



ANNUAL REPORT 2016 ON IMMIGRATION AND ASYLUM IN AUSTRIA

Contribution to Commission and to EASO Annual Reports

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Explanatory Note

This report has been produced within the framework of the annual reporting of the National Contact Points (NCPs) in the European Migration Network (EMN). The report outlines the most significant legislative, political and practical developments in the field of asylum and migration in Austria in 2016. The report provides input to the EMN's Annual Report on Immigration and Asylum in 2016 as well as to the European Asylum Support Office's (EASO) Annual Report on the Situation of Asylum in the European Union (EU).

The format of this report is based on a common template designed by the EMN to collect comparable information on a set of specific topics.

This report draws upon official sources such as press releases and oral/written inputs from relevant ministries and authorities and was produced by the NCP Austria in the EMN in cooperation with the Federal Ministry of the Interior as well as the Criminal Intelligence Service Austria, the Federal Ministry for Europe, Integration and Foreign Affairs, the Federal Ministry of Labour, Social Affairs and Consumer Protection, and the Federal Office for Immigration and Asylum.

1. LEGAL MIGRATION AND MOBILITY

1.1. Economic migration

1.1.1. *Main developments in economic migration*

Please describe any *new or planned* changes in legislation, policies and measures in the area of economic migration. This introductory question aims to collect general information on overarching developments in the area of economic migration, which is followed by specific questions below.

In December 2016 the Federal Ministry of the Interior submitted for review the 2017 Act Amending the Aliens Law, a piece of draft legislation to amend the Settlement and Residence Act, the Aliens Police Act, the Asylum Act, the Federal Office for Immigration and Asylum Procedures Act, the Federal Basic Welfare Support Act, and the Border Control Act. The new legislation is related to the proposed amendment of the Act Governing the Employment of Foreigners that was put forth earlier, in October 2016.¹ This draft legislation is mainly intended to adapt legislation relating to aliens to the specifications laid down in the Seasonal Workers Directive (2014/36/EU)² and in the ICT Directive (2014/66/EU)³ (see 1.1.2.). Other items specified in the draft legislation include: more flexible conditions governing the issuing and the validity period of national category D visas (visas for long-term residence, visas for gainful purposes as well as the newly introduced visas for seasonal workers and for particularly exceptional circumstances), the introduction of residence titles granting settlement status to artists and researchers as well as to certain special categories of persons pursuing dependent employment, and the definitions of two specific forms of illegal residence and of illegal entry by foreigners as more heavily punishable criminal acts.⁴

1.1.2. *Facilitating admission*

Please describe any *new or planned* policies / measures to facilitate admission and access of the following categories of migrants. Please concentrate on any additional incentive mechanisms, besides those introduced through the transposition and implementation of EU legislation.

A. Highly qualified workers

In November 2016 the Federal Ministry of Labour, Social Affairs and Consumer Protection submitted a draft law to amend the Act Governing the Employment of Foreigners and the Settlement and Residence Act, with the aim of improving conditions for the admission and labour market integration of qualified third-country workers under the Red-White-Red Card (RWR Card). The plans include: allowing even bachelor students to be employed for a maximum of 20 hours weekly (previously 10 hours) during their course of studies; extending the period for university graduates to seek employment

¹ Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, Division V/A/1 (EU Policy Matters and Coordination), 25 January 2017.

² Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ L 94/375.

³ Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ L 157/1.

⁴ For further information please see www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00279/index.shtml (accessed on 10 January 2017).

to 12 months from the previous six; and prolonging the validity period of the RWR Card for other key workers to two years (previously one year).⁵ The changes listed above are to be implemented in part through the 2017 Act Amending the Aliens Law (see 1.1.1.).⁶

The Federal Ministry of Labour, Social Affairs and Consumer Protection published the 2017 Regulation for Skilled Workers,⁷ in December 2016; this legislation defines the shortage occupations to be recognized for the employment of skilled workers from other countries in 2017. Based on the list, foreign workers in 11 occupations⁸ can apply for an RWR Card for skilled workers in shortage occupations.

B. Intra-Corporate Transferees (ICTs)

One of the purposes of the 2017 Act Amending the Aliens Law (see 1.1.1.) is to implement the provisions laid down in the ICT Directive (2014/66/EU). The purpose of the ICT Directive is to define conditions of admission, residence and employment for third-country nationals and the members of their families in the context of an intra-corporate transfer as well as to specify the mobility rights of such individuals within the EU Member States. The Directive is implemented at national level by creating two new types of residence permits: the Temporary Residence Permit for Intra-corporate Transferees (ICTs) and the Temporary Residence Permit for Mobile Intra-corporate Transferees (mobile ICTs).⁹

C. Seasonal Workers

The provisions laid down in the Seasonal Workers Directive (2014/36/EU) are also implemented through the 2017 Act Amending the Aliens Law (see 1.1.1.). The goal of the Seasonal Workers Directive is to define the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers as well as the related rights of seasonal workers. The specifications laid down in the Seasonal Workers Directive are met by restructuring the system, defined in the Aliens Police Act,¹⁰ under which seasonal workers are granted visas.¹¹

The Regulation of the Federal Government defining the number of residence titles subject to quota and the maximum numbers of work permits for temporarily employed aliens and harvest workers for the year 2017 was issued in December 2016. The 2017 Settlement Regulation specifies a maximum of 4,000 work permits for temporarily employed foreigners (seasonal workers) and up to 600 work permits for harvest workers in 2017.¹²

⁵ Federal Ministry for Science, Research and Economy, *Mitterlehner: Rot-Weiß-Rot-Karte wird attraktiver*. Press Release, 25 November 2016, available at www.bmwf.at/Presse/AktuellePresseMeldungen/Seiten/Mitterlehner-Rot-Wei%C3%9F-Rot-Karte-wird-attraktiver.aspx (accessed on 29 December 2016); For further information please see www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00275/index.shtml (accessed on 4 January 2017).

⁶ Written input by the Federal Ministry of the Interior, Department III/4 (Residence, Civil Status and Citizenship Affairs), 24 January 2017.

⁷ FLG II No. 423/2016.

⁸ Milling machinists, mechanical engineering technicians, asphalt roofers, metal turners, data processing technicians (engineer), high-voltage electrical technicians (engineer), graduate mechanical engineers, roofers, (other) high-voltage electrical technicians, graduate engineers for data processing, and nursing professionals who are in the process of having their professional qualifications recognized and have started the additional training required before the end of 2016.

⁹ Act Amending the Aliens Law 2017, *Ministerial proposal –Explanatory Notes*, p. 2, available at www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00279/imfname_582633.pdf (accessed on 18 January 2016).

¹⁰ FLG I No. 100/2005, in the version of FLG I No. 24/2016.

¹¹ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

¹² FLG II No. 389/2016.

D. Migrant entrepreneurs

It is planned to improve the conditions under which founders of start-up companies are admitted to Austria; specifically, start-up founders are to be included as qualified immigrants in the criteria-based immigration system, existing since July 2011, under the Red-White-Red Card (RWR Card). Two years after arrival, start-up founders with appropriate prerequisites will be able to change their status to a Red-White-Red Card Plus, allowing them unrestricted access to the employment market. The changes listed above are to be implemented in part through the 2017 Act Amending the Aliens Law.¹³

E. Au pairs

No changes in 2016.

F. Other remunerated workers

No changes in 2016.

1.1.3. Satisfying labour market needs - admission policies

Please describe any new or planned labour migration admission policies, measures or changes to the existing legislation regarding labour market and skill needs/shortages in relation to the employment of third-country nationals.

The Austrian Recognition and Assessment Act¹⁴ entered into force as of 12 July 2016. The aim of this Act is to promote the labour market integration of individuals who have acquired qualifications in other countries and to support them in obtaining employment appropriate to their education. The Act establishes two service institutions and specifies the assessment procedure, leads to greater equality between EU citizens and third-country nationals and, for the first time, introduces consistent statistical monitoring. It also defines special procedures for those persons granted asylum or subsidiary protection who are no longer able to present documents certifying completed education or training as a result of their flight.¹⁵

1.1.4. Efforts to avoid ‘social dumping’¹⁶ and labour exploitation of TCNs

Please describe any new or planned changes aimed at tackling labour exploitation of TCN workers staying legally and/or social dumping in your (Member) State.

A new Act to Combat Wage and Social Dumping¹⁷ was adopted in June 2016 and subsequently entered into effect on 1 January 2017. The result was a formally independent statute that brings together provisions previously contained in other laws. The changes are aimed at more effectively combating wage and social dumping

¹³ Written input by the Federal Ministry of the Interior, Department III/4 (Residence, Civil Status and Citizenship Affairs), 24 January 2017.

¹⁴ FLG I No. 55/2016.

¹⁵ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

¹⁶ *Social dumping* refers to the practice where workers from third countries are exploited as “cheap labour” in order to increase profit margins of companies with the result that there is a general lowering of wages and labour standards for the whole population (Eurofound, social dumping, available at www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/social-dumping-0 (accessed on 4 January 2017)).

¹⁷ FLG I No. 44/2016.

particularly in the case of workers posted or hired out on a cross-border basis; the amendments also entail simplifications of previous regulations and were necessary for the implementation of the Enforcement Directive (2014/67/EU).¹⁸

1.1.5. Misuse of legal immigration channels by TCN workers

Please describe any new or planned policies / measures or practices to tackle misuse by economic migration of legal immigration channel.

No changes in 2016.

1.2. Students and researchers

(a) Please describe any new or planned policies / measures or practices to facilitate greater mobility of students and researchers and towards meeting labour market needs. Please specify any incentive mechanisms for students and researchers, besides those introduced through the transposition and implementation of EU legislation.

The Federal Ministry of Science, Research and Economy prepared a university mobility strategy in June 2016.¹⁹ The strategy is aligned with the goal of encouraging transnational mobility among students, researchers and staff at public and private universities and at universities of applied sciences. The main instrument for meeting the goal is the ERASMUS programme, through which 120,000 students are to receive the opportunity to pursue studies in another country by 2021.²⁰

Refer also to the changes in the Act Governing the Employment of Foreigners, listed under 1.1.2.A, which benefit bachelor students and university graduates.

(b) Please describe any new or planned policies / measures or practices to tackle misuse by TCN students and researchers of legal immigration channels.

No changes in 2016.

(c) Please describe any other new or planned policies / measures or practices related to students and researchers.

The previously applicable minimum quota of 75 per cent of Austrian students to study in the field of human and dental medicine expired at the end of 2016. The EU Commission

¹⁸ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') Text with EEA relevance, OJ L 159/11; Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, Division V/A/1 (EU Policy Matters and Coordination), 25 January 2017; For more information please see www.parlament.gv.at/PAKT/VHG/XXV/II/01111/index.shtml (accessed on 4 January 2017).

¹⁹ Federal Ministry of Science, Research and Economy, *Hochschulmobilitätsstrategie des BMFWF*, available at www.bmfwf.gv.at/Presse/PublishingImages/HMS-Mobilitätsstrategie%20des%20BMFWF.pdf (accessed on 3 December 2016).

²⁰ Federal Ministry of Science, Research and Economy, *Mitterlehner will internationale Mobilität an Hochschulen fördern*. Press Release, 18 August 2016, available at www.bmfwf.gv.at/Presse/Archiv/Archiv2016/Seiten/Mitterlehner-will-internationale-Mobilitaet-an-Hochschulen-foerdern.aspx (accessed on 30 December 2016).

was expected to examine Austria's application for renewal of the quota rule before the expiry date.²¹ No official decision had been announced by the end of December.

1.3. Family reunification and family formation

(a) Please describe any *new or planned* policies/measures or practices to regulate admission on the basis of family reunification and family formation.

Amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act,²² which included modified provisions of the Asylum Act²³ in the area of family reunification, became effective as at 1 June 2016.²⁴ Family members requesting family reunification with a person granted asylum are required to submit evidence of suitable accommodation, health insurance providing benefits in Austria and of regular, fixed-level income, where the family members do not apply for family reunification within three months of the legally granted asylum status (Art. 35 para 1 Asylum Act). Application can be made for family reunification with a beneficiary of subsidiary protection at the earliest three years after the individual received that status with final legal effect. In such cases, regardless of when application is made, evidence also has to be provided of meeting the requirements listed above (suitable accommodation, valid health insurance cover and regular, fixed-level income; Art. 35 para 2 Asylum Act). Where the family member is a parent of an unaccompanied minor, the requirements are considered as having been met (Art. 35 para 2a Asylum Act in conjunction with Art. 60 para 2 subpara 1 to 3; see 5.1. for more detail).

Even where these requirements are not met, the family member's entry into Austria can nonetheless be approved based on the right to private and family life in accordance with Art. 8 of the European Convention on Human Rights (ECHR), if the private interests of the third-country nationals concerned outweigh public interests (Art. 35 para 4 subpara 3 Asylum Act).²⁵

(b) Please describe any *new or planned* policies / measures or practices to tackle misuse of family reunification of immigration channels.

Austrian legislation has defined forced marriage as a criminal offence since 1 January 2016. The Criminal Code provides for prison sentences of between six months and five years in particular where individuals, by force or by threatening another person with harm or with the loss of family ties, force or coerce that person to enter into a

²¹ Federal Ministry of Science, Research and Economy, *Mitterlehner traf EU-Kommissar Tibor Navracsics*. Press Release, 25 February 2016, available at www.bmwf.gv.at/Presse/Archiv/Archiv2016/Seiten/Mitterlehner-traf-EU-Kommissar-Tibor-Navracsics-.aspx (accessed on 29 December 2016).

²² FLG I No. 24/2016.

²³ FLG I No. 100/2005, in the version of FLG I No. 24/2016.

²⁴ Federal Office for Immigration and Asylum, *Änderung bei Einreisen als Familienangehöriger*. News, 12 July 2016, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=4D7076513930475A3330593D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0 (accessed on 14 December 2016).

²⁵ Constitutional Court, 6 June 2014, B 369/2013.

marriage (Art. 106a Criminal Code²⁶). Forced marriage is punishable under certain circumstances²⁷ even if committed outside Austria (Art. 64 para 1 subpara 4a Criminal Code).

1.4. Information on routes to and conditions of legal migration

Please describe any *new or planned* policies/measures or practices to improve the provision of information on the routes to and conditions of legal migration for third-country nationals (information campaigns, websites, specific centres, etc.) which take place both in the Member State and/or a third country.

The website found at www.migration.gv.at is jointly maintained by the Federal Ministry of Labour, Social Affairs and Consumer Protection, the Federal Ministry of the Interior, and the Federal Ministry for Europe, Integration and Foreign Affairs. The website, which provides the main details on the types of immigration to Austria, especially for qualified workers from third countries, was regularly updated in 2016.

1.5. Guaranteeing certain rights for third-country nationals who are already legally resident on the territory

Please describe any *new or planned* policies / measures or practices to regulate and/or facilitate access to the following:

A. *Long-term residence*²⁸

No changes in 2016.

B. *Intra-EU mobility of third-country nationals between Member States*

No changes in 2016.

1.6. Visa policy and Schengen governance

1.6.1. Visa Policy

Please describe any *new or planned* policies/measures or practices in relation to the implementation of the Visa Code and the Visa Information System (VIS). Specifically describe new developments in relation to biometric visas (share of visas issued which are biometric, regions covered, pilot measures and testing, cooperation between (Member) States' consulates and the set up joint consular services for visas).

