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UNACCOMPANIED MINORS FOLLOWING STATUS DETERMINATION IN AUSTRIA

Maria-Alexandra Bassermann, Alexander Spiegelfeld

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EUROPEAN MIGRATION NETWORK

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

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

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

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

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

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

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

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EXECUTIVE SUMMARY

Since 2014, several changes have been made to legislation and policy that affect unaccompanied minors. The first was an amendment, introduced through the 2015 Act Amending the Aliens Law, to the Federal Basic Welfare Support Act, stating that the admittance of individuals to basic welfare support must give consideration to any special needs of vulnerable persons – a group to which unaccompanied minors belong. These steps to amend aliens law also introduced changes that relate to detention pending removal in cases involving unaccompanied minors. Furthermore, the National Council adopted a resolution in December 2015 to raise the maximum rates to cover accommodation, food and care expenses for unaccompanied minors. The competence centres established at the provincial level are also mentioned as a positive development.

The **care and counselling of unaccompanied minors** became a particularly significant issue in 2015, when a large number of applications resulted in a shortage of suitable places at care facilities. The daily rates paid out for care were subsequently increased and care facility capacities for unaccompanied minors were expanded. Once their residence status has been determined, unaccompanied minors receive care and accommodation in Austria under a guardianship arrangement and, depending on the status obtained and on the province, from basic welfare support for foreigners in need of aid and protection, or from child and youth welfare. For accommodation under the basic welfare support system, special care guidelines have been defined for "unaccompanied foreign minors", including structuring of daily activities and psychological support where required. As in care under child and youth welfare, the highest priority is to be given here to considering the child's best interests. Supplementing the work of the Federal Ministry of the Interior, the provincial governments and the child and youth welfare authorities in the provinces, a key role is played in the care and accommodation of unaccompanied minors by humanitarian, religious and private institutions active in public welfare.

The integration of foreigners in Austria has become an important issue in recent years due to the strong influx of third-country nationals. The most significant development here has been the Integration Package: entering into force in 2017, it ushered in broad amendments to provisions applying to

asylum-seeking and non-asylum-seeking foreigners. While it is difficult to identify any special focus on unaccompanied minors, numerous measures were nonetheless launched for young people and young adult immigrants in general. The special provisions for unaccompanied foreign minors defined in Art. 7 of the Basic Welfare Support Agreement constitute the most relevant legal framework governing the integration of unaccompanied minors.

The general integration measures specified in the Integration Act are mainly implemented by the Austrian Integration Fund and the Public Employment Service. However, only the Austrian Integration Fund offers an integration programme tailored to the needs of unaccompanied minors. Education is an important area for unaccompanied minors, and state schools play a key role here. Children and young people who attend Austrian schools as part of compulsory schooling are usually admitted as "exceptional pupils or students". Based on this status, they are permitted to take beginners' and remedial language classes. On completion of general compulsory schooling, programmes for further education are available and can be attended regardless of an individual's residence status. Access to vocational training and employment depends on the person's residence title, and this also applies to unaccompanied minors. As regards health-care provision, unaccompanied minors are treated in the same way as other minors. Socio-pedagogical and psychological support benefits are specifically provided to minors on basic welfare support. Notwithstanding the above, the provision of psychological counselling appears to be still capable of improvement for unaccompanied minors in Austria. While a number of public and private institutions offer psychological counselling services, waiting periods are substantial.

The **voluntary, assisted voluntary and forced return** of unaccompanied minors are options in Austria. In practice, however, cases of (assisted) voluntary return are infrequent and the forced return of unaccompanied minors is an even rarer occurrence. The basic principle applied to cases of unaccompanied minors is to prioritize the child's best interests. Other than this, there are no special provisions relating to the (assisted) voluntary return of unaccompanied minors. Any measures for assisting the return of unaccompanied minors, any reintegration benefits and any special conditions applying to such individuals therefore depend on the organization providing return assistance in the particular case and/or on the particular reintegration project.

Forced return is regulated mainly by the requirements defined in detail in the Aliens Police Act 2005. Specifically, prior to removing unaccompanied

minors, the Federal Office for Immigration and Asylum is required to ensure that such individuals can be returned to their families, legal guardians or suitable reception facilities in the destination country (Art. 46 para 3 Aliens Police Act 2005). The authorities also underscore the importance of sending out the message that in Austria, forced return is an option that is indeed exercised in individual cases where necessary.

On **reaching the age of majority**, unaccompanied minors experience some significant changes in their living conditions. Specifically, minors are no longer entitled to a guardian when they turn 18, and in many cases must relocate to a supervised care facility for adults or to their own accommodation. Austria has no nationwide measures or procedures in place that are specifically intended to address the needs of unaccompanied minors before, during or after the transition to adulthood. In individual cases, however, various options are available to help unaccompanied minors prepare for this transition or to provide follow-up care afterwards. A good practice example cited in this regard is the network of care facilities for former unaccompanied minors that is operated by NGOs. On the whole, the transition to adulthood is seen as a challenge, since relocation to accommodation for adults potentially results in the loss of key relationships and the previous social setting.

While the **absconding** of unaccompanied minors from care facilities in Austria has not been comprehensively analysed, the phenomenon nevertheless exists and has been the subject of several reports as well as two questions raised by parliament. Various reasons are given for such behaviour. Unaccompanied minors often abscond because they regard Austria merely as a transit country. For asylum seekers, absconding results in the termination of their asylum procedure. A person is not stripped of any residence status already granted, however. If unaccompanied minors abscond after receiving a return decision, the decision remains in effect and an apprehension order can be issued. One challenge recognized here is that the safety of unaccompanied minors can no longer be ensured once they abscond.

In general, unaccompanied minors have a certain priority for Austrian policymakers, while the state and non-state actors involved in this subject area are both diverse and numerous. The influx of migrants in 2015 and 2016, and the simple fact of an increase in the number of individuals in this category, has contributed appreciably to their visibility. One may therefore assume that unaccompanied minors will continue to be an important issue in Austria.

1. INTRODUCTION

1.1 Study background and objectives

The number of applications for asylum in the EU rose in the period of 2014–2016, reaching a record high of 1.3 million in 2015.[1] In this context, the number of applications from unaccompanied minors also increased significantly, from 12,725 in 2013 to 23,150 in 2014 and subsequently to 95,205 in 2015. While the number of asylum applications declined to 63,245 in 2016, it was still five times the total recorded in 2013.[2] With this increase in applications, the areas of integration and return have become more critical in relation to unaccompanied minors, with many Member States taking steps to revise their related policies and legislation. In dealing with unaccompanied minors, decision makers and practitioners face particular challenges, not least because unaccompanied minors have child-specific rights and enjoy special safeguards under international, EU and national laws.

In recent years, the European Migration Network (EMN) has published a number of studies that examine the topics of return and integration.[3] In

1 Eurostat, *Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data (rounded) [migr_asyappctza],* available at http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database (accessed on 21 January 2018).

2 Eurostat, *Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) [migr_asyunaa],* available at http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database (accessed on 21 January 2018).

3 In the Austrian context, these are for example: Heilemann, S. and R. Lukits, *The Effectiveness of Return in Austria: Challenges and Good Practices Linked to EU Rules and Standards.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/12/EMN-National-Report-2017_Effectiveness-of-Return-in-Austria.pdf (accessed on 7 March 2018); Lukits, R., *The Return of Rejected Asylum Seekers.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2016/12/The-return-of-rejected-asylum-seekers-from-Austria.pdf (accessed on 17 November 2017); Koppenberg, S., *Integration of Beneficiaries of International Protection and Holders of Humanitarian Residence Titles into the Labour Market: Policies and Measures in Austria.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/01/EMN_Integration2015_AT_EMN_NCP_en.pdf (accessed on 20 January 2018); Rutz, J. and H. Chahrokh, *The Dissemination of Information on Voluntary Return Within Austria.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/01/EMN_InfoOnReturn2015_AT-EMN-NCP_en.pdf (accessed on 20 January 2018).

addition, studies specifically covering unaccompanied minors were published in 2010 and 2014.[4] This study is intended to update and supplement that information while focusing in particular on the areas of integration and return.

The aim in doing so is to provide an overview of Austria's approach to dealing with unaccompanied minors once their residence status has been established. Accordingly, the focus here is not on entry or assessment procedures, such as the asylum procedure for unaccompanied minors,[5] but on the processes that follow these earlier stages. Such processes either take place after residence status has been granted (this includes measures relating to the care, support and integration of unaccompanied minors) or after an application has been rejected (in the event of return).

This study starts by looking at the specific legal and policy context as well as migration trends and the Austrian decision-making process for issuing residence titles to unaccompanied minors (see chapters 2 and 3). Many unaccompanied minors arrive in the EU shortly before reaching the age of majority. Accordingly, the study details measures and arrangements in the areas of care, integration and return that apply to unaccompanied minors during the transition to the age of majority (see section 3.3).

The introductory chapters are followed by a summary of measures related to care for unaccompanied minors, including the organization of housing and provisions governing guardianship (see chapter 4). To provide a better understanding of measures and arrangements aimed at the integration of unaccompanied minors in Austria, the topics of health care, education and training, labour market access, social assistance and family reunification are examined in detail (see chapter 5). In addition, an overview of the return of unaccompanied minors leads into a more detailed discussion of the arrangements, legal provisions and implementation of voluntary and

4 Koppenberg, S., *Unaccompanied Minors in Austria – Legislation, Practices and Statistics.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/01/EMN_UAM-Study2014_AT_EMN_NCP_eng.pdf (accessed on 16 November 2017); The National Contact Point Austria in the European Migration Network, *Policies on reception, return, integration arrangements for, and numbers of, unaccompanied minors in Austria.* IOM, Vienna. Available at http://emn.ie/cat_publication_detail.jsp?clog=1&itemID=34&t=6 (accessed on 20 January 2018).

5 For information on entry and examination procedures see Koppenberg, S., *Unaccompanied Minors in Austria – Legislation, Practices and Statistics.* IOM, Vienna, p. 32–49.

forced return as well as of assisted voluntary return and reintegration. Attention is also given in this context to the case of unaccompanied minors who cannot be immediately returned (see chapter 6). The study also takes a look at the case of unaccompanied minors who disappear or abscond from care facilities operated by the Federal State or the provinces (see chapter 7). The final chapters close the study by discussing the main provisions and procedures in the various areas as well as important challenges and insights (see chapter 8).

1.2 Definitions

The study makes use of the following definitions, which are taken from the Asylum and Migration Glossary of the European Migration Network:[6]

'Absconding' is defined as an "action by which a person seeks to avoid legal proceedings by not remaining available to the relevant authorities or to the court".

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

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

'Assisted voluntary return' is defined as "voluntary return or voluntary departure supported by logistical, financial and/or other material assistance".

'Asylum seeker' is defined in the global context as a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments; and in the EU context as a person

6 See National Contact Point Austria in the European Migration Network, IOM Country Office for Austria, Glossary, available at www.emn.at/de/publikationen/glossar (accessed on 22 January 2018); Migration and Home Affairs, Glossary, available at https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en (accessed on 27 January 2017).

who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken.

'Compulsory return'/'Forced return' in the EU context is defined as "the process of going back – whether in voluntary or enforced compliance with an obligation to return – to:

- One's country of origin; or
- A country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or
- Another third country, to which the third-country national concerned voluntarily decides to return and in which they will be accepted.

'Final decision' is defined as "a decision on whether the third-country national or stateless person be granted refugee status or subsidiary protection status by virtue of Directive 2011/95/EU (Recast Qualification Directive) and which is no longer subject to a remedy within the framework of Chapter V of this Directive, irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome". Within the context of this Study, other statuses (than refugee status and subsidiary protection) are taken into account as well.

'Integration' in the EU context is defined as "a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States."

'Irregular stay' is defined as "the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State".

'Reintegration assistance' is defined as "support – either cash, in kind or combined, provided by a host country to a returnee, with the aim of helping the returnee to lead an independent life after return."

'Regularization' is defined as "in the EU context, state procedure by which illegally staying third-country nationals are awarded a legal status".

'Residence permit' is defined as "any authorization issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory, in accordance with the provisions of Regulation 265/2010 (Long Stay Visa Regulation)."

'Rejected applicant for international protection' is defined as "a person covered by a first instance decision rejecting an application for

international protection, including decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period".

'Return decision' is defined as "an administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return".

'Return' is defined as "the movement of a person going from a host country back to a country of origin, country of nationality or habitual residence usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous".

'Subsequent application for international protection' is defined as "a further application for international protection made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn their application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Art. 28 (1) of Directive 2013/32/EU."

'Third-country national' is defined as "any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the Union right to free movement, as defined in Art. 2(5) of the Schengen Borders Code".

'Tolerated stay' also refers to the (temporary) suspension of removal of a third-country national who has received a return decision but whose removal is not possible either for humanitarian reasons (as their removal would violate the principle of non-refoulement or due to the third-country national's physical state or mental capacity) or for technical reasons (such as lack of transport capacity or failure of the removal due to lack of identification or the country of origin's refusal to accept the person) and for as long as a suspensory effect is granted in accordance with Art. 13(2) of Directive 2008/115/EC.

'Unaccompanied minor' is defined as "a third-country national or stateless person below the age of 18 years, who arrives on the territory of the Member States unaccompanied by the adult responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after they have entered the territory of the Member States." Furthermore, within the context of this Study,

unaccompanied minors approaching 18 years of age are generally understood to be in the final couple of years before reaching the age of majority, i.e. 16 to 18 years.

'Voluntary departure' is defined as compliance with the obligation to return within the time-limit fixed for that purpose in the return decision.

'Voluntary return' is defined as "the assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee"

'Vulnerable person' is defined as "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".

1.3 Methodology

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

Legislative texts, national and international publications, press releases and internet sites were used as sources. The study was also able to draw on continuous media monitoring information provided by the Country Office for Austria of the International Organization for Migration (IOM). Statistics were provided by the Federal Ministry of the Interior, and taken from the ministry's website and the Eurostat database.

To supplement the information obtained from secondary research, qualitative semi-structured face-to-face interviews were conducted with experts actively working in the field of unaccompanied minors in Austria, with additional written materials being requested in some cases. The interviewees were:

- Tobias Molander, head of Unit III/5/c (Resettlement, Return and International Affairs) of the Federal Ministry of the Interior, and Stephanie Theuer, staff member of Unit III/5/c;

- Sebastian Halm-Forsthuber, staff member of Unit B/I/1 (Legal Affairs) of the Federal Office for Immigration and Asylum;
- Martina Staffe-Hanacek, head of Department Child and Youth Welfare of the Federal Chancellery (former Federal Ministry of Family and Youth);
- Katharina Glawischnig, expert for unaccompanied minors with Asylkoordination Österreich;
- Andrea Götzelmann-Rosado, head of the Assisted Voluntary Return and Reintegration Unit at the IOM Country Office for Austria, and Edith Vasilyev, staff member of that unit.

The study was compiled by Maria-Alexandra Bassermann (Research Associate, IOM Country Office for Austria) and Alexander Spiegelfeld (Research and Communications Associate, IOM Country Office for Austria) under the supervision of Julia Rutz (Head of Research and Migration Law, IOM Country Office for Austria). Legal issues were addressed by Rainer Lukits (Legal Associate with the IOM Country Office for Austria until October 2017) and Raphaela Haberler (Consultant).

The interviewees mentioned above deserve special thanks for sharing their knowledge and experience in expert interviews and their written responses. The authors also wish to thank Martin Koller (Research Intern, IOM Country Office for Austria) and Carina Mistelbauer (Media Intern, IOM Country Office for Austria) for the assistance provided in various cases.

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

2. NATIONAL POLICY AND LEGAL CONTEXT

2.1 Legal and policy changes since 2014

Since 2014, several changes have been made to legislation and policy in Austria that affect unaccompanied minors.

The first was an amendment, introduced through the 2015 Act Amending the Aliens Law,[7] to the Federal Basic Welfare Support Act,[8] stating that "in the context of admitting vulnerable persons to basic welfare support, consideration shall be given – to the extent possible – to any special needs such persons might have."[9] Basic welfare support includes caring for and providing accommodation to foreigners seeking protection. This group of vulnerable persons specifically includes unaccompanied minors.[10] These steps to amend aliens law also introduced changes that relate to detention pending removal in cases involving unaccompanied minors. Specifically, where minors aged 14 or over are affected, the Federal Office for Immigration and Asylum is required to apply what are referred to as "alternatives to detention", where such measures are able to achieve the purpose of detention (Art. 77 para 1 sentence 2 Aliens Police Act 2005).[11] Minors aged 14 or over are therefore not to be detained pending removal. Instead, they are to be accommodated in areas designated by the Federal Office and should report regularly to the authorities or deposit an amount as security (Art. 77 para 3 Aliens Police Act 2005). Previously, alternatives to detention were required only up to the age of 16; as a result of the amendment, these are now required for all minors between the ages of 14 and 18.[12] The change

7 FLG I No. 70/2015.
8 FLG I No. 100/2005, in the version of FLG I No. 145/2017.
9 Art. 6 subpara 2 Act Amending the Aliens Law 2015, FLG I No. 70/2015.
10 Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 31, available at www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf (accessed on 27 October 2017).
11 FLG I No. 100/2005, in the version of FLG I No. 145/2017.
12 Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 24, available at www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf (accessed on 15 January 2018).

was made to implement requirements laid down in the recast Reception Directive[13] (2013/33/EU) (Koppenberg, 2016:26).

With the 2017 Act Amending the Aliens Law,[14] passed on 18 October 2017, the maximum period of detention pending removal was increased from two to three months for minors aged 14 and above (Art. 80 para 2 Aliens Police Act 2005).

In a resolution adopted on 9 December 2015, the National Council increased the maximum amounts of certain benefits specified in Article 9 of the Basic Welfare Support Agreement[15, 16]. The resolution applied to benefits including those provided to unaccompanied minors.[17] Specifically, the maximum rates payable to cover the costs of rent, food and the care of unaccompanied minors were increased by EUR 20 (to a total of EUR 95) for those living in shared flats and by EUR 3.50 for those housed in residences (to a total of EUR 63.50) or in residential groups (EUR 40.50 in total) (Koppenberg, 2016:26; Heilemann, 2017:5–6).

Amendments to the Asylum Act 2005, the Aliens Police Act 2005 and the Federal Office for Immigration and Asylum Procedures Act[18] also entered into force on 1 June 2016, including partly modified provisions governing the reunification of parents with unaccompanied minors (AT EMN NCP, 2017:26). Family members of persons granted asylum are entitled, within three months of when the sponsor's status takes legal effect, to apply to an Austrian representation authority in another country for an entry permit. Applications submitted after three months are required to additionally include evidence of suitable accommodation, health insurance cover and sufficient income (Art. 35 para 1 in conjunction with Art. 60 para 2 subpara 1 to 3 Asylum Act 2005). Family members of beneficiaries

13 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ 2013 L 180/96.

14 FLG I No. 145/2017.

15 FLG I No. 80/2004.

16 Agreement between the Federal Government and the Provinces Pursuant to Article 15a of the Federal Constitutional Act, Concerning an Increase of Selected Maximum Amounts Laid Down in Art. 9 of the Basis Welfare Support Agreement, Resolution of the National Council, available at www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR_00279/fname_493137.pdf (accessed on 12 January 2018).

17 Ibid.

18 Act Amending the Asylum Act 2005, the Aliens Police Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 24/2016.

of subsidiary protection status are entitled after three years to apply for an entry permit to allow family reunification, and such applicants are also required to additionally include evidence of suitable accommodation, health insurance cover and sufficient income (Art. 35 para 2 in conjunction with Art. 60 para 2 subpara 1 to 3 Asylum Act 2005).

The June 2016 amendment to aliens law[19] introduced other important changes that also affect unaccompanied minors, such as the legal requirement to provide integration counselling to persons granted asylum and beneficiaries of subsidiary protection status (Art. 67 Asylum Act 2005). Temporary asylum was also introduced, which refers to an asylum status entailing a right of residence initially limited to a period of three years; under certain conditions, such a status can then be renewed for an unlimited period of validity once the three-year period has expired (Art. 3 para 4 Asylum Act 2005).

Competence centres for child and youth welfare in the provinces have also been established in recent years. Such centres are designed in particular to serve as higher-level contact points for municipalities lacking experience in asylum matters.[20]

Currently, there are no concrete plans for legislative changes relating to unaccompanied minors.[21]

2.2 Importance of unaccompanied minors in Austria for policymaking

Turning to the priority given to unaccompanied minors in Austrian politics, one general observation that can be made is that the treatment of this particular group of asylum seekers is the subject of ongoing discussion at various levels. At policymaker level, for example, a coordinating committee with representatives from the Federal State and the provinces meets regularly to share views on the subject. There is also an emphasis on exchanging information with the provinces' child and youth welfare authorities, while staff members are provided with internal instructions to help ensure uniform

19 FLG I No. 24/2016.

20 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

21 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

procedures in practice (AT EMN NCP, 2017:46). A working group on guardianship also exists, with representatives from the provinces, the Federal Ministry of the Interior, Federal Ministry of Constitution, Reform, Deregulation and Justice and the Federal Chancellery (former Federal Ministry of Family and Youth)[22] participating.[23] In Austria, the issue of asylum in general has become a political priority. Within this area, unaccompanied minors enjoy special attention as a group of vulnerable persons backed by a strong lobby. The migration movements in 2015 and 2016 have also contributed to the heightened visibility of this group.[24]

In a European context, Austria also received the third-highest number of asylum applications from unaccompanied minors in 2015 (after Sweden and Germany) and 2016 (after Germany and Italy), with a total of 8,275 in 2015 and 3,900 in 2016.[25] Accounting for almost 10 per cent of all asylum applications lodged in 2015 and 2016, unaccompanied minors are a substantial subset of asylum seekers in Austria. It should nonetheless be noted that the issue of unaccompanied minors is a horizontal policy matter, with responsibility shared by public and regional authorities as well as other actors. The priority given to this matter varies accordingly depending on the area. In the area of return policy, for example, unaccompanied minors play a rather secondary role, since they return voluntarily or under compulsion in only a few cases, despite the high number of applications.[26] This contrasts with the area of child and youth welfare, where unaccompanied minors have come to play an increasingly prominent role, particularly as a result of the increase in their numbers in recent years.[27]

22 The Federal Ministry of Family and Youth was dissolved in the course of forming a government at the end of 2017. As a result, the portfolios for family and youth were placed under the scope of responsibilities of the Federal Chancellery as of 8 January 2018. For further information, refer to www.bundeskanzleramt.gv.at/familien-und-jugend (accessed on 22 January 2018).

23 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017.

24 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

25 Eurostat, Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) [migr_asyunaa], available at http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database (accessed on 21 January 2018).

26 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

27 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017.

In summary, the subject of unaccompanied minors in Austria has clearly become a policymaking priority, and one that has gained traction in particular as a result of the migration flows in 2015 and 2016.

2.3 Public discussion

According to Eurobarometer, immigration is the issue of greatest concern to Austrians.[28] In 2017 the issue dominated the election campaign for the Austrian National Council and thus also the country's media.[29] At least within the media, no specific focus on asylum-seeking or non-asylum-seeking unaccompanied minors can be discerned, whereas isolated reports have addressed the special challenges and issues they face, as well as their successes.[30] Nonetheless, unaccompanied minors in Austria have been the subject of numerous questions and motions for resolutions in parliament. An example is the question put to parliament by the Social Democratic Party of Austria on the issue of "minor-age and unaccompanied minor-age refugees in facilities operated by the Federal State and the provinces".[31] The question specifically concerned the number of unaccompanied minors in Austria and their residence status, the practice of age assessment and missing

28 European Commission, *Public Opinion,* available at http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/1974/yearTo/2017/surveyKy/2143 (accessed on 22 December 2017).

29 Kurier, *Migration war das Top-Thema,* 13 October 2017, available at https://kurier.at/politik/inland/wahl/migration-war-das-top-thema/291.796.355 (accessed on 22 December 2017); Kurier, *Flüchtlinge waren Top-Thema in den heimischen Zeitungen,* 13 December 2017, available at https://kurier.at/politik/inland/fluechtlinge-waren-top-thema-in-den-heimischen-zeitungen/301.917.464 (accessed on 22 December 2017).

30 See e.g., ORF Niederösterreich, *Diakonie fordert Flüchtlings-Nachbetreuung,* 21 January 2017, available at http://noe.orf.at/news/stories/2821145/ (accessed on 8 January 2018); Kurier, *Afghanen geben Tipps für das Leben in Österreich,* 3 February 2017, available at https://kurier.at/chronik/oesterreich/afghanen-geben-tipps-fuer-das-leben-in-oesterreich/244.648.822 (accessed on 8 January 2018).

