

## ANNUAL REPORT 2018 ON MIGRATION AND ASYLUM IN AUSTRIA

Contribution to Commission and to EASO Annual Reports



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## **Explanatory Note**

This report has been produced within the framework of the annual reporting of the National Contact Points (NCPs) in the European Migration Network (EMN). The report outlines the most significant legislative, political and practical developments in the field of migration and asylum in Austria in 2018. The report provides input to the EMN's Annual Report on Migration and Asylum 2018 as well as to the European Asylum Support Office's (EASO) Annual Report on the Situation of Asylum in the European Union (EU).

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

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

## SUMMARY OF CHANGES TO THE NATIONAL MIGRATION/ASYLUM SYSTEM IN 2018

This section aims to reflect any overarching changes to the national migration / asylum systems as well as the main/key developments per “policy area”. Please note that while all the information provided in your National Report will contribute to the development of the EMN Country Factsheets, the information you enter in this section will be used as a starting point for developing your Factsheet. **Therefore information in this section must be concise and should only focus on legal and policy developments that had a significant impact in the (Member) State during the reporting year (2018).**

### 0. Overarching changes to the national migration and asylum system in 2018

No significant changes in 2018.

### 1. Legal Migration

The Students and Researchers Directive (EU) 2016/801 was implemented in national law as a result of the Act Amending the Aliens Law 2018.<sup>1</sup> One of the changes was to drop the provision requiring applicants for a residence title for the purpose of research or study to provide evidence of accommodation to local standards (Art. 43c para 1 and Art. 64 para 1 Settlement and Residence Act).<sup>2</sup> Two new residence titles were also instituted: the Temporary Residence Permit – Researcher Mobility and the Temporary Residence Permit – Volunteers (Art. 61 and 67 Settlement and Residence Act). The amendments became effective as of 1 September 2018.

An amendment to the Act Governing the Employment of Foreign Nationals<sup>3</sup> was adopted in December 2018. This included modifying the points system for granting a Red-White-Red Card for other key workers so that less weight is now given to the category of age (see annex C Act Governing the Employment of Foreign Nationals).<sup>4</sup> In addition, lists of shortage occupations can now be defined for the provinces (Art. 13 para 1 Act Governing the Employment of Foreign Nationals). It is subsequently possible to issue a Red-White-Red Card allowing skilled workers in shortage occupations to be employed in a specified province (Art. 20d para 5 Act Governing the Employment of Foreign Nationals). The amendments become effective as of 1 January 2019.

### 2. International Protection including Asylum

Statutes including the Asylum Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Federal Basic Care Act 2005 were amended through the Act Amending the Aliens Law 2018. By way of specific example, officials of the public security service are now authorized to seize and analyse storage media in the possession of asylum seekers, as a means of obtaining information on such individuals’ identities or travel routes (Art. 35a and Art. 39a Federal Office for Immigration and Asylum Procedures Act).<sup>5</sup> The authorities may now also seize limited amounts of cash carried by asylum seekers (Art. 39 para 1 Federal Office for Immigration and Asylum Procedures Act) as a contribution to the costs of material reception conditions (Art. 2 para 1b Federal Basic Care Act 2005).<sup>6</sup> There

<sup>1</sup> FLG I No. 56/2018.

<sup>2</sup> FLG I No. 100/2005, in the version of federal law FLG I No. 56/2018.

<sup>3</sup> FLG I No. 94/2018.

<sup>4</sup> FLG No. 218/1975, in the version of federal law FLG I No. 94/2018.

<sup>5</sup> FLG I No. 87/2012, in the version of federal law FLG I No. 56/2018.

<sup>6</sup> FLG No. 405/1991, in the version of federal law FLG I No. 56/2018.

was another major amendment to the Asylum Act 2005,<sup>7</sup> with an asylum application submitted by a foreign national now also applying to each of that person's minor children residing in Austria (Art. 17a Asylum Act 2005).

According to an announcement in October 2018, the system of asylum and aliens affairs was to be comprehensively restructured within the Federal Ministry of the Interior, beginning in January 2019. Specifically, all relevant areas are to be concentrated in one directorate of the interior ministry, Directorate V Aliens Affairs.<sup>8</sup>

### 3. Unaccompanied Minors and Other Vulnerable Groups

No significant changes in 2018.

### 4. Integration

In addition to implementing legal requirements and encouraging the inclusivity and coexistence of migrants, another policy focus in 2018 centred on promoting women with a migration background.<sup>9</sup>

As a result of the Act Amending the Aliens Law 2018, an amendment was introduced to the Asylum Act 2005, now allowing language courses to be approved to support the integration of asylum seekers who have been admitted to asylum procedures and will most likely be recognized as refugees, while such courses depend on the availability of funding and organizational resources (Art. 68 para 1 Asylum Act 2005). The amendments became effective as of 1 September 2018.

### 5. Citizenship and Statelessness

The Citizenship Act 1985<sup>10</sup> was also amended as part of the Act Amending the Aliens Law 2018. The major change is that, to be eligible for citizenship, persons granted asylum must have legally resided in Austria for 10 consecutive years (previously six years) (Art. 11a para 7 Citizenship Act 1985).

### 6. Borders, Schengen and Visas

Through a regulation issued by the Federal Minister of the Interior in accordance with Art. 10 para 2 of the Border Control Act,<sup>11</sup> temporary controls at the EU internal borders with Slovenia and Hungary were introduced on two occasions, initially until 11 November 2018<sup>12</sup> and then until 12 May 2019.<sup>13</sup>

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<sup>7</sup> FLG I No. 100/2005, in the version of federal law FLG I No. 56/2018.

<sup>8</sup> Federal Ministry of the Interior, *Kickl: Ab Jänner 2019 neue Sektion V Fremdenwesen*. News, 8 October 2018, available at [www.bmi.gv.at/news.aspx?id=46376E67345673757863773D](http://www.bmi.gv.at/news.aspx?id=46376E67345673757863773D) (accessed on 20 December 2018).

<sup>9</sup> See, for example, Federal Ministry for Europe, Integration and Foreign Affairs, *Karin Kneissl: „Umsetzung des Integrationsgesetzes und die Förderung der Integration von Frauen mit Migrationshintergrund sind Prioritäten der Integrationsarbeit“*. Press release, Vienna, 14 September 2018, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2018/09/karin-kneissl-umsetzung-des-integrationsgesetzes-und-die-foerderung-der-integration-von-frauen-mit-migrationshintergrund-sind-prioritaeten-der-integrationsarbeit/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2018/09/karin-kneissl-umsetzung-des-integrationsgesetzes-und-die-foerderung-der-integration-von-frauen-mit-migrationshintergrund-sind-prioritaeten-der-integrationsarbeit/) (accessed on 20 December 2018).

<sup>10</sup> FLG No. 311/1985, in the version of federal law FLG I No. 56/2018.

<sup>11</sup> FLG No. 435/1996, in the version of federal law FLG I No. 93/2018.

<sup>12</sup> FLG II No. 98/2018.

<sup>13</sup> FLG II No. 274/2018.