On 29 February 2016, the Visa Information System (VIS) went into operation at the external Schengen borders, completing the worldwide roll-out of the system. Stored in a central database, the VIS data will simplify verification procedures and support efforts to counteract fraudulence and falsification. To ensure that the new technology-based visa application can be introduced without difficulty, courses were held at the police

²⁶ FLG No. 60/1974, in the version of FLG I No. 154/2015.

²⁷ „...if a) the perpetrator or victim are Austrian citizens or have their habitual residence in Austria, b) the criminal act harmed other Austrian interests or c) at the time of the criminal act the perpetrator was an alien residing in Austria and could not be extradited. (Art. 64 para 1 subpara 4a Criminal Code).”

²⁸ A long-term resident is a citizen from a country outside the EU who has been given long-term resident status. This status means that the person will have similar rights as EU citizens (Directive 2003/109/EC).

administrations of the provinces to instruct trainers who would in turn train end-users in using the application.²⁹

Austria has signed representation agreements with numerous Member States. In this context, please refer to Annex 28 of the Visa Code Handbook, which is updated regularly and contains the relevant information.³⁰

1.6.2. Schengen Governance

Please describe any *new or planned* developments in relation to Schengen Governance. Where relevant, please include any (planned) actions in relation to the new Schengen acquis, temporary suspension of Schengen, etc.

In legal compliance with the Schengen Borders Code,³¹ and with the corresponding regulations issued in accordance with Art. 10 para 2 of the Border Control Act³² by the Austrian Federal Minister, the border controls introduced in 2015 in response to the ongoing migration crisis were extended several times and continued. Based on a recommendation by the European Commission and a Council Resolution as specified in Art. 29 of the Schengen Borders Code, in May 2016 the border controls were prolonged for five Member States and along specified border sections:

- Austria: along the land borders between Austria and Hungary and between Austria and Slovenia;
- Germany: along the land border between Germany and Austria;
- Denmark: at Danish ports with ferry routes destined for Germany and along the land border between Denmark and Germany;
- Sweden: at the Swedish ports in the southern and western police regions and at the Øresund Bridge;
- Norway: at Norwegian ports with ferry routes destined for Denmark, Germany or Sweden.³³

The border controls, which are proportionate and temporary and related to the current situation, were extended once for six months and once for three months but only until 10 February 2017. While no border controls were introduced at Austria's border with Italy, preparations were merely made to enable implementation of such controls as soon as possible at short notice. Enhanced compensatory measures were taken in the vicinity of the Italian border in close consultation with the Italian authorities. Such compensatory measures include joint bilateral and trilateral patrols with officers from Italy and Germany.³⁴

²⁹ Federal Ministry of the Interior, *Meilenstein gegen Asylbetrug*. Press Release, 9 February 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=2B6C537A317A375A4A2B633D&page=17&view=1 (accessed on 29 December 2016).

³⁰ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

³¹ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77/1.

³² FLG No. 435/1996, in the version of FLG I No. 25/2016.

³³ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

³⁴ Ibid.

A new common police cooperation centre at Passau, in the German state of Bavaria on the border with Austria, simplifies and enhances communication and joint border management.³⁵

In May 2016 the Austrian National Council adopted the Federal Medium-Term Expenditure Framework Act (*Bundesfinanzrahmengesetz*) for 2017 to 2020,³⁶ thereby authorizing an increased budget for border protection.³⁷

³⁵ Police administration of the province of Upper Austria, *Bayern und Oberösterreich*, available at www.polizei.gv.at/ooe/start.aspx?nwid=45343776487975345350513D&ctrl=3734335266674D385951343D&nwo=0 (accessed on 30 December 2016).

³⁶ FLG I No. 34/2016.

³⁷ Federal Chancellery, *Werner Faymann: „Bundesfinanzrahmen bis 2020 ermöglicht Investitionen in Sicherheit, Integration und Soziales“*. News, 27 April 2016, available at http://archiv.bundestkanzleramt.at/site/cob_62828/currentpage_1/7194/default.aspx (accessed on 23. December 2016); Federal Chancellery, *Werner Faymann: "Österreichisches Bundesheer braucht notwendige Budgetmittel für Grenzschutz und Terrorbekämpfung"*. News, 13 April 2016, available at http://archiv.bundestkanzleramt.at/site/cob_62659/currentpage_1/7194/default.aspx (accessed on 23 December 2016).

2. INTEGRATION

* Please note that this section includes integration of *all categories of TCNs*. Some specific categories are included in the questions as examples and only as prompts. If any measures refer to specific categories of migrants, please make sure to specify the categories. Also question 2.3 asks for measures for specific groups of migrants.

General information:

A. Integration report

The integration report for 2016 was presented jointly by the Federal Minister for Europe, Integration and Foreign Affairs Sebastian Kurz, by the Chairperson of the independent Expert Council for Integration Heinz Faßmann, and by Stephan Marik-Lebeck of Statistics Austria on 16 August 2016.³⁸ The Integration report consists of three parts: 1) the Integration Report by the independent Expert Council for Integration, entitled “Previous accomplishments and guidance for the future”, which represents an interim evaluation of the measures enacted as part of the “50 Action Points for the integration of persons entitled to asylum or subsidiary protection in Austria”;³⁹ 2) the Migration and Integration 2016 statistical yearbook, which presents current facts and figures on the immigration, education and languages of migrants, on the labour market as well as on the qualifications and identification of immigrants to Austria;⁴⁰ and 3) an updated version of the online database on integration projects in Austria, which represents a collection of best practices for promoting integration.⁴¹

B. Report of the Migration Council for Austria

The report by the Migration Council for Austria, which is entitled “Understanding Migration – Steering Migration”,⁴² was presented to Austrian Federal Minister of the Interior Wolfgang Sobotka on 7 December 2016.⁴³ The Migration Council for Austria was established under the Federal Ministry of the Interior in April 2014 as an independent body not bound by instructions. The Council was founded to cover 10 work areas that focus on the main systems and roles within the state and society, in each case in connection with migration. The mandate was to bring to light the opportunities and risks implied in migration. The Migration Council clearly expressed its objective at the

³⁸ Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsbericht 2016*. Press Release, Vienna, 16 August 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/08/integrationsbericht-2016/ (accessed on 27 December 2016).

³⁹ Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsbericht 2016*, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2016/Integrationsbericht_2016_WEB.pdf (accessed on 27 December 2016).

⁴⁰ Statistik Austria and Federal Ministry for Europe, Integration and Foreign Affairs, *migration & integration. Zahlen. Daten. Indikatoren 2016*, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2016/201760714_migrationintegration-2016_final.pdf (accessed on 17 January 2017).

⁴¹ Federal Ministry for Europe, Integration and Foreign Affairs, *Datenbank "Integrationsprojekte in Österreich"*, available at www.bmeia.gv.at/integration/datenbank-integrationsprojekte/ (accessed on 5 January 2017).

⁴² Migration Council for Austria, *Bericht des Migrationsrats Migration verstehen – Migration steuern*, available at www.bmi.gv.at/cms/BMI_Service/migration/Migrationsbericht.pdf (accessed on 26 January 2017).

⁴³ Federal Ministry of the Interior, *Migration verstehen – Migration steuern*. News, 7 December 2016, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=50503548324579494E54673D&page=0&view=1 (accessed on 29 December 2016).

very beginning of its activities: Austria is to remain a safe and stable country where people can live in prosperity and liberty.⁴⁴

Using the facts collected, the report describes the contribution that migration can and should make to society, especially in the areas of business, the labour market, education, research and in the sectors of health, nursing and social services. This is supplemented by a description of the overall conditions under which political and state institutions act, while presenting proposals for steering future migration – not least in line with the goal of enhancing societal cohesion and social peace. Consistently taking into account both the European perspective and the interests of migrants' regions of origin, the current Migration Council report represents a detailed basis for a nationwide migration strategy meeting contemporary needs. The report also lives up to the claim of explaining the highly complex issue of migration in such a way that it provides objectivity through revealing and illustrating interrelationships and interdependencies within virtually all areas of the state and society.⁴⁵

Directly following the presentation of the report by the Migration Council, a Migration Commission was established under the Federal Ministry of the Interior. The Commission will play a major role in drawing up a nationwide migration strategy.⁴⁶

C. Act on Recognition and Assessment of Qualifications

Refer to 1.1.3.

D. Planned Act on Integration

In August 2016, Federal Minister for Europe, Integration and Foreign Affairs Sebastian Kurz presented the key points of the planned Act on Integration. The aim of this Federal Act is the expeditious integration into Austrian society of individuals who have permanently settled in the country and involves the systematic provision of integration measures as well as the demand to play an active role in the integration process. In detail, the key points include: measures aimed at supporting individuals who are granted asylum or subsidiary protection as well as other third-country nationals in developing language skills and in orientation; labour market measures; a ban on full-face veiling in public; and laws against controversial groups distributing religious materials.⁴⁷

2.1. Promoting integration through socio-economic participation

Please describe any *new or planned* policies/measures or practices to facilitate integration of migrants (including vulnerable migrants, refugees and beneficiaries of subsidiary protection) through socio-economic participation including:

A. Measures to improve attainment in the education system

The Compulsory Education and Training Act⁴⁸ was adopted in Austria on 6 July 2016. The Act, which enters into effect on 1 July 2017, specifies an education or training requirement for young persons. The specified requirement applies to individuals 18 years

⁴⁴ Written input by the Federal Ministry of the Interior, Department III/4 (Residence, Civil Status and Citizenship Affairs), 24 January 2017.

⁴⁵ Ibid.

⁴⁶ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

⁴⁷ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

⁴⁸ FLG I No. 62/2016.

of age and under and is intended to help this group to become better integrated into the labour force by avoiding premature discontinuation of schooling or training. The education and training requirement applies exclusively to young persons not residing only temporarily in Austria, i.e. also to persons granted asylum or subsidiary protection status. Additional funds have been allocated for asylum seekers to allow such persons to attend language and literacy courses.⁴⁹ Furthermore, the platform www.ausbildungbis18.at was set up on the initiative of the Federal Government as an avenue for providing information about the new education and training requirement and about related programmes.⁵⁰

B. Measures to enhance migrants' language skills

The Act Amending the School Act,⁵¹ which extends the period and scope of language learning support, entered into force in 2016. The goal is to better ensure equal opportunity for children entering school regardless of a child's first language. Children lacking proficiency in German, and particularly those with a refugee or migration background, are primarily intended to benefit. By participating in beginners' language groups and language learning courses, pupils are to achieve a minimum level of language skills that will allow them to follow classroom instruction.⁵²

C. Migrant access to social security, healthcare and housing

Austria consistently strives towards filling the gaps in the network of bilateral social security agreements with other countries. In 2016 negotiations on an agreement could be completed with Brazil, while talks began on an agreement with China.⁵³

D. Migrant integration into the labour market

Refer to 2.3.

2.2. Promoting integration through civic participation: rights and obligations, achieving equal treatment and belonging

Please describe any *new or planned* policies/measures or practices to facilitate integration of migrants (including vulnerable migrants) through improving rights and obligations, achieving equal treatment and belonging. For instance, consider measures to increase the participation of migrant representatives (including women) in the design and implementation of integration policies; outreach programmes and work placements to build capacity within migrant organisations and encourage support at local level; and measures to enhance democratic participation, for example, training mentors etc.

⁴⁹ Federal Ministry of Labour, Social Affairs and Consumer Protection, *Nationalrat beschließt Ausbildungspflicht bis 18*. Press & Events, 6 July 2016, available at www.sozialministerium.at/site/Service_Medien/News_Veranstaltungen/News/Nationalrat_beschliesst_Ausbildungspflicht_bis_18 (accessed on 21 December 2016).

⁵⁰ Federal Ministry of Education, *Bundesregierung startet Informationsoffensive zur AusBildung bis 18*. Virtual Press Office, available at www.bmb.gv.at/ministerium/vp/2016/20160930.html (accessed on 27 December 2016).

⁵¹ FLG I No. 56/2016. For more information please see www.parlament.gv.at/PAKT/VHG/XXV/I/I_01146/#tab-Uebersicht (accessed on 5 January 2017).

⁵² Federal Ministry for Europe, Integration and Foreign Affairs, *Schnellere sprachliche Integration durch Sprachstartgruppen*. Press Release, 19 May 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/05/schnellere-sprachliche-integration-durch-sprachstartgruppen/ (accessed on 28 December 2016).

⁵³ Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, Division V/A/1 (EU Policy Matters and Coordination), 25 January 2017.

The Federal Ministry of the Interior designed a leaflet⁵⁴ for asylum seekers in 2016. Using simple language and self-explanatory illustrations, the leaflet provides information for individuals who have applied for asylum in Austria. The leaflet not only covers general data on Austria but also the main stages of the asylum procedure as well as fundamental rules and values applying in Austria. The objective is to communicate rules of conduct supportive to courteous interactions and behaviour in Austria. The leaflet is distributed to asylum seekers when they first contact authorities and is now also available in a German, English, Arabic, Dari/Farsi, Russian and Urdu version.⁵⁵

In July 2016, police officers in Graz instructed asylum seekers about rights, obligations and conventions that apply in Austria as well as in the Austrian system of government offices and authorities. The courses were held within the framework of the Federal Ministry of the Interior's "Together safe" initiative for community-oriented policing.⁵⁶

In October 2016 the Austrian Integration Fund launched another course of studies at its Vienna integration centre to prepare individuals for their entry examination for the Vienna Police or for the Federal Ministry of Justice. The course targets individuals with a migration background who hold Austrian citizenship.⁵⁷

2.3. Promoting integration of specific groups

Please describe any *new or planned* policies/measures or practices to facilitate integration of specific groups of migrants, such as beneficiaries of international protection, labour migrants (both highly-skilled and low-skilled if there are measures in place), UAMs, family migrants etc.

Asylum seekers and beneficiaries of international protection:

The Competency Check programme was introduced in August 2015 by the Public Employment Service under a mandate from the Federal Ministry of Labour, Social Affairs and Consumer Protection; the test is carried out throughout Austria with the aim of testing the skills of **persons granted asylum or subsidiary protection**. The programme was expanded in 2016 and increased to 13,000 participants nationwide.⁵⁸ The goal of the Competency Check course is to assess participants' previously acquired qualifications to facilitate recognition of these skills, as well as to initiate programmes of further training where required and thus enable an expeditious integration into the labour market. In 2016 the Public Employment Service spent a total of roughly EUR 75 million on measures aimed at integrating this target group into the labour market. It is anticipated that this budget will be increased to EUR 90 million in 2017.⁵⁹

⁵⁴ Federal Ministry of the Interior, *Refugee Guide*, available at www.refugee-guide.at/en/start.html (accessed on 5 January 2016).

⁵⁵ Written input by the Federal Ministry of the Interior, Department III/4 (Residence, Civil Status and Citizenship Affairs), 24 January 2017.

⁵⁶ Police administration of the province of Styria, *Polizei „unterrichtet“ Asylwerber*, available at www.polizei.gv.at/stmk/start.aspx?nwid=4C614545655436396B4E773D&ctrl=3734335266674D385951343D&nwo=3 (accessed on 30 December 2016).