31 Federal Ministry of the Interior, Antwort auf die schriftliche parlamentarische Anfrage betreffend „minderjährige und unbegleitete minderjährige Flüchtlinge in Einrichtungen des Bundes und der Länder" 13245/AB vom 8. November 2017 zu 14054/J (XXV. GP), p. 5, available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_13245/imfname_673597.pdf (accessed on 21 December 2017).

unaccompanied minors.[32] In 2015, the NEOS party proposed an increase in the daily rates of basic welfare support paid out for unaccompanied minors. The proposal pointed out that the daily rates paid out for the care of unaccompanied minors receiving basic welfare support were only half of the comparable amounts granted by child and youth welfare authorities and thus too little to ensure adequate care.[33] The Austrian Ombudsman Board[34] was joined by numerous non-governmental care organizations[35] in also demanding higher daily rates or an adjustment to match those paid by child and youth welfare authorities. On 1 July 2016, the daily rates were then raised in all provinces (see section 1.2).

32 Ibid.

33 Unselbständiger Entschließungsantrag, Unselbständiger Entschließungsantrag der Abgeordneten Dr. Nikolaus Scherak, Kolleginnen und Kollegen betreffend Erhöhung der Tagessätze in der Grundversorgung für unbegleitete minderjährige Flüchtlinge, 25 February 2015, available at www.parlament.gv.at/PAKT/VHG/XXV/UEA/UEA_00336/index.shtml (accessed on 22 December 2017).

34 Austrian Ombudsman Board, *Serie Kinderrechte: Mangelnde Betreuung von unbegleiteten minderjährigen Flüchtlingen*, available at https://volksanwaltschaft.gv.at/artikel/serie-kinderrechte-mangelnde-betreuung-von-unbegleiteten-minderjaehrigen-fluechtlingen (accessed on 22 December 2017).

35 Diakonie Refugee Service et al., *Verpflichtungen gegenüber unbegleiteten minderjährigen Flüchtlingen einhalten!*, available at http://archiv.asyl.at/fakten_2/umf_forderungen_220615.pdf (accessed on 22 December 2017).

3. DEMOGRAPHIC BACKGROUND AND RESIDENCE ARRANGEMENTS

This chapter intends to convey a better appreciation of the individuals making up the target group in terms of numbers, gender, age and nationality, while offering an overview of the types of residence status potentially granted and how such permits are distributed. Key statistics on the unaccompanied minors entering Austria are followed by a list of the types of residence status potentially granted to such persons and an overview of the number of cases where a negative or positive final decision on granting such titles was issued. The chapter closes by considering the specific arrangements applicable to unaccompanied minors during the transition to adulthood.

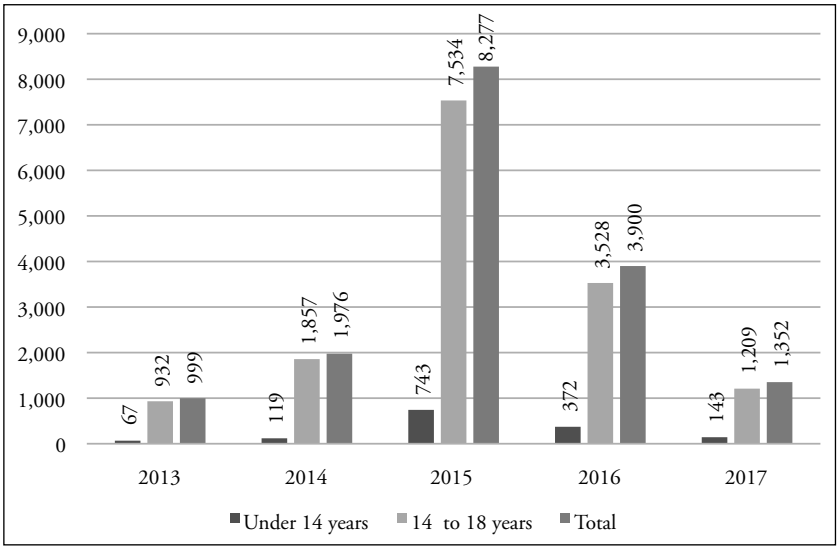
3.1 Demographic background of unaccompanied minors in Austria

A certain level of information is available in Austria concerning the number, gender, age and nationality of unaccompanied minors entering the country. The following discussion focuses on the period since the EMN study on unaccompanied minors was published in 2014, and on the migration flows in 2015 and 2016.

Since 2014 a striking increase has been observed in applications for international protection from unaccompanied minors. This number peaked at a record high of over 8,000 applications in 2015. The number of applications subsequently declined during 2016 and 2017. Specifically, slightly more than 1,300 unaccompanied minors applied for asylum in Austria in 2017. A striking detail here is the increase in minors under the age of 14 among applicants in Austria. This fact had also been observed by the experts interviewed as part of this study.[36] Whereas the share of applicants below the age of 14 was still about 6 per cent in 2013 and 2014, it had grown to more than 10 per cent by 2017.

36 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017; Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

Figure 1: Asylum applications from unaccompanied minors in 2013–2017



Source: Federal Ministry of the Interior, Asylum Statistics 2013, 2014, 2015, 2016 and 2017.

Another fact is that most of the unaccompanied minors in Austria apply for international protection.[37] The number of unaccompanied minors who are resettled in Austria is also very small, since the country's resettlement programme focuses primarily on family groups.[38]

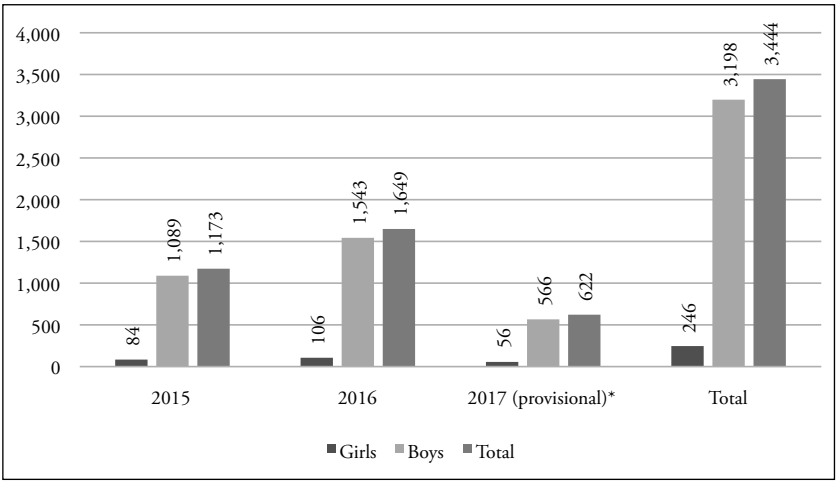
Moreover, most of the unaccompanied minors arriving in Austria are males.[39] Specifically, of the 3,444 final positive and negative decisions issued to unaccompanied minors in 2015–2017, 93 per cent concerned male applicants and 7 per cent females.

37 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017; Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017; Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

38 Federal Ministry of the Interior, *Asyl – Resettlement,* available at www.bmi.gv.at/301/Allgemeines/Resettlement/start.aspx (accessed on 3 January 2018).

39 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017.

Figure 2: Final positive and negative asylum decisions broken down by gender 2015–2017 (unaccompanied minors)



Source: Federal Ministry of the Interior.
**Note:* The statistics for 2017 are provisional. Therefore, revisions of the numbers *can be expected.*

In terms of the nationality of unaccompanied minors, the largest group was from Afghanistan, with 9,950 asylum applications between 2014 and 2017. Other major countries in the statistics for 2014–2017 include the Syrian Arab Republic, Somalia, Pakistan, Nigeria, Iraq and Algeria.

Table 1: Asylum applications from unaccompanied minors according to the 10 most significant countries of origin

Citizenship	2014	2015	2016	2017	Total
Afghanistan	1,201	5,609	2,446	694	9,950
Syrian Arab Republic	257	1,134	130	59	1,580
Somalia	210	221	302	47	780
Pakistan	20	184	316	205	725
Iraq	29	366	84	55	534
Nigeria	27	168	136	111	442
Algeria	41	99	109	23	272
Stateless and unknown *	54	114	14	3	185
Islamic Republic of Iran	11	87	44	17	159
Morocco	19	33	83	13	148

Source: Federal Ministry of the Interior, Asylum Statistics 2014, 2015, 2016 and 2017.
**Note:* In 2014 and 2015 the numbers for "stateless person" and "unknown" were kept in separate categories (summed up here). From 2016, "stateless" was included in the category "unknown".

3.2 Residence options for unaccompanied minors

The following section provides an overview of potential residence titles for unaccompanied minors in Austria as well as a summary of the final decisions issued in cases concerning the granting of international protection to unaccompanied minors. This aspect is relevant in particular because the residence title granted to unaccompanied minors in Austria determines the benefits that they are entitled to, such as relating to accommodation (see section 4.2).

Like other groups of individuals in Austria, unaccompanied minors can be granted asylum, subsidiary protection or humanitarian residence titles, or conventional residence titles as specified in the Settlement and Residence Act. In general, the majority of unaccompanied minors in Austria submit an application for international protection.[40] A range of residence options is available to them, depending on the outcome of the asylum procedure (Koppenberg, 2014:46–47). Specifically, the following types of residence titles are potentially available to **unaccompanied minor asylum seekers**:

- Asylum status (Art. 3 Asylum Act 2005);
- Subsidiary protection status (Art. 8 Asylum Act 2005);
- Humanitarian residence titles: Residence Permit or Residence Permit Plus on grounds of Article 8 European Convention on Human Rights (Art. 55 para 1 Asylum Act 2005);
- Residence Permit for Individual Protection (Art. 57 Asylum Act 2005).

The residence titles listed below are additionally available to unaccompanied minors not seeking asylum:

- Residence Permit or Residence Permit Plus on grounds of Article 8 European Convention on Human Rights (Art. 55 para 1 Asylum Act 2005);
- Residence Permit or Residence Permit Plus in particularly exceptional circumstances (Art. 56 Asylum Act 2005);
- Red-White-Red Card Plus (Art. 41a para 10 Settlement and Residence Act).

40 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017; Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017; Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

Furthermore, since residence titles in Austria are not tied to the holder's age, an unaccompanied minor's residence status is not directly affected by the holder reaching the age of majority (Koppenberg, 2014:74). One exception does exist, however, namely the special version of the Red-White-Red Card Plus for unaccompanied minors. This card cannot be issued to a person aged 18 years or over (Art. 41a para 10 Settlement and Residence Act).[41] Apparently, there is no specific provision regulating such a transition. A young adult wishing to maintain residency in Austria must meet the requirements for another type of residence permit, such as by adoption, for example, or by obtaining a temporary residence permit for students.

Between 2015 and 2017, positive final decisions were issued to unaccompanied minors in Austria as follows: 1,396 asylum decisions, 1,898 decisions granting subsidiary protection and 131 decisions granting a humanitarian residence title. Overall, therefore, subsidiary protection status was granted in the majority of cases between 2015 and 2017. No statistics are available on other types of residence titles potentially granted to unaccompanied minors.

The statistics also reveal that most of the final decisions were issued in 2016, with the number dropping by over half in 2017. Moreover, while the share of positive final asylum decisions in relation to all asylum decisions remained stable at about 40 per cent over those three years, a clear increase can be observed in the share of positive final decisions granting subsidiary protection (2015: 76%; 2016: 81%; 2017: 95%).

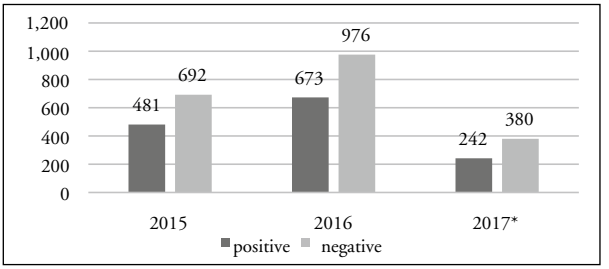
Tables 2 to 4 list the number of final decisions issued between 2015 and 2017 in response to applications for international protection from unaccompanied minors, broken down by nationality. Since the majority of asylum applications from unaccompanied minors between 2015 and 2017 were made by individuals from Afghanistan, it comes as no surprise that most of the final decisions issued during those years related to citizens of that country.

Unaccompanied minors from Afghanistan are increasingly being granted subsidiary protection. Specifically, the share of positive final decisions on subsidiary protection in relation to all decisions (including asylum, subsidiary protection and humanitarian stay) grew from 33 per cent in 2015 to 59 per cent in 2017. In contrast, subsidiary protection plays

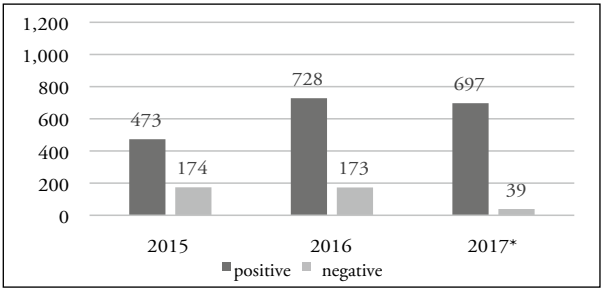
41 FLG I No. 100/2005, in the version of FLG I No. 145/2017.

Figure 3: Positive and negative final decisions in 2015–2017 – unaccompanied minors

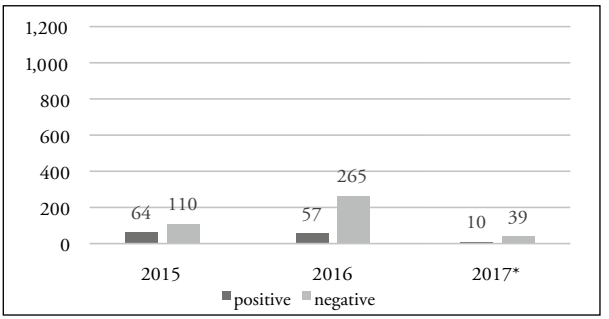
Final asylum decision



Final decisions on subsidiary protection



Final decisions relating to the granting of humanitarian stay



Source: Federal Ministry of the Interior.
**Note:* The statistics for 2017 are provisional. Therefore, revisions of the numbers can be expected.

only a secondary role in the case of unaccompanied minors from the Syrian Arab Republic. In 2015–2017 unaccompanied minors from the Syrian Arab Republic were granted asylum in most cases. Furthermore, the percentage of positive final decisions granting international protection to unaccompanied minors from the Syrian Arab Republic has always been high (2015: 89%; 2016: 98%; and 2017: 95%). In contrast, the comparable share for

unaccompanied minors from Afghanistan was consistently less than 70 per cent in 2015–2017 and for Nigerian unaccompanied minors was a mere 14 per cent in 2015 and 4 per cent in 2016.

A negative trend can be seen for final decisions granting asylum to unaccompanied minors from Somalia. Compared with the total number of final decisions on international protection, 34 per cent of the final asylum decisions in 2015 were positive, whereas the share dwindled to 5 per cent in 2017. However, subsidiary protection status has become more significant for this group. Another interesting observation relates to unaccompanied minors from Pakistan. Such individuals were not among the group of nationalities receiving the majority of final decisions in 2015 to 2017, even though Pakistan was among the countries whose citizens submitted the most applications during that period.

Final decisions issued in response to applications for international protection from unaccompanied minors broken down by citizenship 2015–2017

Table 2: Final decisions issued in 2015*

Citizenship	Asylum status				Subsidiary protection				Humanitarian stay				Total Final decisions
	Positive		Negative		Positive		Negative		Positive		Negative		
	sum	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*
Afghanistan	208	17	475	41	378	33	74	6	10	1	16	1	1,161
Syrian Arab Republic	162	78	20	10	22	11	0	0	1	<1	4	2	209
Somalia	43	34	23	18	58	46	2	2	0	0	0	0	126
Nigeria	1	2	27	42	1	2	15	23	7	11	13	20	64
Other	67	-	147	-	14	-	83	-	46	-	77	-	434
Total	481	17	692	24	473	16	174	6	64	2	110	4	1,994

Source: Federal Ministry of the Interior.
**Note:* All percentages refer to "total final decisions".

Table 3: Final decisions issued in 2016*

Citizenship	Asylum status				Subsidiary protection				Humanitarian stay				Total Final decisions
	Positive		Negative		Positive		Negative		Positive		Negative		
	sum	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*
Afghanistan	96	8	491	40	539	43	49	4	8	<1	58	5	1,241
Syrian Arab Republic	451	85	7	1	70	13	0	0	0	0	1	<1	529
Somalia	38	19	80	40	69	34	5	3	0	0	9	4	201
Nigeria	0	0	184	79	1	<1	12	5	8	3	28	12	233
Other	88	-	214	-	49	-	107	-	41	-	169	-	668
Total	673	23	976	34	728	25	173	6	57	2	265	9	2,872

Source: Federal Ministry of the Interior.
**Note:* All percentages refer to "total final decisions".

Table 4: Final decisions issued in 2017* **

Citizenship	Asylum status				Subsidiary protection				Humanitarian stay				Total Final decisions
	Positive		Negative		Positive		Negative		Positive		Negative		
	sum	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*	*per cent*	*sum*
Afghanistan	66	7	310	31	587	59	10	1	10	1	6	< 1	989
Syrian Arab Republic	141	70	9	4	50	25	0	0	0	< 1	1	< 1	201
Somalia	3	5	11	18	48	77	0	0	0	0	0	0	62
Iraq	6	19	13	42	8	26	2	6	0	< 1	2	6	31
Other	26	-	37	-	4	-	27	-	0	-	30	-	124
Total	242	-	380	-	697	-	39	-	10	-	39	-	1,407

Source: Federal Ministry of the Interior.
**Note:* The statistics for 2017 are provisional. Therefore, revisions of the numbers can be expected.
***Note:* All percentages refer to "total final decisions".

3.3 Unaccompanied minors in the transition to adulthood

As mentioned above in the introduction, one of the issues to be examined more closely in this study is that of unaccompanied minors in the transition to adulthood. Since the arrangements for such individuals differ from those for younger unaccompanied minors, a summary is first given here of the changes that occur when such an individual reaches the age of 18, and those relating to the general support measures provided. The arrangements defined in the specific policy areas for unaccompanied minors during the transition to adulthood are then discussed in more detail later in the study.

3.3.1 Changes on reaching the age of majority

While unaccompanied minors normally maintain their residence status on reaching the age of 18, the legal framework that applies to such individuals changes, as do certain aspects of their general life circumstances. On reaching their eighteenth birthday, a person gains full legal capacity and the guardianship ceases (see section 4.3.2). In addition, the minor's entitlement to legal representation in procedures before the Federal Office for Immigration and Asylum and the Federal Administrative Court no longer applies (Art. 10 Federal Office for Immigration and Asylum-VG). From this point on, such individuals are therefore directly responsible for their welfare, education, asset management and legal representation (Art. 160 ff., Art. 164 ff. and Art. 167 ff. General Civil Code). On reaching majority, the special provisions for the basic welfare support of unaccompanied minors, specified in Art. 7 of the Basic Welfare Support Agreement, also no longer apply, and former unaccompanied minors are required to relocate to an organized facility for adults or to their own means of accommodation (see section 4.1.2). On reaching the age of majority, unaccompanied minors in the care of child and youth welfare authorities are also normally required to leave the facility where they are staying (UNHCR/Council of Europe, 2014:28; Fronek, 2010:182; Koppenberg, 2014:74) (see section 4.1.2). Furthermore, family reunification of parents and children is generally only possible when the child concerned is under the age of 18 (Art. 35 para 5 Asylum Act 2005; Art. 2 para 1 subpara 9 Settlement and Residence Act) (see section 5.6).[42]

As regards the topic of return, the more favourable conditions relating to the detention of minors pending removal no longer apply as of an individual's eighteenth birthday (Art. 77 para 1, 79 para 3 and 5, 80 para 2 subpara 1 Aliens Police Act 2005). In addition, when unaccompanied minors turn 18 the authorities are no longer required to ensure that the person concerned can be returned to a family member, a legal guardian or a suitable reception facility in the destination country (Art. 46 para 3 Aliens Police Act 2005).

On the whole, the transition to adulthood is seen as a challenge. At facilities for adults, the maximum amounts of benefits and the counsellor-to-client ratio are less favourable than at facilities for minors, while relocating

42 For more Information see Lukits, 2016d:17; 20–21.

to this new type of accommodation means losing key relationships and the previous social setting (Blecha, 2012:36–37; Atteneder, 2014:60; Rothkappel, 2014:56; Koppenberg, 2014:70–71; Heilemann, 2017:11). Young people also experience the loss of their guardians as a challenge (Blecha, 2012:36–37).

3.3.2 Support measures for the transition to the age of majority

Austria has no specific nationwide measures in the areas of care and integration that are designed to prepare unaccompanied minors for the transition to adulthood (Fronek, 2010:182; Koppenberg, 2014:75). In individual cases, however, the unaccompanied minor's guardian or a worker at the care facility informs the individual concerned of the forthcoming changes (Koppenberg, 2014:75; Rothkappel, 2014:58). As is the case with minors possessing Austrian citizenship, unaccompanied minors granted asylum are under certain conditions also entitled to continued support from child and youth welfare authorities once such individuals reach the age of majority, until the age of 21 (see Art. 29 Federal Children and Youth Services Act 2013).[43] In exceptional cases, former unaccompanied minors who are receiving basic welfare support or are in the care of child and youth welfare authorities may also be allowed to remain at their care facility for a limited period of time (Koppenberg, 2014:74–75) (see section 4.1.2).

On the topic of return, Austria also has no measures or procedures in place to support unaccompanied minors in the transition to adulthood.[44]

43 FLG I No. 69/2013.

44 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018; Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

4. CARE, ACCOMMODATION AND GUARDIANSHIP

This chapter describes the care provided to unaccompanied minors once their residence status has been determined. Following a brief description of the general arrangements the topics of accommodation and the guardianship of unaccompanied minors are discussed in detail. At the same time, attention is given to the impact that an individual's residence status has on access to special benefits and how these benefits are affected when the person reaches adulthood.

4.1 Arrangements relating to care, accommodation and guardianship

The topic of care became particularly significant in 2015, when a large number of applications resulted in a shortage of suitable places at care facilities.[45] The daily rates paid out for care were subsequently increased (see section 2.1) and care facility capacities for unaccompanied minors were expanded (FRA, 2015:4). Accommodation has also been the subject of several questions raised in parliament, while the Basic Welfare Support Agreement stipulates a special category of accommodation for "unaccompanied foreign minors" (Art. 7 Basic Welfare Support Agreement).[46] One may therefore deduce a certain degree of prioritization for this issue in Austrian policy.

4.1.1 Main provisions relating to care, accommodation and guardianship

Once their residence status has been determined, unaccompanied minors receive care and accommodation in Austria under a guardianship arrangement and from basic welfare support for foreigners in need of aid and protection or from child and youth welfare. Unaccompanied minors

45 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

46 Basic Welfare Support Agreement – Art. 15a Federal Constitutional Act, FLG I No. 80/2004.

are also entitled to benefits from the child and youth welfare system and – theoretically, at least – to benefits paid out under the needs-based minimum benefit system (Ganner/Jicha/Weber, 2017:25). When looking at social benefits, a general distinction therefore needs to be made between those covered by basic welfare support, those granted by child and youth welfare authorities and those provided as part of the needs-based minimum benefit system. An individual foreigner's entitlement to benefits depends on their residence status and is subject to provisions that vary from province to province.

Basic welfare support

Basic welfare support is stipulated in the Basic Welfare Support Agreement,[47] an agreement between the Federal State and the provinces. The agreement covers items including accommodation and the provision of suitable meals and necessary clothing (Art. 6 para 1 Basic Welfare Support Agreement). Other items also specified for unaccompanied minors include the structuring of daily activities (education, recreation, sports, group and individual activities, and household tasks), clarification of prospects and the facilitation of family reunification (Art. 7 Basic Welfare Support Agreement). Such additional support is normally provided by the counsellors at the minor's accommodation (Heilemann, 2017:4). As part of basic welfare support, "unaccompanied foreign minors" are to be accommodated in residential groups, residences, another kind of organized housing, supervised accommodation or on an individual basis (Art. 7 Basic Welfare Support Agreement). Residential groups are also to be established for "unaccompanied foreign minors" requiring an especially high level of care (Art. 7 Basic Welfare Support Agreement).

