Gent, Saskia: Defining, Measuring and Influencing Sustainable Return: The Case of the Balkans, Development Research Centre on Migration, Globalisation and Poverty, Working Paper T7, December 2004, p.18.

174 Interview Miriam Mlczoch, Project Coordinator for Voluntary Return Programmes, Department of Refugee and Migration Affairs, Österreichische Caritaszentrale, 2 February 2010.

175 Interview with Ilirjana Gashi and Anna Thiersch, Head and Project Assistant, respectively, Assisted Voluntary Return and Re-integration Unit, IOM Vienna, 12 May, 2010.

- Return counselling that discusses the pros and cons related to prospects in Austria and an Assisted Return;
- Tailored re-integration measures which consider the specific needs of each returnee and which include substantial self-empowering mechanisms through the provision of educational training and start-up aid.

Beyond the needs of the individual, an integrated community-based approach that takes into account the needs of the local community and involves different actors respectively, while also combining migration politics with development cooperation, seems to support the long-term duration of an Assisted Return for several reasons:

Firstly, returnees are not always perceived positively by those who have not (yet) emigrated and have instead persevered in their country of origin during times of war or other crises. If returnees receive more support, and especially financial support, through country-specific re-integration projects, tensions may increase within the local population and community and therefore jeopardize the successful re-integration of the returnees. Competition for social standards and roles are a common phenomenon among returnees and to support a proper re-integration process (including re-entry into the national labour market) these tensions should be kept to a minimum.[176] This can be achieved by extending support structures to the local community.

Secondly, bi- and multilateral as well as multi-sectoral cooperation seems to be important for enhancing the sustainability of Assisted Return programs, just as much as the involvement of different actors on a national scale. This is valid for stakeholders at all levels, both within and between Austria and the countries of return. Therefore, the involvement of the local public sector, the civil society and the community in the country of return increases the sustainability of a return.

Thirdly, the link between return migration and development is crucial. It is seen as a general risk for vulnerable communities if migrants return to their country of origin in which the family or local community relies on the migrant's earnings and remittances, as the return can put their livelihoods at risk: "While it is generally acknowledged that the return of migrants can be beneficial for the development of countries of origin, it is likely to be

176 Interview with Miriam Mlczoch, Project Coordinator for Voluntary Return Programmes, Department of Refugee and Migration Affairs, Österreichische Caritaszentrale, 2 February, 2010; Interview with Ilirjana Gashi and Anna Thiersch, Head of and Project Assistant, respectively, Assisted Voluntary Return and Re-integration Unit, IOM Vienna, 12 May, 2010.

so only under specific circumstances."[177] These circumstances involve elements of internal stability, development measures and policy, access to the labour market as well as using the skills and financial resources of the returnees and the Diaspora.

Black, Koser and Munk point out that "return migration is not a simple and straightforward process,"[178] and it seems to make sense to extend the definition of sustainability: "The most simple extension to the common sense definition of a sustainable return as one that involves no subsequent remigration would be that return should be considered 'unsustainable' not only if the individual or group of returnees immediately re-emigrate, but also if they have a strong desire to do so, checked only by force (subjective physical sustainability), […] if there are inadequate jobs or incomes or irretrievable loss of assets or livelihood (socio-economic sustainability), or wholly inadequate access to service or security (political sustainability) or indeed a perception that this is the case amongst returnees (subjective socio-economic or political sustainability)."[179] These issues need further research and scientific scrutiny with an extended theoretical and methodological approach.

177 Black, Richard / Gent, Saskia: Defining, Measuring and Influencing Sustainable Return: The Case of the Balkans, Development Research Centre on Migration, Globalisation and Poverty, Working Paper T7, December 2004, p.19.

178 Black, Richard / Koser, Khalid / Munk, Karen: Understanding voluntary return. Home Office Online Report 50/04, 2004, p.25, available at http://rds.homeoffice.gov.uk/rds/pdfs04/rdsolr5004.pdf

179 Idem.

6. Summary and Future Challenges

The purpose of this national report is to increase knowledge about Austrian programs and strategies of Assisted Return and re-integration of migrants in third countries. The authors offer an overview of the current policy and legislation, the different institutions involved in Assisted Return measures, the present activities and procedures of Assisted Return and re-integration as well as their monitoring and the sustainability of these measures. In accordance with the EMN approach, it provides a description of current developments based on desk research and qualitative interviews.

In Austria, some stakeholders question the voluntariness of a return decision if a person is subject to removal. 'Voluntary Return' is mentioned several times in the Austrian Aliens' Law, but no legal definition is provided. For reasons of comparability and as stipulated in the common specifications for the national reports, the terminology of this report is based not on the voluntariness of a decision, but rather on the assistance provided for a return. Therefore the term 'Assisted Return' is used. The EMN Glossary and the IOM Glossary on Migration serve as a basis for definition.

Assisted Return and re-integration measures in Austria were first implemented in a structural manner during the 1990s in the context of refugee migrations from Bosnia and Herzegovina as well as from Kosovo in joint actions of the Federal Ministry of the Interior and the federal provinces. Since then the annual numbers of Assisted Returns have increased continuously: while in 2004 1.158 Assisted Returns were carried out, in 2009 the number increased to 4.088. An opposite trend can be observed for forced removals. From 2005 (4.277) to 2008 (2.026), the annual number of forced removals decreased steadily. In 2009, numbers went up again (2.481) but remained at 58% of the amount of 2005. In 2008, for the first time, the annual number of forced removals was less than the amount of Assisted Returns. In 2009, the number of Assisted Returns (4.088) surpassed the number of forced removals (2.418) by 39%.

The ratio of Assisted Return and forced removal is not explicitly regulated under Austrian law. However, Assisted Return is generally favoured over forced removal in Austria. Nevertheless, the importance of forced removals for the implementation of Assisted Returns has been noted by some

stakeholders. Without forced removals, Assisted Return measures would be used much less, as these are an important signal for migrants that an expulsion decision could ultimately be enforced.