As a result of an amendment to the Border Control Act<sup>14</sup> effective as of 23 December 2018, the director of a provincial police administration can empower employees not belonging to the public security service to issue orders and exercise force at Austria's international borders (Art. 12b para 1 Border Control Act).<sup>15</sup> The amendment was in response to the increased number of passengers at the Vienna-Schwechat International Airport as a measure to assist police officers carrying out border checks.<sup>16</sup>

## 7. Irregular Migration including Migrant Smuggling

One of the three focus topics of the programme for the Austrian Presidency of the Council of the European Union between 1 July and 31 December 2018 was entitled "Security and the fight against illegal migration".<sup>17</sup> An example of the measures at national level was to install an aliens and border police unit in each of the provinces' police administrations.<sup>18</sup> Another change, introduced with the Act Amending the Aliens Law 2018, is the possibility of imposing a fine or prison sentence of a maximum of six weeks on persons entering Austria or staying in the country unlawfully in violation of a valid entry ban or exclusion order (Art. 120 para 1c Aliens Police Act 2005).<sup>19</sup>

Multilevel analyses of irregular migration trends were carried out while information on migration routes was also collected in Austria in 2018. An example here is the 2017 annual report on the smuggling of migrants, published by the Criminal Intelligence Service Austria.<sup>20</sup> In addition, in June 2018 the Federal Ministry of the Interior established a migration task force responsible for ongoing evaluation of changes in migration flows.<sup>21</sup> Meetings were also held with responsible authorities in Germany and Switzerland to share experiences.<sup>22</sup>

## 8. Trafficking in Human Beings

The fifth National Action Plan on Combating Human Trafficking (2018–2020) was put before the Council of Ministers in October 2018.<sup>23</sup> The plan cites refugees and unaccompanied minors as two groups at risk.

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<sup>14</sup> FLG I No. 93/2018.

<sup>15</sup> FLG No. 435/1996, in the version of federal law FLG I No. 93/2018.

<sup>16</sup> Federal Ministry of the Interior, *Kickl: Mehr Personal für Grenzkontrollen am Flughafen Wien-Schwechat*. News, 10 December 2018, available at [www.bmi.gv.at/news.aspx?id=69657A464D49306E3034383D](http://www.bmi.gv.at/news.aspx?id=69657A464D49306E3034383D) (accessed on 28 December 2018).

<sup>17</sup> Federal Chancellery, *Programm des österreichischen Ratsvorsitzes*, pp. 7–8, available at [www.eu2018.at/dam/jcr:b5dd3521-d93b-4dbc-8378-1d1a6a7f99cf/Programm%20des%20%C3%B6sterreichischen%20Ratsvorsitzes.pdf](http://www.eu2018.at/dam/jcr:b5dd3521-d93b-4dbc-8378-1d1a6a7f99cf/Programm%20des%20%C3%B6sterreichischen%20Ratsvorsitzes.pdf) (accessed on 20 December 2018).

<sup>18</sup> Federal Ministry of the Interior (ed.), *Streifen und kontrollieren*. In: Federal Ministry of the Interior (ed.), *Öffentliche Sicherheit 9–10/18*, p. 29, available at [www.bmi.gv.at/magazinfiles/2018/09\\_10/puma.pdf](http://www.bmi.gv.at/magazinfiles/2018/09_10/puma.pdf) (accessed on 20 December 2018).

<sup>19</sup> FLG I No. 100/2005, in the version of federal law FLG I No. 56/2018.

<sup>20</sup> Criminal Intelligence Service Austria, *Lagebericht Schlepperei 2017*, available at [www.bundeskriminalamt.at/304/files/Schlepperei\\_17\\_web\\_082018.pdf](http://www.bundeskriminalamt.at/304/files/Schlepperei_17_web_082018.pdf) (accessed on 20 December 2018).

<sup>21</sup> Federal Ministry of the Interior, *Migrationslage am Westbalkan weiter angespannt, aber unter Kontrolle*. News, 8 November 2018, available at [www.bmi.gv.at/news.aspx?id=413665775A4C367369736F3D](http://www.bmi.gv.at/news.aspx?id=413665775A4C367369736F3D) (accessed on 20 December 2018).

<sup>22</sup> Federal Ministry of the Interior, *Treffen von Migrationsexperten in Wien*. News, 27 November 2018, available at [www.bmi.gv.at/news.aspx?id=47485637797959357847673D](http://www.bmi.gv.at/news.aspx?id=47485637797959357847673D) (accessed on 20 December 2018).

<sup>23</sup> Parliament of the Republic of Austria, *Berichte zur Bekämpfung des Menschenhandels, Arbeitsausbeutung, Kinderhandel und Prostitution*, available at [www.parlament.gv.at/PAKT/VHG/XXVI/III/III\\_00216/index.shtml#tab-Uebersicht](http://www.parlament.gv.at/PAKT/VHG/XXVI/III/III_00216/index.shtml#tab-Uebersicht) (accessed on 20 December 2018).

## 9. Return and Readmission

The Federal Office for Immigration and Asylum, which is responsible for related issues, reiterated in 2018 the explicit goal of maintaining a fully effective national regime for enforcing return, in cooperation with the European Border and Coast Guard Agency (Frontex). This, according to the authority, is a key integral element of a credible asylum policy.<sup>24</sup>

Since June 2018 Austria has been a partner in the recently established European Return and Reintegration Network (ERRIN), in which the country leads the working group on harmonization.<sup>25</sup>

In a joint effort with Denmark, France, Germany, Sweden and the United Kingdom, in 2018 Austria prepared an internal guideline for harmonizing forms and procedures used in voluntary return and reintegration, while implementing a corresponding pilot project in the Russian Federation and Morocco.<sup>26</sup>

In addition, in September 2018 the Austrian Federal Ministry of the Interior and the French Office for Immigration and Integration launched bilateral cooperation, with the aim of offering reintegration assistance to individuals returning to any of a total of 13 francophone States in Africa.<sup>27</sup>

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<sup>24</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 25 January 2019.

<sup>25</sup> Written input by the Federal Ministry of the Interior, Department, V/10 (Return, Reintegration and Quality Development), 21 January 2019.

<sup>26</sup> Federal Ministry of the Interior, *Freiwillige Rückkehr und Reintegration*. News, 21 September 2018, available at [www.bmi.gv.at/news.aspx?id=5A306E466A697A7A5359593D](http://www.bmi.gv.at/news.aspx?id=5A306E466A697A7A5359593D) (accessed on 20 December 2018).

<sup>27</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 21 January 2019.

## **0 OVERARCHING CHANGES TO THE NATIONAL MIGRATION AND ASYLUM SYSTEM IN 2018**

Please describe any overarching changes in the national migration and asylum system that have taken place in 2018. These are likely to result from a change of government or an overarching policy change that affects the overall approach to policymaking which in turn accounts for changes reported in the specific policy areas.

**Were there any overall changes in the national migration and asylum system in 2018? Y/N**

If **yes**, please elaborate below, stating the drivers for the change / intended impact if applicable.

No significant changes in 2018.
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## 1 LEGAL MIGRATION

### 1.1 Transposition of EU legislation on legal migration

Please provide a ‘snapshot’ on the status of transposition of each of the EU Directives relating to legal migration listed below as of (the end of) 2018. If developments have taken place in 2018 in terms of the implementation of these Directives, please elaborate these in the respective sections below.