⁵⁷ Öffentliche Sicherheit, *Integration*, p. 85, available at www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2016/11_12/files/OESTERREICHUSA.pdf (accessed on 28 December 2016).

⁵⁸ Presentation to the Council of Ministers 16/24 of 12 October 2016.

⁵⁹ Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, Division V/A/1 (EU Policy Matters and Coordination), 25 January 2017.

The “50 Action Points for the integration of **persons entitled to asylum or subsidiary protection** in Austria”⁶⁰ was acknowledged and approved by the Council of Ministers in January 2016. The collection of measures comprises 50 action points that address all areas of life. It nonetheless gives special attention to language acquisition, entry into the labour market and an understanding of values.⁶¹ Since late 2015, and based on the “50 Action Points”, the Austrian Integration Fund has been offering and holding values and orientation courses throughout the country for **persons granted asylum or subsidiary protection**. Cooperation in this regard with the Public Employment Service has also been in place since March 2016.⁶² Course participants acquire an understanding of the fundamental values of living within a community as well important knowledge for everyday life in Austria. About 14,000 recognized refugees could be reached with such courses in 2016. A collection of supplementary learning materials entitled “My Life in Austria – Opportunities and Rules” was prepared in Arabic, Farsi/Dari and English. To deepen participants’ understanding of the topics covered in the value and orientation courses, the Austrian Integration Fund has been offering integration workshops covering the focal topics of health, work and occupations, the environment and the neighbourhood, women’s affairs, and culture and society since May 2016.⁶³

In April 2016 the Federal Ministry for Europe, Integration and Foreign Affairs, the Federal Ministry of the Interior and the Federal Ministry of Labour, Social Affairs and Consumer Protection agreed on a common language support strategy as part of the “German & Integration Start Package”; this entails closer coordination of language support activities targeted at **recognized refugees and beneficiaries of subsidiary protection** as well as at **asylum seekers** most likely to remain in Austria.⁶⁴

Amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act⁶⁵ became effective as of 1 June 2016. This also entailed changes with regard to the integration of **persons granted asylum or subsidiary protection**. It has been specified that such persons are required, for the purpose of integration support, to appear at one of the Austrian Integration Fund centres immediately after being granted their status (Art. 67 para 1 Asylum Act⁶⁶). It has additionally been specified that the fact of whether an individual has personally

⁶⁰ Federal Ministry for Europe, Integration and Foreign Affairs, *50 Punkte – Plan zur Integration von Asylberechtigten und subsidiär Schutzberechtigten in Österreich*, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Publikationen/Integrationsplan_final.pdf (accessed on 27 December 2016).

⁶¹ Federal Ministry for Europe, Integration and Foreign Affairs, *50-Punkte Plan im Ministerrat angenommen*. Press Release, 9 January 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/01/50-punkte-plan-im-ministerrat-angenommen/ (accessed on 27 December 2016); Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

⁶² Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsministerium, AMS und ÖIF präsentieren österreichweite Kooperation bei Wertekursen für Flüchtlinge*. Press Release, 9 March 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/03/integrationsministerium-ams-und-oef-praesentieren-oesterreichweite-kooperation-bei-wertekursen-fuer-fluechtlinge/ (accessed on 3 January 2017); Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

⁶³ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

⁶⁴ Federal Ministry for Europe, Integration and Foreign Affairs, *2016 - Meilensteine in Sachen Integration*. Press Release, 27 December 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/12/2016-meilensteine-in-sachen-integration/ (accessed on 3 January 2017).

⁶⁵ FLG I No. 24/2016.

⁶⁶ FLG I No. 100/2005, in the version of FLG I No. 24/2016.

participated in integration programmes offered by the Austrian Integration Fund can be taken into account when the individual's level of integration is reviewed during a procedure for issuing a return decision (Art. 67 para 2 Asylum Act). **Asylum seekers** to whom in all likelihood protection status will be granted are now also required to be allowed to participate in integration assistance measures (Art. 68 para 1 Asylum Act).

To implement additional measures of the “50 Action Points”, the Council of Ministers adopted a package of measures for refugee integration on 21 June 2016. The package focuses on language and education, conveying values, promoting the employment of **asylum seekers** in community service, and targeted support of volunteers working in language instruction.⁶⁷ A list of services⁶⁸ was drawn up to determine the activities that are considered as community service work and are consequently allowed to be pursued.

In a first step the Federal Ministry for Europe, Integration and Foreign Affairs together with the Austrian Integration Fund made a public call for proposals to provide level A1 German language courses. In the course of this call EUR 12 million or 25 projects were assigned all over Austria. The German language course projects, which provide 20,000 course placements for persons granted asylum or subsidiary protection, started on 1 September 2016 and will run until 30 June 2017.⁶⁹

2.4. Non-discrimination

Please describe any *new or planned* relevant activity, legal or policy development and related actors that concerned promotion, implementation and monitoring of non-discrimination policies, in particular on grounds of ethnicity, race or others that would be particularly relevant for third-country nationals. Specifically mention any measure beyond those introduced through the transposition and implementation of EU legislation.

The 2015 Act Amending the Criminal Code⁷⁰ entered into force as of 1 January 2016. Among the changes were additions to the elements constituting the act of incitement as defined in Art. 283 of the Criminal Code. These now also include “calling on others to commit violence” as well as “incitement to hatred”. Here the phrase “incitement to hatred” is considered to better meet international specifications than the criminal offence of “agitation” (*Hetzen*) previously specified in the Code.⁷¹

In February 2016 the Federal Ministry of Education announced 600 workshops to be held on the topic of “Respect and living within a community at school”. The workshops are intended to reinforce the sense of community at schools and within school classes,

⁶⁷ Federal Ministry for Europe, Integration and Foreign Affairs, *Maßnahmenpaket zur Integration von Flüchtlingen*. Press Release, 21 June 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/06/massnahmenpaket-zur-integration-von-fluechtlingen/ (accessed on 28 December 2016).

⁶⁸ Federal Ministry of the Interior, *Sobotka: Leistungskatalog für Hilfstätigkeiten von Asylwerbern erstellt*. News, 28 October 2016, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=4C62436A587450676C49513D&page=0&view=1 (accessed on 29 December 2016).

⁶⁹ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

⁷⁰ FLG I No. 112/2015.

⁷¹ 2015 Act Amending the Criminal Code, *Ministerial proposal – Explanatory notes*, p. 29, available at www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00098/fname_389872.pdf (accessed on 5 January 2017).

promote civil courage and identify the features of positive, constructive coexistence against the background of ethnic and cultural diversity.⁷²

In the summer of 2016 the weekly magazine Profil and the daily newspaper Kurier launched a campaign under the motto of #GegenHassimNetz (#againsthateonthe web), with the support of the Austrian Federal Chancellery. The campaign is aimed at exposing cases of hate and discrimination on the web and offering ways of dealing with hateful or racist postings.⁷³ The Ministry of Education is supporting the campaign with a manual for teachers entitled “BOOKMARKS – counteracting hate speech on the web through human rights education”.⁷⁴

2.5. Promoting integration at local level and cooperation, consultation and coordination of local stakeholders

a) Please describe *new or planned* relevant activities on the integration of migrants involving the active participation of local authorities and/or civil society. Measures might include activities addressing integration challenges in disadvantaged urban areas; improving multi-level cooperation between different levels of governance (e.g. national, regional, local government); granting voting rights in local elections.

In June 2016 the Austrian Integration Fund announced the opening of an integration centre in Eisenstadt in the Austrian province of Burgenland. The new centre plans to offer a wide range of services for refugees and immigrants, including counselling, language acquisition support, and values and orientation courses. The Austrian Integration Fund currently operates seven integration centres as well as several mobile counselling facilities.⁷⁵

b) Please describe any *new or planned* additional information on the processes for cooperation, consultation and coordination of national, regional and local authorities, including civil society, countries of origin and with EU level institutions and actors.

No changes in 2016.

2.6. Awareness raising on migration in the host society

Please describe any *new or planned* policies/measures or practices aimed at raising awareness on the phenomenon of migration in the host societies / countries of destination – i.e. in the Member State (information campaigns, websites, etc.).

⁷² Federal Ministry of Education, *Heinisch-Hosek: 600 Workshops „Respekt und Zusammenleben in der Schule“ ab sofort abrufbar*. Virtual Press Office, 18 February 2016, available at www.bmb.gv.at/ministerium/vp/2016/20160218.html (accessed on 27 December 2016).

⁷³ Federal Chancellery, *Muna Duzdar begrüßt Initiativen gegen Hasspostings*. News, 17 June 2016, available at www.bundestkanzleramt.at/-/muna-duzdar-begrue-t-initiativen-gegen-hasspostings (accessed on 21 December 2016).

⁷⁴ Federal Ministry of Education, *Hammerschmid: Demokratie lernen und leben ist ein zentrales Bildungsanliegen*. Virtual Press Office, 22 September 2016, available at www.bmb.gv.at/ministerium/vp/2016/20160915.html (accessed on 27 December 2016).

⁷⁵ Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsminister Sebastian Kurz, Landesrat Norbert Darabos und ÖIF kündigen Integrationszentrum im Burgenland an*. Press Release, 18 June 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/06/integrationsminister-sebastian-kurz-landesrat-norbert-darabos-und-oeif-kuendigen-integrationszentrum-im-burgenland-an/ (accessed on 28 December 2016).

As part of TOGETHER:AUSTRIA, visits were made to 67 schools in 2016, familiarizing more than 6,000 pupils and students with topics relating to integration and migration. “Integration Ambassadors” serve as examples of successful integration who point out ways of getting along well with one another, respond to prejudice in open discussions, and motivate pupils and students with or without a migration background to make the best of their school and job opportunities.⁷⁶ The first Integration Ambassador Conference was held at the Federal Ministry for Europe, Integration and Foreign Affairs in April 2016.⁷⁷ As an extension of the programme for students and teachers, the TOGETHER:AUSTRIA learning platform was launched in November 2016, offering 100 ready-to-use sets of instruction materials that make it easier for the teachers to take up the subject of integration at their schools. The materials can be downloaded from the site free of charge.⁷⁸

2.7. Involvement of countries of origin

Countries of origin may play a role in the integration of migrants before departure, during stay in the EU, and on return.

Please describe any new or planned policies/measures or practices to support integration involving countries of origin at any / all of these stages. For example, pre-departure measures may include provision of information on visas and work permits, language training, vocational training, recognition of qualifications and skills; measures during stay may include support to diaspora communities, promotion of transnational entrepreneurship, increasing trade between countries of origin and stay; measures to support return may include developing a rights-based framework for re-integration and for temporary and circular migration.

No changes in 2016.

⁷⁶ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

⁷⁷ Federal Ministry for Europe, Integration and Foreign Affairs, *Erste Integrationsbotschafterkonferenz von Zusammen:Österreich*. Press Release, 22 April 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/04/erste-integrationsbotschafterkonferenz-von-zusammenoesterreich/ (accessed on 28 December 2016).

⁷⁸ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

3. IRREGULAR MIGRATION AND RETURN

3.1. Enhanced border management at the external borders

In responding to each of the questions below, please wherever possible state what type of border the measure specifically affects.

3.1.1. *Border control measures: technology, equipment and infrastructure, including systems linked to EU instruments and actions to coordinate different types of border checks (e.g. such as the introduction of new IT systems, advanced passenger information systems, surveillance equipment, automated border controls and fast track lanes, etc.)*

**NB Please also highlight how the developments relate to (i) the EU entry / exit system, (ii) the EU Registered Traveller Programme, (iii) the Schengen Information System (SIS II) and (iv) European Border Surveillance System (EUROSUR).*

A temporary infrastructure was built as part of reinstating controls along the border with Hungary (e.g. at Nickelsdorf) and with Slovenia (e.g. at Spielfeld). This infrastructure includes a system for recording data on individuals who are not eligible to enter Austria and must consequently be rejected at the border. A similar facility has been prepared on the Brenner pass for the border with Italy. It would go into operation should controls be reinstated on the border with Italy.⁷⁹

Negotiations for amending the following legislative acts of the European Commission were continued or completed: Art. 8 Schengen Borders Code, the Entry/Exit System, the European Border and Coast Guard (EBCG), and the European Travel Information and Authorisation System (ETIAS).⁸⁰

3.1.2. *Border control measures: other activities to improve the effectiveness of controls at external borders (e.g. training and policy)*

Please describe any relevant (planned) developments to ensure more effective control of the external borders, such as reinforcing border control staff, providing training, increasing overall resources, introducing action plans or protocols, etc.

The Austrian Federal Ministry of the Interior invited police representatives from Bulgaria, Croatia, the Czech Republic, Greece, Hungary, the former Yugoslav Republic of Macedonia, Poland, Romania, Serbia, Slovakia and Slovenia as well as from Europol and Frontex to a meeting on 30 June 2016. During the meeting a Joint Declaration on Managing Migration Flows⁸¹ was adopted. The Declaration provides for the management of migration flows and for the deployment of police officers along borders strongly affected by irregular migration.⁸² The effect of the Joint Declaration was the de facto closure of the Western Balkan route.⁸³

⁷⁹ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

⁸⁰ Ibid.

⁸¹ *Joint Declaration on Managing Migration Flows*, available at www.bmi.gv.at/cms/cs03documentsbmi/1858.pdf (accessed on 29 December 2016).

⁸² Federal Ministry of the Interior, *Polizeichefs der Balkanstaaten: Unkontrollierte Migration verhindern*. News, 30 June 2016, available at www.bmi.gv.at/cms/BMI_Presse/news/BMI.aspx?id=72304A4E505470545333673D&page=2&view=1 (accessed on 29 December 2016).

⁸³ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

At a Council of Ministers meeting on 13 September 2016, it was decided to deploy 85 Austrian soldiers in the Hungarian–Serbian border zone for a period of six months. There the soldiers work in logistics and services.⁸⁴

To support the Frontex activities on the external EU border, the Federal Ministry of the Interior set up a pool of 170 experts in 2016. More than 40 police officers, along with vehicles and suitable equipment, were deployed for border protection, while another 20 police officers supported the Macedonian authorities along the border between Greece and the former Yugoslav Republic of Macedonia.⁸⁵

3.1.3. *Preventing and combating irregular immigration by ensuring reinforced cooperation with third countries in the area of border management.*

Please list any 2016 or planned agreements, and other forms of bilateral and multilateral cooperation with third countries with an objective to strengthen the operational capacity in combatting irregular migration and controlling of external borders.

Title of agreement (where relevant)	Third country (countries) with whom the cooperation exists	Description (e.g. provision of border equipment, training of border guards, etc.)
	Albania, Bosnia and Herzegovina, UNSC resolution 1244-administered Kosovo, ⁸⁶ the former Yugoslav Republic of Macedonia, Montenegro, and Serbia	In February 2016 the Austrian Foreign Minister visited the Western Balkan states to discuss key issues surrounding the refugee situation. In the course of the visits, Austria succeeded in stipulating bilateral action plans ⁸⁷ containing detailed support measures. One example is the agreement with the former Yugoslav Republic of Macedonia, which provides for the deployment of Austrian forces and vehicles to assist in guarding its border. ⁸⁸ The Minister of the Interior and senior officials of the Ministry also had numerous

⁸⁴ Federal Chancellery, *Soforthilfe für Afritz – Beitrag zur Eindämmung der illegalen Migration – Bekämpfung der Schlepperei*. News, 13 September 2016, available at http://d34.vie.bka.gv.at/site/cob_63699/currentpage_0/5911/default.aspx (accessed on 23 December 2016).