At present, Assisted Return is regulated in the Asylum Act, the Basic Welfare Support Agreement, the Federal Basic Welfare Support Act, in the various welfare support acts of the Austrian provinces an in the Prison Administration Act. The Basic Welfare Support Agreement establishes the responsibility of the federal state to coordinate and implement return programs.[180] The federal state can assign humanitarian, clerical, and private organisations to implement these programs. Beneficiaries[181] of the Basic Welfare Support are offered return counselling, advice and social assistance concerning Assisted Return with the help of trained staff and translators.[182] The Asylum Act[183] grants asylum applicants access to Assisted Return counselling at all stages of the asylum procedure. The conditions and procedures of Assisted Return of sentenced non-nationals are stipulated in the Prison Administration Act.

The overall responsibility for Assisted Return measures lies with the Federal Ministry of the Interior. Other main actors in the field are the federal provinces (co-funding, return counselling and organisation of Assisted Return e.g. Carinthia), the Federal Ministry of Justice (co-funds return counselling activities of sentenced non-nationals in Austrian prisons), Caritas Österreich (return counselling, organisation of Assisted Returns, re-integration measures), Verein Menschenrechte Österreich (return counselling, organisation of Assisted Returns), Diakonie Flüchtlingsdienst (return counselling in prisons), European Homecare (return counselling, organisation of Assisted Returns) and IOM Vienna (organisation of Assisted Returns, re-integration measures). Further actors are LEFÖ-IBF (Assisted Return for female victims of human trafficking), the Crisis Centre Drehscheibe (Assisted Returns of unaccompanied minors in Vienna) and the Austrian Development Agency (co-funding of reintegration measures).

The range of countries of return is growing: In 2004 returnees returned to 47 different countries, while in 2009 it was 87 countries of return.

180 Art. 3 para 2 (6) Basic Welfare Support Agreement

181 Art. 2 Basic Welfare Support Agreement; asylum applicants, recognised refugees in the first three months after the final decision, persons with subsidiary protection, and irregularly residing persons who cannot be removed for legal or factual reasons, e.g. if the person has no identity documents.

182 Art. 6 para 1 (8) Basic Welfare Support Agreement

183 Art. 67 Asylum Act

In 2009 most returnees were citizens of the Russian Federation (23%), mostly from the Chechen Republic, followed by citizens of Kosovo (22%) and Serbia (13%). The biggest share of returnees was aged between 18 and 35.

Concerning the legal status of returnees, it can be assumed that the overwhelming majority of returnees were at one point of their stay in Austria asylum applicants; in 2009 asylum applicants represented 84% of all returnees. Whilst recognized refugees, people under subsidiary protection, overstayers, and irregular migrants who have not been detected are the exception within the group of returnees.

Most returnees are male. Females constitute approximately 25% of returnees, an upward trend. Varying sex distributions can be found for certain countries of return from Austria. In 2009, 98% of all returnees to India, 95% of those to Nigeria, and 92% of those to Romania were male. The low number of female returnees might be due to the fact that fewer women migrate from certain countries of origin to Austria. The highest amount of female returnees in Austria in 2009 was accounted for by the Chechen Republic with just over 50%, who mostly returned with their family members.

The motives of returnees involve a variety of factors as the return decision process is complex. The main aspects are family related and private issues, the failure of an asylum application and the wish to return in dignity; along with political, social and economic changes in the country of origin. Economic factors in terms of return support of the Austrian state are not seen as a motivational factor for returnees. One main factor for the Austrian state to support Assisted Returns is the cost-efficient for the state, especially in comparison to the execution of forced removal measures. Other main criterions for the government to support Assisted Return are the increase of sustainability and the possibility for the returnee to return in dignity.

Assisted Returns may be faced with organisational, ethical or legal obstacles. Organisational obstacles may arise when obtaining travel or identification documents; when there is a lack of cooperation between the countries of origin and the EU Member State; or when the date of a removal is already set, so that Assisted Return measures are no longer an option. Stakeholders have mentioned ethical obstacles such as a lack of structures in the countries of origin, potentially unfavorable or even dangerous for the returnees; or the physical condition of the returnees, e.g. in case of severe illness not being able travel, or if the returnee has given up everything in their country of origin so that building up a new life becomes difficult in

the country of origin. Furthermore, stakeholders have argued that Assisted Return should not be promoted if a person is in a state of fear; the return decision should be made freely and on rational grounds. Legal obstacles occur if the returnee is involved in open criminal procedures in Austria.

Nationwide return counselling is offered by NGOs (currently Caritas Österreich and Verein Menschenrechte) or in case of Carinthia by the Refugee Department of the Office of the Provincial Government. In the Initial Reception Centre for asylum applicants in Traiskirchen counselling was carried out by European Homecare. In addition, European Homecare operates a telephone hotline which is available to returnees from all over Austria. Furthermore, LEFÖ-IBF carries out counselling for women and girls from third countries who are victims of human trafficking. Moreover, return/removal preparation and return counselling activities in detention pending deportation centres and for sentenced non-nationals in prisons were also carried out.

Separate re-integration measures are provided in country-specific re-integration projects for the Russian Federation (Chechen Republic), Kosovo and Nigeria. These projects encompass return support measures (organisation, assistance at the airport and in transit, as well as reception at the airport of the country of return) and re-integration support (training matching the needs of the local employment market, purchase of equipment and tools, support with the start-up of small businesses, specific support measures for returnees with special needs), as well as monitoring activities.

During the expert interviews the following future challenges and needs were identified:

Austria provides nationwide return counselling. Organisations support potential returnees with easily accessible information and various return counselling possibilities. A need for a broadening of return counselling could not be evaluated. Diakonie Flüchtlingsdienst and Caritas Österreich stressed that there are significant differences in the quality of the return counselling between the various NGOs, an observation which has been confirmed by an UNHCR report[184] on counselling activities for asylum applicants in detention pending deportation. The development of guidelines for minimum standards on counselling on Assisted Return, particular-

184 UNHCR, Monitoring der Schubhaftsituation von Asylsuchenden, 2008, S. 11, available at: www.unhcr.ch/fileadmin/unhcr_data/pdfs/rechtsinformationen/5_Oesterreich/2_A-Stellungnahmen/UNHCR-Monitoring-der-Schubhaftsituation-von-Asylsuchenden.pdf

ly in detention pending deportation, was identified as a major future priority to tackle these differences.