EU Legislation	Equivalent National Legislation	Status*	Additional information
<i>Directive on the conditions of entry and residence of third-country nationals for the purpose of research, studies, training ... (23 May 2018)<sup>28</sup></i>	Act Amending the Aliens Law 2018 <sup>29</sup>	In force	Largely entered into effect as of 1 September 2018
<i>Directive on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (30 September 2016)<sup>30</sup></i>	Act Amending the Aliens Law 2017 <sup>31</sup>	In force	In force since 1 October 2017
<i>Directive on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (29 November 2016)<sup>32</sup></i>	Act Amending the Aliens Law 2017	In force	In force since 1 October 2017

\*Please state whether the equivalent national legislation is a) in force; b) passed but not in force c) in progress; d) not applicable.

### 1.2 Economic migration

#### 1.2.1 Admission policies of specific categories of third-country nationals

Please describe any **new** concrete developments regarding admission of the following categories of third-country nationals. Please state the driver for the change / intended impact (e.g. incentive mechanisms, measures to prevent mis-use) if applicable.

##### 1.2.1.1 Highly skilled/qualified workers

**Were there any new developments in relation to highly skilled/qualified workers in 2018? Y/N.**

If yes, please elaborate below. Please include one development per row and indicate the nature of each development in the tick boxes below. If needed, please add additional rows to the table below.

<sup>28</sup> Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, OJ L 132.

<sup>29</sup> FLG I No. 56/2018.

<sup>30</sup> Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ L 94/375.

<sup>31</sup> FLG I No. 145/2017.

<sup>32</sup> Directive 2014/66/EU on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ L 157.

Development (Please describe)	Nature*
The Regulation for Skilled Workers 2018 entered into force as of 1 January 2018. <sup>33</sup> This legislation defines the shortage occupations to be recognized for the employment of skilled workers from other countries in 2018. Based on the list, foreign workers in 27 occupations can apply for a Red-White-Red Card for skilled workers in shortage occupations. This number represents a significant rise in shortage occupations from the previous year (2017: 11 shortage occupations).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
An amendment to the Act Governing the Employment of Foreign Nationals <sup>34</sup> was adopted in December 2018. This included modifying the points system for granting a Red-White-Red Card for other key workers, by introducing English language proficiency as a criterion while giving more weight to the criterion of occupational experience and less to age (see annex C Act Governing the Employment of Foreign Nationals). <sup>35</sup> The change was necessary as a result of a Constitutional Court ruling that had found certain provisions governing the Red-White-Red Card for other key workers to discriminate against persons based on age and thus to be unconstitutional, and had subsequently repealed these parts of the legislation. <sup>36</sup> The list of shortage occupations is now also specified by region in order to better control immigration in line with needs. <sup>37</sup> In addition to vocations for which a maximum of 1.5 employment seekers are registered per vacancy, shortage occupations now additionally include fields in which there is a shortage of workers in certain provinces (Art. 13 para 1 Act Governing the Employment of Foreign Nationals). The amendments become effective as of 1 January 2019.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 1.2.1.2 Intra-corporate transferees

Were there any **new** developments in relation to intra-corporate transferees in 2018? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 1.2.1.3 Seasonal workers

Were there any **new** developments in relation to seasonal workers in 2018? Y/N.

<sup>33</sup> FLG II No. 377/2017.

<sup>34</sup> FLG I No. 94/2018.

<sup>35</sup> FLG No. 218/1975, in the version of federal law FLG I No. 94/2018.

<sup>36</sup> Constitutional Court, 13 December 2017, G281/2017.

<sup>37</sup> Parliament of the Republic of Austria, *Nationalrat beschließt Reform der Rot-Weiß-Rot-Karte samt Regionalisierung der Mangelberufsliste*. Parliamentary Correspondence No. 1509 from 13 December 2018, available at [www.parlament.gv.at/PAKT/PR/JAHR\\_2018/PK1509/#XXVI\\_A\\_00504](http://www.parlament.gv.at/PAKT/PR/JAHR_2018/PK1509/#XXVI_A_00504) (accessed on 28 December 2018).

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
The Settlement Regulation 2018 <sup>38</sup> became effective as of February 2018. Among other things, the regulation defines the maximum numbers of work permits for temporarily employed foreigners and harvest workers for the year 2018. The numbers of such permits are accordingly limited, to a maximum of 4,000 work permits for temporarily employed foreign nationals (seasonal workers) and up to 600 work permits for harvest workers (Art. 1 and 2 Settlement Regulation 2018). The maximum numbers are thus unaltered from the previous year.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### *1.2.1.4 Low and medium skilled workers (other than seasonal workers)*

**Were there any new developments in relation to low and medium skilled workers, other than seasonal workers, in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### *1.2.1.5 Entrepreneurs and investors*

**Were there any new developments in relation to entrepreneurs and investors in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### *1.2.1.6 Trainees, au-pairs and volunteers*

**Were there any new developments in relation to trainees, au-pairs and volunteers in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

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<sup>38</sup> [FLG II No. 23/2018](#).

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
As part of implementing Students and Researchers Directive (EU) 2016/801, <sup>39</sup> a new residence title was introduced through the Act Amending the Aliens Law 2018 for third-country nationals serving voluntarily within the framework of European Voluntary Service. The permit is referred to as the Temporary Residence Permit – Volunteers (Art. 67 Settlement and Residence Act). <sup>40</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
Also as part of implementing that Directive, a long-stay visa D for trainees was instituted through the Act Amending the Aliens Law 2018. In accordance with the Directive, the maximum validity is for six months in this case (Art. 20 para 1 subpara 10 and para 2 subpara 1 Aliens Police Act 2005). <sup>41</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 1.2.1.7 Other remunerated workers

**Were there any new developments in relation to other remunerated workers in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 1.2.2 Satisfying labour market needs - admission policies

**Were there any new developments to satisfy labour market and skill needs/shortages in relation to the employment of third-country nationals (which were not already covered in question 1.2.1 above) in 2018? Y/N.**

If **yes**, please elaborate below.

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>39</sup> Richtlinie (EU) 2016/801 des Europäischen Parlaments und des Rates vom 11. Mai 2016 über die Bedingungen für die Einreise und den Aufenthalt von Drittstaatsangehörigen zu Forschungs- oder Studienzwecken, zur Absolvierung eines Praktikums, zur Teilnahme an einem Freiwilligendienst, Schüleraustauschprogrammen oder Bildungsvorhaben und zur Ausübung einer Au-pair-Tätigkeit, ABl. 2016 L 132/21.

<sup>40</sup> FLG I No. 100/2005, in the version of federal law FLG I No. 56/2018.

<sup>41</sup> Ibid.

### 1.2.3 'Social dumping'<sup>42</sup> and labour exploitation

Were there any **new** developments aimed at tackling labour exploitation and/or social dumping of third-country national workers legally residing in your (Member) State in 2018? Y/N.

If yes, please elaborate below, stating the drivers for the change / intended impact if applicable.