Basic welfare support is generally provided to foreigners who require aid and protection and who are eligible for support (Art. 2 para 1 Basic Welfare Support Agreement). Within the group of "unaccompanied foreign minors", such persons include in particular:

- Persons in an asylum procedure;
- Persons granted asylum, for a maximum of four months from when the status is granted;
- Persons having subsidiary protection status;

47 Ibid.

- Persons who have been issued a negative final decision while awaiting return;
- Rejected applicants who cannot be removed for legal or factual reasons (Art. 2 para 1 Basic Welfare Support Agreement).

Other unaccompanied minors are also entitled to basic welfare support, such as foreigners who have no right of residence but who cannot be removed for legal or actual reasons and third-country nationals granted a Residence Permit for Individual Protection as specified in Art. 57 of the Asylum Act 2005 (Art. 2 para 1 Basic Welfare Support Agreement).

Child and youth welfare

The provisions governing care as provided by child and youth welfare apply to unaccompanied minors granted asylum, for four months after the status is granted, as well as to unaccompanied minors who are not entitled to basic welfare support. The benefits are specified in the Federal Children and Youth Services Act 2013[48] and the related provincial acts. While the Federal Children and Youth Services Act 2013 sets out the general principles governing child and youth welfare, the provincial legislation formulates detailed rules for implementing child and youth welfare in the particular province (Koppenberg, 2014:51). The type of care provided to unaccompanied minors is therefore specific to the province, and may often further depend on the care plan and the recipient's needs.

Unaccompanied minors are entitled to child and youth welfare benefits irrespective of their nationality and their legal residence status.[49] Such benefits, which are primarily intended to ensure minors' physical and psychological development, can extend beyond the scope of basic needs (Ganner/Jicha/Weber, 2017:22).[50]

Minimum benefit system

Basic welfare support for unaccompanied minors issued a positive asylum decision ends four months after asylum is granted. Following this, unaccompanied minors then theoretically belong to the category of persons eligible for the minimum benefit system, as is the case with adults granted

48 FLG I No. 68/2013.

49 Supreme Court 14 February 2006, 4 Ob 7/06t.

50 Art 5 para 1 Federal Children and Youth Services Act 2013 – Federal Children and Youth Services Act 2013.

asylum. However, because they receive child and youth welfare benefits once basic welfare support expires, the principle of subsidiarity as defined in the context of the minimum benefit system is applied in this case.[51] According to this principle, benefits under the minimum benefit system are granted only if the individual's basic needs are not covered by their own resources or third-party benefits. In practice, then, unaccompanied minors with asylum status do not receive any benefits from the minimum benefit system.

In most of the provinces, unaccompanied minors with subsidiary protection continue to be entitled to basic welfare support indefinitely, even after the application procedure has been completed. However, they may be granted supplementary child and youth welfare benefits. In several provinces, beneficiaries of subsidiary protection status are entitled to benefits under the minimum benefit system; as a result, the principle of subsidiarity also applies to unaccompanied minors in this case.

Guardianship

Guardianship is defined in the General Civil Code[52] and is required to be granted irrespective of an unaccompanied minor's residence status. The provisions cover care and education, legal representation and asset management (Art. 158 para 1 General Civil Code) (see section 4.3).

4.1.2 Main actors involved in care, accommodation and guardianship

In Austria, responsibility for care and counselling is shared by various authorities at federal and provincial level as well as various humanitarian, religious and private institutions active in public welfare. The table below lists the most significant actors involved, and describes their responsibilities and primary activities.

51 See for example, Art. 1 para 3 Viennese minimum benefit system Act, PLG No. 29/2013.

52 General Civil Code, JGS No. 946/1811, in the version of FLG I No. 161/2017.

Table 5: Responsibilities and activities relating to care, accommodation and guardianship

Name of authority or organization	Main activities
Federal State and provinces (Federal Ministry of the Interior, governments of the provinces, Fonds Soziales Wien)	Pursuant to the Basic Welfare Support Agreement, the Federal State and the provinces are responsible for providing **basic welfare support** to foreigners in need of aid and protection. The responsible institutions are, at federal level, the Federal Ministry of the Interior (Art. 15 Federal Basic Welfare Support Act) and, at provincial level with the exception of the Province of Vienna, the provincial governments (see, for example, Art. 20 Provincial Law Regulating Basic Welfare Support in Tyrol or Art. 17 para 1 Provincial Law Regulating Basic Welfare Support in Lower Austria). The agency Fonds Soziales Wien[53] was given the responsibility for providing basic welfare support in Vienna (Koppenberg, 2014:52). Basic welfare support for "unaccompanied foreign minors" comprises areas such as accommodation, food, health care or the structuring of daily activities (Art. 6 and 7 Basic Welfare Support Agreement).
Federal Chancellery (former Federal Ministry of Family and Youth)[54]	Main responsibility for **child and youth welfare law** and matters relating to child and youth welfare (Annex to Art. 2 Federal Ministry Law).[55]
Child and youth welfare authorities (federal provinces)	**Guardianship** includes care and education, legal representation and asset management (Art. 160 General Civil Code). Child and youth welfare authorities are also mandated with requesting any court decisions necessary to safeguard the **child's best interests** in guardianship cases. In cases of imminent risk, the youth welfare authorities can adopt provisional measures for the child's care and education (Art. 211 para 1 General Civil Code). **Educational assistance** (Federal Children and Youth Services Act 2013): Child and youth welfare benefits are provided by the local branches of the respective child and youth welfare authority or by private service providers under contract (Art. 10 para 3 Federal Children and Youth Services Act 2013). Educational and parenting support (Art. 25 Federal Children and Youth Services Act 2013).
Humanitarian, religious and private institutions active in public welfare	Activities related to **accommodation and guardianship** (see 4.2 and 4.3). Both the Federal State and the provinces can entrust tasks in the area of basic welfare support to humanitarian, religious and private institutions active in public welfare (Art. 3 para 5 and Art. 4 para 2 Basic Welfare Support Agreement). Some of the duties of guardians, such as the care and education of minors, are also entrusted to the care facilities (Koppenberg, 2014:37). Furthermore, representation in procedures based on asylum and aliens law is delegated to law firms or non-governmental organizations (NGO) (Fronek/Rothkappel, 2013:17). Examples of institutions working with unaccompanied minors include: Arbeiter Samariterbund,[56] Caritas,[57] Diakonie-Werk,[58] Diakonie Refugee Service,[59] Don Bosco Flüchtlingswerk Austria[60] and Integrationshaus.[61]

53 Stadt Wien, *Landesleitstelle Grundversorgung, für hilfs- und schutzbedürftige Fremde (AsylwerberInnen) – Fonds Soziales Wien (FSW),* available at www.wien.gv.at/sozialinfo/content/de/10/InstitutionDetail.do?it_1=2099393 (accessed on 3 January 2018).

54 The Federal Ministry of Family and Youth was dissolved in the course of forming a government at the end of 2017. As a result, the portfolios for family and youth were placed under the scope of responsibilities of the Federal Chancellery as of 8 January 2018. For further information, refer to www.bundeskanzleramt.gv.at/familien-und-jugend (accessed on 22 January 2018).

55 FLG No. 76/1986, in the version of FLG I No. 164/2017.

56 Samariterbund, *Betreuung von jugendlichen Flüchtlingen,* available at www.samariterbund.net/wohnen-und-soziale-dienstleistungen/fluechtlingshilfe/jugendliche/ (accessed on 4 January 2018).

57 Caritas&Du, *Unbegleitete minderjährige Flüchtlinge,* available at www.caritas.at/hilfe-beratung/migrantinnen-fluechtlinge/unterbringung-versorgung/unbegleitete-minderjaehrige-fluechtlinge/ (accessed on 5 December 2017).

58 Diakoniewerk, *Flüchtlingsarbeit Deutschfeistritz,* available at www.diakoniewerk-steiermark.at/de/deutschfeistritz-fluechtlingsarbeit/ (accessed on 4 January 2018).

59 Diakonie Refugee Service, *Unbegleitete minderjährige Flüchtlinge,* available at https://fluechtlingsdienst.diakonie.at/unsere-arbeit/unbegleitete-minderjaehrige-fluechtlinge (accessed on 5 December 2017).

60 Don Bosco Flüchtlingswerk Austria, *Das Jugendwohnheim Abraham,* available at www.fluechtlingswerk.at/so-helfen-wir-den-jugendlichen/jugendwohnheim-abraham (accessed on 4 January 2018).

61 Integrationshaus, *Projekt Caravan,* available at www.integrationshaus.at/de/projekte-programme/sozialp%C3%A4dagogik (accessed on 4 January 2018).

4.1.3 Assessment of the child's best interests in relation to care, accommodation and guardianship

Safeguarding the child's best interests is also the guiding principle in the provision of care, accommodation and guardianship to unaccompanied minors. The procedures used in Austria to assess and ensure the child's best interests in this context are therefore detailed below. Generally applicable is Art. 1 of the Federal Constitutional Act on the Rights of Children,[62] namely that "the child's best interests shall be a priority consideration in all actions affecting children[63] that are taken by public and private institutions" (Art. 1 Federal Constitutional Act on the Rights of Children). This implies that the benefits which children and young people are entitled to by law – including basic welfare support and child and youth welfare – also must be evaluated in terms of compatibility with the child's best interests.

In Austria, the courts are primarily responsible for determining the child's best interests and deciding whether awarding guardianship to the child and youth welfare authority is the best solution for the minor.[64] The first and foremost duty of a person entrusted with the guardianship of a minor is safeguarding the child's best interests (Art. 138 General Civil Code). Courts may issue orders against individuals entrusted with guardianship who jeopardize the child's best interests (Art. 181 General Civil Code). There is, however, no uniformly specified procedure in relation to care, accommodation and guardianship, nor are there any internal rules for an assessment of the child's best interests by child and youth welfare authorities, who normally are entrusted with the guardianship of unaccompanied minors and thus with safeguarding their best interests. The latter principle should always be followed, however (Art. 138 General Civil Code).[65]

The approach taken to assessing and defining the child's best interests should be based on the criteria enumerated and enshrined in Art. 138 of

62 FLG I No. 4/2011.

63 According to the Federal Constitutional Act on the Rights of Children (in accordance with Art. 1 of the Convention on the Rights of the Child), a child is in principal any person who has not yet reached the age of 18 (Heilemann/Lukits, 2017:55, Fuchs, 2011:103–104; Lukits/Lukits, 2014:57–58).

64 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017.

65 Ibid.

the General Civil Code.[66] Examples of such include appropriate care, a thorough education, a secure environment and protection from violence (Art. 138 subpara 1–12 General Civil Code) (see section 6.1.2).[67]

4.2 Accommodation

In Austria, accommodation is provided to unaccompanied minors within the framework of either basic welfare support or child and youth welfare, depending on the residence title in question. An overview of the various types of accommodation is presented first, followed by details of the staff at these facilities and their responsibilities, major challenges in this area, and accommodation during the transition to adulthood.

Within the framework of **basic welfare support**, separate housing in group homes, hostels or supervised accommodation is specified for "unaccompanied foreign minors" (Art. 7 Basic Welfare Support Agreement). The Austrian provinces have three general categories of accommodation, depending on the level of support and supervision required:

- Residential groups of "unaccompanied foreign minors" requiring an especially high level of care;
- Residences for "unaccompanied foreign minors" unable to care for themselves;
- Supervised accommodation for support recipients able to care for themselves under supervision (Art. 7 para 2 Basic Welfare Support Agreement).

Accordingly, residential groups are to be set up for unaccompanied minors requiring an especially high level of care. This category of foreigners needing an especially high level of care includes, for example, victims of human trafficking. Residences are designated for unaccompanied minors unable to care for themselves (Art. 7 para 2 Basic Welfare Support

66 JGS No. 946/1811, in the version of FLG I No. 161/2017.

67 For further information please see Heilemann, S. and R. Lukits, *The Effectiveness of Return in Austria: Challenges and Good Practices Linked to EU Rules and Standards.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/12/EMN-National-Report-2017_Effectiveness-of-Return-in-Austria.pdf (accessed on 7 March 2018).

Agreement). Accommodation can also be provided in another kind of organized housing (Art. 7 Basic Welfare Support Agreement).

Beyond this, the Basic Welfare Support Agreement stipulates certain maximum rates to cover the costs of accommodation, food and support for "unaccompanied foreign minors". These rates are EUR 95 per day and person for those living in residential groups, EUR 63.50 for individuals housed in residences and EUR 40.50 for those in supervised or other types of accommodation (Art. 9 subpara 7 Basic Welfare Support Agreement).

On receiving asylum status, unaccompanied minors leave the basic welfare support system within four months and then normally receive care **within the framework of child and youth welfare**. Whether such individuals remain in their previous accommodation or move to a child and youth welfare facility depends on the legal arrangements in the particular province. Several provinces decide this on a case-by-case basis. In Vienna, for example, young people just under 18 who receive basic welfare support are permitted to remain in their current place of accommodation when this arrangement is considered beneficial; in other cases, applicable to 15-year-olds, for example, the individuals are relocated to child and youth welfare accommodations. In the Province of Salzburg, however, unaccompanied minors with asylum status are moved into child and youth welfare accommodations once they leave the basic welfare support system.[68]

Beneficiaries of subsidiary protection status normally stay on basic welfare support. Here too, however, the counsellor responsible can in certain cases arrange for the young person to receive care under the child and youth welfare system and to be relocated if necessary.[69]

The option of accommodation in a family setting also exists (including host and foster families or with private care providers), as specified in Art. 26 para 2 of the Federal Children and Youth Services Act 2013.[70] The number of unaccompanied minors cared for in a family setting was actually very small until 2015 (Glawischnig, 2016:28–29), but the number has since increased.[71]

68 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

69 Ibid.

70 FLG I No. 69/2013.

71 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017; Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

Box 1: Good practice example – a:pfl alternative: pflegefamilie

The project known as a:pfl alternative: pflegefamilie gmbh | Pflegeelternverein Steiermark has been recognized as a good practice example for the placement of unaccompanied minors in foster families.[72] Founded in 1981, this private child and youth welfare organization has the declared aim of "supporting minors, and in particular children living in care arrangements or with social parents". In view of the refugee situation at the time, the organization initiated a project in 2015 focusing on "unaccompanied minor refugees in foster families"[73] and based on the idea that unaccompanied minors have better opportunities to develop when growing up in a foster family in their host country.[74]

4.2.1 Care and staff

In care facilities run under the basic welfare support system in the provinces, the staff of the organization running the facility are normally responsible for the care and counselling of unaccompanied minors. These counsellors are tasked with providing information and counselling as well as social support (Art. 9 Basic Welfare Support Agreement) and socio-pedagogical support where necessary (Art. 7 para 1 Basic Welfare Support Agreement). They also structure daily activities to meet their clients' needs (for example through education, leisure activities or sports), deal with issues related to age, identity, origin and the whereabouts of family members, and help to clarify their clients' prospects (Art. 7 para 3 Basic Welfare Support Agreement). The degree of care provided depends on the type of facility. The counsellor-to-client ratio[75] in residential groups is 1:10 (one counsellor for ten unaccompanied minors), 1:15 in residences and 1:20 in supervised accommodation or other types of accommodation (Art. 9 Basic Welfare Support Agreement).

Since the Basic Welfare Support Agreement does not define any minimum requirements relating to counsellors' qualifications and experience, requirements therefore vary from province to province. As a rule, such requirements are stipulated in the contracts with the organizations

72 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017.

73 a:pfel, *Chronik,* available at www.pflegefamilie.at/ueber-uns/chronik.html (accessed on 11 January 2018).

74 a:pfel, *Unbegleitete minderjährige Flüchtlinge,* available at www.pflegefamilie.at/pflegefamilien/unbegleitete-fluechtlingskinder.html (accessed on 11 January 2018).

75 In social work and childcare, the counsellor-to-client ratio indicates the number of people available to care for others. For example, with a care ratio of 1:10, one counsellor would be responsible for ten unaccompanied minors.

running the facilities. Such agreements usually include an approved plan specifying qualification requirements. These plans vary: some specify that all staff must be specially qualified while others specify 50 per cent with specialized qualifications and 50 per cent with other qualifications,[76] or staff having language skills at the native-speaker level, for example. The contracting organization or employer retains overall responsibility for the professional skills and ongoing training of staff members.[77]

The duties of staff working in socio-pedagogical facilities run by **child and youth welfare authorities** include the care (physical and psychological care and counselling) and education (to develop physical, mental, emotional and ethical skills) of minors. Staff must also take into account the differences between children and adolescents in terms of the issues faced, and the varying needs of specific age groups (Art. 17 para 1 Federal Children and Youth Services Act 2013). The tasks are not otherwise specified (Koppenberg, 2014:56). Nor is often any specific counsellor-to-client ratio prescribed: this number depends on the individual care plan. Simply stated, the general rule is that the more challenging the cases, the fewer the clients and the more counsellors there are at the facility.[78]

The Federal Children and Youth Services Act 2013 specifies qualification standards for counsellors.[79] Generally, skilled care staff must be trained in the specific area of work and be personally suited to the task[80] while also completing continued and advanced in-service training (Art. 12 para 4 Federal Children and Youth Services Act 2013). While applicable legislation at provincial level specifies the standards in detail, child and youth welfare authorities define the required levels of qualification and skills (Staffe, 2013:122). Facilities operated under the child and youth welfare system tend to employ social pedagogues for the most part. Such employees are supported by other types of staff, such as psychologists, as required by the individual care plan.[81]

76 An employment contract in such cases may include, for example, the requirement to make up specialist training within the next five years.

77 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

78 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017.

79 FLG I No. 69/2013.

80 Skilled care staff are especially from the field of social work, social pedagogy, psychology and psychotherapy (Staffe, 2013:112).

81 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017.

4.2.2 Challenges in accommodation

The major differences in accommodation standards between the provinces are seen as a structural challenge (Austrian Ombudsman Board, 2017:42). In view of this, Michael Ganner et al. (2017) argue that the federal provinces "are given considerable freedom to shape policy implementation" (Ganner/Jicha/Weber, 2017:22). Where special provisions for unaccompanied minor refugees actually exist in provincial legislation governing basic welfare support, such rules in many cases allow authorities considerable freedom in deciding cases and exercizing discretion. An example is the provision that "accommodation shall be based on need" (also "if necessary") Ganner/Jicha/Weber, 2017:22). As Ganner et al. (2017) note, it is left up to the authorities to decide whether such a need exists, and other entities or institutions are not entitled to submit an opinion or be heard (ibid.:22). The Austrian Ombudsman Board proposes better nationwide standardization and harmonization of rules in this area (Austrian Ombudsman Board, 2017:42).

Indication of such efforts towards standardization can already be seen in the Basic Welfare Support Agreement, stipulated in Art. 15a of the Federal Constitutional Act,[82] between the Federal State and the provinces as well as the "Minimum Standards Relating to Accommodation Under the Basic Welfare Support System in Austria".[83] These standards were adopted in 2014 by the coordinating committee of the Federal State and the provinces as part of implementing the Reception Directive.[84] The Federal Ministry of the Interior additionally refers in this context to ongoing work towards harmonizing standards as well as to similar efforts at European level, which will ultimately have impact on conditions in Austria.[85]

A need for action in this area is identified in particular in relation to responsibilities, the organizational and legal framework, the daily rates paid out for care and the related care standards (Austrian Ombudsman Board,

82 FLG I No. 80/2004.

83 Minimum standard regarding accommodation under the basic welfare support system in Austria, resolution of the coordination council of the federal state and the provinces, available at www.burgenland.at/fileadmin/user_upload/Bilder/Land_und_Politik/Wohnraumspende/Mindeststandards.pdf (accessed on 29 March 2018).

84 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ 2013 L 180/96.

85 Written input by the Federal Ministry of the Interior, 22 March 2018.

2017:41–42). However, since a comprehensive independent evaluation of the care and accommodation of unaccompanied minors has yet to be completed in Austria, no general observations concerning the levels of quality can be made. While the Austrian Ombudsman Board does point out deficiencies,[86] it additionally emphasizes that many of the issues had in fact existed previously but came to light especially as a result of the drastic increase in asylum applications from unaccompanied minors in 2015 and 2016 (Austrian Ombudsman Board, 2017:46). The Austrian Ombudsman Board also reports that some of its recommendations were taken by the Federal Ministry of the Interior as an occasion to improve conditions, which was recognized by the Austrian Ombudsman Board after follow-up visits (ibid:43).

An expert opinion on "Legal issues encountered by SOS Children's Villages Austria with unaccompanied minor refugees"[87] also identifies the lack of clear definitions of the legal terms used as a general challenge, in the areas of both basic welfare support and the youth welfare system. While intended to allow a high degree of flexibility, the lack of clarity means that the specific scope and type of benefits to be provided are not defined anywhere (Ganner/Jicher/Weber, 2016:26–27. Although this circumstance affords the Federal State and the provinces a "very considerable margin of judgement and discretion" (ibid.), priority should always be given to the constitutional principle of the best interests of the child when exercizing discretion (see Art. 1 Federal Constitutional Act on the Rights of Children).

4.2.3 Accommodation during the transition to adulthood

As already described above in section 3.3, unaccompanied minors experience a significant change in their living conditions on reaching adulthood, particularly in relation to their accommodation. The following section therefore takes a closer look at this change, as well as the support measures provided in this context.

86 Examples are deficient hygiene, lack of privacy or inadequate structuring of daily activities (Austrian Ombudsman Board, 2017:45).

87 Ganner, M., S. Jicha and K. Weber, *Gutachten zu Rechtsproblemen von SOS-Kinderdorf – Österreich mit unbegleiteten minderjährigen Flüchtlingen*, available at www.sos-kinderdorf.at/getmedia/62987502-9d66-4629-8679-9b811351d943/Gutachten-SOS-Kinderdorf-Mindestsicherung.pdf (accessed on 11 January 2018).

Unaccompanied minors who turn 18 while receiving basic welfare support are required to relocate to an organized care facility for adults or to their own means of accommodation and are subsequently no longer entitled to the special reception conditions specified in Art. 7 of the Basic Welfare Support Agreement (UNHCR/Council of Europe, 2014:28; Fronek, 2010:182; Koppenberg, 2014:74). The maximum rates paid out to cover the costs of accommodation in an adult facility are also lower than the amounts for unaccompanied minors (Art. 9 Basic Welfare Support Agreement); the counsellor-to-client ratio is also not as favorable.

In the way of preparation for adulthood, basic welfare support for "unaccompanied foreign minors" also includes the clarification of prospects (Art. 7 para 3 subpara 3 Basic Welfare Support Agreement). The Federal Ministry of the Interior points out that German and integration courses, educational programmes and recreational activities are provided as part of structuring daily schedules. A major goal cited in this regard is preparation to enable individuals to manage their lives independently (for example by managing their own households and finances).[88] Beyond this, in individual cases, the unaccompanied minor's guardian or a worker at the care facility informs the individual concerned of the forthcoming changes (Koppenberg, 2014:80; Rothkappel, 2014:58).

In general, no nationwide state programmes exist to provide follow-up care after the transition. However, former unaccompanied minors who are receiving basic welfare support[89] may be allowed in exceptional cases to remain at the care facility for a limited period, assuming space is available (Koppenberg, 2014:74–75). Any expenses exceeding the maximum rates paid to cover costs for adults will have to be covered by the child and youth welfare authorities, however (Fronek, 2010:183–184; Blecha, 2012:36–37; Koppenberg, 2014:74). If this is not possible, NGOs may also provide assistance if there is a need that they are able to meet (Koppenberg, 2014:74).

Former unaccompanied minors granted asylum who are in the care of child and youth welfare authorities may also continue to receive support from the child and youth welfare system until the age of 21. This is conditional on the previous provision of educational assistance, however,

88 Written input by the Federal Ministry of the Interior, 22 March 2018.

89 Such individuals are in most cases beneficiaries of subsidiary protection status.

and must be essential in order to meet the goals defined in the assistance plan[90] (Art. 29 Federal Children and Youth Services Act 2013). This measure, referred to as assistance for young adults, is granted for the most part in severe cases, after the young people concerned have already spent some time in supervised housing or some other accommodation.[91] However, in terms of the duration and type of continued assistance provided, practice in Austria is not uniform (Koppenberg, 2014:75; Rothkappel, 2014:58). Instead, case-by-case decisions are taken based on the individual's assistance plan. As one example, former minors can continue to receive support until the end of the school year and even while seeking employment: in this approach, assistance is needs-based rather than being automatically extended until the age of 21.[92]

Certain NGOs also offer follow-up residential care for former unaccompanied minors. Caritas is one such organization, offering follow-up care in shared flats in Vienna, Lower Austria and Burgenland. The intention here is to facilitate the entry of unaccompanied minors into adult life after reaching the age of majority.[93] Run by Don Bosco Flüchtlingswerk Austria, the Moses project for providing follow-up care also offers unaccompanied minors living quarters as well as psychosocial care and counselling after reaching adulthood.[94]

Examples of good practice cited in relation to the care of unaccompanied minors during the transition to the age of majority include the option available to some former unaccompanied minors of remaining in their current accommodation for a certain period of time, and the detailed advice and support offered by some NGOs in relation to finding housing, for example (Heilemann, 2017:11–12; Rothkappel 2014:67–74).