A further issue raised was the cooperation and information exchange between the different actors involved in the Assisted Return procedures. Although cooperation between different stakeholders already exists a future need for cooperation between the different stakeholders in order to offer migrants a smooth Assisted Return and support them via their re-integration process was indicated by several actors. The establishment of a Round Table would be favorable, first steps in this direction have been made in the framework of the re-integration project to the Russian Federation (Chechen Republic) by setting up an International Working Group.

Another future challenge mentioned by the interviewed stakeholders was the problems stemming from the project-based approach of a great part of Assisted Return measures. As many of them are funded in the form of projects that require yearly funding, the continuity of the measures is not guaranteed. Long-term projects would allow for the development of long-term perspectives.

Furthermore the participation of smaller actors in the field of Assisted Return has been mentioned. As funding in the framework of the European Return Fund currently must be pre-financed by the implementing party, smaller actors (e.g. NGOs) are mainly excluded; if payment policies were more flexible or if it would be possible to pay post-implementation, a greater range of smaller actors could be included.

Some stakeholders stressed the fact that re-integration is much more sustainable if the return decision is made voluntarily and if measures are tailored, e.g. if measures during the stay in Austria and re-integration measures in the country of return are synchronized.

Some stakeholders argued that wider-ranging funding would be favorable in order to facilitate a more holistic and efficient the re-integration of returnees, as well as to monitor and research the re-integration process.

In the context of an increasing proportion of female returnees, especially for certain countries/regions of return (Mongolia, 49%; Russian Federation / Chechen Republic 51%), the IOM Vienna would be in favour of a gender-sensitive approach. Special provisions that take account of the female situation, e.g. in form of gender-specific Assisted return projects and/or research about the female return situation, could take place in the future.

Concerning the return of minors, sometimes the well-being of the children cannot fully be guaranteed upon the return to the country of ori-

gin. Some stakeholders highly recommended the implementation of independent watch groups advising the creation and implementation of re-integration structures and monitoring the well-being of the child was.

A future sharing of Assisted Return data among EU Member States could provide a possible multiple usages of Assisted Return and re-integration measures. Furthermore, it would provide a European-wide base for data collection on Assisted Return and contribute to a clearer picture of the numbers and developments.

7. Annex

I. Bibliography

Appadurai, Arjun: Modernity at Large. Cultural Dimensions of Globalisation, London 1996.

asylkoordination Österreich: Rückkehr in Sicherheit und Würde, available at www.asyl.at/umf/umf/frepo_rueckkehr.php

Asylgerichtshof: Tätigkeitsbericht 2009, available at www.asylgh.gv.at/DocView.axd?CobId=39135

Austrian Federal Ministry of the Interior: Kerninhalte des österreichischen Mehrjahresprogrammes 2008-2013 für den Europäischen Rückkehrfonds, Vienna 2008, available at www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/programme/files/RF_MJP_ffentlich_neu.pdf

Austrian Federal Ministry of the Interior: Liste der ausgewählten Förderprojekte zum Europäischen Rückkehrfonds Programm 2009, available at www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/projekte/files/2009_RF_Projekte_Stand_4_11_2009.pdf

Austrian Federal Ministry of the Interior: Liste der ausgewählten Förderprojekte zum Europäischen Rückkehrfonds Programm 2008, available at www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/projekte/files/RF_Foerderprojekte_2008.pdf

Black, Richard / Gent, Saskia: Defining, Measuring and Influencing Sustainable Return: The Case of the Balkans, Development Research Centre on Migration, Globalisation and Poverty, Working Paper T7, December 2004.

Black, Richard / Koser, Khalid / Munk, Karen: Understanding voluntary return, Home Office Online Report 50/04, 2004, available at http://rds.homeoffice.gov.uk/rds/pdfs04/rdsolr5004.pdf

Black, Richard / Eastmond, Marita / Gent, Saskia: Introduction – Sustainable Return in the Balkans: Beyond Property Restitution and Policy, in: International Migration, 44 (3), 2006, p.5-13.

Black, Richard / Gent, Saskia: Sustainable Return in Post-Conflict Contexts, in: International Migration, 44 (3), 2006, p.15-38.

Cassarino, Jean-Pierre: Theorising Return Migration: The Conceptual Approach to Return Migration Revised, in: International Journal on Multicultural Societies (IJMS), Vol. 6, No. 2, 2004, p.253-279.

Council of the European Union: Afghanistan Return Plan, 2002.

Currle, Edda: Theorieansätze zur Erklärung von Rückkehr und Remigration, in: so-Fid Migration und ethnische Minderheiten, 2006/2, p.7-23.

Dahinden, Janine: Rückkehr ins Herkunftsland. Möglichkeiten und Grenzen von Rückkehrpolitiken und -programmen, in: Asyl, Schweizerische Zeitschrift für Asylrecht und -praxis, 2006, p.18-22.

Dünnwald, Stephan: Politiken der »freiwilligen« Rückführung, in: Hess, Sabine / Kasparek, Bernd: Grenzregime. Diskurse, Praktiken, Institutionen in Europa, Assoziation A, Berlin 2010, p.179-199.

Düvell, Franck: Die Ethik der Politik der freiwilligen Rückkehr, in: Flüchtlingsrat, Zeitschrift für Flüchtlingspolitik in Niedersachsen, Ausgabe 6/04, Heft 104/105, 2005, p.61-67.