Development (Please describe)	Nature*
Continued funding for UNDOK (Association for Trade Union Support of Undocumented Workers) was announced by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection in May 2018 (see also 8.2.1.b). The ministry holds that strengthening the rights of irregularly employed persons at the same time helps all workers in Austria to assert their claims to fair working conditions. The project is correspondingly seen as helping to combat wage and social dumping and thus to enforce the Act to Combat Wage and Social Dumping, <sup>43</sup> the legislation to implement the EU Posting of Workers Directive (96/71/EC). <sup>44</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 1.2.4 Circular migration

Were there any **new** developments regarding circular migration in 2018? Y/N. If yes, please elaborate below, stating the drivers for the change / intended impact if applicable.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

Were there any **new** developments regarding other bilateral labour agreements between your (Member) State and third countries in 2018? Y/N.

If yes, please elaborate below, stating the drivers for the change / intended impact if applicable.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>42</sup> While there is no definition of the concept of “social dumping” in EU law, the term is generally used to point to unfair competition due to the application of different wages and social protection rules to different categories of worker (Parliamentary questions, 27 May 2015, E-008441-15). The European Commission described the practice as a situation ‘where foreign service providers can undercut local service providers because their labour standards are lower’, more info at Eurofound, *European Industrial Relations Dictionary*, available at [www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/social-dumping-0](http://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/social-dumping-0) (accessed on 20 December 2018).

<sup>43</sup> FLG I No. 44/2016, in the version of federal law FLG I No. 32/2018.

<sup>44</sup> Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, *UNDOK und MEN VIA Grünes Licht für Förderung gegen Menschenhandel*. Press release, Vienna, 18 May 2018, available at [www.sozialministerium.at/site/Service\\_Medien/Presse/Presseaussendungen/UNDOK\\_und\\_MEN\\_VIA\\_Gruenes\\_Licht\\_fuer\\_Foerderung\\_gegen\\_Menschenhandel](http://www.sozialministerium.at/site/Service_Medien/Presse/Presseaussendungen/UNDOK_und_MEN_VIA_Gruenes_Licht_fuer_Foerderung_gegen_Menschenhandel) (accessed on 20 December 2018).

### 1.2.5 Other developments in economic migration

Were there any **other new** developments in the area of economic migration in 2018? Y/N.

If yes, please elaborate below, stating the drivers for the change / intended impact if applicable.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 1.3 Students and researchers

Were there any **new** developments in relation to a) Students and b) Researchers in 2018? Y/N

If yes, please elaborate below. Please state the driver for the change / intended impact (e.g. incentive mechanisms to attract / retain students, measures to prevent mis-use etc.) if applicable.

Development for a) STUDENTS (please describe)	Nature*
The Students and Researchers Directive has been implemented in national law largely through the Act Amending the Aliens Law 2018. To implement the Directive, changes were also made to the Settlement and Residence Act. <sup>45</sup> Specifically, the terms of eligibility for a residence title for the purpose of research or study were amended, among other things by waiving the requirement for evidence of accommodation to local standards (Art. 43c para 1 and Art. 64 para 1 Settlement and Residence Act). The period allowed for job-seeking or starting a business was also extended to 12 months, so that third-country nationals who successfully complete a course of study or research in Austria and wish to obtain a Red-White-Red Card, EU Blue Card or Settlement Permit – Researcher can have their temporary residence permit for students or researchers renewed for a longer period (Art. 43c para 2 and Art. 64 para 4 Settlement and Residence Act). Another change was to introduce a Temporary Residence Permit – Researcher Mobility for third-country nationals who are entitled to right of residence as researchers in another EU Member State (Art. 61 Settlement and Residence Act). In accordance with the simplified mobility provisions set out in the Students and Researchers Directive, a researcher can apply for a Temporary Residence Permit – Researcher Mobility and await the outcome of the procedure in Austria, provided their right of residence in another EU Member State is valid for a corresponding period (Art. 21 para 1 subpara 10 Settlement and Residence Act).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
Development for b) RESEARCHERS (please describe)	Nature*
See 1.3 a)	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>45</sup> FLG I No. 100/2005, in the version of federal law FLG I No. 56/2018.

## 1.4 Family reunification and family formation

Were there any **new** developments regarding family reunification and family formation in 2018? Y/N.

If **yes**, please elaborate below. Please state the driver for the change / intended impact (e.g. facilitation of family reunification, measures to prevent mis-use etc.)

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

## 1.5 Information on routes to and conditions of legal migration

Were there any **new** developments in 2018 to improve the provision of information on the routes to and conditions of legal migration for third-country nationals? Y/N.

For example, provision of information through:

- Information campaigns, websites, specific centres etc.
- Cooperation with third countries, for example on pre-departure measures, which may include provision of information on visas and residence / work permits, which take place both in the (Member) State and/or a third country.

If **yes**, please elaborate below.

Development (please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

## 1.6 Other measures regarding legal migration

Were there any **other new** developments regarding legal migration? Y/N.

If **yes**, please elaborate below, and state the driver for the change / intended impact in 2018

Development (please describe)	Nature*
On 31 October 2018 the Council of Ministers decided against Austria's participation in the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration (A/CONF.231/3), <sup>46</sup> being held in Marrakech, Morocco on 10 and 11 December 2018. It was also announced that Austria would abstain during voting to adopt the Migration Compact at the United Nations General Assembly on 19 December 2018. <sup>47</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>46</sup> United Nations General Assembly, *Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration – Draft outcome document of the Conference*, A/CONF.231/3, 30 July 2018, available at <http://undocs.org/A/CONF.231/3> (accessed on 3 January 2019).

<sup>47</sup> Federal Chancellery, *Ministerrat lehnt Beitritt zu UN-Migrationspakt ab*, available at [www.bundeskanzleramt.gv.at/-/ministerrat-lehnt-beitritt-zu-un-migrationspakt-ab](http://www.bundeskanzleramt.gv.at/-/ministerrat-lehnt-beitritt-zu-un-migrationspakt-ab) (accessed on 3 January 2019).

## 2 INTERNATIONAL PROTECTION INCLUDING ASYLUM

NB: THIS SECTION WILL ALSO FEED INTO EASO'S ANNUAL REPORT ON THE SITUATION OF ASYLUM IN THE EU.

### 2.1 Implementation of the Common European Asylum System (CEAS) and related policy developments

#### 2.1.1 Changes in legislation, policies and practices

Please provide **information on new developments** relating to any of the following areas:

##### 2.1.1.1 Access to the asylum procedure

Were there any **new** developments in relation to access to the asylum procedure in 2018? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) First arrival to territory</b> (including information provided at the time of first arrival to the EU territory and operations to help asylum seekers on arrival);	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Access to the asylum procedure</b> (including applications made at the border, within the (Member) State's territory and in detention) - including making and lodging applications;	
An application for international protection made by a foreign national now also applies to each of the person's minor children residing in Austria who does not already directly have right of residence; the change to the Asylum Act 2005 <sup>48</sup> was introduced through the Act Amending the Aliens Law 2018. <sup>49</sup> Where a child is subsequently born in Austria with third-country citizenship, any application for international protection for that child is deemed as having been applied for and submitted through the process of registering the birth, or by informing the Federal Office for Immigration and Asylum of the birth (Art. 17a Asylum Act 2005). The amendment became effective as of 1 September 2018.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Registration of applications for international protection</b> (including subsequent applications and Dublin returnees), identification and fingerprinting.	
The Act Amending the Aliens Law 2018 also resulted in amendments to the Federal Office for Immigration and Asylum Procedures Act. <sup>50</sup> Officials of the public security service are now authorized to seize and analyse storage media in the possession of asylum seekers, where individuals' identities or travel routes cannot be established on the basis of the existing evidence (Art. 35a and Art. 39a Federal Office for Immigration and Asylum Procedures Act).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>48</sup> FLG I No. 100/2005, in the version of federal law FLG I No. 56/2018.