90 The assistance plan is designed to provide adequate social, psychological and physical development and education for the children and adolescents concerned (cf. Art. 23 subpara 2, Federal Children and Youth Services Act 2013).

91 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017.

92 Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017.

93 Caritas&Du, *WGs für unbegleitete minderjährige Flüchtlinge*, available at www.caritas-wien.at/hilfe-angebote/asyl-integration/wohnen/unbegleitete-minderjaehrige-fluechtlinge/ (accessed on 16 January 2018).

94 Don Bosco Flüchtlingswerk Austria, *Dringend Wohnungen für Nachbetreuung MOSES gesucht!,* available at www.fluechtlingswerk.at/aktuelles/dringend-wohnungen-f%C3%BCr-nachbetreuung-moses-gesucht (accessed on 16 January 2018).

Box 2: Good practice example – MOZAIK youth counselling centre

Another good practice example cited is MOZAIK, a project targeting young adults receiving basic welfare support.[95] This counselling centre aims to serve young asylum seekers and beneficiaries of subsidiary protection status between the ages of 15 and 25. Counselling is provided by Diakonie Refugee Service and funded by Fonds Soziales Wien. The centre provides young people with tailored counselling in several languages and covers topics that include learning German, education and training programmes, and finding housing.[96]

4.3 Guardianship

Guardianship also plays a central role in the care and support of unaccompanied minors, especially in light of the fact that guardians are responsible for safeguarding a child's best interests. The following section therefore examines the main legal provisions relating to guardianship, including the appointment and remit of guardians, as well as arrangements for the transition to adulthood.

Provisions governing guardianship in Austria are set out in the General Civil Code (Ganner/Jicha/Weber, 2017:22; Heilemann, 2017:4) and were amended in 2013 by the 2013 Act Amending Childship and Name Law 2013[97] (Lukits, 2017a:61). Guardianship terminates on the child's eighteenth birthday (Art. 158 General Civil Code).

Guardianship is entrusted primarily to the child's parents (Art. 177 and 178 General Civil Code). If need be, the child's grandparents, foster parents or other suitable persons (relatives, other persons of trust or especially suitable persons) can also be entrusted with guardianship (Art. 178, 204 and 209 General Civil Code). Where no appropriate persons can be identified, the courts are required to transfer guardianship to the child and youth welfare authorities (Art. 209 General Civil Code). This principle applies to all minors, regardless of age or nationality, as has been clearly stated in a decision by the Austrian Supreme Court handed down

95 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

96 Diakonie Refugee Service, *Jugendberatungsstelle MOZAIK,* available at https://fluechtlingsdienst.diakonie.at/einrichtung/jugendberatungsstelle-mozaik (accessed on 11 January 2018).

97 FLG I No. 15/2013.

on 19 October 2005. In most cases of "unaccompanied foreign minors", the individuals are apprehended on Austrian territory and either their parents cannot be found or no sufficient ties to parents can be established (Lukits, 2017b:62–63). As a result, district courts, in their capacity as guardianship courts, entrust guardianship for "unaccompanied foreign minors" to the child and youth welfare authorities in about 90 per cent of cases. This guardianship is then exercised directly by the caseworkers at the child and youth welfare authorities.

The responsibilities of the person entrusted with guardianship include care and education, legal representation and asset management (Art. 158 para 1 General Civil Code). Care of an underage child encompasses the following:

> Ensuring the child's physical well-being and health and providing direct oversight, guiding the child's education and especially the development of its physical, mental, emotional and moral powers, nurturing the child's talents, abilities, interests and potential for development, and its schooling and occupational training (Art. 160 para 1 General Civil Code).

The child and youth welfare authorities normally delegate the care and education of the young person to their respective facility. Legal representation is also either delegated to a third party or assumed by a specialist working at the child and youth welfare authorities. Accordingly, the remit of the person appointed as guardian primarily encompasses management of the child's assets and safeguarding the child's best interests.

4.3.1 Appointment of guardians

In Austria, the appointment of an individual as the guardian of an unaccompanied minor usually starts with the entry into force of a court guardianship order. In most cases, guardianship begins after the minor has been admitted to the asylum procedure and assigned to a reception facility, in other words prior to being granted any status (Fronek/Rothkappel, 2013:14). No provision exists that would generally appoint guardians for unaccompanied minors ex lege (Art. 178 para 1 and Art. 207 General Civil Code).

A special challenge recognized in this regard is the considerable length of time taken to appoint guardians (see, for example, Austrian Ombudsman Board, 2017:48; Heilemann; 2017:4–5; Fronek/Rothkappel, 2013:23). As mentioned above, this normally takes place after the minor is admitted to

the actual asylum procedure and assigned to a reception facility in one of the provinces. The Federal Office for Immigration and Asylum is required to decide on admittance to the procedure within 20 days (Art. 28 para 2 Asylum Act 2005). In cases of imminent danger, child and youth welfare authorities are even required to act without a court guardianship decision, while the court can take action ex officio and introduce guardianship proceedings (Art. 211 General Civil Code). According to the Austrian Ombudsman Board, it can generally take several months before the application for transfer of guardianship to the child and youth welfare authorities is approved (Austrian Ombudsman Board, 2017:48–49). In the interim, the protection and care of the young person cannot be fully ensured, and the diagnosis and treatment of any physical or psychological after-effects of flight, often urgently required, are delayed. The Austrian Ombudsman Board views such waiting periods as often being contrary to the child's best interests (ibid.:48–49). On the whole, the complexity of laws relating to guardianship is also seen as a challenge facing those who provide care and education to unaccompanied minors in Austria (Lukits, 2016a:304; 2017b:19).

Asylkoordination Österreich, an NGO, has been documenting and researching the topic of guardianship in Austria for a number of years (Asylkoordination Österreich et al. 2010; Asylkoordination Österreich 2017a). A study published in 2010[98] and an information sheet that appeared in 2017[99] primarily address the theory and practice of appointing guardians, while pointing out related discrepancies and deficiencies. In a 2013 study entitled Implementing the Core Standards for Guardians of Separated Children in Europe. Country Assessment: Austria,[100] by Fronek and Rothkappel in conjunction with Asylkoordination Österreich, core standards and guidelines relating to guardianship are defined, based on the experiences of the individuals concerned.

98 Asylkoordination Österreich et al., *Challenges for Separated Children in Austria, Denmark, Poland, Slovakia and Slovenia. A Compilation Report gathering the findings of desk studies carried out by the partners in the Daphne project; "Better Integration of Separated Children*", available at www.asyl.at/de/themen/umf/literaturzuumf/ (accessed on 12 November 2017).

99 Asylkoordination Österreich, *Unbegleitete minderjährige Flüchtlinge (UMF) in Österreich. Infoblatt der Asylkoordination Österreich Nr. 1*. Asylkoordination Österreich, available at www.asyl.at/de/themen/umf/ (accessed on 8 January 2018).

100 Fronek, H. and M. Rothkappel, *Implementing the Core Standards for Guardians of Separated Children in Europe. Country Assessment: Austria,* available at www.corestandardsforguardians.com/images/23/327.pdf (accessed on 8 January 2018).

4.3.2 Guardianship in the transition to adulthood

Alongside accommodation (see section 4.2.3), guardianship is another area affected by major changes when an individual reaches the age of majority. Specifically, guardianship in Austria ceases automatically when the ward turns 18 (Art. 158 General Civil Code). The young person subsequently has full legal capacity and is directly responsible for his or her welfare, education, asset management and legal representation (Art. 160 ff., Art. 164 ff. and Art. 167 ff. General Civil Code). In cases of individuals with a mental disability, a special trustee (Sachwalter) can be appointed when the person turns 18 (Art. 268 para 1 General Civil Code). In addition, there is the option, referred to in 4.2.1 above, of allowing young adults previously in the care of child and youth welfare authorities to receive continued support where needed until the age of 21; it is also possible for minors under guardianship to receive support to prepare for adulthood and the accompanying changes (Koppenberg, 2014:75; Rothkappel, 2014:58). Besides these arrangements, no uniform or nationwide measures exist.

The topic is also treated in a 2014 study by the United Nations High Commissioner for Refugees (UNHCR) entitled Unaccompanied and Separated Asylum-Seeking and Refugee Children Turning Eighteen.[101] The study focuses on the changes and challenges facing former unaccompanied minor refugees when they turn 18. The research is framed in rather general terms, however, and does not specifically examine the situation in Austria nor the subject of loss of guardianship. In addition, university theses are periodically published in Austria on the topic of accommodation or the guardianship and care of (former) unaccompanied minors. A specific example is Rothkappel's 2014 Master's thesis,[102] which deals with the issue of transition to the age of majority and the accompanying loss of care provided by guardianship.

101 UNHCR and Council of Europe. 2014. *Unaccompanied and Separated Asylum-seeking and Refugee Children Turning Eighteen: What to Celebrate?,* available at www.refworld.org/docid/53281A864.html (accessed on 8 January 2018).

102 Rothkappel, M., *"Adult over night?" Separated Young People in Transition to Adulthood in Austria*. Master thesis, University of Vienna. Available at http://othes.univie.ac.at/35709/ (accessed on 8 January 2018).

4.4 The role of residence status

Access to the various kinds of care and accommodation benefits in Austria is linked in part to the recipient's residence status. The main distinctions are made between unaccompanied minors prior to and following the granting of status, and between unaccompanied minors granted asylum and those granted subsidiary protection status or another humanitarian residence title. After first describing the circumstances under which recipients become eligible for the various benefits, the following section then looks at the influence of an individual's status on access to benefits as well as related challenges.

Both basic welfare support and guardianship take effect before residence status is determined (Heilemann, 2017:4). The Basic Welfare Support Agreement[103] agreed between the Federal State and the provinces stipulates that basic welfare support for asylum seekers begins in principle when an application for asylum is made (Art. 2 para 1 subpara 1 Basic Welfare Support Agreement). Unaccompanied minors are entitled to basic welfare support only for a maximum period of four months from when asylum is granted, however, after which they receive care from the child and youth welfare system; in some provinces, the same applies to beneficiaries of subsidiary protection status (Ganner/Jicha/Weber, 2017:25). Youth welfare care therefore begins only once the type of residence title is determined.

Where the right of residence of a foreigner unable to be removed terminates, the person can (continue to) receive basic welfare support until departure from Austria (Art. 2 para 1 Basic Welfare Support Agreement). Guardianship depends in principle on residence status. Where funding for basic welfare support is no longer available, "child and youth welfare is always obliged, through a sort of default liability (...), to maintain some form of care".[104]

103 Basic Welfare Support Agreement – Art. 15a Federal Constitutional Act, FLG I No. 80/2004.

104 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

Challenges

Various institutions point out a structural challenge in this regard, which relates to the fact that, in comparison with one another, differing levels of access to benefits are granted to minors who receive basic welfare support (including asylum seekers and beneficiaries of subsidiary protection status) and those in care under child and youth welfare authorities, with this group including minors granted asylum and children with Austrian citizenship who are placed in out-of-home child care. This fact is mentioned for example in the Austrian Ombudsman Board's special report, published in 2017, on children in public institutions;[105] in a report commissioned by Don Bosco Flüchtlingswerk on the provisions of asylum and aliens law relating to children's rights;[106] in a legal opinion requested by SOS Children's Villages Austria;[107] and by experts surveyed in the 2014 EMN study on unaccompanied minors (Koppenberg 2014:58–60). The challenge can essentially be stated as follows: even though the laws stipulate equal treatment, their provisions are not always clearly enforced in practice (Austrian Ombudsman Board, 2017:41; Ganner/Jicha/Weber, 2016:73). In the legal opinion for SOS Children's Villages Austria, Ganner et al. (2016) correspondingly propose changing laws "to clarify items such as the equal treatment of unaccompanied minors and other children, and to specify in detail the maximum period for the transfer of guardianship" (ibid.: 2016:73).

In a comprehensive study of the life circumstances of unaccompanied minor refugees, Heinz Fronek (2010)[108] observes that the facilities for unaccompanied minors often "do not provide the standard of care otherwise required in the context of youth welfare" (ibid.:128).

105 Austrian Ombudsman Board, *Sonderbericht der Volksanwaltschaft 2017 – Kinder und ihre Rechte in öffentlichen Einrichtungen*. Austrian Ombudsman Board, available at www.kija-ooe.at/Mediendateien/Sonderbericht_Kinderrechte_2017_15a74.pdf (accessed on 11 January 2018).

106 Kasper, L., *Kinder auf der Flucht Eine Kritik der derzeitigen Lage der Kinderrechte im Asyl- und Fremdenrechtsbereich*, available at www.spattstrasse.at/sites/default/files/bericht_kinderrechte_juni_2016.pdf (accessed on 11 January 2018).

107 Ganner, M., S. Jicha and K. Weber, *Gutachten zu Rechtsproblemen von SOS-Kinderdorf – Österreich mit unbegleiteten minderjährigen Flüchtlingen*, available at www.sos-kinderdorf.at/getmedia/62987502-9d66-4629-8679-9b811351d943/Gutachten-SOS-Kinderdorf-Mindestsicherung.pdf (accessed on 11 January 2018).

108 Fronek, H., *Unbegleitete minderjährige Flüchtlinge in Österreich.* Mandelbaum Verlag, Vienna.

5. INTEGRATION

This chapter provides a comprehensive description of the integration measures in place for unaccompanied minors who have received legal status, discussing in detail the areas of health care, education and training, labour market access, social benefits, and family reunification. As in the previous chapter, a focus is placed on the transition to the age of majority and the role of residence status, with the intention of clarifying how these factors influence access to integration benefits.

5.1 Arrangements for integration

In recent years, Austria has moved to prioritize the integration of third-country nationals, and asylum seekers in particular, not least on account of the increasing numbers of migrants. Yet a special focus on the integration of unaccompanied minors can be observed only in isolated cases. One example is the report submitted in 2015 by the Expert Council for Integration, in which special attention to the category of unaccompanied minors is recommended (Federal Ministry for Europe, Integration and Foreign Affairs, 2015a:2–6). In this context, a 50-Point Plan for the integration of persons granted asylum and beneficiaries of subsidiary protection status was presented in November 2015, representing the Federal Government's official strategy for integration (Federal Ministry for Europe, Integration and Foreign Affairs, 2015b). The plan refers to unaccompanied minors mainly in the context of skills acquisition (point 4) and political education (point 21). A heightened interest in the integration of unaccompanied minors can also be recognized at provincial level. An example here is Burgenland, which funds additional German courses regardless of a participant's residence title.[109]

109 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

The most significant change in terms of integration is the Integration Package,[110] which entered into force in 2017 and pursues two main goals: first, to provide lasting support to the integration process by means of language and values education; and second, to delineate clear responsibilities for integration within the various institutions. Among other things, the Integration Package envisages the introduction of a new Integration Act[111] as well as amendments to the Asylum Act 2005[112] and the Settlement and Residence Act[113, 114].

5.1.1 Key provisions relating to integration

The integration measures for unaccompanied minors described in the following differ from the measures for accompanied minors and adults, particularly as regards the measures defined in the special provisions for "unaccompanied foreign minors" in Art. 7 of the Basic Welfare Support Agreement (see immediately below). This is in contrast to the provisions of the Integration Act[115] and the Integration Year Act,[116] which typically do not differentiate between unaccompanied minors, accompanied minors and adults.

Another aspect is that an unaccompanied minor's guardian is responsible in principle for ensuring the child's best interests, which involve integration and thus potentially the integration measures described below (see section 4.1.3 and 6.1.2). Beyond this, however, Austria has no special procedure in place for determining the child's best interests in the context of integration.

110 Integration act and Anti-Face-Covering act, Settlement and Residence Act, Asylum Act 2005, Aliens Police Act 2005, the Citizenship Act 1985 and the Road Traffic Act 1960, 2017, Government Proposal, available at www.parlament.gv.at/PAKT/VHG/XXV/I/I_01586/fname_624800.pdf (accessed on 8 January 2018).

111 FLG I No. 68/2017, in the version of FLG I No. 86/2017.

112 FLG I No. 100/2005, in the version of FLG I No. 145/2017.

113 Ibid.

114 Integration act and Anti-Face-Covering act, Settlement and Residence Act, Asylum Act 2005, Aliens Police Act 2005, the Citizenship Act 1985 and the Road Traffic Act 1960, 2017, Government Proposal, p. 1, available at www.parlament.gv.at/PAKT/VHG/XXV/I/I_01586/fname_624800.pdf (accessed on 8 January 2018).

115 FLG I No. 68/2017.

116 FLG I No. 75/2017.

Special provisions for unaccompanied minors receiving basic welfare support

The Basic Welfare Support Agreement[117] specifies the benefits provided to foreigners in need of aid and protection (Art. 1 subpara 1 Basic Welfare Support Agreement), while Art. 7 of the Basic Welfare Support Agreement defines "Special provisions for unaccompanied foreign minors". "Unaccompanied foreign minors" require a higher level of care and are consequently provided with additional benefits, which are available to all "unaccompanied foreign minors" receiving basic welfare support.

The items specified here include measures to stabilize the individual emotionally and to build trust, as well as the option of socio-pedagogical and psychological support. Such care encompasses other measures related to integration, such as "the preparation of an integration plan as well as measures that make use of existing programmes to implement activities in preparation for schooling, training and work life, with the goal of enabling individuals to support themselves" (Art. 7 para 3 subpara 5 Basic Welfare Support Agreement).

Integration Act

As specified in the newly introduced Integration Act,[118] the Federal State is to provide persons granted asylum and beneficiaries of subsidiary protection status with German courses up to the A2 level (Art. 4 subpara 1 Integration Act); this applies to persons from the age of 15 and therefore includes unaccompanied minors. Literacy in the Latin alphabet, where required, is also specified (ibid.). Values and orientation are also to be taught as a part of German courses (Art. 4 subpara 2 Integration Act). Based on Art. 5 of the Integration Act, the Federal Ministry for Europe, Integration and Foreign Affairs offers separate values and orientation courses, which are provided by the Austrian Integration Fund. The courses also cover the basic principles of the Austrian legal and social system.

Persons granted asylum and beneficiaries of subsidiary protection status are required to sign what is referred to as an "integration declaration". By signing this declaration, they undertake firstly to comply with the fundamental values of the legal and social system, and secondly to participate

117 FLG I No. 80/2004.
118 FLG I No. 68/2017.

in and complete the German and values courses (Art. 6 para 1 Integration Act).[119]

All other third-country nationals legally settled in Austria – namely individuals who are not citizens of EU countries or other EEA countries or Switzerland and who do not have asylum or subsidiary protection status – are required by the new Integration Act to sign and fulfil an "integration agreement", which is distinct from the integration declaration (Art. 7 para 1 Integration Act). The integration agreement consists of two consecutive modules, the second building on the first and ending with an "integration exam" (Art. 11 Integration Act). Module 1 must be completed within two years of being granted the residence title (Art. 9 para 2 Integration Act). Third-country nationals are exempted if they would be underage at the end of the period stipulated for completing the modules (Art. 9 para 5 subpara 1 Integration Act). Although residence title holders are not required to complete module 2 of the integration agreement, successful completion is in fact a prerequisite for obtaining the Permanent Residence – EU title and for acquiring Austrian citizenship (Art. 10 para 1 Integration Act).

Integration Year Act

The new Integration Act is supplemented by an Integration Year Act.[120] Based on a "system of encouragement and demand" ("System des Förderns und Forderns") persons granted asylum or subsidiary protection, as well as asylum seekers who will most likely receive protection status, are to be prepared within one year to participate in various sectors of society, and the labour market in particular.[121] The measures comprise various modules, including skills validation, German courses beginning from the A2 level and job training (Art. 5 para 3 Integration Year Act). The Integration Year Act does not apply to certain individuals, specifically those no longer subject to compulsory schooling but to compulsory training (see section 5.3), or those completing school education, comparable adult education, or a

119 Austrian Integration Fund, *Informationen zum Integrationsgesetz 2017,* available at www.integrationsfonds.at/der-oeif/ueber-den-oeif/integrationsgesetz-2017/ (accessed on 2 January 2018).

120 FLG I No. 75/2017.

121 Integration Year Act 2017, Government Proposal, Explanatory Notes, available at www.parlament.gv.at/PAKT/VHG/XXV/I/I_01585/fname_624796.pdf (accessed on 9 January 2018).

university degree (Art. 3 para 4 Integration Year Act). Unaccompanied minors are consequently entitled to – or may even be compelled to – participate in the integration year.

Youth curriculum of the Austrian Integration Fund

The Austrian Integration Fund has developed a separate youth curriculum for unaccompanied minors between 15 and 18 years of age. In this special programme, young people are instructed about topics including the Austrian school system and managing their personal finances. The young participants also draw up a timetable as an aid in structuring daily activities.[122]

5.1.2 Main actors involved in integration

Various ministries as well as governmental and non-governmental institutions are responsible for integration. The table below lists the most significant actors competent in this area, describing in each case their primary responsibilities and main activities relating to the integration of unaccompanied minors in Austria.

Table 6: Responsibilities and activities relating to integration

Name of authority or organization	Main activities
Federal Ministry for Europe, Integration and Foreign Affairs	Overall responsibility for overarching **coordination of integration measures**. Responsible for providing A1-level **German courses** as well as **values and orientation courses** to persons granted asylum and beneficiaries of subsidiary protection status from the age of 15 and above (Art. 4 para 2a Integration Act; Art. 5 para 1 Integration Act); defines content and examination topics for the modules under the integration agreement (Art. 7 para 3 Integration Act; Art. 12 para 5 Integration Act).
Federal Ministry of Labour, Social Affairs and Consumer Protection	Overall responsibility for **labour and social policy**. Responsible for providing A2-level German courses as well as values and orientation courses to persons granted asylum and beneficiaries of subsidiary protection status from the age of 15 and above (Art. 4 para 2b Integration Act); responsible for labour market policy measures involving more than one ministry, e.g. "education and training until 18" (see section 5.3).
Federal Ministry of Education	Overall responsibility for the field of **education**. Provides various support measures, such as language courses and remedial instruction (see section 5.3) and "mobile intercultural teams" (see section 5.2).
Federal Chancellery (former Federal Ministry of Family and Youth)	Overall responsibility for **child and youth welfare law**. Matters relating to child and youth welfare and extramural youth education (Annex to Art. 2 Federal Ministry Law[123])

122 Austrian Integration Fund, *OIF präsentiert Jugendcurriculum für Wertekurse,* available at www.integrationsfonds.at/newsbeitrag/oeif-praesentiert-jugendcurriculum-fuer-wertekurse_2132/ (accessed on 4 January 2018).

123 FLG No. 76/1986, in the version of FLG I No. 164/2017.

Name of authority or organization	Main activities
Austrian Integration Fund	With integration centres in all nine provinces, the Austrian Integration Fund offers **integration measures** for persons granted asylum, beneficiaries of subsidiary protection status and third-country nationals.[124] Responsibilities entrusted to the Austrian Integration Fund include the implementation of measures related to the **integration declaration and integration agreement** (see section 5.1.1).
State schools and private schools under public law	Provision of **education** both as part of and supplementary to general compulsory schooling, and implementation of various measures for the integration of unaccompanied minors (see section 5.3).
Public Employment Service	The Public Employment Service has the primary responsibilities **of guidance, counselling and job placement**.[125] The Public Employment Service also conducts compulsory A2-level German courses on behalf of the Federal Ministry of Labour, Social Affairs and Consumer Protection (Art. 4 para 2b Integration Act), in addition to providing counselling, training and vocational education (Koppenberg, 2014:69–70).
Non-governmental institutions	Government provision of **integration measures** is also supplemented by numerous non-governmental institutions.[126]

5.1.3 Expiry of residence permits

When an issued residence permit expires, any labour market access thereby granted also ceases, together with the associated integration measures (Art. 3 para 2 Act Governing the Employment of Foreigners[127]). Residence status also determines eligibility for family reunification (Lukits, 2016a:18). In the case of university graduates seeking to obtain a Red-White-Red Card, the right of residence can be extended to 12 months for the purpose of seeking employment (Art. 64 para 4 Settlement and Residence Act).

Basic welfare support is also granted to foreigners who cannot be removed. Foreigners not entitled to stay whose asylum application has been rejected in an admission procedure and whose complaint is not recognized as having suspensive effect are not entitled to care from the Federal State unless they cooperate towards a voluntary departure (Art. 12 para 7 Basic Welfare Support Agreement).