Efionayi-Mäder, Denise / Moret, Joelle / Pecoraro, Marco: Trajectoires d'asile africaines. Déterminants des migrations d' Afrique occidentale vers la Suisse, SFM-Rapport de recherche 38A. Neuchatel 2005.
Elwert, Georg: Unternehmerische Illegale. Ziele und Organisationen eines unterschätzten Typs illegaler Einwanderer, in: IMIS Beiträge, Heft 19, 2002, p.7-20.
European Commission: Status Report, Version 1, April 2010.
European Migration Network: Asylum and Migration Glossary, Brussels 2010.
Federal Chancellery of Austria: Regierungsprogramm für die XXIV. Gesetzgebungsperiode, Vienna 2008.
Frontex: General Report 2009, available at www.frontex.europa.eu/gfx/frontex/files/ general_report/2009/ general_ report_2009_en.pdf
Ghosh, Bimal: Return Migration: Reshaping Policy Approaches, in: Ghosh, Bimal: Return Migration. Journey of Hope or Despair? Geneva 2000, p.181-226.
International Organization for Migration: Assisted Voluntary Return and Re-integration Handbook (forthcoming).
International Organization for Migration: Assisted Voluntary Return Programme, Annual Report 2005.
International Organization for Migration: Assisted Voluntary Return Programme – Trends 2006, Vienna 2006.
International Organization for Migration: Concession Fares, available at www.IOM.int/jahia/Jahia/pid/1820
International Organization for Migration: Glossary on Migration, Geneva 2004.
International Organization for Migration: IOM Transit Locations, available at www.IOM.int/jahia/webdav/shared/shared/mainsite/activities/mepmm/transit_locations.pdf
International Organization for Migration: Return Migration in Austria, Vienna 2006.
International Organization for Migration / Federal Ministry of the Interior: Study on the Situation and Status of Russian Nationals from the Chechen Republic Receiving Basic Welfare Support in Austria, Vienna 2009.
King, Russell: Generalizations from the History of Return Migration, in: Ghosh, Bimal: Return Migration. Journey of Hope or Despair? Geneva 2000, p.7-56.
Kratzmann, Katerina: Freiwillige Rückkehr aus Österreich – Kontext, Praxis und Kritik, in: Kuckuck. Notizen zu Alltagskultur und Volkskunde. Themenheft „Flucht" 2/2008, p.22-27.
Kratzmann, Katerina / Petzl, Elisabeth / Temesvári, Mária: Assisted Return in Austria: Terms, Policy and Projects, in: International Conference on „Building Structures for Assisted Voluntary Return and Reintegration in Europe". The specific case of Chechen Returnees, Vienna 2010, p.41-47.
Langthaler, Herbert: Rückkehr in Würde, in: asyl aktuell, 1/2009, p.2-7.
Öhlinger, Theo: Verfassungsrecht, Vienna 1997.
UNHCR: Handbook – Voluntary Repatriation: International Protection, Geneva 1996.
UNHCR: „Monitoring" der Schubhaftsituation von Asylsuchenden, Vienna 2008.
Warner, Daniel: Voluntary repatriation and the Meaning of Return to Home: A Critique of Liberal Mathematics, in: Journal of Refugee Studies, 7, 1994, p.160-174.

Articles from Newspapers

Der Standard: Wien Drehscheibe für EU-Abschiebeflüge (Vienna Platform for EU-Removalflights), 5 May 2010, p.13.
Die Presse: Die große Heimkehr (The big return home), 5 April 2009, p.4.

Die Presse: Vergewaltigte: VfGH stoppt Abschiebung (Raped: Constitutional Court stops deportation), 6 Mai 2010, p.5.

Falter: Europas Schub (Europe's removal), 11 May 2010, p.13.

Kurier: Bürger vereiteln Abschiebung (Citizens frustrate deportation), 26 April 2010, p.22.

Kurier: Zwischen Verzweiflung und Gesetz (Between dispair and law), 12 August 2009, p.17.

Salzburger Nachrichten: So viele Rückkehrer wie nie (As many returnees as never before), 5 March 2010, p.7.

Legislation

Asylgesetz 2005, BGBl. I Nr. 100/2005, in the version of BGBl. I Nr. 122/2009.

Council of the European Union: European Pact on Immigration and Asylum, Brussels 24 September 2008, available at http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf (consulted on 07.06.2010)

Council Decision on the setting out of criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals, 2004/191/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004D0191:EN:NOT (consulted on 07.06.2010)

Council Decision on the organisation of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders, 2004/573/EC, available at http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_261/l_26120040806en00280035.pdf (consulted on 07.06.2010)

Council Decision on establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and related Implementing Acts, 575/2007/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007D0575:EN:NOT (consulted on 07.06.2010)

Council Decision of 14 May 2008 establishing a European Migration Network, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008D0381:EN:NOT (consulted on 28.02.2010)

Council Directive on assistance in cases of transit for the purposes of removal by air, 2003/110/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:321:0026:0031:EN:PDF (consulted on 07.06.2010)

Council Directive on common standards and procedures in Member States for returning illegally staying third-country nationals, 2008/115/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008L0115:EN:NOT (consulted on 07.06.2010)

Council Directive on the mutual recognition of decisions on the expulsion of third-country nationals, 2001/40/EC, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:149:0034:0036:EN:PDF (consulted on 07.06.2010)

ECHR, available at http://conventions.coe.int/treaty/en/Treaties/Html/005.htm (consulted on 08.06.2010)

Fremdenpolizeigesetz 2005, BGBl. I Nr. 100/2005 in the version of BGBl. I Nr. 122/2009.

Grundversorgungsgesetz – Bund, BGBl. I Nr. BGBl. Nr. 405/1991 in the version of BGBl. I Nr. 122/2009.

Grundversorgungsvereinbarung (Art. 15a B-VG) BGBl. I Nr. 80/2004.

Strafvollzugsgesetz, BGBl. I Nr. 144/1969 in the version of BGBl. Nr. 424/1974.

Strafgesetzbuch, Strafprozessordnung 1975 u.a. Änderung, available at www.parlament.gv.at/PG/DE/XXIII/I/I_00302/pmh.shtml (consulted on 01.06.2010)

UN Convention on the Rights of the Child, 20 November 1989, available at http://www2.ohchr.org/english/law/crc.htm (consulted on 07.06.2010)

Statistics

Statistics on „Voluntary Return" (Freiwillige Rückkehr) 2004-2009, provided by the Federal Ministry of the Interior via email on 11.5.2010 and 30.07.2010.