<sup>49</sup> FLG I No. 56/2018.

<sup>50</sup> FLG I No. 87/2012, in the version of federal law FLG I No. 56/2018.

### 2.1.1.2 Reception of asylum applicants

Were there any **new** developments in relation to reception of asylum applicants in 2018? Y/N.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<p><b>a) Reception of applicants</b> (please include information on reception capacities – rise/fall/stable, material reception conditions, i.e. housing, food and clothing and financial support, contingency planning in reception, access to labour market and vocational training, medical care, schooling and education, residence and freedom of movement)</p>	
<p>Among the numerous acts affected by the Act Amending the Aliens Law 2018, changes were also introduced to the Federal Basic Care Act 2005<sup>51</sup> and the Federal Office for Immigration and Asylum Procedures Act. One of the amendments now requires asylum seekers under federal care to contribute to the costs of material reception conditions (Art. 2 para 1b Federal Basic Care Act 2005). To this end, officials of the public security service are now authorized to seize any cash in the possession of asylum seekers when they apply for protection, up to a maximum of EUR 840 per person. An individual must be allowed to retain at least EUR 120 (Art. 39 para 1 Federal Office for Immigration and Asylum Procedures Act).</p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<p>The Act Amending the Aliens Law 2018 also introduced a change to the Asylum Act 2005<sup>52</sup> relating to the obligation to reside at designated quarters. Asylum seekers can now be obliged, even during the admission procedure, to take up residence at accommodations provided by the Federal State (Art. 15b Asylum Act). This obligation had originally applied only to those admitted to asylum procedures. The requirements to be met before imposing such an obligation remain unaffected.<sup>53</sup></p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<p><b>b) Detention during the asylum procedure</b> (detention capacity – rise/fall/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)</p>	
<p>The provisions governing detention pending removal were amended through the Act Amending the Aliens Law 2018. It is now again possible to detain asylum seekers whose stay represents a potential danger for public order or safety when there is a risk of absconding and detention is a proportionate measure (Art. 76 para 2 subpara 1 Aliens Police Act 2005).<sup>54</sup> The amendment was made after a ruling by the Supreme Administrative Court (Ro 2017/21/0009 of 5 October 2017)<sup>55</sup> in which the court found that Art. 76 of the Aliens Police Act 2005 in its previous form did not conform to the requirements for detaining individuals during international protection procedures as set out in the Reception Conditions Directive (2013/33/EU).<sup>56</sup> Thus, detention pending removal could not be ordered and imposed on foreign nationals during asylum procedures, except in Dublin-related cases and in the case where the individual was already in</p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>51</sup> FLG No. 405/1991, in the version of federal law FLG I No. 56/2018.

<sup>52</sup> FLG I No. 100/2005, in the version of federal law FLG I No. 56/2018.

<sup>53</sup> Act Amending the Aliens Law 2018, *Government Proposal – Explanatory Notes*, pp. 22–23, available at [www.parlament.gv.at/PAKT/VHG/XXVI/I/I\\_00189/imfname\\_698465.pdf](http://www.parlament.gv.at/PAKT/VHG/XXVI/I/I_00189/imfname_698465.pdf) (accessed on 17 January 2019).

<sup>54</sup> FLG I No. 100/2005, in the version of federal law FLG I No. 56/2018.

<sup>55</sup> Supreme Administrative Court, 5 October 2017, Ro 2017/21/0009.

<sup>56</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, 29 June 2013, OJ 2013 L 180/96.

detention when applying for protection (Art. 76 para 6 Aliens Police Act 2005). By thus adapting the provision, Art. 8 para 3 (e) of the Reception Conditions Directive has been implemented in Austrian law while more clearly structuring the grounds for detention pending removal. <sup>57</sup> The amendments became effective as of 1 September 2018.	
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*\*Please tick the appropriate box*

### 2.1.1.3 Asylum procedures

**Were there any new developments in relation to asylum procedures in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
<b>a) Access to information and legal counselling/representation</b> (including at the border and during the asylum procedure);	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Provision of interpretation;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Dublin procedure</b> (including changes in: the organisational framework, IT systems <sup>58</sup> , practical development and suspension of transfers to selected countries, detention in the framework of Dublin procedures);	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Special procedures:</b> border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads;	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Safe country concept:</b> safe country of origin, safe third country, European safe third country, first country of asylum (introduction of the concept into law, applicability of the concept in practice, measures undertaken to create, revise or implement a list of safe countries);	
The Regulation on Countries of Origin was amended on two occasions in 2018. Armenia, Benin and Ukraine were added to the list of safe countries of origin on	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>57</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 14 January 2019. See also Act Amending the Aliens Law 2018, *Government Proposal – Explanatory Notes*, pp. 18–19, available at [www.parlament.gv.at/PAKT/VHG/XXVI/I/I\\_00189/imfname\\_698465.pdf](http://www.parlament.gv.at/PAKT/VHG/XXVI/I/I_00189/imfname_698465.pdf) (accessed on 17 January 2019).

<sup>58</sup> For example, information on setting up new databases that allow managing of Dublin cases, problems with managing DubliNet which can cause a delay in sending/receiving Dublin requests, acquisition of new equipment, such as Eurodac machines etc. as it is a relevant development in boosting the capacity to conduct Dublin procedures.

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
14 February. <sup>59</sup> Senegal and Sri Lanka were defined as safe countries of origin as of 20 June. <sup>60</sup>	
<b>f) Procedures at first instance</b> (relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, including backlog management);	
Art. 22 para 1 of the Asylum Act 2005 was revoked as of 31 May 2018. Consequently, authorities no longer have 15 months to decide on asylum applications. Instead, the generally applicable period of six months defined in Art. 73 para 1 of the General Administrative Procedures Act <sup>61</sup> now also applies to asylum procedures (Art. 1 subpara 23 Federal Act Amending the Asylum Act 2005, the Aliens Police Act 2005 and the Federal Office for Immigration and Asylum Procedures Act). <sup>62</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>g) Appeal/judicial review</b> (changes in: organisation of the process, hearings, written procedures, timeframes, case management, including backlog management);	
As of 1 June 2018, rulings on complaints against decisions by the Federal Office for Immigration and Asylum must be handed down within six months (Art. 34 para 1 Proceedings of Administrative Courts Act). <sup>63</sup> Art. 21 para 2b of the Federal Office for Immigration and Asylum Procedures Act had originally specified a 12-month period for such cases, but the paragraph was revoked as of 31 May 2018 (Art. 4 subpara 21 Act Amending the Aliens Law 2017). <sup>64</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>h) Country of origin information</b> (changes or updates in: organisation, methodology, products, databases, fact-finding missions, cooperation between (Member) States).	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### *2.1.1.4 Residence/entry documents and rights/obligations of beneficiaries of international protection*

**Were there any new developments in relation to the rights and obligations related to the status of beneficiary of international protection in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
<b>a) Residence/entry documents</b> granted to beneficiaries of international protection (including length/duration);	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Rights and obligations</b> regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, education, employment etc.	