124 Federal Ministry for Europe, Integration and Foreign Affairs, *Österreichischer Integrationsfonds,* available at www.bmeia.gv.at/integration/oesterreichischer-integrationsfonds/ (accessed on 11 January 2018).

125 Public Employment Service Austria, *Karriere im AMS,* available at www.ams.at/ueber-ams/karriere-ams (accessed on 11 January 2018).

126 Help.gv.at, *Beratung und Betreuung für Asylwerber, anerkannte Flüchtlinge sowie Migranten,* available at www.help.gv.at/Portal.Node/hlpd/public/content/169/Seite.1694400.html (accessed on 11 January 2018).

127 FLG No. 218/1975, in the version of FLG I No. 66/2017.

5.2 Health care

The following section looks at the access unaccompanied minors have to health care once their residence status in Austria has been determined. Special attention is given in this context to the psychological counselling of unaccompanied minors.

The Federal Hospitals Act[128] prohibits public hospitals from refusing essential and urgent medical attention to any person (Art. 23 para 1 Federal Hospitals Act). This applies regardless of an individual's residence status. However, there is no automatic entitlement to health insurance. In this respect, unaccompanied minors are essentially subject to the same conditions as Austrian citizens. Besides compulsory health insurance based on employment (Art. 4 General Social Insurance Act[129]), entitlement to statutory health insurance can arise as part of the minimum benefit system[130] or, in the case of foreigners in need of aid and protection, as part of basic welfare support (Art. 6 para 1 subpara 5 Basic Welfare Support Agreement). Accordingly, those unaccompanied minors who do not fall under the EU Qualification Directive receive health insurance coverage as part of basic welfare support. Unaccompanied minors receiving care from child and youth welfare authorities are usually covered by statutory health insurance (Koppenberg, 2014:57).

5.2.1 Health-care services

Art. 133 para 2 of the General Social Insurance Act requires medical treatment to be "adequate and appropriate but not to exceed the necessary level". Medical care thus comprises all services that are medically indicated. Following examination of the individual case, the Basic Welfare Support Agreement accordingly envisages the option of providing services that are not covered by health insurance (Art. 6 para 1 subpara 6 Basic Welfare Support Agreement). The Basic Welfare Support Agreement additionally specifies socio-pedagogical and psychological support benefits as and when

128 FLG No. 1/1957, in the version of FLG I No. 131/2017.

129 FLG No. 189/1955, in the version of FLG I No. 61/2010.

130 In the needs based minimum benefit system, the health insurance contributions are taken over by the respective countries. See e.g., Art. 20 para 2 of the Viennese minimum benefit system Act.

necessary for "unaccompanied foreign minors" (Art. 7 para 1 Basic Welfare Support Agreement).

For children and young people in Austria, preventive health check-ups such as the annual school medical examination are required by law (Art. 66 para 2 School Education Act[131]). Nothing is known of any medical assessment specifically intended to determine the special needs of unaccompanied minors.

5.2.2 Psychological counselling of unaccompanied minors

Within health care, the psychological counselling of unaccompanied minors is a special challenge, with psychiatric services for children and adolescents being in short supply in Austria.[132] Although a number of private organizations offer psychological counselling and psychosocial support for refugees[133] in addition to public health facilities, it can take up to one year until a place in child and youth therapy becomes available in a public institution.[134] Meanwhile, "mobile intercultural teams" now also visit schools to support teachers in providing the necessary psychosocial care to children with a refugee background. Such teams normally consist of a psychologist, a social worker and a social pedagogue (Federal Ministry of Education, 2014:14).

In 2017, Asylkoordination Österreich carried out a survey among selected reception facilities in Austria to assess the "care needs of unaccompanied foreign minors".[135] The evaluation revealed that 10 per cent of unaccompanied minors required psychiatric assessment to clarify needs,

131 FLG No. 472/1986, in the version of FLG I No. 138/2017.

132 ORF, *Kinderpsychiatrie bleibt Sorgenkind,* 23 March 2017, available at http://wien.orf.at/news/stories/2832880/ (accessed on 26 November 2017).

133 Ärztekammer Oberösterreich, *Infofolder September 2015 | Brennpunkt Flüchtlinge,* available at www.aekooe.at/documents/3466767/4034159/SD_Fluechtlinge_lowres.pdf/a195177a-2312-4734-b922-dba34fa5ecf5?version=1.1&t=1444138192000 (accessed on 26 November 2017).

134 Medien-Servicestelle Neue Österreicher/innen, Medizinische Versorgung von Flüchtlingen in Österreich, 7 April 2016, available at http://medienservicestelle.at/migration_bewegt/2016/04/07/medizinische-versorgung-von-fluechtlingen-in-oesterreich/ (accessed on 26 November 2017).

135 Asylkoordination Österreich, *Umfrage der asylkoordination* österreich *(sic!) unter UMF-Betreuungsstellen zu „Erhöhter Betreuungsbedarf bei unbegleiteten minderjährigen Fremden",* available at www.asyl.at/adincludes/dld.php?datei=208.02.ma,auswertung umfrageerhhterbetreuungsbedarf.pdf (accessed on 9 January 2018).

while 15 per cent had an acute need for therapy, yet no places were available. According to the survey, a total of 10.6 per cent of unaccompanied minors were taking or supposed to be taking medication (Asylkoordination Österreich, 2017b).

5.2.3 Health care in the transition to adulthood

In principle, the statutory health insurance coverage provided as a part of basic welfare support, the minimum benefit system or employment is not dependent on the age of the individual covered. Yet the (medical) benefits stipulated in the Basic Welfare Support Agreement under special provisions for "unaccompanied foreign minors" no longer apply once the recipient reaches the age of majority (Art. 7 para 1 Basic Welfare Support Agreement). Nothing is known of any special measures in the area of health-care provision intended to support unaccompanied minors during the transition to adulthood.

5.3 Education and vocational training

The following section looks at the access unaccompanied minors have to education and training once their residence status has been determined. In general, unaccompanied minors are initially integrated into the Austrian school system.

5.3.1 Unaccompanied minors in the Austrian school system

All children permanently staying in Austria are required to attend school. Compulsory education begins at the age of six and continues for a period of nine years (Art. 1, 2 and 3 Compulsory Schooling Act). Individuals are considered as "permanently staying in Austria" if they "reside in one place indefinitely, that is, not just temporarily, or the circumstances make it clear that they intend to so reside" (Federal Ministry of Education, 2017). Regardless of their residence status, unaccompanied minors subject to compulsory schooling therefore have the same access to schooling as young Austrians.

The competent school district is responsible for admitting all school-age children and young people to a school, and grading them according to age (Federal Ministry of Education, 2017:6). As part of beginners' and

remedial language courses, schools are also required to employ instruments for language assessment and support, in order to assess the language level of "irregular pupils" and document their acquisition of competence (Art. 8e para 4 School Organization Act[136]).[137]

The Federal Ministry of Education reports that children and young people with inadequate German skills are normally admitted to schools as "exceptional pupils or students". For school-age children, this irregular status can be retained for a maximum of two years, and allows them to attend beginners' and remedial language courses for 11 hours weekly (Federal Ministry of Education, 2017:9). Young persons no longer of school age who completed the ninth school year as irregular students may attend a voluntary tenth year of schooling as regular or irregular students, subject to approval by the body maintaining the school (the Federal State or the province) and the school authority (Art. 32 para 2a School Education Act[138]). Students with regular status who have not successfully completed the final year of a four-year compulsory school are allowed to attend a voluntary eleventh year of schooling (ibid.).

Subject to a decision by the school administration in the particular case, unaccompanied minors may supplement attendance at a compulsory state school with classes at an academic secondary school or a lower or upper vocational secondary school. However, schools are not required to admit irregular pupils or students (Federal Ministry of Education, 2017:8).

5.3.2 Continuing education programmes

Following compulsory school attendance, all residents of Austria have access to a variety of education programmes in the area of basic education as well as courses to prepare for a compulsory school leaving exam (Federal Ministry of Education, 2017:3).[139] In addition, an education and training requirement extending to the age of 18, referred to as AusBildung bis 18,

136 FLG No. 242/1962, in the version of FLG I No. 138/2017.

137 Federal Ministry of Education, *Pädagogischer Erlass zur Umsetzung sowie Qualitätsentwicklung und Qualitätssicherung der Sprachförderkurse/Sprachstartgruppe,* available at www.bmb.gv.at/schulen/recht/erlaesse/Erlass.pdf?61edvl (accessed on 9 January 2018).

138 FLG No.472/1986, in the version of FLG I No. 138/2017.

139 For further information please see Initiative Erwachsenenbildung, available at www.initiative-erwachsenenbildung.at/initiative-erwachsenenbildung/was-ist-das/ (accessed on 15 January 2018).

was enshrined in law in 2016. The Compulsory Education Act[140] is intended to ensure that all young people under 18 who are not merely temporarily staying in Austria supplement their completion of compulsory schooling by attending a higher secondary school or vocational training (Art. 1 para 1 and Art. 2 Compulsory Education Act).[141] Asylum seekers are exempt from this requirement since they are assumed to be staying in Austria only temporarily. Labour market access is an additional prerequisite to participating in programmes that extend beyond compulsory schooling.[142] Another central aspect of the training requirement is the training guarantee: every unskilled or unemployed young person under the age of 25 is guaranteed a place in a training programme.[143]

Box 3: Good practice example – PROSA – Projekt Schule für Alle

PROSA – Projekt Schule für Alle[144] (Project Offering School for All) is run by an association founded in 2012 called Vielmehr für Alle! – Verein für Bildung, Wohnen und Teilhabe.[145] The project, which received the first Sozialmarie award in 2015, aims to support "young unaccompanied refugees" by providing basic education and courses to prepare for compulsory school leaving exams.

5.3.3 General challenges in education and vocational training

In education and vocational training, providing this target group with programmes that vary based on an evaluation of individual educational needs, including special needs education, is generally seen as an urgent requirement. Such programmes would then also need to be compatible with social benefits. For unaccompanied minors in particular, reconciling participation in education programmes or in labour market measures from

140 FLG I No. 62/2016, in the version of FLG I No. 120/2016.

141 Koordinationsstelle Jugend – Bildung – Beschäftigung, *AusBildung bis 18*, available at www.koordinationsstelle.at/ausbildung-bis-18.html (accessed on 9 January 2018).

142 Written input by Manuel Lackner, Koordinierungsstelle-Wien AusBildung bis 18, 21 December 2017.

143 Federal Ministry of Labour, Social Affairs and Consumer Protection, *Qualifizierungsoffensive der Bundesregierung,* Press Release, Vienna, 24 February 2017, available at www.sozialministerium.at/site/Service_Medien/News_Veranstaltungen/News/Qualifizierungsoffensive_der_Bundesregierung (accessed on 9 January 2018).

144 PROSA – Projekt Schule für Alle, *Das Prosa Prinzip,* available at (accessed on 20 December 2017).

145 For further information please see Vielmehr für Alle!, available at http://vielmehr.at/ (accessed on 18 January 2018).

the Public Employment Service with social benefits is seen as especially difficult.[146]

Furthermore, a recent report by the Austrian Ombudsman Board confirmed that the increased numbers of (unaccompanied) minors was presenting schools with unanticipated challenges (Austrian Ombudsman Board, 2017:78).

5.3.4 Education and vocational training in the transition to adulthood

Once individuals reach the age of majority they are by definition no longer of school age (Art. 2 Compulsory Schooling Act). From this point onwards, former unaccompanied minors have numerous options for continuing education or training (see above). Access to tertiary education is conditional on a certificate of university eligibility, however.[147] As mentioned above, care as defined in Art. 7 of the Basic Welfare Support Agreement can potentially comprise "measures to implement activities in preparation for schooling, training and work life" (Art. 7 para. 3 subpara 5 Basic Welfare Support Agreement). While this special type of care is not specified for adults, the Public Employment Service and other institutions have various counselling programmes for individuals eligible to access the labour market (see section 5.4).

5.4 Labour market access

As with education and training, labour market access is regarded as a key aspect of integration. The following section therefore describes the specific conditions applying to labour market integration of unaccompanied minors and such individuals during the transition to adulthood.

In general, minors aged 15 or over are allowed to take up employment or vocational training if they have completed nine years of compulsory schooling (Art. 1 and 2 Minors and Youth Employment Act 1987).[148]

146 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

147 Migration.gv.at, *Studieren in* Österreich, available at www.migration.gv.at/de/leben-und-arbeiten-in-oesterreich/kinder-und-bildung/studieren-in-oesterreich.html (accessed on 9 January 2018).

148 FLG No. 599/1987, in the version of FLG I No. 40/2017.

Minors are protected by special legislation, however, covering aspects such as working hours and rest periods (Chapter 3 Minors and Youth Employment Act 1987). No additional special provisions are known of that restrict labour market access for unaccompanied minors.

The Act Governing the Employment of Foreigners[149] regulates access to vocational training and employment based on the individual's residence title and on corresponding provisions governing labour market access, which similarly apply to unaccompanied minors. To be eligible to attend a vocational school, for example, an individual must have signed an apprenticeship or training contract. In such cases, the employer must apply for a work permit[150] covering the entire apprenticeship period (Federal Ministry of Education, 2017:8).

A relevant aspect here for unaccompanied minors is that foreign secondary and tertiary students (Art. 63 and 64 para 1 Settlement and Residence Act) and university graduates (Art. 64 para 4 Settlement and Residence Act) who are employed for no more than 20 hours a week, while requiring a work permit, are not subject to a labour market test (Art. 4 para 7 Act Governing the Employment of Foreigners). Nor is a work permit required for immigrant minors who work as volunteers for up to three months to acquire practical experience or who are employed as seasonal trainees or vocational interns (Art. 3 para 5 Act Governing the Employment of Foreigners).

5.4.1 Specific measures for labour market integration of unaccompanied minors

With the exception of the youth curriculum of the Austrian Integration Fund[151] mentioned above (see section 5.1.1), no special government measures are known that are aimed at labour market integration of unaccompanied minors. Mention should be made, however, of the many

149 FLG No. 218/1975, in the version of FLG I No. 66/2017.

150 A work permit can be issued following a positive labour market test, examining the situation and any changes in the labour market, and provided that such issue would not conflict with public or overall economic interests and that the conditions laid down in Art. 4 para 1 of the Act Governing the Employment of Foreigners are met (Art. 4 para 1 Act Governing the Employment of Foreign Nationals). A work permit can only be granted, however, if the position cannot be filled by a domestic or foreign employee with access to the labour market (Art. 4b para 1 Act Governing the Employment of Foreigners).

151 Austrian Integration Fund, *OIF präsentiert Jugendcurriculum für Wertekurse,* available at www.integrationsfonds.at/newsbeitrag/oeif-praesentiert-jugendcurriculum-fuer-wertekurse_2132/ (accessed on 4 January 2018).

employment initiatives for immigrant minors, which are also open to unaccompanied minors with residence status. One such initiative is the project StartWien – Das Jugendcollege. This project provides young adult immigrants, asylum seekers, persons granted asylum and beneficiaries of subsidiary protection status between the ages of 15 and 21 with assistance in entering the school or training system and the labour market.[152] The project was recently expanded beyond Vienna to Styria and Lower Austria.[153] Another project, Bildungswege, aims to provide "unaccompanied young refugees" with prospects for training. Run by the Lobby.16 organization, the initiative helps unaccompanied (under-age) immigrants wanting to start vocational training or enter the labour market.[154]

In five of Austria's nine provinces, unaccompanied minors completing an apprenticeship can now save their pay with the aid of child and youth welfare authorities, who set up and manage saving accounts on the minors' behalf. On reaching adulthood, the savings are paid out as "startup capital" to help the individual begin an independent life.[155]

Box 4: Good practice example – Mentors for Migrants – impetus for success

MentorInnen für MigrantInnen – Impuls zum Erfolg (Mentors for Migrants – impetus for success) is a cooperative project launched in 2008 of the Austrian Integration Fund, the Public Employment Service and the Austrian Economic Chamber.[156] Mentors provide immigrants eligible for the project with advice and support to help them enter the labour market, or career-relevant education and training. An evaluation of the project has shown that 96 per cent of the mentors regard such mentoring as a (highly) effective measure to support labour market integration.[157]

152 WUK Verein zur Schaffung offener Kultur- und Werkstättenhäuser, *StartWien – Das Jugendcollege*, available at www.wuk.at/angebot/bildung-und-beratung/jugendcollege/ (accessed on 10 January 2018).

153 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

154 Lobby.16, *Home,* available at www.lobby16.org/ (accessed on 20 December 2017).

155 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

156 Austrian Economic Chamber, *Mentoring für Migrantinnen und Migranten,* available at www.wko.at/site/Mentoring/MigrantInnen/informationen_programm.html (accessed on 11 January 2018).

157 Austrian Economic Chamber, *Mentoring für Migrantinnen und Migranten – Ergebnisse,* available at www.wko.at/site/Mentoring/Ergebnisse.html (accessed on 11 January 2018).

Box 5: Good practice example – Connecting People

Connecting People is a project launched in 2001 by Asylkoordination Österreich.[158] The project matches unaccompanied minors with sponsors who support them during integration in Austria. An expert from Asylkoordination Österreich has reported that the sponsorship model has proven particularly successful over the years.[159]

5.4.2 Labour market access in the transition to adulthood

Provisions protecting children and young people in employment no longer apply when a person reaches the age of majority (section 3 Minors and Youth Employment Act 1987). Otherwise, little changes for former unaccompanied minors in relation to their access to employment. Unaccompanied minors who have access to the labour market can obtain advice from a counsellor with the Public Employment Service. Those without such access can obtain information on related prospects within the framework of the social counselling provided under basic welfare support.[160]

5.5 Social benefits

Unaccompanied minors in Austria receive social benefits that are either covered by basic welfare support or granted by child and youth welfare authorities, or provided under the needs-based minimum benefit system. An individual foreigner's entitlement to benefits depends on their residence status and is subject to provisions that vary from province to province (see section 4.1.1).

Social benefits in the transition to adulthood

The daily amounts paid out to recipients of basic welfare support are substantially reduced when an individual turns 18 (Art. 9 Basic Welfare Support Agreement). Such individuals are also no longer entitled to the benefits previously paid out based on the special provisions of the Basic Welfare Support Agreement or the Federal Children and Youth Services Act 2013 (see sections 3.3 and 4.2.1).

158 For further information please see Connecting People, available at (accessed on 15 January 2018).
159 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.
160 Ibid.

In general, there are no specific measures in place to prepare unaccompanied minors for the transition to the age of majority. Young adults (aged between 18 and 21) can receive assistance as part of child and youth welfare care, however, as specified in Art. 29 Federal Children and Youth Services Act 2013.[161] This assistance is conditional on the young adult having received educational assistance prior to the age of 18, the urgent necessity of such assistance and the young adult's consent.

5.6 Family reunification

The 2016 amendment to the Asylum Act 2005 was instrumental in introducing major changes affecting family reunification with the involvement of unaccompanied minors (see section 2.1). Criticism of these changes primarily focused on the provision allowing an application for family reunification no earlier than three years after subsidiary protection status is granted with final effect (Art. 35 para 2 Asylum Act 2005).[162] A UNHCR report states that this period frequently prevents (unaccompanied) minors from ultimately bringing their families to Austria.[163] The Federal Ministry of the Interior has explained in response that this change is in accordance with the options afforded to Member States by EU law.[164] This is illustrated by the fact that such a three-year period for beneficiaries of subsidiary protection status also exists in other EU Member States. This ensures, it is said, that only individuals fully meeting the prerequisites laid down in EU law are allowed to enter the country and receive a type of status. The Federal Ministry of the Interior further states that this is "necessary to be able to manage the high number of asylum applications made in Austria and to comply with Austria's limited capacity for accepting asylum seekers".[165]

161 FLG I No. 69/2013.

162 Caritas, *Stellungnahme zum Entwurf eines Bundesgesetzes, mit dem das Asylgesetz 2005 geändert wird,* available at www.parlament.gv.at/PAKT/VHG/XXV/SNME/SNME_05388/imfname_491018.pdf (accessed on 15 January 2018).

163 UNHCR, *Subsidiär Schutzberechtigte in Österreich,* available at www.unhcr.org/dach/wp-content/uploads/sites/27/2017/03/Bericht_subsidiaerer_Schutz.pdf (accessed on 15 January 2018).

164 Written input by the Federal Ministry of the Interior, 22 March 2018.

165 Ibid.

A study entitled "Family reunification: a barrier or facilitator of integration?"[166] also discusses the challenge arising during the waiting period in asylum procedures, when individuals are separated from their families, and addresses the fact that adult siblings are excluded from the group of family members eligible for family reunification (König and Kraler, 2013:12–13).

Family reunification in the transition to adulthood

Family reunification of parents and children is generally only possible where the child concerned is under the age of 18 (Art. 35 para 5 Asylum Act 2005; Art. 2 para 1 subpara 9 Settlement and Residence Act). Under special circumstances, however, based on the right to family life as set out in Article 8 of the European Convention on Human Rights, adult children may also become entitled to family reunification. As is true of the family reunification of persons with disabilities, the right to personal and family life or personal interests must be weighed against public interests on the merits of the individual case concerned (Lukits, 2016a:22).

Pursuant to the special provision for "unaccompanied foreign minors", facilitating family reunification is within the remit of care (Art. 7 para 3 subpara 4 Basic Welfare Support Agreement). However, this provision does not relate specifically to the transition to the age of majority.

Among non-governmental organizations, the Austrian Red Cross plays an important role in providing counselling.[167] The organization offers individually oriented counselling as well as support in family procedures to persons granted asylum or subsidiary protection.[168]

166 König, A. und A. Kraler, *Familienzusammenführung: Hindernis oder Förderung der Integration? – Der österreichische Länderbericht – Zusammenfassung*, available at http://research.icmpd.org/fileadmin/Research-Website/Project_material/Family_Reunification_EIF/Austria-DE5.pdf (accessed on 10 January 2018).

167 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

168 Austrian Red Cross, *Leistungsbereiche,* available at www.roteskreuz.at/migration-suchdienst/integration/familienzusammenfuehrung/ (accessed on 20 December 2017).

6. RETURN AND REINTEGRATION

To provide an overview of issues relating to the return of unaccompanied minors in Austria, this section first describes the key conditions affecting return, including the assessment of the child's best interests. Detail is then added to this overview with a discussion of specific provisions as well as of the procedures involved in voluntary return, assisted voluntary return and forced return. The chapter also examines major issues in the context of return, including the issuing of return decisions, the tracing of family members and the situation of unaccompanied minors who cannot be returned.

6.1 Arrangements relating to return and reintegration

6.1.1 Main actors involved in return and reintegration

Various authorities and organizations in Austria are active in return and reintegration. The table below lists the most significant actors involved, describing the scope of responsibility and main activities in each case.

Table 7: Responsibilities and activities relating to return and reintegration

Name of authority or organization	Main activities
Federal Ministry of the Interior	**Return counselling and reintegration:** funding of the network of return counselling centres covering all of Austria; funding and implementation of reintegration programmes.[169]
Federal Office for Immigration and Asylum	**Return decisions** (Art. 52 Aliens Police Act 2005), **removal** (Art. 46 para 1 Aliens Police Act 2005) and **voluntary return:** issuing return decisions; processing applications for voluntary return; ordering removal from the country; imposing detention pending removal where necessary; approving return assistance and participation in projects to support reintegration; funding return assistance[170] (e.g. flight expenses).[171]
Police administrations of the provinces	The police administration of the particular province is responsible for **carrying out removal** on behalf of the Federal Office for Immigration and Asylum (Art. 46 para 1 Aliens Police Act 2005).
Child and youth welfare authorities	Responsibility for the **best interests of the child:** in guardianship cases, determining whether return is in the child's best interests and, depending on the outcome, rejection or approval of return (Lukits, 2016c:51–51).

169 Federal Ministry of the Interior, *Asyl – freiwillige Rückkehr und Außerlandesbringung,* available at www.bmi.gv.at/301/Freiwillige_Rueckkehr/ (accessed on 9 January 2018).