⁸⁵ Police administration of the province of Vienna, *Sobotka zu Arbeitsgesprächen in Polen*. Press, 22 November 2016, available at www.polizei.gv.at/wien/presse/eu/eu.aspx?nwid=4A5A4652654D55684848303D&ctrl=3734335266674D385951343D&nwo=0 (accessed on 30 December 2016); Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

⁸⁶ Hereinafter referred to as Kosovo/UNSC 1244.

⁸⁷ Federal Ministry for Europe, Integration and Foreign Affairs, *Westbalkan-Österreich: 6 Aktionspläne in 6 Tagen*. Press Release, 12 February 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/02/westbalkan-oesterreich-6-aktionsplaene-in-6-tagen/ (accessed on 28 December 2016).

⁸⁸ Federal Ministry for Europe, Integration and Foreign Affairs, *Außenminister Sebastian Kurz am Westbalkan*. Press Release, 8 February 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/02/aussenminister-sebastian-kurz-am-westbalkan/ (accessed on 28 December 2016).

		opportunities for talks with their counterparts in Western Balkan states on the subject of intensifying bilateral cooperation in border protection. One instance was the Minister of the Interior's visit to Serbia in December 2016. ⁸⁹
Salzburg Forum	Austria, Bulgaria, Croatia, the Czech Republic, Poland, Romania, Slovakia, Slovenia, Hungary as well as the Group of Friends of the Salzburg Forum: Albania, Bosnia and Herzegovina, former Yugoslav Republic of Macedonia, Montenegro and Serbia	Aspects of illegal migration represented one of the main topics of discussion when the heads of police forces met on 31 March 2016, including representatives of the Salzburg Forum ⁹⁰ member countries as well as of Albania, the former Yugoslav Republic of Macedonia, Serbia, Greece and Kosovo/UNSC 1244. During the meeting, the participants came out in favour of supporting Greece and other countries along the external EU border if necessary through the deployment of additional police officers to serve in Frontex and EASO operations. ⁹¹ At the ministers' conference of the Salzburg Forum in Prague, Czech Republic on 4 November 2016, discussion focused on the necessity of providing effective protection to the external EU border and to the borders of Western Balkan countries. A commitment was made to deploy 20 Austrian police officers to support Hungary's management of its border with Serbia. ⁹²
Central Asia Border Security Initiative	Austria, Germany (as holder of the OSCE	The twelfth CABSI ⁹³ Conference of experts was held in Bishkek,

⁸⁹ Written input by Federal Ministry of the Interior, 23 January 2017.

⁹⁰ The Salzburg Forum is a Central European security partnership based on an initiative of the Austrian Federal Ministry of the Interior. Salzburg Forum Member States are Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia (Salzburg Forum, www.salzburgforum.org/ (accessed on 6 January 2017)).

⁹¹ Federal Ministry of the Interior, *Polizeichefs besprechen Migrationslage*. News, 6 April 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=616F386B3471616B336C453D&page=11&view=1 (accessed on 3 January 2017).

⁹² Federal Ministry of the Interior, *Ministerkonferenz in Prag: Sobotka mit klaren Ansagen zu Migration und Terror*. News, 4 November 2016, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=59724B366C555764794C733D&page=0&view=1 (accessed on 29 December 2016).

⁹³ The Central Asia Border Security Initiative (CABSI) was established in 2003 by the Austrian Federal Ministry for the Interior as a means to increase border security in the Central Asian area and to deepen cooperation between the Central Asian states, Afghanistan and the international partners. Member states are Austria, Estonia, Finland, France, Great Britain, Hungary, Latvia, Lithuania and Poland (The

(CABSI)	Chairmanship), Finland, Lithuania, Latvia, the Russian Federation, Turkey, the United States of America as well as Afghanistan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, and various international organizations	Kyrgyzstan from 27 to 28 April 2016 with Austrian support. Representatives of the five countries of Central Asia as well as of Afghanistan were in attendance. The conference focused on steps towards improving border security in the Central Asian region as well as on deepening cooperation among Central Asian countries, Afghanistan and other partner countries. ⁹⁴
Police Cooperation Convention for South Europe (PCC SEE)	Albania, Austria, Bosnia and Herzegovina, Bulgaria, Hungary, the former Yugoslav Republic of Macedonia, Republic of Moldova, Montenegro, Romania, Serbia and Slovenia	Representatives of the PCC SEE ⁹⁵ convened in Vienna on 10 and 11 May 2016 to review progress and decide on future priorities. Within the framework of the PCC SEE, Austrian police officers were, inter alia, deployed to the former Yugoslav Republic of Macedonia to assist in border security in 2016. ⁹⁶ Based on the PCC SEE, a Memorandum of Understanding with the aim of counteracting irregular migration was signed with the former Yugoslav Republic of Macedonia in 2016. ⁹⁷
Central European	Albania, Austria, Belarus, Bosnia and	On 16 June 2016 a meeting of the CEI ⁹⁸ member countries was held in

BOMCA-Programme – Europa Blog, *Wer steht hinter dem BOMCA-Programm?*, available at www.bomca.eu/wer-hat-die-inhalte-des-bomca-programmes-entwickelt/ (accessed on 6 January 2017)).

⁹⁴ Federal Ministry of the Interior, *12. Konferenz der zentralasiatischen Grenzsicherheitsinitiative (CABSI) in Kirgisistan*. News, 28 April 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=662B3961694B676353576B3D&page=9&view=1 (accessed on 29 December 2016).

⁹⁵ The Police Cooperation Convention for Southeast Europe (PCC SEE) was signed during the Austrian EU Council Presidency in 2006. Member states are Albania, Austria, Bosnia and Herzegovina, Bulgaria, Hungary, the former Yugoslav Republic of Macedonia, Republic of Moldova, Montenegro, Romania, Serbia and Slovenia. The PCC SEE is the most important multilateral legal basis for operational, police cooperation in the fields of migration, organized crime, terrorism and extremism (PCC SEE Secretariat, www.pccseesecretariat.si/ (accessed on 29 December 2016)).

⁹⁶ Federal Ministry of the Interior, *Sobotka: Polizeikooperation mit Südosteuropa wird weiter vertieft*. News, 11 May 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=7A5277516D527A346749383D&page=8&view=1 (accessed on 29 December 2016).

⁹⁷ Written input by the Federal Ministry of the Interior, 23 January 2017.

⁹⁸ The Central European Initiative (CEI) was established in 1989 by Austria, Hungary, Italy and the former Yugoslavia in order to achieve mutual support in the field of European integration. Member states are Albania, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Italy, the former Yugoslav Republic of Macedonia, Republic of Moldova, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia and Ukraine. (Central European Initiative (CEI), www.cei.int/ (accessed on 6 January 2017)).

Initiative (CEI)	Herzegovina, Bulgaria, Italy, Croatia, Czech Republic, Hungary, the former Yugoslav Republic of Macedonia, Republic of Moldova, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia, and Ukraine	Bosnia and Herzegovina, which chaired the organization in 2016, to discuss the refugee situation and potential solutions. ⁹⁹
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If information is available, please describe any evidence of the effectiveness of these measures.

No changes in 2016.

3.2. Preventing and tackling of misuse of legal migration channels

Please describe any measures introduced to prevent and tackle:

3.2.1. Irregular migration caused by visa liberalisation

- Please describe any measures introduced to monitor the effects of visa free regimes in your Member State.
- What have been the results of these monitoring activities? Describe here any key findings – especially in relation to impact on the **number unfounded asylum applications** registered in your Member State.
- Please describe measures taken to ensure the accelerated and swift return of persons from visa-free third countries found to be making unfounded asylum applications, to be overstaying permissions to stay or otherwise misusing legal migration channels.
- Please describe any evidence of the effectiveness of the measures to ensure return.

No changes in 2016.

3.2.2. Irregular migration caused by use of false travel documents

Please provide *new or planned measures* to prevent and identify and/or investigate fraudulent acquisition and use of false travel documents, as well as **any available statistics** and further information on the number of cases of use of false travel document identified in your country.

Document advisers were posted at nine destinations (international airports) by the Austrian Federal Ministry of the Interior in 2016. Such professionals assist airlines in

⁹⁹ Federal Ministry for Europe, Integration and Foreign Affairs, *Treffen der Zentraleuropäischen Initiative in Banja Luka*. Press Release, 16 June 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/06/treffen-der-zentraleuropaeischen-initiative-in-banja-luka/ (accessed on 28 December 2016).

detecting falsified documents and provide document training at the embassies in the respective countries and so prevent individuals from entering the EU irregularly by plane. The adviser pool is being expanded constantly.¹⁰⁰

3.2.3. Irregular migration caused by the misuse of free movement rights by third country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals

Please describe any *new* activities implemented during 2016 to monitor and analyse information on the fraud and misuse of free movement. For example, measures to ensure common validation standards at borders and domestic controls and improvement of the security of the application and issuance processes for identity/EU documentation.

No changes in 2016.

3.3. Prevention of unsafe migration and the fight against facilitation of irregular migration ('smuggling')

3.3.1. Prevention of unsafe migration

Please describe any *new or planned* policies/measures or practices responding to the objective of prevention of unsafe migration (for example, through unsafe routes) from third countries of origin and transit (information campaigns, websites, projects with grass-roots NGOs or involving the diaspora, etc.).

In early 2016 the Federal Ministry of the Interior launched the first-ever information campaign in Afghanistan (with methods including: web advertising, ads in Afghan dailies and monthlies, outdoor advertising on city buses in Kabul, and Facebook and Twitter).¹⁰¹ Such targeted publicity is intended to help contain irregular immigration by counteracting distorted, overly positive conceptions of Austria and Europe and providing a realistic notion instead. Additionally, information related to asylum in Austria is provided on a continuous basis through social media (i.e. Facebook and Twitter).¹⁰²

Later in the year the Federal Ministry of the Interior organized a workshop in Vienna on the topic of "Migration and the role of effective communication and information in countries of origin" aimed at developing communication strategies focused on target groups and migrants' countries of origin.¹⁰³

3.3.2. Combatting facilitation of irregular migration

Please provide information on any *new policies, measures or relevant changes aimed at preventing and combatting facilitation of irregular migration* (for example, on cooperation measures to combat smuggling). Please distinguish between any developments related to facilitated entry and facilitated stay.

¹⁰⁰ Written input by the Federal Ministry of the Interior, I/7 (EU Affairs), 25 January 2017.

¹⁰¹ Federal Ministry of the Interior, *Innenministerium startet Informations-Offensive in Afghanistan*. Press Release, 1 March 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=477833493269586B2B2F6F3D&page=14&view=1 (accessed on 29 December 2016).

¹⁰² Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹⁰³ Öffentliche Sicherheit, *Vor Ort informieren und aufklären*, p. 68–69, available at www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2016/09_10/files/MIGRATION.pdf (accessed on 28 December 2016).

To reinforce international cooperation at operational level in counteracting human smuggling and trafficking, the Joint Operational Office was inaugurated on 4 May 2016 upon the initiative of the Criminal Intelligence Service Austria. The network serves as a link at operational level with Europol's European Migration Smuggling Center (EMSC), thus allowing investigators from other countries to be brought in on cases.¹⁰⁴

On 21 and 22 June 2016 Austria participated in Sirocco 2, a common operation against criminal migrant smuggling which was organized by Europol and the Joint Operational Office in Vienna. The goal of the operation was to increase pressure on organized smuggler groups through the close, coordinated observation of routes used by the groups. Several arrests were made in Austria during the operation.¹⁰⁵

A joint operation carried out between September 2015 and July 2016 between Austria, Germany, Hungary and Poland resulted in the arrest of 17 individuals suspected of being responsible for facilitation of irregular entry into the EU in about 1,000 cases.¹⁰⁶ In 2016 the Criminal Intelligence Service of Lower Austria was able to identify another organization responsible for smuggling almost 10,000 individuals into Europe within the previous 10 years.¹⁰⁷

On 19 September 2016 the Austrian National Council adopted a motion providing for more extensive involvement on the part of Austria in the Sophia operation, aimed at counteracting organized migrant smuggling networks and preventing illegal arms trade in the Mediterranean region. Currently nine army officers participate in the operation, with up to 30 soldiers to follow in 2017.¹⁰⁸

Austria also contributed towards the funding of a United Nations Office on Drugs and Crime (UNODC) programme with the objective of combating human smuggling and trafficking in the Middle East.¹⁰⁹

3.3.3. Monitoring of migrant smuggling

Please describe any challenges faced by your (Member) State in monitoring / collecting statistics on migrant smuggling? How does your (Member) State (plan to) address these issues?

¹⁰⁴ Federal Ministry of the Interior – Criminal Intelligence Service Austria, *Internationales Ermittlungsbüro gegen Schlepperei in Wien nimmt Arbeit auf*. Press Release, 4 May 2016, available at www.bmi.gv.at/cms/BK/_news/pressemeldungen.aspx?id=316545503167796C4B4B773D&page=5&view=1 (accessed on 16 December 2016).

¹⁰⁵ Federal Ministry of the Interior – Criminal Intelligence Service Austria, *Sirocco II - Bundeskriminalamt (BK) beteiligt sich an Operation gegen organisierte Schlepperbanden*. Press Release, 29 June 2016, available at www.bmi.gv.at/cms/BK/_news/pressemeldungen.aspx?id=4831314969656E754768413D&page=1&view=1 (accessed on 16 December 2016).

¹⁰⁶ Federal Ministry of the Interior, *17 mutmaßliche Schlepper festgenommen*. News, 26 July 2016, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=346A326F47634759744E6F3D&page=13&view=1 (accessed on 29 December 2016).

¹⁰⁷ Police administration of the province of Lower Austria, *Schwerer Schlag gegen Schlepperei*, available at www.polizei.gv.at/noe/start.aspx?nwid=6B597639477757383558383D&ctrl=3734335266674D385951343D&nwo=0 (accessed on 30 December 2016).

¹⁰⁸ Öffentliche Sicherheit, *Einsatz im Mittelmeer*, p. 54, available at www.bmi.gv.at/cms/BMI/OeffentlicheSicherheit/2016/11_12/files/EU_MISSION_SOPHIA.pdf (accessed on 29 December 2016).

¹⁰⁹ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

In 2016 the Criminal Intelligence Service Austria published the 2015 report on the smuggling of migrants.¹¹⁰ The report provides an overview of activities related to the organized smuggling of migrants and irregular migration, and serves as an aid in taking strategic decisions. The 2015 report reveals a clear increase in the number of individuals apprehended, while providing a description of smuggler routes currently used.¹¹¹

3.3.4. Monitoring and identifying migration routes

Please describe any new or planned measures to identify, monitor and aggregate information on migration routes and please explain how is this information used to develop your (Member) State's response to migratory flows?