<sup>59</sup> FLG II No. 25/2018.

<sup>60</sup> FLG II No. 130/2018.

<sup>61</sup> FLG No. 51/1991, in the version of federal law FLG I No. 58/2018.

<sup>62</sup> FLG I No. 24/2016.

<sup>63</sup> FLG I No. 33/2013, in the version of federal law FLG I No. 57/2018.

<sup>64</sup> FLG I No. 145/2017.

No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
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*\*Please tick the appropriate box*

*2.1.1.5 Provision of information on residence/entry documents and rights/obligations of beneficiaries of international protection*

**Were there any new developments in relation to the provision of information to beneficiaries of international protection on the rights and obligations related to that status, in a language that they understand or are reasonably supposed to understand in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
<b>a) Information on residence/entry documents</b> granted to beneficiaries of international protection (including length/duration);	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Information on rights and obligations</b> regarding family reunification, access to social welfare scheme, access to accommodation, healthcare, citizenship, employment and integration programme.	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

*2.1.1.6 Withdrawal of international protection*

**Were there any new developments regarding the withdrawal of international protection? Y/N.**

Please include information in relation to institutional and organisational aspects, procedural rules, cessation, grounds for revocation of, ending of, or refusal to renew international protection (grounds for ending international protection include: exclusion, misrepresentation or omission of facts and danger to national security or the community) and consequences following revocation of, ending of, or refusal to renew international protection.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
Conditions relating to the withdrawal of asylum status were set out in the Asylum Act 2005 as amended by the Act Amending the Aliens Law 2018. A procedure for the withdrawal of asylum status is now to be initiated and carried out under accelerated conditions <sup>65</sup> where specific indications exist that a person has voluntarily re-availed themselves of the protection of their country of origin, voluntarily reacquired their former citizenship or voluntarily settled in the country which they had left or avoided for fear of persecution. Such indications	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>65</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 14 January 2019.

are defined in the Asylum Act 2005 as including, in particular, cases where persons granted asylum enter their countries of origin or apply for and are issued passports by those countries (Art. 7 para 2 Asylum Act 2005). Other possible indications are taking up gainful employment or starting a business in one's country of origin. <sup>66</sup>	
The Federal Office for Immigration and Asylum reports the initiation of 6,000 withdrawal procedures in 2018, or four times more than in the previous year, with asylum or subsidiary protection actually being withdrawn in 1,600 cases (three times more frequently). Continued priority is to be placed on withdrawal procedures in 2019, according to the Federal Office for Immigration and Asylum. <sup>67</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 2.1.1.7 Cooperation with third countries

Were there any **new policies/measures in 2018 implemented in cooperation with third countries, including activities related to the external dimension of the CEAS** (e.g. participation in capacity building activities in third countries, Regional Development Protection Programmes or any relevant activities under Partnership Framework with Third Countries and European Neighbourhood Policy)?

If evidence is available, please describe the outcomes of these developments in the box below

In summer 2018 Austria supplied Bosnia and Herzegovina with materials to erect emergency accommodations. Using this equipment, a maximum of 280 individuals can be housed in a total of 56 family-size tents. This aid was supplied based on the 2015 memorandum of understanding pledging mutual assistance for disaster relief. <sup>68</sup>
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#### 2.1.1.8 Other developments in asylum legislation, policy and practices

Were there any **other new developments in 2018 which were not covered above, in particular in relation to any specific challenges?**

Development (Please describe)	Nature*
An amendment to the Weapons Act 1996 was adopted in December 2018. <sup>69</sup> One of the changes was to expand the scope of the previous ban on firearms to include weapons of all kinds; the ban applies to asylum seekers, persons staying in Austria irregularly and other third-country nationals not having long-term residence status, (Art. 11a Weapons Act). <sup>70</sup> These amendments become effective as of 1 January 2019.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
As a result of the Act Amending the Aliens Law 2018, a conviction for a juvenile offence now additionally constitutes a “relevant court conviction” ( <i>maßgebliche gerichtliche Verurteilung</i> ) within the meaning of the Asylum Act 2005 (Art. 2 para 4 Asylum Act 2005).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>66</sup> Act Amending the Aliens Law 2018, *Government Proposal – Explanatory Notes*, p. 22, available at [www.parlament.gv.at/PAKT/VHG/XXVI/II/II\\_00189/imfname\\_698465.pdf](http://www.parlament.gv.at/PAKT/VHG/XXVI/II/II_00189/imfname_698465.pdf) (accessed on 29 January 2019).

<sup>67</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 25 January 2019.

<sup>68</sup> Federal Ministry of the Interior, *Österreich unterstützt Bosnien-Herzegowina mit "Shelter Equipment"*. News, 6 July 2018, available at [www.bmi.gv.at/news.aspx?id=614F776A6831574E32464D3D](http://www.bmi.gv.at/news.aspx?id=614F776A6831574E32464D3D) (accessed on 20 December 2018).

<sup>69</sup> *FLG I No. 97/2018*.

<sup>70</sup> *FLG I No. 12/1997*, in the version of federal law *FLG I No. 97/2018*.

### 2.1.2 Institutional changes in the national asylum system

Were there any **new** institutional changes in the asylum field at ministry/agency/section level (including changes in mandate, creation of new entities, internal restructuring and transfer of competences, increase/decrease of staffing) in 2018? Y/N.

The ninth branch office of the Federal Office for Immigration and Asylum took up its tasks in March 2018. The branch office in the town of Leoben reports to the Regional Directorate of Styria.<sup>71</sup> Besides the branch offices, the Federal Office for Immigration and Asylum has headquarters in Vienna, a regional directorate in each of the provinces as well as initial reception centres in Eastern and Western Austria and at Vienna-Schwechat Airport.<sup>72</sup>

In October 2018 it was announced that the system of asylum and aliens affairs would be restructured within the Federal Ministry of the Interior; this restructuring was implemented in January 2019. Resources and expertise in matters relating to border protection, aliens police, asylum, material reception conditions, residence, citizenship and return will be concentrated in one directorate (Directorate V Aliens Affairs). The new directorate will support the Federal Office for Immigration and Asylum, specifically in operations, in procuring information and in analysis, as well as in optimizing the time required for procedures. One of the new directorate's main activities will be related to the external dimension of migration, meaning cooperation with EU Member States and with migrants' regions of transit and origin.<sup>73</sup>

### 2.1.3 Efficiency and Quality of the national asylum system

Were there any measures undertaken to improve:

Development (Please describe)	Nature*
<b>a) Safeguards of the national asylum system</b> (preventing and combatting unfounded applications, credibility assessment, <sup>74</sup> establishing identity, nationality verification, detection of security concerns, age fraud) including information on tools, mechanisms and training provided to staff;	
See 2.1.1.1. c)	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Quality of the national asylum system</b> (internal measures to improve quality in decision-making processes and the content of issued decisions, e.g. creation of guidelines and instructions). Please include information on training, tools and mechanisms and state how results are measured.	
A comprehensive evaluation, involving all regional organizational units of the Federal Office for Immigration and Asylum and a total of 500 official decisions, was carried out in 2018, examining in detail the evaluation of evidence and the phrasing of decisions. The evaluation revealed no structural weaknesses in	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>71</sup> Regional police directorate Styria, *BFA: Eröffnung der Außenstelle Leoben*, available at [www.polizei.gv.at/stmk/start.aspx?nwid=4E69636543484337684A413D&ctrl=3734335266674D385951343D&nw0=8](http://www.polizei.gv.at/stmk/start.aspx?nwid=4E69636543484337684A413D&ctrl=3734335266674D385951343D&nw0=8) (accessed on 20 December 2018).