170 Ibid.

171 Written input by Andrea Götzelmann-Rosado und Edith Vasilyev, IOM Country Office for Austria, 19 January 2018.

Name of authority or organization	Main activities
Verein Menschenrechte Österreich (VMÖ)	**Return counselling** (Art. 52a Federal Office for Immigration and Asylum-VG): information and counselling on voluntary return;[172] counselling in Dublin procedures; clarification of return expenses and registration for reintegration programmes; assistance in organizing and completing the return (e.g. travel documents, transfers, flight bookings); payment of reintegration assistance; contacting returnees after return.[173] Family tracing on behalf of the Federal Office for Immigration and Asylum (conditional on consent to sharing of data) (see section 6.6).[174]
Caritas (Vienna and eastern Lower Austria, St. Pölten and western Lower Austria, Styria, Upper Austria, Salzburg, Tyrol, Vorarlberg)	**Return counselling** (section 52a Federal Office for Immigration and Asylum-VG): Information and counselling on voluntary return; counselling in Dublin procedures; clarification of return expenses and registration for reintegration programmes; assistance in organizing and completing the return (travel documents, transfers, flight bookings); payment of reintegration assistance; contacting returnees after return.[175]
Caritas Austria	**Reintegration assistance** as part of the IRMA plus project.[176]
IOM Country Office for Austria	**Assistance in voluntary return:** flight bookings; personal assistance at Vienna International Airport and, where required, organization of accompaniment on flights (Koppenberg, 2014:85–86); organization of assistance during transit; handover of minors to guardians in the country of return. Where required, **best interests assessments**, organization of **family assessments** to clarify the economic, social and family situation in the country of return; family tracing where required. **Reintegration assistance** in the context of the RESTART II project for voluntary returnees to Afghanistan and the Islamic Republic of Iran.[177]
Drehscheibe[178] (a centre run by the Vienna child and youth welfare authority)	Assessment of the child's best interests and implementation of **voluntary return**.
Austrian Red Cross	**Family tracing:** searching for family members.[179]

172 Return counselling in the offices of VMÖ, in basic welfare support facilities and private accommodations (but not in Carinthia), in federal reception centres, in the distribution centres for asylum seekers in the provinces, in prisons (but not for departure according to Art. 133a of the Penal Sanctions Enforcement Act), police detention centre (detention pending removal, except in Vordernberg).

173 Verein Menschenrechte Österreich, *Rückkehrberatung,* available at www.vereinmenschenrechte.at/rueck.html (accessed on 15 December 2017).

174 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

175 Caritas&Du Wien & NÖ-Ost, *Rückkehrhilfe,* available at www.caritas-wien.at/hilfeangebote/asyl-integration/beratung-fuer-fluechtlinge/rueckkehrhilfe/ (accessed on 20 January 2018); Caritas&Du, *Projekt „IRMA" – Rückkehrberatung,* available at www.caritas.at/hilfe-beratung/migrantinnen-fluechtlinge/beratung-vertretung/rueckkehrhilfe-reintegration/irma-rueckkehrberatung/ (accessed on 15 December 2017).

176 Caritas&Du, *Projekt „IRMA" – Rückkehrberatung,* available at www.caritas.at/hilfeberatung/migrantinnen-fluechtlinge/beratung-vertretung/rueckkehrhilfe-reintegration/irma-rueckkehrberatung/ (accessed on 15 December 2017).

177 Written input by Andrea Götzelmann-Rosado and Edith Vasilyev, IOM Country Office for Austria, 19 January 2018.

178 Stadt Wien, *Fachbereich Drehscheibe – Sozialpädagogische Einrichtung der MAG ELF,* available at www.wien.gv.at/menschen/magelf/kinder/drehscheibe.html (accessed on 11 December 2017).

179 Austrian Red Cross, *Family Tracing,* available at www.roteskreuz.at/i18n/en/tracing-services/family-tracing/ (accessed on 2 February 2018).

6.1.2 Best interests assessments in the context of return and reintegration

As already seen with the care and integration of unaccompanied minors (see section 4.1.3), safeguarding the child's best interests is also a key priority in Austria in the area of return. Specifically, the best interests of the child are to be considered first when issuing any return decision (Art. 1 Federal Constitutional Act on the Rights of Children).[180] Accordingly, a planned return of any unaccompanied minor must involve an assessment of whether the return is compatible with the child's best interests.[181] This assessment is performed by the competent officials of the Federal Office for Immigration and Asylum during the procedure for the issuing of a return decision. In this context, experts can be consulted or an opinion obtained from the youth welfare authority[182] (Heilemann/Lukits, 2017:55). Such an assessment is not, however, subject to any internal rules or procedures. Generally, the circumstances of the individual case are considered, with factors including family unity and the permanency of the proposed solution.[183]

When assessing the child's best interests, an important role is typically played by the non-exhaustive list of criteria for assessing a child's best interests specified in Art. 138 of the General Civil Code.[184] Examples of such criteria include: appropriate consideration of the child's needs (Art. 138 subpara 1); the child's welfare, a secure environment and protection of the child's physical and emotional integrity (subpara 2); appreciation and acceptance of the child (subpara 3); consideration of the child's opinion (subpara 5); and safeguarding the child's rights, entitlements and interests (subpara 11).[185] The assessment may consider the opinions of the child's parents or guardian, but only to the extent that such views affect the welfare of the child in question. Priority is given to the best interests of the child and not the best interests of parents or guardians (Heilemann/Lukits, 2017:56–57).

180 FLG I No. 4/2011.

181 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018; Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

182 See Article 52 of the General Administrative Procedures Act; cf. Administrative High Court, 25 February 2014, 2011/01/0244; 20 March 2013, 2012/01/0054; 1 April 2008, 2007/06/0262.

183 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

184 General Civil Code, JGS No 946/1811, in the version of FLG I No 161/2017.

185 For further information please see Heilemann/Lukits, 2017:55–57.

6.1.3 Alternatives to return

Following a negative asylum decision, unaccompanied minors can apply for a special type of Red-White-Red Card as an alternative to returning. This kind of title, specifically for "unaccompanied foreign minors", can be issued ex officio by authorities (Art. 41a para 10 Settlement and Residence Act[186]). No data was available as to whether and how unaccompanied minors are indeed informed of this option.

6.2 Voluntary return

The **voluntary return** of unaccompanied minors is possible in Austria, although this option is not governed by any specific legal provisions (Koppenberg, 2014:82). Worthy of note are general provisions relating to child abduction, however, and the right of parents or guardians to decide the child's place of stay (Lukits, 2016c:50). While return assistance always covers essential expenses for return travel (Art. 52a Federal Office for Immigration and Asylum-VG), there is otherwise no standard practice for voluntary return. The conditions for return depend instead on the organization supporting the unaccompanied minor's return (Koppenberg, 2014:82).

When supporting the voluntary return of unaccompanied minors, the IOM Country Office for Austria, for example, requires that the voluntary return is in the child's best interests and that the child's opinion is considered in a manner appropriate to the child's age. In addition, the following three conditions must be met. First, the minor's guardian in Austria must provide written consent confirming that the return is in the child's best interests. Second, the guardian in the country of return must submit written confirmation stating that individual's commitment to assume responsibility for the child and confirming availability of sufficient resources to support the child. Third, background information on the unaccompanied minor as well as the individual's personal details must be available[187] (Koppenberg,

186 Settlement and Residence Act, FLG I No. 100/2005, in the version of FLG I No. 145/2017.

187 If unaccompanied minors are victims of trafficking, the IOM Country Office for Austria ensures that a risk analysis has been carried out; if the outcome is negative, IOM may decide against supportting the person's voluntary return (Koppenberg, 2014:82–83).

2014:81–83; Heilemann/Lukits, 2017:57–58). If required, a best interests assessment can also be carried out or, alternatively, a family assessment. A minor under the age of 15 must be accompanied during the return by an adult. The accompanying person then entrusts the minor to the previously designated guardian in the country of return.[188]

In cases where the Drehscheibe centre assists in the voluntary return of unaccompanied minors, a reliable partner in the country of return must accept responsibility for the minor and ensure the minor's safety. In addition, a confirmation of the minor's safe entry is also required from the country of return (Koppenberg, 2014:83).

Box 6: Good practice example – FamA project

An expert from Asylkoordination Österreich has cited the FamA (Family Assessment of unaccompanied migrant children wishing to voluntarily return to their country of origin) project run by the IOM Country Office for Austria as a good practice example.[189] In the event of unaccompanied minors wishing to return to their home countries, the individual's family and social situation is assessed both in the home country and in Austria. These separate perspectives are used to determine whether voluntary return is in the child's best interests.[190]

Box 7: Good practice example – Drehscheibe

Mancheva and Nonchev (2013) refer to the work of Drehscheibe, a socio-pedagogical centre run by the Vienna child and youth welfare authority (MA 11). The centre is responsible for the initial reception of all unaccompanied minors apprehended in Vienna, including those seeking asylum and those not applying for international protection.[191] The reception procedure includes care (medical and psychological) as well as (or alternatively) the arrangement of a safe return and the monitoring of reintegration. As regards return, Mancheva and Nonchev (2013) mention the close cooperation with governmental and non-governmental child protection organizations in Europe (particularly southeast Europe) as a particularly positive factor. Drehscheibe also admits minors who have been victims of human trafficking, providing them with support for return and reintegration.

188 Interview with Andrea Götzelmann-Rosado and Edith Vasilyev, IOM Country Office for Austria, 19 December 2017.

189 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

190 Interview with Andrea Götzelmann-Rosado and Edith Vasilyev, IOM Country Office for Austria, 19 December 2017.

191 For further information please see Koppenberg, 2014:60.

6.2.1 Implementation of voluntary return

Assisted voluntary return is implemented by various actors in Austria. Return counselling is provided under contract with the Federal Ministry of the Interior by Caritas and Verein Menschenrechte Österreich.[192] The Government of the Province of Carinthia also provides return counselling directly. If an individual chooses voluntary return, the Federal Office for Immigration and Asylum first examines the request for coverage of return expenses. If approved, the case is passed to return counselling, which handles the next steps such as the organization of travel documents.[193] Minors remain in their place of accommodation until return.[194]

Challenges in voluntary return

The fact that minors sometimes return alone and without assistance provided by the state is recognized as a particular problem. In such cases, neither the child's safety nor its best interests can be guaranteed.[195]

6.3 Assisted voluntary return and reintegration

The **assisted voluntary return** of unaccompanied minors is also possible in Austria (Art. 52a Federal Office for Immigration and Asylum-VG),[196] but is not governed by any specific legal provisions. The consent of the child's guardian may be required, however, in accordance with general provisions governing guardianship and the prevention of child abduction (Lukits, 2016c:52–52). Nor has Austria established any reintegration

192 Verein Menschenrechte Österreich, *Rückkehrberatung,* available at www.vereinmenschenrechte.at/rueck.html (accessed on 15 December 2017); Caritas&Du Wien & NÖ-Ost, *Rückkehrhilfe,* available at www.caritas-wien.at/hilfe-angebote/asyl-integration/beratung-fuer-fluechtlinge/rueckkehrhilfe/ (accessed on 20 January 2018); Caritas&Du, *Projekt „IRMA" – Rückkehrberatung,* available at www.caritas.at/hilfe-beratung/migrantinnen-fluechtlinge/beratung-vertretung/rueckkehrhilfe-reintegration/irma-rueckkehrberatung/ (accessed on 15 December 2017).

193 Interview with Andrea Götzelmann-Rosado and Edith Vasilyev, IOM Country Office for Austria, 19 December 2017.

194 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

195 Interview with Andrea Götzelmann-Rosado and Edith Vasilyev, IOM Country Office for Austria, 19 December 2017.

196 FLG I No. 87/2012, in the version of FLG I No. 17/2016.

measures that specifically target unaccompanied minors. Assistance for unaccompanied minors after their return is nonetheless also provided by the following three reintegration programmes (Heilemann/Lukits, 2017:58):

- RESTART II project: reintegration assistance in Afghanistan and the Islamic Republic of Iran by IOM Austria;
- IRMA plus project: reintegration assistance provided to vulnerable persons in 40 countries by Caritas Austria;
- European Reintegration Network (ERIN): assistance from the Federal Ministry of the Interior for setting up a business in countries such as Iraq, Morocco, Pakistan or the Russian Federation.

6.3.1 Assistance benefits in the reintegration programmes offered

IOM's **RESTART II project**[197] targets individuals originating from Afghanistan and the Islamic Republic of Iran,[198] including unaccompanied minors. Participation must be approved by the Federal Office for Immigration and Asylum, and the number of participants is limited to 490. The programme grants returnees in the country of origin EUR 500 in cash and EUR 2,800 in benefits in kind, which can be invested for example in education or the establishment of a small business. Participants receive, additional assistance where required, such as reception support, temporary accommodation and medical support (depending on availability). In the case of unaccompanied minors, an additional assessment of the family situation in the country of origin is conducted prior to the return (decision). Individual interviews take place prior to return, while counselling is provided in the country of origin to identify options for using the reintegration assistance.[199]

Caritas Austria's **IRMA plus project** targets mostly vulnerable persons,[200] a category that includes unaccompanied minors,[201] from 40 countries (such as Serbia, Kosovo as defined by UN Security Council

197 The project is funded by the Federal Ministry of the Interior and the Asylum, Migration and the Integration Fund of the European Union and is implemented by IOM. The project is scheduled for 1 January 2017 to 31 December 2019.

198 To be eligible, returnees to the Islamic Republic of Iran must have stayed in Austria for at least six months.

199 Interview with Andrea Götzelmann-Rosado and Edith Vasilyev, IOM Country Office for Austria, 19 December 2017.

200 Since 2018, when the ERIN quota was used up, Irma plus has also supported non-vulnerable persons in Nigeria and Morocco.

201 Caritas assesses the criteria to determine whether to categorize a person as vulnerable.

Resolution 1244, Ukraine, Georgia, Kyrgyzstan, Mongolia, Armenia and India). Support is provided in the form of EUR 3,000 in benefits in kind. Examples of reintegration benefits include support for economic integration as well as measures related to basic general needs, medical and psychological care, and retraining.[202]

The **ERIN project** (European Reintegration Network) is implemented in Austria by the Federal Ministry of the Interior and targets individuals, including unaccompanied minors, from Iraq, Morocco, Pakistan, Afghanistan and the Russian Federation. Under ERIN, returnees receive EUR 500 in cash and EUR 3,000 in benefits in kind.[203] The benefits offered include support in establishing a small business, airport assistance, education and training courses, and counselling for job-seeking and placement.[204]

6.3.2 Monitoring mechanisms for the reintegration programmes offered

When unaccompanied minors return to their home countries under assisted voluntary return and while participating in a reintegration project, their well-being is monitored for a certain period of time in the framework of the reintegration project. The strategies and measures applied in the particular case depend on the organization running the project. The mechanisms in place to monitor the effectiveness of reintegration programmes also depend on the organization in the particular case or on the guidelines for that particular project.

The monitoring mechanisms for the IRMA plus reintegration project are based on specifications from the European Reintegration Support Organisations (ERSO) network, which state that the monitoring report must cover at least the counselling phase. According to the Federal Ministry of the Interior, monitoring mechanisms projected to last about six months are currently being developed for the ERIN project. No general observations can yet be made concerning the processes for monitoring and evaluating the projects.[205]

202 BFA, *spezielle Länderprogramme,* available at www.bfa.gv.at/return/programme/start.aspx (accessed on 16 January 2018).

203 With the exception of persons from the Russian Federation, who receive only EUR 3,500 in benefits in kind.

204 Federal Ministry of the Interior, *spezifische Maßnahme – ERIN,* available at www.bmi.gv.at/107/EU_Foerderungen/Finanzrahmen_2014_2020/AMIF/ERIN.aspx (accessed on 16 January 2018).

205 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

The IOM Country Office for Austria monitors the well-being of minors by organizing meetings between the local IOM office and returnees in their home country. One meeting is conducted shortly after return and another once the individual receives the material reintegration assistance. Data on the project's long-term impact are scarce, however, since monitoring is generally limited to the term of the project.[206]

6.4 Forced return

Although the forced return of unaccompanied minors is in principle possible in Austria, use is made of this option only in isolated cases.[207] Federal Ministry of the Interior experts interviewed for this study have also stated that voluntary or forced return can in fact be in the child's best interests if justified in the individual case. The experts also mentioned the importance of the message thereby conveyed, namely that not even minors are exempt from forced return. With the broader aim of avoiding the creation of pull factors, the message needs to be sent that the forcible return of minors is possible in Austria, and that this option is indeed exercised where necessary in individual cases.[208]

6.4.1 Provisions for forced return

Accordingly, the forced return of unaccompanied minors is not ruled out by Austrian law, and Art. 46 para 3 of the Aliens Police Act 2005 specifies in detail the conditions that apply in such cases.

Art 10 of the EU Directive on common standards and procedures in Member States for returning illegally staying third-country nationals (Return Directive)[209] requires the authorities of a Member State to satisfy

206 Interview with Andrea Götzelmann-Rosado and Edith Vasilyev, IOM Country Office for Austria, 19 December 2017.

207 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018; Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

208 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

209 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, 24 December 2008, OJ 2008 L 348/98.

themselves that a minor "will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return" before forcibly returning or removing this unaccompanied minor. This provision has been transposed into Austrian law in Art. 46 para 3 of the Aliens Police Act 2005,[210] where it is stated that, prior to the removal of an unaccompanied foreign minor, the authorities must ensure that the minor "can be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the destination country." The term "adequate reception facilities" is thus adopted word-for-word and not further elaborated, nor have any definitions of the criteria to be satisfied by "adequate reception facilities" been further specified in practice.[211]

Furthermore, the authorities have no mechanisms or measures in place to verify the well-being of minors following their forced or voluntary return nor are such mechanisms specified in Austrian legislation.[212] Nor does Austria provide any reintegration assistance to unaccompanied minors forcibly returned to their countries.[213]

6.4.2 Implementation of forced return

Before forcibly returning an unaccompanied minor, the minor must first be offered the option of returning voluntarily (Heilemann/Lukits, 2017:57). The minor remains at the previous accommodation or can be detained pending removal if no alternative to detention is applicable. In the minor's country of origin, the person is subsequently collected by the previously designated guardian. Practical experience with this procedure is limited, as cases involving the forced return of unaccompanied minors are very rare.[214]

210 FLG I No. 100/2005 in the version of FLG I No. 145/2017.

211 Written input by Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 10 January 2018.

212 Interview mit Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018; Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

213 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

214 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

Readmission agreements

Austria has not signed any cooperation agreements or bilateral readmission agreements specifically relating to the return of unaccompanied minors with any countries of origin. Bilateral readmission agreements pertaining to all age categories have been concluded with certain countries of origin.[215]

6.5 Conditions for issuing a return decision

With any return decision, there are two aspects of particular importance. The first of these is the time frame, namely the speed with which the return is enforced following the decision. The second is the immediate impact of the decision on the unaccompanied minor's well-being as well as the measures taken to mitigate such impact.

As regards the time frame, the authorities are responsible for enforcing the return decision as soon as possible after it has been issued.[216] Since return decisions affect only isolated cases, general statements about the nature of this period cannot be made. Its length varies considerably depending on a number of factors, such as the time needed to organize travel documents or to identify a suitable person or authority in the minor's country of origin who will receive the minor on arrival.[217]

Once a return decision has been issued, Austria has no measures in place to encourage voluntary return that target unaccompanied minors exclusively. However, return counselling and return assistance can also be granted to unaccompanied minors.[218] After receiving a negative decision, unaccompanied minors must also participate in compulsory return counselling (Art. 52a para 2 Federal Office for Immigration and Asylum-VG).[219]

215 For further information please see Rutz, 2014:47–51.

216 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018; Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

217 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

218 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

219 For further information please see Lukits, 2016d:17.

To mitigate the impact of a return decision on the well-being of unaccompanied minors, a grace period for voluntary departure will typically be granted (Art. 55 Aliens Police Act 2005). The minor is also obliged to contact an organization offering return counselling, in order to clarify issues such as individual prospects (Art. 52a para 2 Federal Office for Immigration and Asylum-VG).

6.6 Family tracing

Family tracing must be performed before unaccompanied minors can be entrusted to a family member or guardian on their return. The following section describes the main legal provisions relating to family tracing as well as the procedures involved.

The Asylum Act 2005[220] requires family tracing for unaccompanied minors aged 14 and over in asylum procedures (Art. 18 para 2 Asylum Act 2005). The competent authority in such cases is the Federal Office for Immigration and Asylum, which can commission external partners with the task. In practice, the Federal Office for Immigration and Asylum delegates this responsibility to Verein Menschenrechte Österreich (VMÖ), provided that the person entrusted with guardianship, or the legal representative designated by that person, consents to the disclosure of information to VMÖ. If consent is not given, the Federal Office for Immigration and Asylum must perform tracing itself. Family tracing can be waived in exceptional cases if not in the child's best interests. No family tracing is carried out ex officio for minors under the age of 14.[221] However, the Federal Office for Immigration and Asylum is required to provide support to such minors if they request family tracing (Art. 18 para 2 Asylum Act 2005).

Unaccompanied minors aged 14 and over are obliged to cooperate in family tracing unless this is not considered to be in the minor's best interests (Art. 13 para 6 Federal Office for Immigration and Asylum-VG). Specifically, the minor is obliged to cooperate in any and all measures aimed at identifying

220 FLG I No. 100/2005, in the version of FLG I No. 145/2017.

221 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

family members, regardless of the party performing these measures, and to report the findings to the Federal Office for Immigration and Asylum (Art. 18 para 2 Asylum Act 2005).

Apart from VMÖ, family tracing services in Austria are also provided by the Red Cross and the IOM Country Office for Austria.[222] Individuals can take advantage of such services independently of and parallel to their asylum procedures. The data collected in such cases are handled confidentially and not shared with the Federal Office for Immigration and Asylum.[223]

6.7 Unaccompanied minors unable to be removed

Austria has no special strategies or procedures in place for cases of unaccompanied minors who are unable to be removed. As with adults who cannot be removed, the stay of unaccompanied minors can also be tolerated if their removal is prevented by practical reasons for which the individual concerned is not accountable (Art. 46a para 1 subpara 3 Aliens Police Act 2005).[224] Individuals unable to be removed (immediately) generally receive basic welfare support (Art. 2 para 1 and Art. 6 Basic Welfare Support Agreement). The special provisions for "unaccompanied foreign minors" in Art. 7 of the Basic Welfare Support Agreement – Art. 15a Federal Constitutional Act also apply to unaccompanied minors who are unable to be removed (immediately) (see sections 3.1 and 3.2).

As is generally the case for rejected asylum seekers, unaccompanied minors whose stay in Austria is tolerated are not entitled to integration benefits but are permitted to remain employed with a work permit until a final decision is issued. Unaccompanied minors of school age may also continue to attend school (Lukits, 2016d:42). As part of basic welfare support, unaccompanied minors whose stay is tolerated are entitled to medical care provided by statutory health insurance coverage as specified in the General Social Insurance Act (Art. 6 para 1 subpara 5 Basic Welfare

222 Austrian Red Cross, *der Suchdienst des* Österreichischen *Roten Kreuzes,* available at www.roteskreuz.at/migration-suchdienst/suchdienst/ (accessed on 17 December 2017).

223 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

224 For further information please see Lukits, 2016d:40–41.

Support Agreement). As guardianship does not depend on the minor's residence status, any such arrangement continues even in the case of tolerated stay.

6.7.1 Termination of tolerated stay

Since unaccompanied minors receive this status for practical reasons, the tolerated stay terminates if these reasons cease to exist. According to the Federal Office for Immigration and Asylum, prerequisites for the granting of tolerated stay include the absence of travel documents or the failure of embassies to issue replacement travel documents. Tolerated stay durations depend on the various problems in the individual case and can vary widely.[225] If the conditions for tolerated stay persist and the stay of the individual concerned has been tolerated for at least one year, the stay can be legalized under certain conditions (Lukits, 2016d:41). A Residence Permit for Individual Protection can be granted in such cases, either on application or ex officio (Art. 57 para 1 subpara 1 Asylum Act 2005). An expert from the Federal Office for Immigration and Asylum reports that, on the whole, tolerated stay is granted to unaccompanied minors only in rare cases.[226]

6.7.2 Impact on the well-being of unaccompanied minors

No significant and comprehensive evaluations or information could be identified concerning the impact that such a delay in return and period of tolerated stay might have on the well-being of unaccompanied minors. According to an expert from Asylkoordination, such a situation is generally extremely difficult for the minor concerned and may also have a negative impact on other unaccompanied minors staying at the same facilities, since they are exposed to the additional stress of experiencing frequent visits from aliens police officers.[227]

225 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

226 Ibid.

227 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

7. ABSCONDING

In Austria, unaccompanied minors sometimes disappear from care facilities operated by the Federal State or the provinces (see immediately below). This chapter examines the phenomenon of absconding. Following a general overview, discussion is devoted in particular to preventive and follow-up measures, and to the effects of absconding on an unaccompanied minor's asylum procedure or residence status.