Statistics on Forced Removals (Abschiebungen) 2004-2009, provided by the Federal Ministry of the Interior via email on 09.06.2010.

Statistics on „Voluntary Return" (Freiwillige Rückkehr) 2004-2009 operated by IOM Vienna, provided by IOM Vienna on 10.5.2010.

Statistics on „Voluntary Return" of Unaccompanied Minors 2009, provided by Drehscheibe Wien via email on 20.06.2010.

Websites

Austrian Federal Ministry of the Interior, www.bmi.at (consulted on 07.06.2010)

Asylgerichtshof, www.asylgh.gv.at (consulted on 02.06.2010)

Austrian Development Agency, www.entwicklung.at (consulted on 22.02.2010)

Österreichische Caritaszentrale, www.caritas.at (consulted on 22.02.2010)

Diakonie Österreich, http://fluechtlingsdienst.diakonie.at (consulted on 22.02.2010)

EMN National Contact Point Austria, www.emn.at (consulted on 04.06.2010)

European Homecare, www.eu-homecare.com (consulted on 04.06.2010)

European Homecare, Return Telephone Hotline, www.0800203040.at (consulted on 07.06.2010)

European Migration Network, http://emn.sarenet.es/html/index.html (consulted on 07.06.2010)

European Return Support Organisation, www.erso-project.eu (consulted on 23.02.2010)

Federal Ministry of Justice, www.bmj.gv.at (consulted on 07.06.2010)

Frontex, www.frontex.europa.eu (consulted on 07.06.2010)

International Organization for Migration, www.iom.int (consulted on 07.06.2010)

International Organization for Migration in Vienna, www.iomvienna.at (consulted on 04.06.2010)

IRRiCO, http://irrico.belgium.iom.int (consulted on 07.06.2010)

Lefö, www.lefoe.at (consulted on 23.02.2010)

Refugee Department of the office of the Provincial Government of Carinthia, www.ktn.gv.at/46191_DE-Organisation-Sozialwesen (Consulted on 07.06.2010)

UN Flüchtlingshochkommissariat, www.unhcr.at (consulted on 27.05.2010)

Verein Menschenrechte Österreich, www.verein-menschenrechte.at (consulted on 22.02.2010)

II. Translations of German terms and abbreviations

German term	German Abbreviation	English term	English Abbreviation
Asylgesetz	AsylG	Asylum Act	-
--	--	Austrian Development Agency	ADA
Bundesministerium für Europäische und Internationale Angelegenheiten	BM.EIA	Federal Ministry of European and International Affairs	FMEIA
Bundesministerium für Inneres	BM.I	Federal Ministry of the Interior	FMI
Bundesministeriums für Justiz	BM.J	Federal Ministry of Justice	FMJ
Büro der Vereinten Nationen für Drogen- und Verbrechensbekämpfung	UNODC	United Nations Office on drugs and Crimes	UNODC
Erstaufnahmezentrum	EAST	Initial Reception Centre	-
Europäische Menschenrechtskonvention	EMRK	European Convention for Human Rights	ECHR
Europäische Union	EU	European Union	EU
Europäisches Gerichtshof	EuGH	European Court of Justice	ECJ
Europäischer Flüchtlingsfonds		European Refugee Fund	
Europäischer Rückkehrfonds		European Return Fund	
Europäischer Wirtschaftsraum	EWR	European Economic Area	EEA
Europäisches Migrationsnetzwerk	EMN	European Migration Network	EMN
--	--	European Homecare	EHC
--	--	European Reintegration Support Organisations	ERSO
Fremdenpolizeigesetz	FPG	Aliens' Police Act	-
Hoher Flüchtlingskommissar der Vereinten Nationen	UNHCR	United Nations High Commissioner for Refugees	UNHCR
Internationale Organisation	IO	International Organisation	IO
Internationale Organisation für Migration	IOM	International Organization for Migration	IOM
--	--	Information on Return and Re-integration in Countries of Origin	IRRICO
--	--	Memorandum of Understanding	MoU
Mitgliedsstaaten der Europäischen Union	EU MS	European Union Member States	EU MS
Nationaler EMN Kontaktpunkt	EMN NKP	National EMN Contact Point	EMN NCP
Nichtregierungsorganisation	NRO	Non-Governmental Organisation	NGO
Österreichische Entwicklungszusammenarbeit	ÖEZ	Austrian Development Cooperation	ADC
Rotes Kreuz Österreich	ÖRK	Austrian Red Cross	RC
Schubhaft		detention pending deportation	
Verein Menschenrechte Österreich	VMÖ	Association Human Rights Austria	-
Verfassungsgerichtshof	VfGH	Constitutional Court	-

III. Statistics

Table 5:
Assisted Returns by main countries of citizenship, 2004-2009.

2009		2008		2007	
Russian Federation	921	Kosovo	427	Serbia	703
Kosovo	910	Russian Federation	403	Moldova	163
Serbia	517	Serbia	400	Russian Federation	152
India	150	Turkey	176	Turkey	142
Macedonia, Frm. Yug. Rep. of	140	Moldova	135	Ukraine	130
Turkey	136	India	117	Georgia	82
Georgia	135	Macedonia, Frm. Yug. Rep. of	109	Macedonia, Frm. Yug. Rep. of	81
China	125	Romania	90	Romania	81
Moldova	118	Ukraine	87	Mongolia	74
Mongolia	82	Georgia	70	India	60
Total (incl. others)	4.088	Total (incl. others)	2.737	Total (incl. others)	2.164
2006		2005		2004	
Serbia/Montenegro	665	Serbia/Montenegro	306	Yugoslavia (Serbia/ Montenegro)	188
Moldova	177	Georgia	131	Georgia	161
Turkey	136	Turkey	99	Turkey	115
Romania	131	Belarus	92	Moldova	93
Georgia	106	Moldova	92	Armenia	74
Russian Federation	103	Romania	85	Afghanistan	47
Mongolia	92	Ukraine	81	Russian Federation	47
Ukraine	85	Bulgaria	55	Ukraine	46
Macedonia, Frm. Yug. Rep. of	81	Nigeria	55	Nigeria	43
Bulgaria	74	Mongolia	52	Macedonia, Frm Yug. Rep. of	41
Total (incl. others)	2.189	Total (incl. others)	1.406	Total (incl. others)	1.158