Please describe the role of national immigration liaison officers (NLOs) in gathering this data

Austria is participating in the Interpol Balkan Route project (to combat criminal migrant smuggling mainly along the Balkan route) and in the national German project EUROCONTAINER (aimed at migrant smuggling in rail freight containers).¹¹²

3.4. Main developments in the field of return and re-integration

Please describe any *new or planned* changes in legislation, policies and measures in the area of return and reintegration. This introductory question aims to collect general information on overarching developments in the area of return

The topic of return was one of the focus areas of activities by the Federal Ministry of the Interior and the Federal Office for Immigration and Asylum in 2016. Emphasis was put on an approach involving all state actors, to improve the level of cooperation required for returning migrants by generating incentives.¹¹³

In line with an effective return policy, and in compliance with the EU Return Directive (2008/115/EC),¹¹⁴ voluntary return is a fundamental pillar of Austria's national strategy in this area; consequently, return counselling as well as reintegration programmes were expanded in 2016. Under the European Asylum, Migration and Integration Fund (AMIF) and through co-funding by the Federal Ministry of the Interior, the system of return counselling provided by Caritas Austria and Verein Menschenrechte Österreich could be expanded to cover all of Austria. Austria co-funds various programmes and projects in the field of return by drawing on the AMIF.¹¹⁵

A functioning and sustainable return system can only be established where there is effective interplay between voluntary departure and forced return. Therefore, amongst projects promoting voluntary return there are various measures adopted to remove

¹¹⁰ Criminal Intelligence Service Austria, *Schlepperei Österreich – Jahresbericht 2015*, available at www.bmi.gv.at/cms/cs03documentsbmi/1854.pdf (accessed on 6 January 2017).

¹¹¹ Federal Ministry of the Interior – Criminal Intelligence Service Austria, *Schlepperbericht 2015 zeigt enormen Anstieg der Aufgriffe*. Press Release, 11 June 2016, available at www.bmi.gv.at/cms/BK/news/pressemeldungen.aspx?id=434847654C7258324A2F733D&page=2&view=1 (accessed on 16 December 2016).

¹¹² Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

¹¹³ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

¹¹⁴ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348/98.

¹¹⁵ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

foreigners who have no claim to international protection when there is no legal obstacle to deportation. In this regard the removal of delinquent foreigners has the highest priority. In addition, cooperation with the most important countries of origin was intensified and special attention was paid to issuing *laissez-passer* certificates. In order to impel measures the Federal Ministry of the Interior and the Federal Office for Immigration and Asylum work together constantly and closely in the framework of the Federal Government, especially with the Federal Ministry for Europe, Integration and Foreign Affairs.¹¹⁶

In 2016, the Federal Office for Immigration and Asylum launched a pilot project designed to provide varying levels of return assistance to asylum seekers from Afghanistan, Morocco and Nigeria. The project known as “Return Assistance – a new start with perspectives” includes individual types of support such as procuring travel documents, organizing travel, paying travel expenses and medical care during transfer. The amount paid out as start-up assistance depends on when the application for return is submitted, with more being paid out the sooner the decision for voluntary return is taken.¹¹⁷ A leaflet entitled “Voluntary Departure and Return Assistance” is available in Arabic, Dari, English, German, Pashto and Russian to inform eligible persons of the programme.¹¹⁸

A functioning return policy not only requires a nationwide strategy but also an agreed consistent position vis-à-vis migrants’ countries of origin as defined by the EU Member States. The Joint Way Forward cooperation agreement between the EU and Afghanistan was signed on 2 October 2016, establishing a substantial basis for Austria for the future return of Afghan nationals and for further steps in the areas of readmission and reintegration. Afghan citizens constituted the largest group of asylum seekers with approximately 12,000 applications for international protection in 2016. About half of the applications submitted by Afghans in 2016 were rejected. In conclusion this group had a considerable impact on voluntary and forced return.¹¹⁹

An updated version of the Three-Year Programme 2016–2018 for development policy was adopted by the Council of Ministers on 20 December 2016.¹²⁰ The programme contains several new points. One is the requirement to additionally ensure that, when carrying out development cooperation programmes, any readmission agreement with Austria is indeed applied in practice.¹²¹ Furthermore, Austria has specified as of 2017 an annual increase of EUR 15.5 million from the EUR 77 million available in 2016, to be

¹¹⁶ Ibid.

¹¹⁷ Öffentliche Sicherheit, *Rückkehr und Abschiebung*, p. 12, available at www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2016/07_08/files/BUNDESAMT_FUER_FREMDE_NWESEN_UND_ASYL.pdf (accessed on 28 December 2016).

¹¹⁸ Federal Office for Immigration and Asylum, *Neues Rückkehrhilfeprogramm für Asylweber aus Afghanistan, Marokko und Nigeria*. Press, 13 April 2016, available at www.bfa.gv.at/presse/thema/detail.aspx?nwid=4F717067766351484946513D&ctrl=2B7947437976465443374D3D (accessed on 18 January 2017).

¹¹⁹ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹²⁰ Federal Chancellery, *Beschlussprotokoll des 26. Ministerrates vom 20. Dezember 2016*, available at www.bka.gv.at/-/beschlussprotokoll-des-26-ministerrates-vom-20-dezember-2016 (accessed on 6 January 2017).

¹²¹ *Zukunft braucht Entwicklung. Entwicklung braucht Zukunft. Aktualisierung des Dreijahresprogramms der Österreichischen Entwicklungspolitik 2016 – 2018*, available at <http://archiv.bundeskanzleramt.at/DocView.axd?CobId=64849> (accessed on 6 January 2017).

allocated to bilateral development cooperation. Among other things, the additional funds will be used to support returnees.¹²² In the specific case of Iraq, EUR 5.2 million from the Foreign Disaster Relief Fund and from the Austrian Development Agency was approved for humanitarian assistance and the resettlement of returning refugees and internally displaced persons.¹²³

3.5. Strengthening cooperation with third countries of origin and transit on return migration management

3.5.1. Ensuring implementation of all EU readmission agreements to their full effect¹²⁴

Please report on activities undertaken to support the implementation of EU readmission agreements (implementing protocols, cooperation (including diplomatic pressure) with third countries to encourage implementation) by completing the Table and providing any additional relevant information in the box below:

EU Readmission agreement (country)	National development (i.e. implementing protocol, cooperation)	Date of agreement (if relevant)
Gambia, the	In 2016 progress was made in the bilateral negotiations on the readmission agreement with Gambia. ¹²⁵	
Turkey	Consultations were held with Turkey in April 2016 concerning a bilateral implementing protocol to supplement the existing readmission agreement with the EU. ¹²⁶	

3.5.2. Prevention of irregular migration from third countries: (a) the Southern Mediterranean countries; (b) countries within the Eastern Partnership; (c) the Western Balkans; and (d) the Western Mediterranean and the African Atlantic coast

Please describe any specific cooperation activities developed in 2016 in your Member State to prevent irregular migration in relation to the specific regions outlined above.

(a) the Southern Mediterranean countries;

¹²² Federal Ministry for Europe, Integration and Foreign Affairs, *Bundesminister Kurz: "Europa ist gefordert, das Sterben im Mittelmeer zu beenden"*. Press Release, 20 June 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/06/bundesminister-kurz-europa-ist-gefordert-das-sterben-im-mittelmeer-zu-beenden/ (accessed on 28 December 2016).

¹²³ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

¹²⁴ Norway is invited to report on any national agreements in place.

¹²⁵ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

¹²⁶ Federal Ministry for Europe, Integration and Foreign Affairs, *Reply to the parliamentary request no. 10661/J (XXV.GP) from 3 November 2016 regarding "Rückführungsabkommen"* (10213/AB of 3 January 2017), available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_10213/imfname_584139.pdf (accessed on 9 January 2017).

In 2016 the Austrian Federal Government stepped up efforts towards closer cooperation with Algeria, Morocco and Tunisia in the fight against irregular migration, specifically through regular meetings at all levels that were held in the region and in Austria. A special focus in this regard was to coordinate activities among the ministries in Austria.¹²⁷

(b) the Eastern Partnership countries;

The third Ministerial Conference of the Prague Process¹²⁸ was held on 19 and 20 September 2016. At the event the migration ministers of the participating countries discussed the future of the Process and cooperation in the field of migration.¹²⁹

(c) the Western Balkan countries;

The Federal Ministry for Europe, Integration and Foreign Affairs and the Federal Ministry of the Interior hosted a conference under the motto of “Managing Migration Together” on 24 February 2016; 18 interior and foreign ministers from Western Balkan states attended the event. The focus topic at the conference was border management and cooperation with third countries. One of the main outcomes¹³⁰ of the conference was to provide mutual assistance, specifically by deploying police officers at border sections where irregular migration activity is frequently observed.¹³¹

The project “Strengthen Kosovo institutions in effective management of migration” was launched on 29 April 2016. This project envisages the assistance of the Netherlands, Sweden and Austria to assist Kosovar authorities in the area of migration.¹³² The following issues will be addressed in the context of four fields of action: migration strategy and legislation, migration management, reintegration of persons returned to Kosovo/UNSC 1244, and public awareness. In the major field of action, migration management, the aim is to define measures enabling regular migration as a means of preventing irregular migration.¹³³ As part of the project, a Kosovar delegation made a study trip to Austria between 17 and 21 October 2016 to discuss the apprehension and detention of irregular migrants and practices applied to returning migrants.¹³⁴

On 24 September 2016 Austria hosted a summit meeting on the topic of migration along the Balkan route. This meeting was attended by the heads of government from Albania,

¹²⁷ Written input by the Federal Ministry of the Interior, 20 January 2017.

¹²⁸ The Prague Process is a targeted migration dialogue and a policy process promoting migration partnerships among the countries of the EU, Schengen Area, Eastern Partnership, Western Balkans, Central Asia, Russia and Turkey. The Process was initiated during the Czech EU Presidency in 2009 (Prague Process, *About*, available at www.pragueprocess.eu/en/about (accessed on 27 January 2017)).

¹²⁹ Written input by the Federal Ministry of the Interior, 23 January 2017.

¹³⁰ Federal Ministry for Europe, Integration and Foreign Affairs, *Managing Migration Together - Die wichtigsten Ergebnisse*, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussendungen/2016/Politische_Kernelemente_der_Erklaerung.pdf (accessed on 28 December 2016).

¹³¹ Federal Ministry for Europe, Integration and Foreign Affairs, „Managing Migration together“. Press Release, 24 February 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/02/managing-migration-together/ (accessed on 28 December 2016).

¹³² Federal Ministry of the Interior, *EU-Standards für den Kosovo*. Press Release, 2 May 2016, available at www.bmi.gv.at/cms/BMI_Presse/news/BMI.aspx?id=626466664D6D4E733055493D&page=9&view=1 (accessed on 29 December 2016).

¹³³ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

¹³⁴ Federal Ministry of the Interior, *Twinning-Projekt Kosovo: "Study Visit" in Österreich*, available at www.bmi.gv.at/cms/bmi/news/bmi.aspx?id=63387461566258725959303D&page=0&view=1 (accessed on 29 December 2016).

Bulgaria, Croatia, Germany, Greece, Hungary, the former Yugoslav Republic of Macedonia, Serbia and Slovenia, as well as by the President of the European Council, the EU Commissioner for Migration and the Romanian Minister of the Interior.¹³⁵ At the meeting the delegates mainly discussed converging positions on building additional capacities for border protection and on aid programmes for refugee camps in Northern Africa.¹³⁶

(d) Countries in the Western Mediterranean and the African Atlantic coast.

No changes in 2016.

3.6. Enhancing return migration management including cooperation among EU Member States on return practices

PLEASE NOTE THAT THIS SECTION OF THE SYNTHESIS REPORT WILL CONSIST OF THE FOLLOWING

3.6.1. *Summary of the EMN REG return and reintegration activities developed during 2016 (To be drafted by the EMN Service Provider)*

3.6.2. *Summary of the Frontex Joint Return Operations (JTOs) (To be provided by Frontex)*

3.6.3. *Maximising the potential of a common EU approach in the field of return, both voluntary and forced in compliance with existing EU acquis (To be drafted by COM)*

3.6.4. *Please describe any new or planned measures to develop swift, sustainable and effective return using a common EU approach and in particular actions relevant to:*

- i. Recording entry bans in the SIS and facilitating exchange of information on entry bans;¹³⁷
- ii. Operation of national forced return monitoring system (established in accordance with Article 8 (6) of the Return Directive;¹³⁸
- iii. Other actions.

No changes in 2016.

3.6.5. Other developments

Austria joined the European Reintegration Network (ERIN) as an official partner in June 2016. In this role Austria provides reintegration assistance in the following migrants' countries of origin: Afghanistan, Islamic Republic of Iran, Iraq/Autonomous Kurdistan Region, Morocco, Nigeria and Somaliland. Pakistan and the Russian Federation were added to this list in November 2016. Whereas Austria originally provided 250 places in

¹³⁵ Federal Chancellery, *Gipfeltreffen Migration entlang der Balkanroute*. News, 24 September 2016, available at www.oesta.gv.at/site/cob_63813/currentpage_0/7194/default.aspx (accessed on 27 December 2016).

¹³⁶ Federal Chancellery, *Christian Kern: "Wir haben die Dinge besser im Griff"* (in "Kleine Zeitung"). News, 24 September 2016, available at www.bka.gv.at/-/christian-kern-wir-haben-die-dinge-besser-im-griff-in-kleine-zeitung- (accessed on 27 December 2016).

¹³⁷ This category of measure relates to the commitments of the Stockholm Programme specifically.

¹³⁸ Directive 2008/115/EC.

reintegration programmes, the capacity could be increased to 265 in response to the strong demand (Afghanistan: 80; Islamic Republic of Iran: 45; Iraq/Autonomous Kurdistan Region: 40; Morocco: 15; Nigeria: 20; Pakistan: 30; Russian Federation: 35).¹³⁹

¹³⁹ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

4. INTERNATIONAL PROTECTION INCLUDING ASYLUM

***NB: This Section will also be used to provide information to inform EASO's Annual Report.**

4.1. Implementation of the Common European Asylum System (CEAS) and related policy developments

4.1.1. Changes in legislation, policies and practices

Please provide information on changes in legislation, policies and practices (adopted, implemented, under preparation or pending) relating to any of the following areas:

General asylum situation

As 2015 progressed, the record number of people seeking asylum in Austria was broken time and again to reach an historic level of 89,098 applications for international protection. This trend continued to weaken in 2016, during which 42,073 applications for international protection were lodged. In terms of the per-capita rate of asylum applications, Austria placed third EU-wide in 2015 and even second in 2016. After tripling in 2015, the number of recipients of basic welfare support in Austria decreased little in 2016, so that roughly 78,500 still required basic support in January 2017. Despite the enormous workload, the Federal Office for Immigration and Asylum managed to actually increase by 57 per cent the number of asylum decisions issued, for a year's total of 57,439. This was possible not least as a result of taking on an additional 389 employees, so that the Office counted a staff of 1,284 as at the end of last year.¹⁴⁰

Access to the asylum procedure

i. Access to territory (including, information on the arrival to the EU territory and operations to help asylum seekers on arrival, applications from outside the territory, where applicable, and humanitarian visas)

No changes in 2016.

ii. Access to the asylum procedure (including applications made at the border and in detention)

At the asylum summit held on 20 January 2016, the Federal State and the Austrian provinces, cities and municipalities agreed to permanently reduce the flow of refugees to Austria in the interests of maintaining public order and safeguarding internal security.¹⁴¹ In keeping with this objective it was announced that the number of refugees admitted to asylum procedures would be limited to a maximum target level of 1.5 per cent of the population for a planning period of four years. The resultant target number for 2016 was thus 37,500 refugees. A review of the plan in terms of conformity with constitutional and EU law has been initiated.¹⁴² Against this background, special provisions governing

¹⁴⁰ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹⁴¹ Oral input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 17 January 2017.