<sup>72</sup> Federal Office for Immigration and Asylum, *Standorte des BFA*, available at [www.bfa.gv.at/bundesamt/standorte/start.aspx](http://www.bfa.gv.at/bundesamt/standorte/start.aspx) (accessed on 20 December 2018).

<sup>73</sup> Federal Ministry of the Interior, *Kickl: Ab Jänner 2019 neue Sektion V Fremdenwesen*. News, 8 October 2018, available at [www.bmi.gv.at/news.aspx?id=46376E67345673757863773D](http://www.bmi.gv.at/news.aspx?id=46376E67345673757863773D) (accessed on 20 December 2018).

<sup>74</sup> According to EASO, credibility assessment is performed in order to establish if the applicant's statements substantiating the claim are truthful in the light of other circumstances of the case and other means of evidence.

Development (Please describe)	Nature*
<p>general. In addition to this scheduled evaluation, various quality-related measures are in place.<sup>75</sup> A focus activity in 2018 was to define and adopt a general instruction regulating quality management, along with related action to ensure implementation. Specific emphasis was also placed on evaluating the language used in decisions and interviews, as well as on intensifying contacts among individuals responsible for quality assurance and on detailing advanced training for this group. Numerous training courses and workshops were also held to enhance the competencies of staff members. The Federal Office for Immigration and Asylum organized 90 such training sessions in 2018, with 1,536 staff members participating in a total of 2,954 training days.<sup>76</sup></p>	
<p><b>c) Efficiency of the processing of (first) applications and appeals</b> (increasing speed, reducing costs, use of new technology, specialised training provided) of the national asylum system. Please indicate if there are any procedural changes, which are specific to subsequent applications.</p>	
<p>No significant changes in 2018.</p>	<p><input type="checkbox"/> Legislation  <input type="checkbox"/> Policy  <input type="checkbox"/> Practice/Other</p>

\*Please tick the appropriate box

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

Based on preliminary statistics published by the authority, in 2018 the Federal Office for Immigration and Asylum was able to cope with the backlog of 73,444 procedures pending since the record year of 2015, reducing it to a mere 6,826 by the end of 2018 and thus fully catching up with the workload. The time required for procedures was shortened considerably at the same time, with asylum applications made since 1 June 2018 being processed within less than three months on average, as evaluated in January 2019.<sup>77</sup>

<sup>75</sup> Federal Ministry of the Interior, *Stellungnahme des BFA zu Bescheiden, die nicht den qualitativen Standards entsprechen*. Press release, Vienna, 17 August 2018, available at [www.ots.at/presseaussendung/OTS\\_20180817\\_OTS0031/stellungnahme-des-bfa-zu-bescheiden-die-nicht-den-qualitativen-standards-entsprechen](http://www.ots.at/presseaussendung/OTS_20180817_OTS0031/stellungnahme-des-bfa-zu-bescheiden-die-nicht-den-qualitativen-standards-entsprechen) (accessed on 20 December 2018).

<sup>76</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 14 January 2019.

<sup>77</sup> Federal Office for Immigration and Asylum, *Rückstandsabbau erledigt, Verfahrensdauer unter drei Monaten, Abschiebungen gesteigert*. News, 24 January 2019, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=72735962325769334A57773D&ctrl=794E752F6259564A344A437375564B796375373831364F486E38592F6A766152](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=72735962325769334A57773D&ctrl=794E752F6259564A344A437375564B796375373831364F486E38592F6A766152) (accessed on 28 January 2019); Written input by the Federal Office for Immigration and Asylum, Directorate, 25 January 2019.

## 2.2 Relocation and resettlement programmes

*NB: PLEASE NOTE THAT INFORMATION COLLECTED UNDER THIS SECTION, WILL BE PRESENTED IN THE SYNTHESIS REPORT TOGETHER WITH THE EU OVERVIEW OF RELOCATION AND RESETTLEMENT SCHEMES.*

### 2.2.1 Relocation<sup>78</sup>

#### 2.2.1.1 Intra-EU relocation mechanism

**Were there any changes in your national practices with regard to applicants relocated under the intra-EU relocation mechanism in 2018? Y/N.**

If **yes**, please elaborate below. Please also mention any challenges related to this mechanism.

In early 2018 Austria affirmed the commitment by the Federal Government, sworn in recently in December 2017, to relocate 50 individuals (preferably unaccompanied minors) from Italy to Austria, within the framework of the Intra-EU Relocation Mechanism. It was added, however, that no other persons would be accepted.<sup>79</sup>

The final transfers from Italy to Austria under the Intra-EU Relocation Mechanism took place in 2018. A total of 47 individuals were transferred by December 2018 with the support of the International Organization for Migration (IOM). Security clearance interviews totalling 48 in number were held at various locations in Italy. Two individuals could not be interviewed, having either absconded or withdrawn their application for relocation. Of the 48 individuals interviewed, 47 were accepted and one rejected. The Federal Office for Immigration and Asylum, responsible for the programme, referred to collaboration with all parties involved as being highly positive. According to the Federal Office for Immigration and Asylum, challenges arose in arranging the security clearance interviews, particularly because applicants were housed at accommodations throughout Italy, which made organization very time-consuming.<sup>80</sup>

#### 2.2.1.2 National relocation mechanisms

**Were there any actions undertaken in 2018 with regard to relocation activities organised under national schemes (i.e. on bilateral basis, not EU level schemes)? Y/N.**

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<sup>78</sup> Relocation: The transfer of persons having a status defined by the Geneva Refugee Convention and Protocol or subsidiary protection within the meaning of Directive 2011/95/EU (Recast Qualification Directive) from the EU Member State which granted them international protection to another EU Member State where they will be granted similar protection, and of persons having applied for international protection from the EU Member State which is responsible for examining their application to another EU Member State where their applications for international protection will be examined. In the context of the EU emergency relocation programme, the transfer of persons in clear need of international protection, as defined in Council Decision 2015/1601 and 2016/1754, having applied for international protection from the EU Member State, CH or NO which is responsible for examining their application to another EU Member State, CH or NO where their application for international protection will be examined (see European Commission, *EMN Glossary*, available at [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en) (accessed on 21 December 2018)).

<sup>79</sup> Federal Ministry of the Interior, *Innenministerium: Keine weiteren Zusagen für Relocation-Programm*. News, 1 February 2018, available at [www.bmi.gv.at/news.aspx?id=62394F722F7A43305033383D](http://www.bmi.gv.at/news.aspx?id=62394F722F7A43305033383D) (accessed on 20 December 2018).