Source: FMI

Table 6:

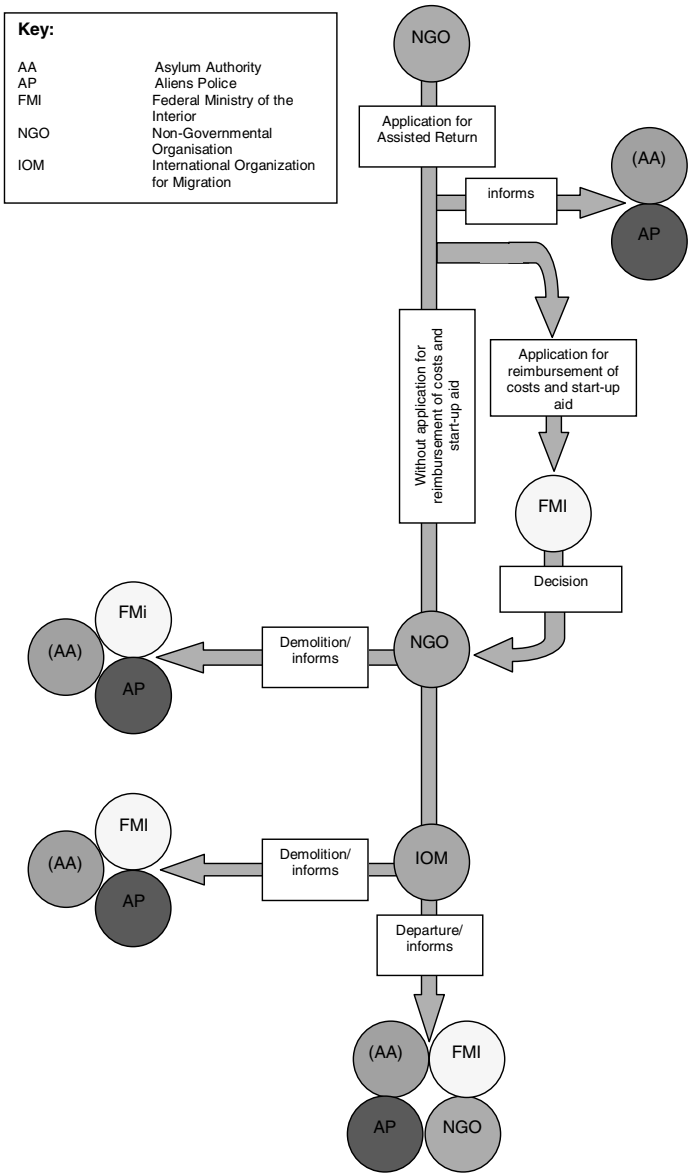
Forced removals by main countries of citizenship, 2004-2009.

2009		2008		2007	
Slovakia	371	Serbia	399	Serbia	535
Romania	309	Romania	290	Romania	429
Serbia	267	Slovakia	215	Hungary	212
Hungary	235	Hungary	174	Moldova	206
Kosovo	222	Poland	153	Ukraine	181
Poland	180	Turkey	85	Slovakia	181
Turkey	94	Moldova	81	Poland	151
Nigeria	84	Bosnia-Herzegovina	52	Turkey	99
Czech Republic	71	Czech Republic	45	Georgia	76
Moldova	62	Croatia	42	Czech Republic	55
Total (incl. others)	2.481	Total (incl. others)	2.026	Total (incl. others)	2.838
2006		2005		2004	
Romania	879	Romania	849	Romania	484
Former Yugoslavia	523	Former Yugoslavia	447	Bulgaria	244
Ukraine	249	Ukraine	445	Former Yugoslavia	237
Hungary	244	Bulgaria	333	Ukraine	230
Moldova	230	Moldova	274	Moldova	179
Bulgaria	228	Hungary	239	Poland	89
Slovakia	193	Poland	212	Hungary	88
Poland	178	Slovakia	185	Slovakia	84
Georgia	111	Turkey	116	Russian Federation	74
Turkey	100	Georgia	98	China	67
Total (incl. others)	4.090	Total (incl. others)	4.277	Total (incl. others)	2.328

Source: FMI

IV. Communication channels during Assisted Return measures

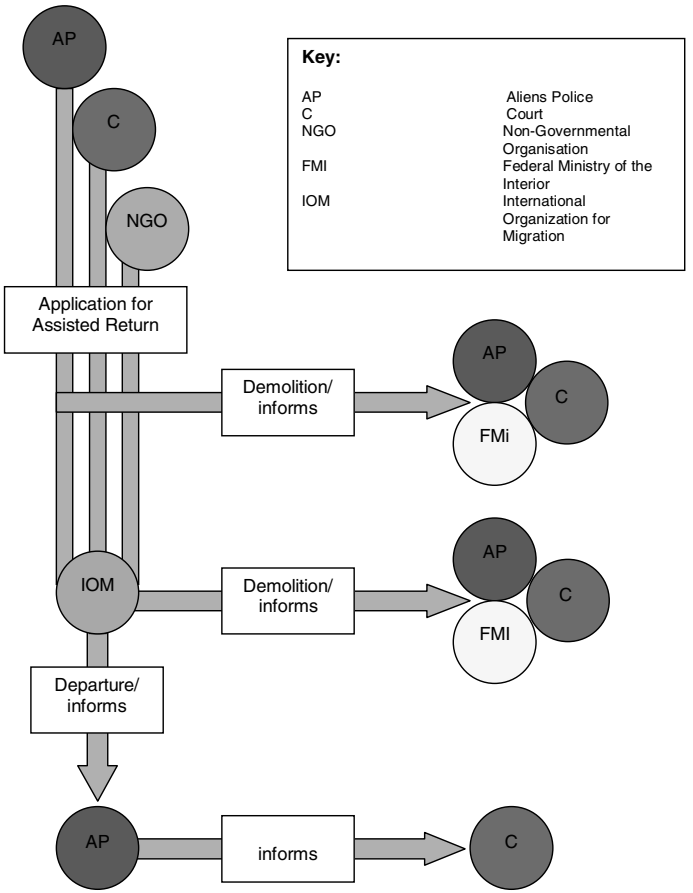
Graph 13 General return counselling and Assisted Return from detention pending deportation



Source: FMI

The graphs only refer to communication channels, which can be changed.