¹⁴² Republic of Austria, *Asylgipfel am 20. Jänner 2016 – Gemeinsame Vorgangsweise von Bund, Ländern, Städten und Gemeinden*, p. 2–3, available at www.bka.gv.at/DocView.axd?CobId=61858 (accessed on 29 December 2016); Funk/Obwexer, *Gutachten – Völker-, unions- und verfassungs-rechtliche Rahmenbedingungen für den beim Asylgipfel am 20. Jänner 2016 in Aussicht genommenen Richtwert*

border controls and regarding the maintenance of public order and the safeguarding of internal security were added to the Asylum Act,¹⁴³ specifically to Section 5 of Chapter 4; the change was included in the recent amendment of the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act¹⁴⁴ (in effect since 1 June 2016). Whether or not these special provisions are applied depends on the Federal Government issuing, in consultation with the Main Committee of the National Council, a regulation recognizing a danger to maintaining public order and safeguarding internal security.¹⁴⁵ No such regulation was issued in 2016 since the target number was not reached.¹⁴⁶

iii. Registration of applications for international protection, including subsequent applications

No changes in 2016.

Reception of asylum applicants

iv. Reception of applicants and vulnerable groups (accommodation, financial and social support, access to labour market, access to medical care)

In 2016 accommodation capacities were greatly expanded both at federal and provincial levels. As at 20 January 2017, there were 31 federal reception facilities in Austria, including two special reception facilities for individuals with special needs (capacity for over 200 people) and eight reception facilities for unaccompanied minors (approx. capacity of 1,000). The Federal State currently maintains roughly 6,650 accommodation places.¹⁴⁷

Asylum seekers are offered a wide range of daily activities as part of basic welfare support at the federal reception facilities. Participation in the daily programme is voluntary; asylum seekers can choose to participate in German courses, leisure activities and courses of education in a variety of subjects as well as workshops on human trafficking. This is intended as pre-integrative support, allowing refugees to first settle in in peace and safety; the period of stay at a federal reception facility is relatively brief.¹⁴⁸

With their consent, asylum seekers receiving basic welfare support can be employed at community service jobs. Such work represents an important aspect of the support programme since it enables these individuals to add a meaningful structure to their daily schedules. A list of services was drawn up under the leadership of the Federal Ministry of the Interior in October 2016 (see 2.3.) to enhance legal certainty in this situation and implement the package of measures for refugee integration adopted by the Council of Ministers on 21 June 2016.¹⁴⁹

v. Detention during the asylum procedure (practices regarding detention, grounds for detention)

für Flüchtlinge. Innsbruck/Vienna, 29 March 2016, available at www.bundestkanzleramt.at/DocView.axd?CobId=62571 (accessed on 19 January 2017).

¹⁴³ FLG I No. 100/2005, in the version of FLG I No. 24/2016.

¹⁴⁴ FLG I No. 24/2016.

¹⁴⁵ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

¹⁴⁶ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 25 January 2017; Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

¹⁴⁷ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

No changes in 2016.

Asylum procedures

vi. Access to information and legal counselling / representation (including at the border and during the asylum procedure)

In January 2016 the Federal Ministry of the Interior presented a booklet,¹⁵⁰ to be distributed to asylum seekers when they first contact the authorities. This booklet provides information on fundamental rights, duties and values, and about the stages of the asylum procedure (see 2.2. for further details).¹⁵¹

Amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act became effective as at 1 June and 1 October 2016 respectively. Art. 52 para 1 and para 2 of the Federal Office for Immigration and Asylum Procedures Act¹⁵² now provides for legal counselling when complaints are lodged against any decision issued by the Federal Office for Immigration and Asylum. However, this excludes decisions concerning costs as specified in Art. 53 of the Federal Office for Immigration and Asylum Procedures Act and Art. 76 to 78 of the General Administrative Procedures Act,¹⁵³ or when the Federal Office for Immigration and Asylum is required to submit a file to the Federal Administrative Court as referred to in Art. 16 para 2 of the Proceedings of Administrative Courts Act.^{154,155}

vii. Provision of interpretation

As part of the amendments published to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act on 1 June 2016, a provision was added that allows technical audio-visual transmission aids to be used as an alternative during interviews or hearings where the use of an interpreter is required but the interpreter does not appear in time (Art. 12a Federal Office for Immigration and Asylum Procedures Act).

viii. Dublin procedure (incl. transfers)

No changes in 2016.

ix. Special procedures: border procedures, accelerated procedures, admissibility procedures, prioritised procedures

Refer to the special provisions listed under 4.1.1. ii.

x. Safe countries of origin (measures undertaken to create, revise or implement a list of safe countries of origin)

¹⁵⁰ Federal Ministry of the Interior, *Refugee Guide*, available at www.refugee-guide.at/en/start.html (accessed on 5 January 2016).

¹⁵¹ Öffentliche Sicherheit, *Neue Themen, weitere Sprachen*, p. 73, available at www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2016/09_10/files/BROSCHUERE_FR_ASYLWERB_ER.pdf (accessed on 28 December 2016).

¹⁵² FLG I No. 87/2012, in the version of FLG I No. 25/2016.

¹⁵³ FLG No. 51/1991, in the version of FLG I No. 161/2013.

¹⁵⁴ FLG I No. 33/2013, in the version of FLG I No. 24/2017.

¹⁵⁵ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

The revised Regulation on Countries of Origin¹⁵⁶ was published on 16 February 2016 and subsequently entered into force on 17 February 2016. As a result the following countries are additionally defined as “safe countries of origin” within the meaning of the Asylum Act: Algeria, Georgia, Ghana, Mongolia, Morocco and Tunisia.¹⁵⁷ Accelerated asylum procedures can be conducted for individuals from safe countries of origin, while the suspensory effect of a complaint lodged against a negative asylum decision can be lifted in such cases. In principle, however, primary consideration is always given to the individual case presented by the asylum seeker and to the person’s nationality.¹⁵⁸

xi. Procedures at first instance (organisation of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, training)

In view of the large number of asylum applications lodged simultaneously and the subsequent considerable delays in the procedure, it was specified that an application for international protection must be decided within 15 months (Art. 22 para 1 Asylum Act); the change was introduced in the amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act that entered into effect on 1 June 2016. This provision has been implemented for a limited two-year period.¹⁵⁹

xii. Appeal/Judicial Review (organisation of the process, hearings, written procedures, timeframes, case management, training)

After the Constitutional Court had ruled the expression “1” in Art. 16 para 1 of the Federal Office for Immigration and Asylum Procedures Act as published in FLG I no. 70/2015 (refer to Constitutional Court ruling G 589/2015 of 23 February 2016), as unconstitutional, it was changed to read that the two-week period for lodging a complaint applies only to those decisions relating to the granting, non-granting or withdrawal of international protection that are associated with an action to terminate residence. A period of four weeks for lodging complaints now applies in all other cases.¹⁶⁰

xiii. Country of Origin Information (COI) (organisation, methodology, products, databases)

The Federal Office for Immigration and Asylum has a Country of Origin Information (COI) Unit with a staff of 26 in 2016 who cover various countries by region (e.g. Africa, Asia and the Middle East). Their work is based on a methodology that addresses aspects such as work standards, compulsory work instructions and the products maintained by the COI Unit. In 2016 the main focus was (i) to adapt the methods in order to meet requirements in the COI area, (ii) to intensify exchange on a European level regarding these methods (exchange of experiences with partner organisations), (iii) the holding of a symposium concerning fundamental barriers in research in the COI area, with consideration of the most important actors in the asylum process, (iv) the preparation of reports with contributions by international experts in order to substantiate sensible topics with international expertise, (v) establishing a new IT system (possibility of conducting safe research on the internet), (vi) to expand contact with national and international institutions and to deepen existing cooperation (DACHL/EASO network) (DACHL:

¹⁵⁶ FLG II No. 177/2009, in the version of FLG II No. 47/2016.

¹⁵⁷ Written input by the Federal Ministry of the Interior, 24 January 2017; Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

¹⁵⁸ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹⁵⁹ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

¹⁶⁰ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

cooperation between Austria, Germany, Luxemburg and Switzerland), (vii) to impart tasks, possibilities and barriers for all instances in asylum and immigration procedures in regard to country documentation in order to achieve consistent use during procedures as well as (viii) the preparation of products for country documentation, for example query responses, country information sheets, analyses, information briefs and Fact-Finding-Mission reports (FFM reports). These products were further adapted and refined in 2016 with a view to address higher requirements in information acquisition.¹⁶¹

Residence/entry documents granted to beneficiaries of international protection

xiv. Provision of information on rights granted to beneficiaries

No changes in 2016.

xv. Length/duration of residence permits / visas granted to beneficiaries of international protection

Comprehensive amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act became effective as at 1 June 2016. One of the main changes is a set of provisions defining an initially time-limited residence status for persons granted asylum (“temporary asylum”). Now, the Asylum Act provides for a right of residence initially limited to a period of three years which can then be renewed for an unlimited period of validity (Art. 3 para 4 Asylum Act) once that period has expired. The responsibilities of the COI Unit were modified to include support for the Federal Office for Immigration and Asylum when examining whether or not to initiate procedures for the withdrawal of asylum status. Pursuant to Art. 3 para 4a Asylum Act, the latter authority is required to prepare an evaluation at least once every calendar year to determine whether there has been any significant and lasting change in the specific conditions which were the main cause of fear of persecution among those persons granted asylum who originate from the countries accounting for the largest numbers of refugees arriving within the previous five calendar years.¹⁶² If the related evaluation demonstrates substantial and lasting changes to the specific causes that led to a refugee’s flight from a country of origin, the authority is required to initiate a procedure to withdraw asylum status from that individual (Art. 7 para 2a Asylum Act). It should be noted that the primary responsibility for determining the decisive facts of the case, as well as for evaluating whether the individual reasons for flight have ceased to exist, remains with the administrative official entrusted with a case.¹⁶³

Other changes relate to matters including the introduction of a card for persons granted asylum, which serves as proof of identity and legal residence status (Art. 51a Asylum Act).

Measures related to vulnerable groups

xvi. Measures related to vulnerable groups e.g. unaccompanied minors (UAMs), torture and trauma survivors, victims of human trafficking, gender, lesbian, gay, bisexual, transgender and intersex (LGBTI) within the asylum procedure

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Ibid.

In early 2016 the United Nations High Commissioner for Refugees (UNHCR) and the Federal Office for Immigration and Asylum cooperated in preparing a revision of the booklet “Your Asylum Procedure in Austria”.¹⁶⁴ The booklet targets unaccompanied minor asylum seekers and provides key items of information concerning asylum and subsidiary protection along with important contact details.¹⁶⁵ A more detailed version of the booklet has been made available at the website <http://deinasylverfahren.at>.

Should it be recognized during initial clearing or at a later time in the asylum procedure that an individual requires a higher level of care (having e.g. a physical, psychological, intellectual, visual, auditory or speech disability), that person is accommodated in an institution for specialized care (special reception facility). There is a distinction within the federal reception system between special reception facilities for unaccompanied minors (refer to 5.1.) and special medical reception facilities (refer to 5.2.).¹⁶⁶

Return of rejected asylum seekers

xvii. Return of rejected asylum applicants (including forced return, voluntary return and assisted voluntary return)

The volume of applications for international protection lodged in 2015 confronted the Republic of Austria with huge challenges at every level. During the asylum summit¹⁶⁷ held on 20 January 2016, the Federal State and the provinces, cities and municipalities of Austria agreed to address this critical situation through common procedures nationwide. These include a more focused effort to remove rejected asylum seekers and return them to their countries of origin or to safe third countries, as well as expanded options for voluntary return. To this end it was decided to develop a strategy based on a nationwide approach. The Federal Ministry of the Interior subsequently prepared a comprehensive package of measures in the area of return and readmission to pursue this nationwide objective.¹⁶⁸ Regular coordination meetings were held between ministries to discuss possible measures with regard to selected countries of origin.¹⁶⁹

The Federal Office for Immigration and Asylum launched an information campaign in 2016, with the goal of informing asylum seekers about options for voluntary departure. A related information leaflet was prepared (refer to 3.4. for more detail).¹⁷⁰

¹⁶⁴ UNHCR Austria and the Federal Office for Immigration and Asylum, *Dein Asylverfahren in Österreich*, 2016, Fifth edition, available at www.bfa.gv.at/files/broschueren/UMF_Broschuere_D_E_2016_final.pdf (accessed on 6 January 2017).

¹⁶⁵ Federal Office for Immigration and Asylum, „*Dein Asylverfahren in Österreich*“. News, 8 February 2016, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=67733950614336525765633D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=2 (accessed on 14 December 2016).

¹⁶⁶ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

¹⁶⁷ The Republic of Austria, *Asylgipfel am 20. Jänner 2016 – Gemeinsame Vorgangsweise von Bund, Ländern, Städten und Gemeinden*, available at www.bka.gv.at/DocView.axd?CobId=61858 (accessed on 29 December 2016).

¹⁶⁸ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹⁶⁹ Written input by the Federal Ministry of the Interior, 23 January 2017.

¹⁷⁰ Federal Office for Immigration and Asylum, *Neuer Folder „Freiwillige Ausreise und Rückkehrhilfe“*. News, 2 November 2016, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=314E514C2F383372456E553D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0 (accessed on 14 December 2016).

Relocation and resettlement

xviii. Intra-EU relocation

No changes in 2016.

xix. European Resettlement Scheme (**Please note that this question tackles **EU joint resettlement programmes**, while question 4.4.1. is focussed on **national resettlement programmes**, such as those by UNHCR).*

Refer to 4.4.1.

Cooperation with third countries

xx. Cooperation with Third Countries and activities in the external dimension of the CEAS (including participation in capacity building activities in Third Countries, RDPPs)

Supported by UNHCR, a delegation of the Chinese Ministry of Interior visited their Austrian counterparts on 8 July 2016 to learn about Austria's experience with asylum and best practices in this field.¹⁷¹

As part of a project of the International Centre for Migration Policy Development (ICMPD) aimed at integrated border management in Lebanon, delegates participated in a study visit to Vienna, which included the Ministry of the Interior, from 25 to 30 September 2016.¹⁷²

Other aspects of asylum policy

xxi. Other policy or legislative developments

No changes in 2016.

4.1.2. Institutional changes in the national asylum system

- a) Please provide information on institutional changes in the asylum field at ministry/agency/section level (incl. changes in mandate),

The Federal Office for Immigration and Asylum took on 389 new employees in 2016. This means that, including administrative interns, apprentices and individuals in alternative civilian service, the Federal Office for Immigration and Asylum employed a total staff of 1,284 as at the end of 2016. Once the Office has expanded to its final full contingent of 1,426 employees, the staff will have tripled in size since inception. Alongside the staff growth, seven additional branch offices were set up in the provinces of Austria to handle asylum procedures.¹⁷³

The Asylum Care Department within the Federal Ministry of the Interior was restructured and expanded in 2016. One change has been to set up regional management bodies in the provinces of Austria to act primarily as liaisons with the department units in Vienna as well as to ensure quality standards. A considerable number of new staff

¹⁷¹ Written input by the Federal Ministry of the Interior, 23 January 2017.