7.1 Overview of the phenomenon

While no official statistics are available and no detailed evaluation of this topic is known, several studies and reports nonetheless discuss the phenomenon of absconding in the Austrian context (European Commission, 2013:47; Fronek/Rothkappel, 2013:24–25; Koppenberg, 2014:77; Heilemann, 2017:3–4). In addition, experts interviewed for this study confirmed that unaccompanied minors abscond from both federal reception centres and those operated by the provinces, thereby withdrawing themselves from the asylum procedure.[228]

7.1.1 Occasion for absconding

Various observations exist that relate to the occasion for absconding. In a response to a question from parliament, the Federal Ministry of the Interior notes that an individual may "abscond" at any stage of the asylum procedure.[229] Fronek and Rothkappel (2013:24–25) as well as experts interviewed for the 2014 EMN study on unaccompanied minors report

228 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017; Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018; Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

229 Federal Ministry of the Interior, *Antwort auf die schriftliche parlamentarische Anfrage betreffend "vermisste unbegleitete Minderjährige" 8635/AB vom 7. Juni 2016 zu 9051/J (XXV.GP),* available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_08635/imfname_539685.pdf (accessed on 27 December 2017).

that such individuals disappear especially frequently during the admission procedure at the reception centre at Traiskirchen, before being granted any status or being assigned a guardian (Koppenberg, 2014:77–78). Individuals are generally unlikely to abscond after receiving residence status.[230] Beyond this, specific occasions are mentioned, such as the receipt of a negative asylum decision or a decision declaring that, based on the Dublin III Regulation, Austria is not competent for the procedure (Koppenberg, 2014:77).

7.1.2 Reasons for absconding

Unaccompanied minors have many reasons for absconding. According to experts interviewed for this study, one key motivation is the fact that these young people have not yet reached their country of destination, or wish to locate relatives or friends in another Member State.[231] Other potential reasons named include the chances of being granted asylum in Austria, if these are (or are perceived as being) limited (Koppenberg, 2014:78–79), and disappointment at the situation in Austria.[232]

Other reasons cited by experts interviewed for the 2014 EMN study include the long duration of asylum procedures, along with extended waiting periods for a final decision, the receipt of a negative decision, and the possibility of evading removal. Victims of human trafficking who disappear from care facilities are usually coerced into doing so (Koppenberg, 2014:78–79). Other reasons that may encourage unaccompanied minors to abscond, as identified by Fronek/Rothkappel, include the fear of an inaccurate or unwanted age assessment, imminent detention pending removal, and transfer to a Dublin state (Fronek/Rothkappel, 2013:25).

230 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

231 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017; Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

232 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

7.2 Procedures in response to absconding

When an unaccompanied minor absconds, the operator of the care facility concerned first informs the child and youth welfare authorities (European Commission, 2013:23). Whether or how soon a police report is filed usually depends on the individual case and circumstances. Any suspicion that the unaccompanied minor might be the victim of a crime (such as human trafficking) is reported to the police. In all other cases, the competent youth welfare authority is informed on the following day and can then introduce the necessary measures (Koppenberg, 2014:79–80). Facilities operated in the provinces as part of basic welfare support are obliged to file a missing persons report after 24 hours and the corresponding procedure is subsequently instigated.[233]

If the minor's guardian files a report, the competent police station issues a missing persons alert in Austria's criminal intelligence database (EKIS), which also triggers an automated report in the Schengen Information System (SIS II). This allows search data to be viewed in the 28 Schengen states.[234]

A Missing Persons Competence Centre (KAP)[235] was also established in 2013 by the Criminal Intelligence Service Austria. The activities of this unit include maintaining contacts with authorities in Austria and other countries as well as prevention. In recent years, the KAP has also focused more strongly on missing unaccompanied minors from third countries since such individuals are classified as a vulnerable group.[236] In this context, information is exchanged on a regular basis with the office for combating human trafficking and people smuggling of the Criminal Intelligence

233 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

234 Federal Ministry of the Interior, Antwort auf die schriftliche parlamentarische Anfrage betreffend "vermisste unbegleitete Minderjährige" 8635/AB vom 7. Juni 2016 zu 9051/J (XXV.GP), p. 1, available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_07968/imfname_526194.pdf (accessed on 21 December 2017).

235 Criminal Intelligence Service Austria, *Fahndung & Internationales – Kompetenzzentrum für Abgängige Personen (KAP),* available at www.bundeskriminalamt.at/404/start.aspx (accessed on 17 November 2017).

236 Criminal Intelligence Service Austria, *Kompetenz im Bereich Vermisstenmanagement ausgebaut*. Press Release, Vienna, 27 October 2017, available at www.bundeskriminalamt.at/news.aspx?id=434C564A763434336971633D (accessed on 17 November 2017).

Service Austria.[237] In general, however, a lack of data and specific information about minor refugees makes it difficult or even impossible to locate them once they have absconded.[238]

7.3 Measures to prevent absconding

Since Austria follows the principle of housing asylum seekers in open facilities, unaccompanied minors cannot be wholly prevented from absconding (see more section 7.5).[239] However, experts interviewed for this study observe that providing information on the minor's situation and prospects in Austria can be especially effective in preventing absconding.[240] Experts from the Federal Ministry of the Interior recommend informing the individuals about their chances and opportunities. Examples of such information include the fact that absconding is detrimental to the person's residence status, while active participation in return and reintegration projects can help the individual return in safety and receive support. Return counselling can also be viewed as an effective measure in this context.[241]

Measures to prevent absconding after a return decision

To prevent absconding in response to a return decision, a period for voluntary departure can be granted while imposing certain requirements (Art. 56 Aliens Police Act 2005). These requirements include in particular the order to reside within a certain administrative district, to report regularly to a police station, to surrender documents for safekeeping or to make a security deposit (Art. 56 Aliens Police Act 2005).

237 Ibid.

238 Criminal Intelligence Service Austria, *Informationen zum Tag der vermissten Kinder. Press Release, Vienna, 24 May 2017,* available at www.bundeskriminalamt.at/news.aspx?id=774C525368574A2B7755633D (accessed on 17 November 2017).

239 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

240 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017; Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

241 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

If there is a risk of absconding, detention pending removal can be ordered as a last resort, but only if proportionate and no alternative to detention is applicable (Art. 76 para 1 and 2 Aliens Police Act 2005). These "alternatives to detention" include the obligation to stay in a specific place of accommodation, to report periodically to a police station or to deposit a financial security with the Federal Office for Immigration and Asylum (Art. 77 para 3 Aliens Police Act 2005). The list of alternatives to detention given by the Aliens Police Act 2005 is not exhaustive, however, since it is introduced with "in particular" (*insbesondere*) (Heilemann/Lukits, 2017:39). In the case of minors aged 14 and over, the Federal Office for Immigration and Asylum is required to apply alternatives to detention unless certain facts justify the assumption that such measures will be unable to achieve the purpose of detention. Art. 80 para 2 Aliens Police Act 2005 specifies that minors aged 14 and over may not be held in detention for more than three months.

7.4 Impact on the procedure under aliens law and on residence status

Absconding is especially relevant for an unaccompanied minor's situation if the individual's asylum procedure is pending or if the minor absconds after receiving a return decision.

Unaccompanied minors still in asylum procedures who withdraw from their procedure by absconding are excluded from basic welfare support and their procedure is terminated.[242] Any residence status previously granted to a minor cannot be withdrawn in the event of their disappearance. Minors holding asylum status in Austria who are apprehended in another country are returned to Austria.[243]

If an unaccompanied minor absconds after receiving a return decision, however, that decision remains in force; in contrast to an asylum procedure, a return procedure is not terminated if the individual withdraws by

242 Ibid.

243 Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

absconding.[244] In addition, an apprehension order is usually issued. The specific measures then taken if apprehension is successful – such as detention – will depend on the individual case.[245]

7.5 Challenges related to absconding

In practice, various challenges are observed in connection with the absconding of unaccompanied minors.

Above all, the safety of minors can no longer be guaranteed and they may expose themselves to dangers if they leave their facility by absconding.[246] This problem is also described by the experts interviewed for the 2014 EMN study. Minors are at risk of being exploited by third parties, for instance (Koppenberg, 2014:79).

Similarly, Fronek and Rothkappel (2013:24–25) identify in particular "the safety of children who have become the victims of human trafficking" as "not adequately ensured" in the country report entitled *Implementing the Core Standards for Guardians of Separated Children in Europe. Country Assessment: Austria* (ibid., 2013:25). As mentioned above, in certain cases unaccompanied minors withdraw from the asylum procedure by absconding during their stay at initial reception facilities. Rothkappel and Fronek point to the lack of protection resulting from undefined responsibility for guardianship as one reason for this behaviour (ibid.). The Federal Ministry of the Interior refers in this context to the fact that, because of their special situation, unaccompanied minors are attended more closely. An example is the additional support provided by individuals referred to as "remuneration mothers", who are appointed for minors in an initial reception facility in consultation with child and youth welfare authorities. Such "mothers" accompany the minors, for example when they go outside the reception facility.[247] As described above, Austria follows the principle of housing

244 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

245 Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

246 Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

247 Written input by the Federal Ministry of the Interior, 22 March 2018.

asylum seekers in open facilities, and unaccompanied minors are not detained, also not in the federal reception system. When a minor is discovered to have absconded, notification is immediately made to the competent child and youth welfare authority as well as to security authorities.[248] The Federal Ministry of the Interior additionally refers in this context to the responsibility of the competent child and youth welfare authority as laid down in the General Civil Code (see Art. 207 et seq. General Civil Code).[249]

The identification of foreign minors is generally difficult as the current provision of the Eurodac Regulation restricts the fingerprinting of individuals to those aged 14 and over (Lukits 2017c:30). This age limit is expected to be lowered to six according to a current proposal by the European Commission for amending the Eurodac Regulation (Lukits/Heilemann, 2017:64).[250]

248 Ibid.

249 Ibid.

250 European Commission, *Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast), 4 May 2016, COM (2016) 272 final,* available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:0272:FIN (accessed on 12 December 2017).

ANNEX

A.1 List of translations and abbreviations

English term	English abbreviation	German term	German abbreviation
Act Amending Childship and Name Law 2013	–	Kindschafts- und Namensrechts-Änderungsgesetz 2013	KindNamRÄG 2013
Act Amending the Aliens Law	–	Fremdenrechtsänderungsgesetz	–
Act Governing the Employment of Foreigners	–	Ausländerbeschäftigungsgesetz	AuslBG
administrative decision	–	Bescheid	–
Administrative High Court	–	Verwaltungsgerichtshof	VwGH
admission procedure	–	Zulassungsverfahren	–
aliens law	–	Fremdenrecht	–
aliens police	–	Fremdenpolizei	–
Aliens Police Act 2005	–	Fremdenpolizeigesetz 2005	FPG
alternative to detention	–	gelinderes Mittel	–
Anti-Face-Covering Act	–	Anti-Gesichtsverhüllungsgesetz	AGesVG
Asylum Act 2005	–	Asylgesetz 2005	AsylG 2005
Austrian Integration Fund	–	Österreichischer Integrationsfonds	ÖIF
Austrian Ombudsman Board	AOB	Volksanwaltschaft	–
Austrian People's Party	–	Österreichische Volkspartei (auch Neue Volkspartei)	ÖVP
Basic Welfare Support Agreement	–	Grundversorgungsvereinbarung	GVV
beneficiary of subsidiary protection status	–	subsidiär Schutzberechtigter	–
best interests of the child	–	Kindeswohl	–
child and youth welfare	–	Kinder- und Jugendhilfe	–
child and youth welfare authority	–	Kinder- und Jugendhilfeträger	KJHT
common study template	–	gemeinsame Studienvorlage	–
complaint	–	Beschwerde	–
Compulsory Education Act	–	Ausbildungspflichtgesetz	ApflG
Compulsory Schooling Act	–	Schulpflichtgesetz	–
counsellor-to-client ratio	–	Betreuungsschlüssel	–
Criminal Intelligence Service Austria	–	Bundeskriminalamt	BK
departure	–	Ausreise	–
detention pending removal	–	Schubhaft	–
Electronic Criminal Information System	–	Elektronisches Kriminal-polizeiliches Informationssystem	EKIS

English term	English abbreviation	German term	German abbreviation
European Commission	–	Europäische Kommission	–
European Convention on Human Rights	ECHR	Europäische Menschenrechts-konvention	EMRK
European Economic Area	EEA	Europäischer Wirtschaftsraum	EWR
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Reintegration Network	ERIN	Europäisches Netz zur Wiedereingliederung	ERIN
European Union	EU	Europäische Union	EU
European Union Agency for Fundamental Rights	FRA	Agentur der Europäischen Union für Grundrechte	FRA
exceptional pupils or students	–	Außerordentliche Schüler	–
family members	–	Familienangehörige	–
Federal Administrative Court	–	Bundesverwaltungsgericht	BVwG
Federal Basic Welfare Support Act	–	Grundversorgungsgesetz Bund	GVG-B
Federal Chancellery	–	Bundeskanzleramt	BKA
Federal Children and Youth Service Act 2013	–	Bundes-Kinder- und Jugendhilfegesetz 2013	B-KJHG 2013
Federal Constitutional Act on the Rights of Children	–	Bundesverfassungsgesetz über die Rechte von Kindern	Rechte von Kindern
Federal Government	–	Bundesregierung	
Federal Hospitals Act	–	Krankenanstalten- und Kuranstaltengesetz	KAKuG
Federal Law Gazette	FLG	Bundesgesetzblatt	BGBl.
Federal Ministry for Europe, Integration and Foreign Affairs	–	Bundesministerium für Europa, Integration und Äußeres	BMEIA
Federal Ministry Law	–	Bundesministeriengesetz	BMG
Federal Ministry of Constitution, Reform, Deregulation and Justice	–	Bundesministerium für Verfassung, Reformen, Deregulierung und Justiz	BMJ
Federal Ministry of Families and Youth	–	Bundesministerium für Familien und Jugend	BMFJ
Federal Ministry of Labour, Social Affairs and Consumer Protection	–	Bundesministerium für Arbeit, Soziales und Konsumentenschutz	BMASK
Federal Ministry of the Interior	–	Bundesministerium für Inneres	BMI
Federal Office for Immigration and Asylum	–	Bundesamt für Fremdenwesen und Asyl	BFA
Federal Office for Immigration and Asylum Procedures Act	–	BFA-Verfahrensgesetz	BFA-VG
federal reception centres	–	Betreuungseinrichtung des Bundes	–
Federal State	–	Bund	–
final [with respect to decisions]	–	rechtskräftig	–

English term	English abbreviation	German term	German abbreviation
Freedom Party of Austria	–	Freiheitliche Partei Österreich	FPÖ
General Administrative Procedures Act	–	Allgemeines Verwaltungsverfahrensgesetz	AVG
General Civil Code	–	Allgemeines Bürgerliches Gesetzbuch	ABGB
General Social Insurance Act	–	Allgemeines Sozialversicherungsgesetz	ASVG
good practices	–	bewährte Praktiken	–
guardian	–	Obsorgeberechtigte/r	–
guardianship	–	Obsorge	–
Human rights Association Austria	–	Verein Menschrechte Österreich	VMÖ
Initial Reception Centre	–	Erstaufnahmestelle	EAST
Integration Act	–	Integrationsgesetz	IntG
Integration Agreement	–	Integrationsvereinbarung	–
Integration Year Act	–	Integrationsjahresgesetz	IJG
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
IOM Country Office for Austria	–	IOM Landesbüro für Österreich	–
Member State	MS	Mitgliedstaat	–
minors	–	Minderjährige	–
Minors and Youth Employment Act 1987	–	Kinder- und Jugendlichen-Beschäftigungsgesetz 1987	KJBG
Missing Persons Competence Centre	–	Kompetenzzentrum für abgängige Personen	KAP
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
National Council	–	Nationalrat	NR
Needs-based minimum benefit system	–	Bedarfsorientierte Mindestsicherung	–
NEOS – The New Austria	NEOS	NEOS – Das Neue Österreich	NEOS
non-governmental organization	NGO	Nichtregierungsorganisation	NRO
Official Journal of the European Union	OJ	Amtsblatt der Europäischen Union	ABl.
Penal Sanctions Enforcement Act	–	Strafvollzugsgesetz	StVG
persons granted asylum	–	Asylberechtigte	–
police administration(s) of the provinces	–	Landespolizeidirektion(en)	LPD
Police Dention Centre	–	Polizeianhaltezentrum	–
province	–	Bundesland	–
provincial government	–	Landesregierung	–
Provincial Law Gazette	PLG	Landesgesetzblatt	LGBl.
Public Employment Service	–	Arbeitsmarktservice	AMS
Red-White-Red Card (Plus)	RWR Card	Rot-Weiß-Rot – Karte (plus)	RWR – Karte

English term	English abbreviation	German term	German abbreviation
removal	–	Abschiebung	–
replacement travel documents	–	Ersatzreisedokument	–
residence permit (plus)	–	Aufenthaltsberechtigung (plus)	–
Residence Permit for Individual Protection	–	Aufenthaltsberechtigung besonderer Schutz	–
residence title	–	Aufenthaltstitel	–
return decision	–	Rückkehrentscheidung	–
Return Directive	–	Rückführungsrichtlinie	–
return, forced	–	Rückführung	–
Schengen Borders Code	–	Schengener Grenzkodex	–
School Education Act	–	Schulunterrichtsgesetz	–
second generation Schengen Information System	SIS II	Schengener Informationsystem der zweiten Generation	SIS II
settlement	–	Niederlassung	–
Settlement and Residence Act	–	Niederlassungs- und Aufenthaltsgesetz	NAG
skilled workers	–	Fachkräfte	–
smuggling of migrants	–	Schlepperei	–
Social Democratic Party of Austria	–	Sozialdemokratische Partei Österreichs	SPÖ
sponsor	–	Bezugsperson/zusammenführende Person	–
Supreme Court	–	Oberster Gerichtshof	OGH
suspensive effect	–	aufschiebende Wirkung	–
system for comparing fingerprint data of applicants for asylum	Eurodac	System zum Abgleich der Fingerabdruckdaten von Asylwerbern	Eurodac
Temporary Residence Permit	–	Aufenthaltsbewilligung	–
third-country nationals	–	Drittstaatsangehörige	–
tolerated stay	–	Duldung	–
unaccompanied minors	UAM	Unbegleitete Minderjährige	–
United Nations High Commissioner for Refugees	UNHCR	Flüchtlingshochkommissariat der Vereinten Nationen	UNHCR
Viennese minimum benefit system Act	–	Wiener Mindestsicherungsgesetz	WMG
vocational education and training	–	Berufsausbildung	BAG
work permit	–	Beschäftigungsbewilligung	–

A.2 Bibliography

Literature

Asylkoordination Österreich

2017a *Unbegleitete minderjährige Flüchtlinge (UMF) in Österreich. Infoblatt der Asylkoordination Österreich Nr. 1.* Asylkoordination Österreich, Vienna. Available at www.asyl.at/de/themen/umf/ (accessed on 8 January 2018).

2017b *Umfrage der Asylkoordination Österreich unter UMF-Betreuungsstellen zu „Erhöhter Betreuungsbedarf bei unbegleiteten minderjährigen Fremden".* Asylkoordination Österreich, Vienna. Available at www.asyl.at/de/themen/umf/literaturzuumf/ (accessed on 17 January 2018).

Asylkoordination Österreich et al.

2010 *Challenges for Separated Children in Austria, Denmark, Poland, Slovakia and Slovenia. A Compilation Report gathering the findings of desk studies carried out by the partners in the Daphne project; "Better Integration of Separated Children".* Asylkoordination Österreich et al., Vienna. Available at www.asyl.at/de/themen/umf/literaturzuumf/ (accessed on 12 November 2017).

Atteneder, V.

2014 *„Die Integration von (ehemaligen) unbegleiteten minderjährigen Flüchtlingen in Österreich".* Master Thesis, University of Vienna.

Austrian Ombudsman Board

2017 *Sonderbericht der Volksanwaltschaft 2017 – Kinder und ihre Rechte in öffentlichen Einrichtungen.* Austrian Ombudsman Board, Vienna. Available at www.kija-ooe.at/Mediendateien/Sonderbericht_Kinderrechte_2017_15a74.pdf (accessed on 11 January 2018).

Blecha, D.

2012 *Best practices for a coordinated approach to assist (former) unaccompanied minor asylum seekers in Austria. National Report for the study "Best practices for a coordinated approach to Assist Unaccompanied Minor Asylum Seekers and Former Unaccompanied*

Minor Asylum Seekers in EU Member States (CAUAM)". IOM, Vienna. Available at www.iomvienna.at/sites/default/files/CAUAM_National_Report_Austria_Engl_29022012.pdf (accessed on 16 November 2014).

European Commission

2013 *Missing children in the European Union Mapping, data collection and statistics.* European Commission – Directorate-General for Justice, Luxembourg. Available at http://ec.europa.eu/justice/fundamental-rights/files/missing_children_study_2013_en.pdf (accessed on 17 November 2017).

European Migration Network

2012 *Asylum and Migration Glossary 2.0.* Available at www.emn.at/en/publications/glossary/ (accessed on 22 January 2018).

2014 *Aslyum and Migration Glossary 3.0.* Available at www.emn.at/en/publications/glossary/ (accessed on 22 January 2018).

European Union Agency for Fundamental Rights

2015 *Weekly data collection on the situation of persons in need of international protection. Update #1–28 September–2 October 2015.* FRA, Luxembourg. Available at http://fra.europa.eu/en/theme/asylum-migration-borders/overviews (accessed on 16 January 2018).

Fronek, H.

2010 *Unbegleitete minderjährige Flüchtlinge in Österreich.* Mandelbaum Verlag, Vienna.

Fronek, H. and M. Rothkappel

2013 *Implementing the Core Standards for Guardians of Separated Children in Europe. Country Assessment: Austria.* Asylkoordination Österreich, Leiden. Available at www.corestandardsforguardians.com/images/23/327.pdf (accessed on 8 January 2018).

2013 *Umsetzung grundlegender Standards für Obsorgeberechtigte von unbegleiteten minderjährigen Flüchtlingen – Länderbericht Österreich.* Asylkoordination Österreich, Vienna. Available at www.asyl.at/de/themen/umf/literaturzuumf/ (accessed on 17 November 2017).

Fuchs, C.
2011 Kinderrechte in der Verfassung: Das BVG über die Rechte von Kindern. In: Lienbacher, G. and G. Wielinger (eds.), *Jahrbuch Öffentliches Recht 2011.* Neuer Wissenschaftlicher Verlag, Vienna, p. 91–110.

Ganner, M., S. Jicha and K. Weber
2016 *Gutachten zu Rechtsproblemen von SOS-Kinderdorf – Österreich mit unbegleiteten minderjährigen Flüchtlingen.* SOS-Kinderdorf, Innsbruck. Available at www.sos-kinderdorf.at/getmedia/62987502-9d66-4629-8679-9b811351d943/Gutachten-SOS-Kinderdorf-Mindestsicherung.pdf (accessed on 11 January 2018).

Heilemann, S. and R. Lukits
2017 *The Effectiveness of Return in Austria – Challenges and Good Practices Linked to EU Rules and Standards.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/12/EMN-National-Report-2017_Effectiveness-of-Return-in-Austria.pdf (accessed on 14 March 2018).

Kasper, L.
2016 *Kinder auf der Flucht Eine Kritik der derzeitigen Lage der Kinderrechte im Asyl- und Fremdenrechtsbereich.* Don Bosco Flüchtlingswerk, Vienna. Available at www.spattstrasse.at/sites/default/files/bericht_kinderrechte_juni_2016.pdf (accessed on 11 January 2018).

Koppenberg, S.
2014 *Unaccompanied Minors in Austria – Legislation, Practices and Statistics.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/01/EMN_UAM-Study2014_AT_EMN_NCP_eng.pdf (accessed on 16 November 2014).
2015 *Integration of Beneficiaries of International Protection and Holders of Humanitarian Residence Titles into the Labour Market: Policies and Measures in Austria.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/01/EMN_Integration2015_AT_EMN_NCP_en.pdf (accessed on 20 January 2018).

2016 *Austria – Annual Policy Report 2015.* IOM, Wien. Verfügbar auf www.emn.at/wp-content/uploads/2016/12/Annual-Policy-Report-Austria-3.pdf (Zugriff am 6. Februar 2018).

König, A. and A. Kraler
2013 *Family Reunification – a barrier or facilitator of integration? – Country Report Austria – Summary.* International Centre for Migration and Policy Development (ICMPD), Vienna. Available at http://research.icmpd.org/fileadmin/Research-Website/Project_material/Family_Reunification_EIF/Austria-DE5.pdf (accessed on 10 January 2018).