Graph 14 Assisted Return from prisons



Source: FMI

The graphs only refer to communication channels, which can be changed.

V. List of national European Return Fund Projects 2009 National Programme year 2009 (1 July 2009 – 30 June 2010)

Priority 1: Support for the development of a strategic approach to return management by Member States.

Project title: Unterstützende Maßnahmen zur freiwilligen Rückkehr gemäß § 133a Strafvollzugsgesetz (StVG) (Supporting measures for "voluntary return" under Art. 133a Prison Administration Act)
Institution/Organisation: Federal Ministry of Justice
Project description: Measures in connection with the "voluntary return" from prisons in cooperation with the Federal Ministry of Justice. Implementation of return preparation measures aimed at the target group of "voluntary" returnees (under Art. 133a Prison Administration Act) from prisons.
Province: Nationwide
Total costs: 174.000,00 EUR
EU delivery height: 74.000,00 EUR
Contribution Federal Ministry of the Interior: -
Period: Programme year 2009

Project title: Rückkehrvorbereitung in Schubhaft in den Polizeianhaltezentren der Bundesländer Steiermark und Vorarlberg - IRMA 1 (Return preparation within detention pending deportation in Styria and Vorarlberg – IRMA 1)
Institution/Organisation: Österreichische Caritaszentrale
Project description: Return counselling and assistance for members of the target group of the Fund in detention pending deportation with emphasis on counselling on "voluntary return" respective preparation for forced removal.
Province: Styria, Vorarlberg
Total costs: 192.002,48 EUR
EU delivery height: 80.000,00 EUR
Contribution Federal Ministry of the Interior: 112.002,48 EUR
Period: 1-07-2009 to 30-06-2010

Project title: Rückkehrvorbereitung in Schubhaft in den Polizeianhaltezentren der Bundesländer Wien, NÖ, Burgenland, OÖ, Salzburg, Tirol und Kärnten (Return preparation in detention pending deportation in the police detention

stations of Vienna, Lower Austria, Burgenland, Upper Austria, Salzburg, Tyrol, and Carinthia)
Institution/Organisation: Verein Menschenrechte Österreich
Project description: Preparation of assisted return for persons being in detention pending deportation.
Province: Vienna, Lower Austria, Burgenland, Upper Austria, Salzburg, Tyrol, Carinthia
Total costs: 939.655,40 EUR
EU delivery height: 380.000,00 EUR
Contribution Federal Ministry of the Interior: 539.808,40 EUR
Period: 01-07-2009 to 30-06-2010

Project title: Entwicklung und Implementierung eines Pilotprojekts zur Unterstützung der Freiwilligen Rückkehr und Reintegration von TschetschenInnen (Development and implementation of a pilot project to support the "voluntary return" and the re-integration of persons from the Chechen Republic)
Institution/Organisation: IOM Vienna
Project description: Development of a target group-specific pilot project on "voluntary return" and re-integration of persons from the Chechen Republic.
Province: Nationwide
Total costs: 293.236,85 EUR
EU delivery height: 114.000,00 EUR
Contribution Federal Ministry of the Interior: 173.828,11 EUR
Period: 01-07-2009 to 30-06-2010

> **Specific Priority 1.1:** Support for the development of a strategic approach to return management by Member States – assisted voluntary return programmes.

Project title: Rückkehrberatung – Integriertes Rückkehrmanagement IRMA 1.1. (Return counselling – Integrated Return Management IRMA 1.1.)
Institution/Organisation: Österreichische Caritaszentrale
Project description: Counselling on "voluntary return" and organisation of the return for the target group of the Fund (except those in detention pending deportation or in detention under Art. 133 Prison Administration Act).
Province: Vienna, Burgenland, Styria, Upper Austria, Salzburg, Vorarlberg
Total costs: 585.156,86 EUR
EU delivery height: 235.000,00 EUR

Contribution Federal Ministry of the Interior: 291.134,22 EUR
Period: 01-07-2009 to 30-06-2010

Project title: Rückkehrberatung (Return counselling)
Institution/Organisation: Verein Menschenrechte Österreich
Project description: Counselling on "voluntary return" and organisation of the return for the target group of the fund (except those in detention pending deportation or in detention under Art. 133 Prison Administration Act).
Province: Vienna, Lower Austria, Upper Austria, Tyrol
Total costs: 627.528,95 EUR
EU delivery height: 255.000,00 EUR
Contribution Federal Ministry of the Interior: 359.445,95 EUR
Period: 01-07-2009 to 30-06-2010

Project title: Return Telephone Hotline
Institution/Organisation: European Homecare
Project description: Counselling on "voluntary return" and organisation of the return for the target group of the fund (except those in detention pending deportation or in detention under Art. 133 Prison Administration Act).
Province: Nationwide
Total costs: 67.985,48 EUR
EU delivery height: 21.264,37 EUR
Contribution Federal Ministry of the Interior: 22.576,63 EUR
Period: 01-07-2009 to 30-06-2010

> **Specific Priority 1.2:** Support for the development of a strategic approach to return management by Member States – cash incentives and measures to address the specific situation of vulnerable returnees

Project title: Freiwillige Rückkehr von Opfern des Menschenhandels – FROM ("Voluntary return" of victims of Human Trafficking – FROM)
Institution/Organisation: LEFÖ
Project description: Pilot project to establish an organisational structure of "voluntary return assistance" for (female) victims of Human Trafficking.
Province: Nationwide
Total costs: EUR 53.368,01
EU delivery height: 22.000,00 EUR

Contribution Federal Ministry of the Interior: 31.368,01 EUR
Period: 01-11-2009 to 30-07-2010

> **Specific Priority 3.1:** Support for specific innovative (inter)national tools for return management-projects which propose particularly innovative ways and means of informing and counselling potential returnees about the situation in the countries of return and/or other innovative incentives for increasing the number of voluntary returnees based on respect for the dignity of the individuals concerned.