¹⁷² Ibid.

¹⁷³ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

members were also recruited following the substantial increase in accommodation capacities.¹⁷⁴

4.1.3. Jurisprudence

- a) Please provide information on important new national jurisprudence relating to asylum (with policy implications)
- b) Please provide information on the impact of CJEU judgements on national jurisprudence and policy

Refer to 4.1.1. xii on rulings by the Constitutional Court.

4.1.4. Efficiency and quality of the national asylum system

Please provide information on measures undertaken to safeguard or improve:

a) Quality of the national asylum system (combating unfounded applications, credibility assessment, age assessment, establishing identity) including information on tools and mechanisms (stating how this is measured)

b) Efficiency of the processing of (first) applications and appeals (increasing speed, reducing costs, use of new technology) of the national asylum system,

Please include information on effectiveness of above listed measures (where evidence exists and stating how this is measured).

The Federal Office for Immigration and Asylum has its own system of training to ensure that each and every staff member receives specialist training on an ongoing basis, thereby safeguarding an efficient and uniform application of asylum and immigration laws and maintaining high quality standards. The Office's basic and advanced training programme for administrative officials working in asylum procedures focused on these areas in 2016: interview techniques, investigation methods and administrative law, assessing plausibility, and issuing decisions. An additional focus was training on how to deal with vulnerable individuals. A basic training course, standardized throughout Austria, for new staff working in asylum procedures was also put in place in 2016. In addition to receiving four months of basic theoretical and practical training, newly trained staff are supported by team leaders or tutors.¹⁷⁵

Moreover, to ensure that asylum procedures are conducted uniformly in compliance with applicable laws, each organizational unit of the Federal Office for Immigration and Asylum has officers responsible for quality assurance.¹⁷⁶

4.1.5. Challenges in the national asylum system

- a) Please indicate which aspects of the national asylum system have (i) proven to be particularly challenging or (ii) have been subject to criticism from third parties. Please differentiate between the different aspects in your asylum and reception system.
- b) Provide information on actions undertaken to counter these challenges.

Please only provide information additional to that presented in 4.1.1.

The need to respond to the unprecedented increase in individuals seeking protection in 2015 and 2016 faced federal and provincial authorities with huge challenges, particularly

¹⁷⁴ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

¹⁷⁵ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

¹⁷⁶ Ibid.

in the area of care and accommodation.¹⁷⁷ To ensure that accommodation facilities can be set up with a minimum delay when the need arises, the Federal Constitutional Act Concerning the Accommodation and Allocation of Foreigners in Need of Aid and Protection¹⁷⁸ entered into effect on 1 October 2015. Capacity for roughly 4,000 care recipients has been created since the Act became effective.¹⁷⁹

About 100 experts met on 18 October 2016 for an “Asylum Day” to discuss various challenges and possible solutions. The main topics were: persecution on grounds of membership in a social group, the right to family life and Art. 8 of the European Convention on Human Rights (ECHR), administrative decision practice in the case of Afghanistan, and safe countries of origin and information on countries of origin. The conference provided an opportunity for officials involved in decisions at the various levels of the asylum system to engage in an objective discourse on topics related to asylum law, as well as to share experiences with national and international experts and to discuss varying approaches. Initiated by the United Nations High Commissioner for Refugees (UNHCR), the conference was held in collaboration with the Federal Office for Immigration and Asylum, the Federal Administrative Court, the Constitutional Court and the Administrative High Court.¹⁸⁰

4.2. Cooperation with the European Asylum Support Office (EASO)

4.2.1. *Participation of Member States in EASO activities*

Please provide information on your (Member) State’s relevant participation in EASO activities, by type of activity.

A. Provision of staff for Asylum Support Teams

By deploying asylum experts, Austria supports Member States regularly suffering from migration pressure. In 2016 experts from the Federal Ministry of the Interior or the Federal Office for Immigration and Asylum participated in 11 EASO operations in Greece (based on the EASO Hotspot Operating Plan to Greece) as well as two long-term operations in Italy lasting more than six months (based on the EASO Hotspot-Relocation Operating Plan to Italy). The latter will be continued in 2017.¹⁸¹

B. Deployment of experts to provide training related activities, including regional train-the-trainer session

Staff members of the Federal Office for Immigration and Asylum served in the following roles in EASO courses:

- Junior trainer for the Interview Techniques module;
- Didactic trainer for the Inclusion and Common European Asylum System (CEAS) module and for the upgrade of the Interview Techniques module;
- Junior trainer for the Inclusion module;

¹⁷⁷ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

¹⁷⁸ FLG I No. 120/2015; See National Contact Point Austria in the European Migration Network, *Annual Report 2015 on Asylum and Migration Policy in Austria*, March 2016, p. 32, available at www.emn.at/images/APR_2015_National_Report_Austria_2015_Part_1_FINAL.pdf (accessed on 27 January 2017).

¹⁷⁹ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

¹⁸⁰ Federal Ministry of the Interior, *Asyltag 2016: Asylrechtliche Herausforderungen im Fokus*, News, 20 October 2016, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=69647157655877645534633D&page=0&view=1 (accessed on 3 January 2017).

¹⁸¹ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

- Junior trainer for the Country of Origin Information module;
- Junior trainer for the Reception module.¹⁸²

C. Participation in the development of common practical tools

A representative from Austria actively participated in the team drafting the “Country Guidance Afghanistan” report. Austria also participated in the workshop on reasons for exclusion with particular focus on the Syrian Arab Republic.¹⁸³

D. Participation of staff in training activities organised by EASO

One individual participated in the train-the-trainer courses on the Reception module, the Dublin III Regulation and Interview Techniques, and two individuals in the course on the Exclusion module.¹⁸⁴

E. Other

On 21 January 2016, Wolfgang Taucher, Director of the Federal Office for Immigration and Asylum, was re-elected as chairman of the EASO Management Board for a further three-year period of office.¹⁸⁵

4.2.2. Provision of support by EASO to the Member States

Please provide information on relevant support provided by EASO to your (Member) State. Please indicate: a) type of support provided (e.g. special support, and/or emergency support) b) type of activities implemented.

No changes in 2016.

4.3. Intra-EU solidarity including relocation

4.3.1. Support to national asylum systems

- Please provide information on support provided to (Member) States experiencing specific and disproportionate pressures on their national asylum systems. This might include support in the processing of requests for international protection, seconding staff (for the Asylum Intervention Pool / Training Expert Pool), sending resources or equipment. Please specify if such support was provided: 1) on a bilateral basis; 2) or was organised at EU level.
- Please describe any evidence of the results / outcomes of this support, if available.

In response to Greece’s request for assistance submitted to the EU on 29 February 2016, Austria supplied a total of 20 tonnes of shelter material to assist in caring for refugees in Greece. The total cost of the support provided, including shipping costs, is EUR 100,000.¹⁸⁶

¹⁸² Ibid.

¹⁸³ Ibid.

¹⁸⁴ Ibid.

¹⁸⁵ Federal Office for Immigration and Asylum, *Wolfgang Taucher erneut zum Verwaltungsratsvorsitzenden von EASO gewählt*. News, 22 January 2016, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=65426638513345734E68453D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=2 (accessed on 14 December 2016).

¹⁸⁶ Written input by the Federal Ministry of the Interior, 23 January 2017.

4.3.2. *Relocation*¹⁸⁷

- a) Please specify any action undertaken with regard to relocation activities. Please specify if relocation activities were provided: 1) on a bilateral basis; 2) or organised at EU level.
- b) Please describe any evidence of the results / outcomes of this support, if available.

No changes in 2016.

4.4. Enhancing the external dimension including resettlement

4.4.1. *Resettlement*¹⁸⁸

**Please note that this question focuses on national resettlement programmes, such as those implemented by UNHCR, whilst the question on resettlement in 4.1.1. focuses on EU joint resettlement programmes*

Please describe 2016 resettlement activities to your (Member) State, differentiating between the types of programme:

- a) National resettlement programme (UNHCR)
- b) National Humanitarian Admission Programme
- c) Private sponsorship programme
- d) Ad-hoc special programmes (e.g. national initiatives, and/or international initiatives).

If applicable, for each of the programmes described, please indicate the resettlement quota established, the actual number of people resettled and from which countries. Please describe any evidence of the results / outcomes of this cooperation, if available

b) National Humanitarian Admission Programme

Late August 2013, the Austrian Federal Government originally expressed its willingness to admit another 500 Syrian refugees from the crisis region, in addition to the current number of asylum seekers (HAP I); these individuals were resettled in Austria by late 2014. In view of the continued crisis in the Syrian Arab Republic, in mid-April 2014 the Federal Government subsequently resolved to admit an additional 1,000 Syrian refugees from the crisis region (HAP II).¹⁸⁹ This second admission programme was then completed in 2016. With these two programmes Austria fulfilled its commitment to accept 1,500 refugees during this period.¹⁹⁰

¹⁸⁷ Relocation: the transfer of persons having a status, defined by the Geneva Convention or subsidiary protection (2004/83/EC) from the Member State which granted them international protection to another Member States where they will be granted similar protection (European Migration Network, *Asylum and Migration Glossary 3.0*. European Commission, Brussels, October 2014, p. 237, available at www.emn.at/images/2014/Glossar_3.0/emn-glossary-en-version-3.0.pdf (accessed on 9 January 2017)).

¹⁸⁸ Resettlement: the transfer on a request from the UNHCR and based on their need for international protection, of a third-country national or stateless person from a third country to a Member State where they are permitted to reside with one of the following statuses: i. refugee status ii. a status which offers the same rights and benefits under national and EU law as refugee status (European Migration Network 2014, *Asylum and Migration Glossary 3.0*. European Commission, Brussels, p. 243, available at www.emn.at/images/2014/Glossar_3.0/emn-glossary-en-version-3.0.pdf (accessed on 9 January 2017)).

¹⁸⁹ Kratzmann, K., *Resettlement and the Humanitarian Admission Programme in Austria*. IOM, Vienna, June 2016, p. 9, available at www.emn.at/images/2936_16_Studie_ENG_web.pdf (accessed on 30 January 2017); Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 24 January 2017.

¹⁹⁰ European Commission, *Annex to the Communication from the Commission to the European Parliament, the European Council and the Council – Seventh report on relocation and resettlement*,

Implementation also began at the end of 2016 of an additional Humanitarian Admission Programme (HAP III) that had been approved the previous year. As a result of this Programme, 400 especially vulnerable Syrian refugees will be admitted from the transit countries of Jordan (200 refugees) and Turkey (200 refugees), in response to the request of UNHCR. HAP III is being carried out by the Federal Ministry of the Interior in cooperation with UNHCR and international organizations.¹⁹¹ The initial integration measures provided for the Syrian refugees under HAP III are funded by the Federal Ministry for Europe, Integration and Foreign Affairs and administrated in collaboration with ARGE Resettlement.¹⁹²

On completion of these three programmes, a total of 1,900 refugees will have been resettled in Austria by the end of 2017.¹⁹³

4.4.2. *Enhancing the capacity of third-countries of first asylum*

- a) Please describe any 2016 specific developments to equip third-countries of first asylum with the means to guarantee refugee protection and to better manage mixed migration flows including national asylum legislation and asylum policy frameworks (e.g. through Regional Protection Programmes).
- b) If evidence is available, please describe the outcomes of these developments (e.g. increased number of asylum applications processed in countries of first asylum)

In view of the continued crisis in the Syrian Arab Republic and neighbouring countries, on 6 December 2016 the Federal Ministry for Europe, Integration and Foreign Affairs announced the allocation of an additional budget from the Foreign Disaster Relief Fund to be used for the support of internally displaced persons and refugees in the Syrian Arab Republic and Jordan.¹⁹⁴ Further funding from the Foreign Disaster Relief Fund was provided in 2016 for Iraq, to relieve the humanitarian situation as well as for Syrian refugees in Lebanon and Greece.¹⁹⁵ Financial support was also pledged in 2016 by the Federal Ministry of Agriculture, Forestry, Environment and Water Management to fund food aid for the Syrian Arab Republic.¹⁹⁶ The Federal Ministry for Europe, Integration and Foreign Affairs also contributed to the EU Facility for Refugees in Turkey and to the EU Regional Trust Fund in Response to the Syrian Crisis.¹⁹⁷

COM(2016) 720 final, p. 2, available at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161109/annex_3_resettlement_state_of_play_07_11_2016_en.pdf (accessed on 30 January 2017).

¹⁹¹ Federal Ministry of the Interior, *Resettlement*, available at

www.bmi.gv.at/cms/BMI_Asylwesen/resettlement/start.aspx (accessed on 30 December 2016).

¹⁹² Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017

¹⁹³ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 24 January 2017.

¹⁹⁴ Federal Ministry for Europe, Integration and Foreign Affairs, *Außenminister Sebastian Kurz bringt Hilfe für Opfer des Syrienkonflikts in Ministerrat ein*. Press Release, 6 December 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/12/aussenminister-sebastian-kurz-bringt-hilfe-fuer-opfer-des-syrienkonflikts-in-ministerrat-ein/ (accessed on 3 January 2017).

¹⁹⁵ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

¹⁹⁶ Austrian Development Agency, *5 Millionen Euro Ernährungshilfe für Syrien*. News, 21 September 2016, available at www.entwicklung.at/ada/aktuelles/detail/artikel/5-millionen-euro-ernaehrungshilfe-fuer-syrien-1/ (accessed on 3 January 2017).

¹⁹⁷ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

5.1. Unaccompanied minors

Please describe any *new or planned* policies, measures or changes in relation to unaccompanied minors (UAMs) at national and international levels.

Within the system of basic welfare support under the competence of the Federal State, special consideration is given to the best interests of children, while care for unaccompanied minors is a major concern in the context of care for individuals from other countries who seek assistance and protection. Care is provided to unaccompanied minors in close cooperation with the competent youth welfare authorities. There are eight special reception facilities for unaccompanied minors, distributed throughout Austria, with a total capacity to care for more than 1,000 minors. At the special reception facilities the counsellor-to-client ratio is higher than elsewhere and includes a reference-counsellor system: i.e. one main contact person and a substitute counsellor who are available 24/7 (refer also to 4.1.1.xvi.).¹⁹⁸

Generally, it should be noted that the issue of dealing with unaccompanied minors is constantly discussed at various levels. At policymaker level, for example, a coordinating committee with representatives from the Federal State and the provinces meet regularly to share views on the subject. Cooperation and information-sharing with the competent youth welfare authorities at regional level are also promoted. In addition, staff members are provided with internal instructions to help ensure that a uniform procedure is in practice.¹⁹⁹

Amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act²⁰⁰ became effective as at 1 June 2016, which included partly modified provisions governing the reunification of parents with unaccompanied minors. Specifically, parents can submit an application for family reunification no earlier than three years after their child as an unaccompanied minor is granted subsidiary protection status with final effect (Art. 35 para 2 Asylum Act²⁰¹). In such cases the same provisions apply as to other beneficiaries of subsidiary protection (refer to 1.3.). On the other hand, the parents of unaccompanied minors granted asylum or subsidiary protection are automatically considered to meet the normal requirements to provide evidence of suitable accommodation, health insurance cover in Austria and fixed-level, regular income (Art. 35 para 2a Asylum Act in conjunction with Art. 60 para 2 subpara 1 to 3 Asylum Act; refer to 1.3.).