Lukits, R.
2016b F*amily Reunification of Third-Country Nationals in Austria.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/07/National-Report-Austria_EMN-Study-on-Illegal-Employment_revised-2.pdf (accessed on 16 January 2018).
2016d *The Return of Rejected Asylum-Seekers from Austria.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2016/12/The-return-of-rejected-asylum-seekers-from-Austria.pdf (accessed on 17 November 2017).
2017c *The Establishment of Identity in the Austrian Migration Process.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/11/EMN-National-Report-2017_Establishment-of-Identity-in-the-Austrian-Migration-Process.pdf (accessed on 10 January 2018).

Mancheva, M. and A. Nonchev (eds.)
2013 *Assisting and Reintegrating Child Victims of Trafficking – Improving Policy and Practice in the EU Member States.* Center for the Study of Democracy, Sofia. Available at www.csd.bg/artShowbg.php?id=16445 (accessed on 3 December 2017).

National Contact Point Austria in the European Migration Network
2017 *Austria – Annual Policy Report 2016.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2016/12/APR-2016_National-Report-Austria-Part-2_Final.pdf (accessed on 6 February 2018).

Rothkappel, M.
2014 *"Adult over night?" Separated Young People in Transition to Adulthood in Austria.* Master Thesis, University of Vienna.

Rutz, J.
2014 *Austria's Return Policy: Application of Entry Bans Policy and Use of Readmission Agreements.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/01/EMNReturnStudy2014_AT-NCP_eng.pdf (accessed on 6 January 2018).

Rutz, J. and H. Chahrokh
2015 *Dissemination of Information on Voluntary Return within Austria: How to reach irregular Migrants not in contact with the Authorities.* IOM, Vienna. Available at www.emn.at/wp-content/uploads/2017/01/EMN_InfoOnReturn2015_AT-EMN-NCP_en.pdf (accessed on 20 January 2018).

Journal Articles

Ganner, M., S. Jicha and K. Weber
2017 Das Recht unbegleiteter minderjähriger Flüchtlinge auf Versorgung durch die Kinder- und Jugendhilfe – Grundversorgung – Mindestsicherung – Obsorge – Rechtsvergleich mit Deutschland. In: *Interdisziplinäre Zeitschrift für Familienrecht–iFamZ 1/2017,* p. 20–25.

Glawischnig, K.
2016 Ein Flüchtlingskind in die Familie aufnehmen. In: *asyl aktuell 1/2016,* p. 28–35.

Heilemann, S.
2017 The Accommodation and Care System for Unaccompanied Minors in Austria. In: *Social Work and Society, 1/2017,* p. 1–18. Available at www.socwork.net/sws/article/view/494/998 (accessed on 23 November 2017).

Lukits, R.
2016a Die Obsorge für unbegleitet Minderjährige – Teil I: Internationale Zuständigkeit. In: *Zeitschrift für Familien und Erbrecht 6/2016,* p. 298–304.
2016c Staatliche Rückkehrhilfe für Minderjährige. In: *Fremden- und Asylrechtliche Blätter FABL 2/2016-I,* p. 49–56.
2017a Die Obsorge für unbegleitete minderjährige Asylwerber – Teil III: Österreichisches Privatrecht. In: *Zeitschrift für Familien und Erbrecht 2/2017,* p. 61–63.
2017b Die Obsorge für unbegleitete minderjährige Asylwerber – Teil III: Internationales Privatrecht. In: *Zeitschrift für Familien und Erbrecht 1/2017,* p. 15–19.
2017d Die gesetzliche Krankenversicherung von Asylwerbern und Asylberechtigten. In: *migralex 1/2017,* p. 15–22.

Lukits, D. and R. Lukits
2014 Grundrechtliche Vorgaben der medizinischen Altersuntersuchung im Asylverfahren. In: *Zeitschrift für Familien und Erbrecht 2/2014;* p. 56–61.

Staffe, M.
2013 Das Bundes-Kinder- und Jugendhilfegesetz 2013. In: *Interdisziplinäre Zeitschrift für Familienrecht–iFamZ 3/2013,* p. 121–123.

United Nations High Commissioner for Refugees (UNHCR)
2015 *Subsidiär Schutzberechtigte in Österreich.* UNHCR, Vienna. Available at www.unhcr.org/dach/wp-content/uploads/sites/27/2017/03/Bericht_subsidiaerer_Schutz.pdf (accessed on 15 January 2018).

United Nations High Commissioner for Refugees (UNHCR) and Council of Europe
2014 *Unaccompanied and Separated Asylum-seeking and Refugee Children Turning Eighteen: What to Celebrate?.* UNHCR/COE, Strasbourg. Available at www.refworld.org/docid/53281A864.html (accessed on 8 January 2018).

Caritas Österreich

2015 *Stellungnahme zum Entwurf eines Bundesgesetzes, mit dem das Asylgesetz 2005 geändert wird,* available at www.parlament.gv.at/PAKT/VHG/XXV/SNME/SNME_05388/imfname_491018.pdf (accessed on 15 January 2018).

Diakonie Refugee Service et al.

n.d. *Verpflichtungen gegenüber unbegleiteten minderjährigen Flüchtlingen einhalten!,* available at http://archiv.asyl.at/fakten_2/umf_forderungen_220615.pdf (accessed on 22 December 2017).

European Comission

2016 *Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a thirdcountry national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast), 4 Mai 2016, COM(2016) 272 final,* available at http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:0272:FIN (accessed on 12 December 2018).

Federal Ministry of Education

2016 *Pädagogischer Erlass zur Umsetzung sowie Qualitätsentwicklung und Qualitätssicherung der Sprachförderkurse/Sprachstartgruppe.* Federal Ministry of Education, Vienna, available at www.bmb.gv.at/schulen/recht/erlaesse/Erlass.pdf?61edvl (accessed on 9 January 2018).

2017 *Flüchtlingskinder und Jugendliche an österreichischen Schulen, Beilage zum Rundschreiben Nr.21/2017.* Federal Ministry of Education, Vienna, available at www.bmb.gv.at/ministerium/rs/2017_21_beilage.pdf?63icq5 (accessed on 29 January 2018).

Federal Ministry for Europe, Integration and Foreign Affairs

2015a *Integrationsbericht 2015: Bisher Erreichtes und Leitgedanken für die Zukunft.* BMEIA, Vienna, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2015/IB15_DE_150623_web.pdf (accessed on 11 January 2018).

2015b *50 Punkte – Plan zur Integration von Asylberechtigten und subsidiär Schutzberechtigten in Österreich.* BMEIA, Vienna, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Publikationen/Integrationsplan_final.pdf (accessed on 11 January 2018).

Federal Ministry of the Interior

2016a *Antwort auf die schriftliche parlamentarische Anfrage betreffend „10.000 Flüchtlingskinder in Europa verschwunden"* 7968/AB vom 18. April 2016 zu 8349/J (XXV.GP), available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_07968/imfname_526194.pdf (accessed on 21 December 2017).

2016b *Antwort auf die schriftliche parlamentarische Anfrage betreffend "vermisste unbegleitete Minderjährige"* 8635/AB vom 7. Juni 2016 zu 9051/J (XXV.GP), available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_08635/imfname_539685.pdf (accessed on 27 December 2017).

2017 *Antwort auf die schriftliche parlamentarische Anfrage betreffend „minderjährige und unbegleitete minderjährige Flüchtlinge in Einrichtungen des Bundes und der Länder"* 13245/AB vom 8. November 2017 zu 14054/J (XXV.GP), available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_13245/imfname_673597.pdf (accessed on 21 December 2017).

Unselbständiger Entschließungsantrag

2015 *Unselbständiger Entschließungsantrag der Abgeordneten Dr. Nikolaus Scherak, Kolleginnen und Kollegen betreffend Erhöhung der Tagessätze in der Grundversorgung für unbegleitete minderjährige Flüchtlinge, 25 February 2015,* available at www.parlament.gv.at/PAKT/VHG/XXV/UEA/UEA_00336/index.shtml (accessed on 22 December 2017).

European Legislation

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, 24 December 2008, OJ 2008 L 348/98.

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ 2013 L 180/96.

Austrian Legislation

Act Amending Childship and Name Law 2013, FLG I No 15/2013.

Act Amending the Asylum Act 2005, Aliens Police Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No 24/2016.

Act Amending the Aliens Law 2015, FLG I No 70/2015.

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

Act Amending the Aliens Law 2017, FLG I No 145/2017.

Act Governing the Employment of Foreigners, FLG No 218/1975, in the version of FLG I No 66/2017.

Agreement between the Federal Government and the Provinces Pursuant to Article 15a of the Federal Constitutional Act, Concerning an Increase of Selected Maximum Amounts Laid Down in Art. 9 of the Basis Welfare Support Agreement, Resolution of the National Council, available at www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR_00279/fname_493137.pdf (accessed on 12 January 2018).

Aliens Police Act 2005, FLG I No 100/2005, in the version of FLG I No 145/2017.

Asylum Act 2005, FLG I No 100/2005, in the version of FLG I No 145/2017.

Basic Welfare Support Agreement, FLG I No 80/2004.

Federal Children and Youth Services Act 2013, FLG I No 69/2013.

Federal Constitutional Act on the Rights of Children, FLG I No 4/2011.

Federal Ministry Law, FLG No 76/1986, in the version of FLG I No 164/2017.

Federal Office for Immigration and Asylum Procedures Act, FLG I No 87/2012, in the version of FLG I No 17/2016.

General Administrative Procedures Act 1991, FLG No 51/1991, in the version of FLG I No 161/2013.
General Civil Code, JGS No 946/1811, in the version of FLG I No 161/2017.
General Social Insurance Act, in the version of FLG I No 61/2010.
Integration Act and Anti-Face-Covering act, Settlement and Residence Act, Asylum Act 2005, Aliens Police Act 2005, the Citizenship Act 1985 and the Road Traffic Act 1960, 2017, Government Proposal, available at www.parlament.gv.at/PAKT/VHG/XXV/I/I_01586/fname_624800.pdf (accessed on 8 January 2018).
Integration Act, FLG I No 68/2017.
Integration Act, FLG I No 68/2017, in the version of FLG I No 86/2017.
Integration Year Act, FLG I No 75/2017.
Integration Year Act 2017, Government Proposal, Explanatory Notes, available at www.parlament.gv.at/PAKT/VHG/XXV/I/I_01585/fname_624796.pdf (accessed on 9 January 2018).
Minimum Standards Relating to Accommodation Under the Basic Welfare Support System in Austria, resolution of the coordinating council of the Federal State and the provinces, available at www.burgenland.at/fileadmin/user_upload/Bilder/Land_und_Politik/Wohnraumspende/Mindeststandards.pdf (accessed on 29 March 2018).
Minors and Youth Employment Act 1987, FLG No 599/1987, in the version of FLG I No 40/2017.
Penal Sanctions Enforcement Act, FLG No 144/1969, in the version of FLG No 424/1974.
School Education Act, FLG No 472/1986, in the version of FLG I No 138/2017.
School Organization Act, FLG No 242/1962, in the version of FLG I No 138/2017.
Settlement and Residence Act, FLG I No 100/2005, in the version of FLG I No 145/2017.
Supreme Court 14 February 2006, 4 Ob 7/06t.
The Compulsory Education Act, FLG I No 62/2016, in the version FLG I No 120/2016.
The Federal Hospitals Act, FLG No 189/1955, FLG No 1/1957, in the version of FLG I No 131/2017.
Viennese minimum benefit system Act, PLG No 29/2013.

Austrian Case Law

Administrative High Court, 20 March 2013, 2012/01/0054.
Administrative High Court, 1 April 2008, 2007/06/0262.
Supreme Court, 14 February 2006, 4Ob7/06t.

Statistics

Eurostat

n.d. Asylum and first time asylum applicants by citizenship, age and sex Annual aggregated data (rounded) [migr_asyappctza], available at http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database (accessed on 21 January 2018).

n.d. Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) [migr_asyunaa], available at http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database (accessed on 21 January 2018).

Federal Ministry of the Interior

n.d. Asylum Statistics 2013, available at www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Asylstatistik_Jahresstatistik_2013.pdf (accessed on 6 January 2018).

n.d. Asylum Statistics 2014, available at www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Asyl_Jahresstatistik_2014.pdf (accessed on 6 January 2018).

n.d. Asylum Statistics 2015, available at www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Asyl_Jahresstatistik_2015.pdf (accessed on 6 January 2018).

n.d. Asylum Statistics 2016, available at www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Jahresstatistik_Asyl_2016.pdf (accessed on 6 January 2018).

n.d. Provisional Asylum Statistics December 2017, available at www.bmi.gv.at/301/Statistiken/files/2017/Asylstatistik_Dezember2017.pdf (accessed on 6 January 2018).

n.d. Statistics on negative and positive final decisions in response to applications for international protection (asylum, subsidiary protection and humanitarian protection) filed by unaccompanied minors, disaggregated by minors' gender, age and country of origin,

2015–2017. Provided by the Federal Ministry of the Interior, 24 January 2018.

Newspaper Articles and Press Releases

Criminal Intelligence Service Austria

2017 *Kompetenz im Bereich Vermisstenmanagement ausgebaut.* Press Release, 27 October 2017, available at www.bundeskriminalamt.at/news.aspx?id=434C564A763434336971633D (accessed on 17 November 2017).

2017 *Informationen zum Tag der vermissten Kinder.* Press Release, 24 May 2017, available at www.bundeskriminalamt.at/news.aspx?id=774C525368574A2B7755633D (accessed on 17 November 2017).

Federal Ministry of Labour, Social Affairs and Consumer Protection

2017 *Qualifizierungsoffensive der Bundesregierung.* Press Release, 24 February 2017, available at www.sozialministerium.at/site/Service_Medien/News_Veranstaltungen/News/Qualifizierungsoffensive_der_Bundesregierung (accessed on 9 January 2018).

Kurier

2017 *Afghanen geben Tipps für das Leben in Österreich,* 3 February 2017, available at https://kurier.at/chronik/oesterreich/afghanen-geben-tipps-fuer-das-leben-in-oesterreich/244.648.822 (accessed on 8 January 2018).

2017 *Flüchtlinge waren Top-Thema in den heimischen Zeitungen,* 13 December 2017, available at https://kurier.at/politik/inland/fluechtlinge-waren-top-thema-in-den-heimischen-zeitungen/301.917.464 (accessed on 22 December 2017).

2017 *Migration war das Top-Thema,* 13 October 2017, available at https://kurier.at/politik/inland/wahl/migration-war-das-top-thema/291.796.355 (accessed on 22 December 2017).

ORF

2017 *Kinderpsychiatrie bleibt Sorgenkind,* 23 March 2017, available at http://wien.orf.at/news/stories/2832880/ (accessed on 26 November 2017).

ORF Niederösterreich
2017 *Diakonie fordert Flüchtlings-Nachbetreuung,* 21 January 2017, available at http://noe.orf.at/news/stories/2821145/ (accessed on 8 January 2018)

Internet Sources

a:pfel
Chronik, available at www.pflegefamilie.at/ueber-uns/chronik.html (accessed on 11 January 2018).
Unbegleitete minderjährige Flüchtlinge, available at www.pflegefamilie.at/pflegefamilien/unbegleitete-fluechtlingskinder.html (accessed on 11 January 2018).
Austrian Economic Chamber
Mentoring für Migrantinnen und Migranten, available at www.wko.at/site/Mentoring/MigrantInnen/informationen_programm.html (accessed on 11 January 2018).
Mentoring für Migrantinnen und Migranten – Ergebnisse, available at www.wko.at/site/Mentoring/Ergebnisse.html (accessed on 11 January 2018).
Austrian Ombudsman Board
Serie Kinderrechte: Mangelnde Betreuung von unbegleiteten minderjährigen Flüchtlingen, available at https://volksanwaltschaft.gv.at/artikel/serie-kinderrechte-mangelnde-betreuung-von-unbegleiteten-minderjaehrigen-fluechtlingen (accessed on 22 December 2017).
Ärztekammer Oberösterreich
Infofolder September 2015 | Brennpunkt Flüchtlinge, available at www.aekooe.at/documents/3466767/4034159/SD_Fluechtlinge_lowres.pdf/a195177a-2312-4734-b922-dba34fa5ecf5?version=1.1&t=1444138192000 (accessed on 26 November 2017).
Austrian Red Cross
Der Suchdienst des Österreichischen Roten Kreuzes, available at www.roteskreuz.at/migration-suchdienst/suchdienst/ (accessed on 17 December 2017).
Family Tracing, availbale at www.roteskreuz.at/i18n/en/tracing-services/family-tracing/ (accessed on 2 February 2018).

Leistungsbereiche, available at www.roteskreuz.at/migration-suchdienst/integration/familienzusammenfuehrung/ (accessed on 20 December 2017).

Caritas&Du

Projekt „IRMA" – Rückkehrberatung, available at www.caritas.at/hilfe-beratung/migrantinnen-fluechtlinge/beratung-vertretung/rueckkehrhilfe-reintegration/irma-rueckkehrberatung/ (accessed on 15 December 2017).

Unbegleitete minderjährige Flüchtlinge, available at www.caritas.at/hilfe-beratung/migrantinnen-fluechtlinge/unterbringung-versorgung/unbegleitete-minderjaehrige-fluechtlinge/ (accessed on 5 December 2017).

WGs für unbegleitete minderjährige Flüchtlinge, available at www.caritas-wien.at/hilfe-angebote/asyl-integration/wohnen/unbegleitete-minderjaehrige-fluechtlinge/ (accessed on 16 January 2018).

Caritas&Du Wien & NÖ-Ost

Rückkehrhilfe, available at www.caritas-wien.at/hilfe-angebote/asyl-integration/beratung-fuer-fluechtlinge/rueckkehrhilfe/ (accessed on 20 January 2018).

Criminal Intelligence Service Austria

Fahndung & Internationales – Kompetenzzentrum für Abgängige Personen (KAP), available at www.bundeskriminalamt.at/404/start.aspx (accessed on 17 November 2017).

Connection People

Connection People, www.connectingpeople.at/ (accessed on 15 January 2018).

Diakonie Refugee Service

Flüchtlingsarbeit Deutschfeistritz, avaiable at www.diakoniewerk-steiermark.at/de/deutschfeistritz-fluechtlingsarbeit/ (accessed on 4 January 2018).

Jugendberatungsstelle MOZAIK, available at https://fluechtlingsdienst.diakonie.at/einrichtung/jugendberatungsstelle-mozaik (accessed on 11 January 2018).

Unbegleitete minderjährige Flüchtlinge, available at https://fluechtlingsdienst.diakonie.at/unsere-arbeit/unbegleitete-minderjaehrige-fluechtlinge (accessed on 5 December 2017).

Don Bosco Flüchtlingswerk Austria

Das Jugendwohnheim Abraham, available at www.fluechtlingswerk.at/so-helfen-wir-den-jugendlichen/jugendwohnheim-abraham (accessed on 4 January 2018)

Dringend Wohnungen für Nachbetreuung MOSES gesucht!, available at www.fluechtlingswerk.at/aktuelles/dringend-wohnungen-f%C3%BCr-nachbetreuung-moses-gesucht (accessed on 16 January 2018).

European Commission

Public Opinion, available at http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/STANDARD/yearFrom/1974/yearTo/2017/surveyKy/2143 (accessed on 22 December 2017).

Federal Chancellery

Familien und Jugend, available at www.bundeskanzleramt.gv.at/familien-und-jugend (accessed on 22 January 2018).

Federal Ministry for Europe, Integration and Foreign Affairs

Österreichischer Integrationsfonds, available at www.bmeia.gv.at/integration/oesterreichischer-integrationsfonds/ (accessed on 11 January 2018).

Federal Office for Immigration and Asylum

spezielle Länderprogramme, available at www.bfa.gv.at/return/programme/start.aspx (accessed on 16 January 2018).

Federal Ministry of the Interior

Asyl – freiwillige Rückkehr und Außerlandesbringung, available at www.bmi.gv.at/301/Freiwillige_Rueckkehr/ (accessed on 9 January 2018).

Asyl – Resettlement, available at www.bmi.gv.at/301/Allgemeines/Resettlement/start.aspx (accessed on 3 January 2018).

spezifische Maßnahme – ERIN, available at www.bmi.gv.at/107/EU_Foerderungen/Finanzrahmen_2014_2020/AMIF/ERIN.aspx (accessed on 16 January 2018).

Help.gv.at

Beratung und Betreuung für Asylwerber, anerkannte Flüchtlinge sowie Migranten, available at www.help.gv.at/Portal.Node/hlpd/public/content/169/Seite.1694400.html (accessed on 11 January 2018).

Initiative Erwachsenen Bildung

Initiative Erwachsenen Bildung, available at www.initiative-erwachsenenbildung.at/initiative-erwachsenenbildung/was-ist-das/ (accessed on 15 January 2018).

Integrationshaus

Projekt Caravan, available at www.integrationshaus.at/de/projekte-programme/sozialp%C3%A4dagogik (accessed on 4 January 2018).

Koordinationsstelle Jugend – Bildung – Beschäftigung

AusBildung bis 18, verfügbar auf www.koordinationsstelle.at/ausbildung-bis-18.html (Zugriff am 9 January 2018).

Lobby.16

Home, available at www.lobby16.org/projekte.htm (accessed on 20 December 2017).

Medien-Servicestelle Neue Österreicher/innen

Medizinische Versorgung von Flüchtlingen in Österreich, available at http://medienservicestelle.at/migration_bewegt/2016/04/07/medizinische-versorgung-von-fluechtlingen-in-oesterreich/ (accessed on 26 November 2017).

Migration and Home Affairs

Glossary, available at https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en (accessed on 27 January 2017).

Migration.gv.at

Studieren in Österreich, available at www.migration.gv.at/de/leben-und-arbeiten-in-oesterreich/kinder-und-bildung/studieren-in-oesterreich.html (accessed on 9 January 2018).

Österreichischer Integrationsfonds

Informationen zum Integrationsgesetz 2017, availabe at www.integrationsfonds.at/der-oeif/ueber-den-oeif/integrationsgesetz-2017/ (accessed on 2 January 2018).

OIF präsentiert Jugendcurriculum für Wertekurse, available at www.integrationsfonds.at/newsbeitrag/oeif-praesentiert-jugend-curriculum-fuer-wertekurse_2132/ (accessed on 4 January 2018).

PROSA – Projekt Schule für Alle

Das Prosa Prinzip, available at www.prosa-schule.org/ (accessed on 20 December 2017).

Public Employment Service Austria

Karriere im AMS, available at www.ams.at/ueber-ams/karriere-ams (accessed on 11 January 2018).

Samariterbund

Betreuung von jugendlichen Flüchtlingen, available at www.samariterbund.net/wohnen-und-soziale-dienstleistungen/fluechtlingshilfe/jugendliche/ (accessed on 4 January 2018).

Stadt Wien

Fachbereich Drehscheibe – Sozialpädagogische Einrichtung der MAG ELF, available at www.wien.gv.at/kontakte/ma11/drehscheibe.html (accessed on 11 December 2017).

Landesleitstelle Grundversorgung, für hilfs- und schutzbedürftige Fremde (AsylwerberInnen) – Fonds Soziales Wien (FSW), available at www.wien.gv.at/sozialinfo/content/de/10/InstitutionDetail.do?it_1=2099393 (accessed on 3 January 2018).

Verein Menschenrechte Österreich

Rückkehrberatung, available at www.verein-menschenrechte.at/rueck.html (accessed on 15 December 2017).

Vielmehr für Alle!

Vielmehr für Alle!, available at http://vielmehr.at/ (accessed on 18 January 2018).

WUK Verein zur Schaffung offener Kultur- und Werkstättenhäuser

StartWien – Das Jugendcollege, available at www.wuk.at/angebot/bildung-und-beratung/jugendcollege/ (accessed on 10 January 2018).

Interviews and written communication

Interview with Andrea Götzelmann-Rosado and Edith Vasilyev, IOM Country Office for Austria, 19 December 2017.

Interview with Katharina Glawischnig, Asylkoordination Österreich, 19 December 2017.

Interview with Martina Staffe-Hanacek, Federal Chancellery, 7 December 2017.

Interview with Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 8 January 2018.

Interview with Tobias Molander and Stephanie Theuer, Federal Ministry of the Interior, 21 December 2017.

Written input by Andrea Götzelmann-Rosado and Edith Vasilyev, IOM Country Office for Austria, 19 January 2018.
Written input by Manuel Lackner, Koordinierungsstelle-Wien AusBildung bis 18, 21 December 2017.
Written input by Sebastian Halm-Forsthuber, Federal Office for Immigration and Asylum, 10 January 2018.
Written input by the Federal Ministry of the Interior, Unit III/5/c (Resettlement, Return and International Affairs), 22 March 2018.