Project title: Freiwillige Rückkehr und Reintegrationshilfe für Staatsangehörige aus Nigeria ("Voluntary return"- and re-integration assistance for Nigerian citizens)
Institution/Organisation: IOM Vienna
Project description: Measures aimed at the country- and target group-specific return and re-integration.
Province: Nationwide
Total costs: 317.317,86 EUR
EU delivery height: 150.000,00 EUR
Contribution Federal Ministry of the Interior: 167.317,86 EUR
Period: 01-09-2008 to 31-08-2010

Project title: Freiwillige Rückkehr und Reintegrationshilfe für Staatsangehörige aus dem Kosovo ("Voluntary return" - and re-integration assistance for Kosovan citizens)
Institution/Organisation: IOM Vienna
Project description: Measures aimed at the country- and target group-specific return and re-integration.
Province: Lower Austria, Carinthia, Tyrol
Total costs: 555.657,39 EUR
EU delivery height: 232.000,00 EUR
Contribution Federal Ministry of the Interior: 207.008,22 EUR
Period: 01-01-2009 to 30-06-2010

> **Specific Priority 3.2:** Support for specific innovative (inter)national tools for return management – projects which test new working methods to speed up the process of documenting returnees in cooperation with the consular authorities and immigration services of third countries.

Project title: Heimreisezertifikate (Repatriation certificates)
Institution/Organisation: Federal Ministry of Interior
Project description: Project to establish cooperation with countries of origin aimed at the improved attainment of repatriation certificates.
Province: nationwide
Total costs: 50.000,00 EUR
EU delivery height: 20.000,00 EUR
Contribution Federal Ministry of the Interior: 30.000,00 EUR
Period: Programme year 2009

> **Specific Priority 4.1:** Support for Community standards and best practices on return management – evaluations and missions to measure progress in return programmes, tools and processes.

Project: Evaluierung (Evaluation)
Institution/Organisation: Federal Ministry of Interior
Project description: Evaluation of the project measure "Return counselling".
Province: Nationwide
Total costs: 30.000,00 EUR
EU delivery height: 12.000,00 EUR
Contribution Federal Ministry of the Interior: 18.000,00 EUR
Period: Programme year 2009

VI. Guide for semi-structured interviews – Example:

Participants in the interview:
What are your main duties? Since when are you exercising this job?

1. Activities in your organisation/institution:
Please describe your activities in the institution concerning organisation and implementation of Assisted Return.

2. Target group for Assisted Return
Which target group is supported by your institution?
(multiple answer possible)

- ☐ Asylum applicants
- ☐ Former asylum applicants
- ☐ Irregularly entered migrants
- ☐ Irregular staying residents
- ☐ Overstayers
- ☐ Legal residents
- ☐ Retiring migrants
- ☐ 2nd and 3rd generation of migrants
- ☐ Others: _____

3. Definitions
3.1. Which definition of "return" are you using? Are there any problems with the definition?
3.2. How would you define Assisted Return?
Definition in the study
„Assisted Voluntary Return" is a much discussed term, especially the voluntariness is often questioned. In the present study the term "Assisted Return" is used as broader term, which embraces three scenarios (see 3.3). The common elements in all three types are that the returnees are supported in the return process, respectively that the return is not forced via deportation.
3.3. According to your opinion, which one is the most common scenario in Austria?
Scenario 1: Assisted Voluntary Return
A third country national, holding a legal residence permit, decides to return voluntarily into a third country without being obliged to leave Austria. During this procedure s/he gains support from various actors.

Scenario 2: (no official term)
A third country national without legal residence permit, decides to leave Austria and to go voluntarily into a third country before s/he is caught by public authority. During this procedure s/he gains support from various actors.
Scenario 3: Assisted Voluntary Departure
A third country national without legal residence permit decides to fulfil his/her obligation to leave Austria voluntarily. During this procedure s/he gains support from various actors.
3.4. Would you differentiate (additional) other forms of Assisted Return? If yes, please name these.

4. Motivation / inducement and incentives for Assisted Return
4.1. According to your opinion, what are the motivations / inducements in order to execute Assisted Return for Austria?
4.2. Do you think that the current economic crisis changed Austria's motivation and consequently the incentives and related programmes? If so, to what extent?
4.3. What do you think can be the motivation / inducement for Assisted Return from the returnees' point of view in accordance to their respective target group (asylum applicants, former asylum applicants, migrants residing illegally, etc.)?
4.4. Did your opinion change concerning inducement for Assisted Return from the returnee's point of view due to the current economic crisis (asylum applicants, former asylum applicants, migrants residing illegally, etc.)? If so, to what extent?

5. Perception of Assisted Return
5.1. Can you provide information on how returnees perceive Assisted Return before the return?
5.2. Can you provide information on how returnees perceive Assisted Return after the return?

6. Incentives for Assisted Return
6.1. Do you consider the incentives offered for Assisted Return as promoting / sufficient?

7. Political underlying conditions in Austria

7.1. How would you characterize the political system in Austria concerning forced return and Assisted Return?

7.2. Which developments took place in the last years?

8. Obstacles for assisted return

8.1. According to your experience, what are obstacles for Assisted Return?

8.2. How could / are they be solved?

9. Measures for re-integration

9.1. Do you think that the measures for re-integration invented by Austria are sufficient?

9.2. If not, what would you consider as important for a successful re-integration of returnees?

10. Good practices and lessons learnt

10.1 Which examples of good practices for Assisted Return do you know from Austria?

10.2. Do you think there are possibilities for improvement? If so, which one?