The Missing Persons Competence Center under the Criminal Intelligence Service Austria has served as a pivotal point for exchanging international information on missing persons since 2013. When reports are submitted, the personal details are collected in the Austrian criminal intelligence database EKIS and in the Schengen Information System (SIS II). Here the special focus is on unaccompanied minors. Records on 468 underage, non-EU citizens were stored in the Austrian criminal intelligence database as of March 2016.²⁰²

¹⁹⁸ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

¹⁹⁹ Ibid.

²⁰⁰ FLG I No. 24/2016.

²⁰¹ FLG I No. 100/2005, in the version of FLG I No. 24/2016.

²⁰² Federal Ministry of the Interior – Criminal Intelligence Service Austria, *Polizei setzt erneut Schwerpunkt auf abgängige Minderjährige*. Press Release, 25 April 2016, available at www.bmi.gv.at/cms/BK/news/pressemeldungen.aspx?id=53475739754F397955444D3D&page=5&view=1 (accessed on 3 January 2017).

5.2. Other vulnerable groups²⁰³

Please describe any *new or planned* policies, measures or changes in relation to other vulnerable groups at national and international levels.

Within the federal reception system, two medical reception facilities were set up between 2015 and 2016, where certified health care and nursing staff are deployed to care for a total capacity of over 200 patients. Treatment by medical specialists is also provided. The infrastructure of the facilities is furthermore designed to accommodate the special needs of the resident asylum seekers (e.g. full accessibility and proximity to hospitals).²⁰⁴ Refer also to 4.1.1. xvi.

The accommodation of individuals with special care needs or special needs related to medical care is usually managed in the individual case in consultation with the competent offices. Individuals with a physical or psychological condition requiring intensive nursing care are accommodated in public or private nursing homes in keeping with the standards applying to such institutions.²⁰⁵

²⁰³ Vulnerable person: Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation (European Migration Network, *Asylum and Migration Glossary 3.0*. European Commission, Brussels, October 2014, p. 301, available at www.emn.at/images/2014/Glossar_3.0/emn-glossary-en-version-3.0.pdf, accessed on 9 January 2017).

²⁰⁴ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

²⁰⁵ Ibid.

6. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

This Section should be completed in the context of the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)"²⁰⁶ and you should liaise with your National Rapporteur on Trafficking in Human Beings or Equivalent Mechanism (NREMs).

Please note that the scope of this section refers only to third-country national victims of trafficking.

NREMs share information with the Commission (via the informal EU Network of NREMs) on a biannual basis on developments relevant to their national legal and policy framework. This information can be used for this reporting exercise too. All information is uploaded accordingly to the EU Anti-Trafficking Website under the section of national pages.²⁰⁷

6.1. Improving identification of and provision of information to third-country national victims of human trafficking

Improving identification of victims of human trafficking:

The goal of identifying potential victims of trafficking in human beings among asylum seekers was defined as a focus area in the fourth National Action Plan on Combating Human Trafficking (2015–2017).²⁰⁸

Within the framework of the IOM project "Identification of potential trafficked persons in the asylum procedure" (IBEMA), training courses aimed at improving skills in identifying victims of human trafficking were held in 2016 for staff members of the Federal Office for Immigration and Asylum as well as for judges with the Federal Administrative Court, care staff of ORS Service GmbH and legal counsellors with Verein Menschenrechte Österreich and ARGE Rechtsberatung. The project is focused on heightening awareness of the issue of human trafficking among authorities and organizations that play a role in asylum procedures in Austria, so as to allow more ready identification of the individuals affected as well as to provide them with support and refer them to institutions providing suitable protection. Another goal is to establish and/or intensify networking between partner authorities and other relevant stakeholders, including non-governmental organizations, in Austria and other countries, and thus lastingly integrate the issue of combating human trafficking within the Austrian asylum procedure. As a result of the training, at least 15 cases of trafficking in human beings have been reported to police or institutions of victim protection since July 2015; specifically: five by the Federal Office for Immigration and Asylum, nine by the legal counselling service of Diakonie and one by Verein Menschenrechte Österreich.²⁰⁹

²⁰⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Strategy towards the Eradication of Trafficking in Human Beings (2012–2016), Brussels, 19 June 2012, COM(2012) 286 final, available at http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf (accessed on 10 January 2017).

²⁰⁷ European Commission, *Together Against Trafficking in Human Beings – Member States*, available at http://ec.europa.eu/anti-trafficking/member-states_en (accessed on 10 January 2017).

²⁰⁸ Öffentliche Sicherheit, Kontrolle und Hilfe, p. 17, available at www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2016/11_12/files/Interview_Tatzgern.pdf (accessed on 29 December 2016).

²⁰⁹ Written input by the Criminal Intelligence Service Austria, 25 January 2017.

A case in point is the workshop held at the detention centre at Vordernberg, Styria in 2016, with the title “Identification of human trafficking victims – a detention centre issue”, attended by 14 police officers at the detention centre as well as individuals working for the cooperation partners (municipality of Vordernberg, G4S and the Vordernberg health care office). The focus topics included identifying people affected by human trafficking and the related legal framework. The workshop was jointly organized by the Federal Ministry of the Interior, the Criminal Intelligence Service Austria and the Intervention Center for Trafficked Women (LEFÖ IBF).²¹⁰

Numerous training sessions were held in 2016 for groups including: judges, public prosecutors, consulate employees and labour inspectors. A new information booklet, containing potential indications of trafficking in human beings as well as recently prepared instructions on how to identify and deal with potential victims of child trafficking, was distributed to authorities and offices connected with the issue (refer to 6.1.1.).²¹¹

6.1.1. Information on assistance and support to victims, including child victims

The efforts of the Task Force on Combating Human Trafficking in 2016 included setting up an ad-hoc working group to study how to more effectively reach potential victims of human trafficking. One of the results of this working group was to prepare a compact, 20-page booklet on trafficking in human beings, including a definition, indications, and referral information, for distribution to institutions and offices with potential contact to victims.²¹²

The working group on child trafficking that was established under the Task Force on Combating Human Trafficking completed the “Action guidelines for identifying and dealing with potential victims of child trafficking”²¹³ (National Referral Mechanism) and widely distributed the publication to relevant offices.²¹⁴

As part of the working group on prostitution, the Ministry of Health and Women’s Affairs issued an information booklet for sex workers²¹⁵ which was translated into seven languages.²¹⁶ Providing information to sex workers about their rights and obligations, the booklet targets potential victims of human trafficking for the purpose of sexual exploitation. The publication is used at public health offices and counselling centres and made available to sex workers free of charge.²¹⁷

²¹⁰ Federal Ministry of the Interior, *Identifizierung von Opfern des Menschenhandels*. News, 23 June 2016, available at www.bmi.gv.at/cms/BMI_Presse/news/BMI.aspx?id=6A72302B4E7570307433343D&page=3&view=1 (accessed on 29 December 2016).

²¹¹ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

²¹² Written input by the Criminal Intelligence Service Austria, 25 January 2017.

²¹³ Federal Ministry of Families and Youth, *Handlungsorientierungen zur Identifizierung von und zum Umgang mit potenziellen Opfern von Kinderhandel*, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Handlungsorientierungen_zur_Identifizierung_und_zum_Umgang_mit_potenziel....pdf (accessed on 26 January 2017).

²¹⁴ Written input by the Criminal Intelligence Service Austria, 25 January 2017; Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

²¹⁵ Federal Ministry for Education and Women’s Affairs, *Sexwork Info*, March 2016, available at www.bmgf.gv.at/cms/home/attachments/9/2/0/CH1559/CMS1466681652660/sexwork-info_englisch.pdf (accessed on 26 January 2017).

²¹⁶ Bulgarian, Chinese, Czech, English, German, Hungarian and Romanian.

²¹⁷ Written input by the Criminal Intelligence Service Austria, 25 January 2017; Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

The Task Force for Combating Human Trafficking is also preparing a booklet to provide comprehensive information on victims' rights. The booklet is planned to be completed during the first quarter of 2017 and distributed to all offices with potential contact with supposed victims of human trafficking.²¹⁸

To prevent the exploitation and trafficking of persons working in diplomats' households, information programmes aimed at this group of individuals were continued and expanded in 2016. An information booklet,²¹⁹ in English and Philippine (Tagalog) was prepared in 2016 by the Federal Ministry for Europe, Integration and Foreign Affairs in cooperation with LEFÖ (Information, Education and Support for Migrant Women) and funded by the Federal Ministry of the Interior. The booklet is handed out to all domestic workers of diplomats accredited in Austria upon issue of the worker's identity card (*Legitimationskarte*).²²⁰

6.1.2. Evident trends at national level

In 2016 the Criminal Intelligence Service Austria published the 2015 annual report on trafficking in human beings.²²¹ The report describes the situation in Austria with reference to both statistics as well as information on different kinds of human trafficking, thereby delineating those that are related to irregular migration from those that are distinctive. Due to its geographic location at the centre of Europe, Austria is a destination and transit country for trafficking. A total of 62 individuals affected by trafficking in human beings were identified in 2015. The country of origin of 89 per cent of the victims is an EU Member State (mainly Bulgaria, Romania or Hungary). Concluded police investigations revealed that at 73 per cent, sexual exploitation was the most common manifestation of human trafficking in 2015. Since human trafficking is usually recognized only through police checks, the number of undetected cases is high.²²²

6.1.3. Cooperation with third countries

Austria is a member of the European Multidisciplinary Platform against Criminal Threats – Trafficking in Human Beings (EMPACT THB), a Europol project carried out within the framework of the EU Policy Cycle. A representative of the Criminal Intelligence Service Austria attended the quarterly operational meetings at Europol in 2016. Within the context of implementing the annual operational action plan, Austria supported or participated in operational activities at bilateral or multilateral level.²²³

The Criminal Intelligence Service Austria is also a co-partner in the CHINESE THB and ETUTU projects (the latter aimed at human trafficking originating in Nigeria) under the Prevention of and Fight against Crime (ISEC) programme. In the context of these projects, the Criminal Intelligence Service Austria attended numerous meetings to plan

²¹⁸ Ibid.

²¹⁹ Federal Ministry for Europe, Integration and Foreign Affairs, *Information Brochure – Private Domestic Staff (PDS)*, July 2016, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Ministerium/Folder_Private_Domestic_Staff.pdf (accessed on 31 January 2017).

²²⁰ Written input by the Criminal Intelligence Service Austria, 25 January 2017; Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

²²¹ Federal Ministry of the Interior – Criminal Intelligence Service Austria, *Menschenhandel 2015 in Österreich: 62 Opfer identifiziert*. News, 21 October 2016, available at www.bmi.gv.at/cms/bk/_news/start.aspx?id=513754654E454B442B31343D&page=0&view=1 (accessed on 16 December 2016).

²²² Criminal Intelligence Service Austria, *Menschenhandel Österreich – Jahresbericht 2015*, October 2016, available at www.bmi.gv.at/cms/cs03documentsbmi/1914.pdf (accessed on 9 January 2016).

²²³ Written input by the Criminal Intelligence Service Austria, 25 January 2017.

strategy and operations in 2016 and, at the same time, organized an international work meeting on operations under the CHINESE THB project that was held in Vienna in July 2016.²²⁴

In October 2016 the Joint Operational Office of the Criminal Intelligence Service Austria participated in the international operation referred to as “Ciconia Alba”. The operations focused on trafficking in human beings and human smuggling as well as on illicit drug and firearms trafficking and fraud. A total of 529 individuals affected by human trafficking could be identified at international level, while 16 individuals actually affected and 13 potentially affected were reported in Austria.²²⁵

In addition in 2016, via the Austrian Development Agency, Austria supported a number of international projects and programmes related to combating and preventing trafficking in human beings in general and children in particular. These included projects by the Organization for Security and Cooperation in Europe (OSCE), the United Nations Office on Drugs and Crime (UNODC), Terre des Hommes and the Ludwig Boltzmann Institute of Human Rights, in regions including South-Eastern Europe, Western Africa, the Sahara region and in the Middle East.²²⁶

²²⁴ Ibid.

²²⁵ Federal Ministry of the Interior – Criminal Intelligence Service Austria, *Operation Ciconia Alba führte zu 18 Festnahmen und 84 Anzeigen in Österreich*. News, 19 October 2016, available at www.bmi.gv.at/cms/bk/news/start.aspx?id=677152386655746A4745593D&page=0&view=1 (accessed on 16 December 2016).

²²⁶ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

7. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

7.1. Progress towards mainstreaming of migration in development policies

Please describe any *new or planned* relevant activity - e.g. studies, development of approaches to make migration an integral part in sectoral policies (e.g. agriculture, health, education etc.), solidarity development projects, etc. – to mainstream migration in development policies.

To establish a common understanding of migration and development as well as to define the fields of action of the Austrian Development Agency (ADA), an information event was held in March 2016. The event was attended by representatives of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the International Centre for Migration Policy Development (ICMPD) and of Swiss and German development organizations. A two-day ADA workshop on migration and development is planned for late February or early March 2017 for staff members of ADA, the Federal Ministry for Europe, Integration and Foreign Affairs, the Federal Ministry of Finance, and for representatives of non-governmental organizations. The event will focus on south-south migration and on the practical consideration of migration aspects in projects and programmes carried out at international level in areas such as private sector development and rural development.²²⁷

7.1.1. *Cooperation with partner / third countries for economic migration*

Please complete the Table below on (planned) EU level or bilateral agreements linked to labour migration (e.g. Mobility Partnerships) planned or implemented:

Type of agreement (EU or bilateral)	Status of agreement (negotiated, signed, ratified, implemented) and the date of the action	Third countries involved including Southern Mediterranean ²²⁸ and Eastern Partnership ²²⁹ countries	Main purpose and rationale for the agreement (incl. relevant elements of content)	Does the agreement allow for circular migration? YES/NO

In the framework of Mobility partnerships (and Common Agendas) please advise whether Migration and Mobility Resource Centres (MMRCs) have been / will be set up in the partner countries.

No changes in 2016.

7.1.2. *Efforts to mitigate ‘brain drain’*

Please describe any *new or planned* measures to mitigate brain drain. For example: awareness rising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain.

²²⁷ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

²²⁸ Morocco, Algeria, Tunisia, Libya and Egypt.

²²⁹ Ukraine, Belarus, Republic of Moldova, Georgia, Armenia and Azerbaijan.

No changes in 2016.

7.2. Migrants' Remittances

Please describe any *new or planned* relevant activities or developments with regard to remittances. For example measures to facilitate remittance flows or improve access to banking and financial services in developing countries.

No changes in 2016.

7.3. Working with Diasporas

Please provide information on *new or planned* national policies or actions for involving diaspora groups in development initiatives and supporting diaspora groups in their efforts to enhance development in their countries of origin.

ADA funded a project in Serbia in 2016 to facilitate direct investments by members of the Serbian diaspora in Austria.²³⁰

²³⁰ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.