<sup>80</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 23 January 2019.

If **yes**, please elaborate below.

No significant changes in 2018.

## 2.2.2 Resettlement and Humanitarian Admission Programmes<sup>81</sup>

### 2.2.2.1 EU Joint Resettlement Programmes

**Were there any activities related to resettlement and humanitarian admission programmes implemented by your (Member) State under EU resettlement programmes in 2018? Y/N.**

If **yes**, please elaborate below. Please also mention any challenges related to these programmes.

No significant changes in 2018.

### 2.2.2.2 National Resettlement Programmes

*Please note that this question focuses on national resettlement programmes, such as those implemented by UNHCR, whilst the question on above 2.2.2.1 focuses on EU joint resettlement programmes*

**Please describe 2018 resettlement activities to your (Member) State, differentiating between the types of programme indicated below.**

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

**a) National resettlement programme (UNHCR);**

No significant changes in 2018.

**b) National Humanitarian Admission Programme;**

No significant changes in 2018.

**c) Private sponsorship programme/scheme;**

No significant changes in 2018.

**d) Ad-hoc special programmes (e.g. national initiatives, and/or international initiatives)**

No significant changes in 2018.

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<sup>81</sup> Resettlement: In the EU context, the transfer, on a request from the United Nations High Commissioner for Refugees (UNHCR) and based on their need for international protection, of a third-country national or stateless person, from a third country to an EU Member State, where they are permitted to reside with one of the following statuses: (i) refugee status within the meaning of Art. 2(d) of Directive 2011/95/EU (Recast Qualification Directive); (ii) a status which offers the same rights and benefits under national and EU law as refugee status (see European Commission, *EMN Glossary*, available at [https://ec.europa.eu/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary\\_en](https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en) (accessed on 21 December 2018)).

### 2.3 Information for EASO purposes (REPORT and EASO Database on Case Law) only, not for inclusion in EMN Synthesis Report:

#### Jurisprudence

Please provide information on precedent setting new national jurisprudence relating to asylum with major policy implications (preferably final judgments) by using the following structure:

- **Court Name**
- **Date of Decision**
- **Title/Parties**
- **Case Number/ Citation/Document Symbol/ECLI**
- **Abstract**
- **Link to the full version/or attach original document**

*Please provide information on the impact of CJEU/ECHR judgements on national policy*

**Court name:** Supreme Administrative Court

**Date of decision:** 23 January 2018

**Title:** Evaluation of the existence of an internal flight alternative

**Case number:** Ra 2018/18/0001-5

**Abstract:** In its decision of 23 January 2018 in case Ra 2018/18/0001-5, the Supreme Administrative Court examined whether the Afghan capital Kabul could be considered an internal flight alternative; the occasion was a legal remedy filed by an asylum seeker. The Supreme Administrative Court determined that it was necessary to clarify whether in one part of their country of origin the individual seeking asylum would be provided with protection from persecution of a kind relevant in terms of asylum law and from conditions justifying subsidiary protection, and whether that individual could reasonably be expected to reside in that area. The mere absence of torture and inhuman or degrading treatment was not sufficient to qualify as a reasonable internal flight alternative, the court held. Rather, following possible initial difficulties, it must be possible for the individual to become established in the area offering an internal flight alternative and to live there in a similar manner to other citizens of the country without any unreasonable hardship. Whether this was the case had to be decided based on an evaluation of the general conditions in the asylum seeker's country of origin and of their personal situation. The decision was accordingly considered as applying in the individual case.

**Link to full text (in German):** see footnote.<sup>82</sup>

**Court name:** Supreme Administrative Court

**Date of decision:** 5 April 2018

**Title:** Responsibility in accordance with the Dublin III Regulation after brief voluntary travel to a third country

**Case number:** Ra 2017/19/01699

**Abstract:** In response to a legal remedy filed against the Federal Office for Immigration and Asylum, the Supreme Administrative Court ruled that, in accordance with Art 13 para 1 of the Dublin III Regulation (604/2013),<sup>83</sup> the Member State whose border an individual applying for international protection had crossed irregularly is responsible for examining that application (ruling in case Ra 2017/19/0169-9 of 5 April 2018). The court furthermore ruled that this rule

<sup>82</sup> Supreme Administrative Court, 23 January 2018, [Ra 2018/18/00015](#).

<sup>83</sup> Regulation (EU) No [604/2013](#) of the European Parliament and of the Council of 26 June 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 (recast), 29 June 2013, OJ 2013 L 180/31–59.

applied even if the individual did not apply for international protection in that Member State but instead submitted the application later in another Member State after brief voluntary travel to a third country. The Member State's responsibility as defined in Art 13 para 1 of the Dublin III Regulation did not cease even if the person concerned departs briefly from EU territory, the court held. In the specific case, an individual had travelled via the Islamic Republic of Iran and Turkey to Bulgaria, where the person first entered EU territory. After staying in Bulgaria for two weeks, the person travelled via Serbia to Hungary and then on to Austria. The person did not apply for international protection while in Bulgaria and Hungary but only later, after arriving in Austria. The Supreme Administrative Court ruled that Bulgaria was responsible for the application.  
**Link to full text (in German):** see footnote.<sup>84</sup>

**Court name:** Supreme Administrative Court

**Date of decision:** 26 April 2018

**Title:** Detention pending removal in Dublin-related cases

**Case number:** Ro 2017/21/0010

**Abstract:** The case involved an asylum seeker upon whom detention was imposed as a measure to ensure a Dublin procedure. The asylum seeker lodged a complaint against a decision that had been issued based on Art. 5 of the Asylum Act 2005,<sup>85</sup> rejecting the application as inadmissible. The Federal Administrative Court subsequently denied the complaint, whereupon the asylum seeker lodged a complaint against detention. The court proceedings dealing with the individual's detention addressed the question of when the six-week period referred to in Art. 28 para 3 of the Dublin III Regulation begins, if the asylum seeker lodges a complaint against a Dublin decision that the Federal Administrative Court has not recognized as having suspensive effect. The Supreme Administrative Court finally concluded that, in this case, the six-week period defined as the maximum permissible for detention pending removal should be calculated from the point at which the decision ceased to have suspensive effect, as referred to in Art. 16 para 4 of the Federal Office for Immigration and Asylum Procedures Act,<sup>86</sup> and not from the point at which the Dublin State requested to take back the individual had given its consent. This principle was ruled as applying not only to asylum seekers but also to "ordinary" third-country nationals falling under the Dublin III Regulation (Art. 5 Asylum Act 2005 in conjunction with Art. 61 para 1 subpara 1 of the Aliens Police Act 2005, or only Art. 61 para 1 subpara 2 of the latter).<sup>87</sup>

**Link to full text (in German):** see footnote.<sup>88</sup>

**Court name:** Court of Justice of the European Union (CJEU)

**Date of decision:** 21 November 2018

**Title:** Reference for a preliminary ruling – Directive 2011/95/EU<sup>89</sup> – Rules relating to the content of international protection – Refugee status – Article 29 – Social protection – Different treatment – Refugees with temporary right of residence

**Case number:** C-713/17

**Abstract:** The Provincial Administrative Court of Upper Austria requested the CJEU to provide a preliminary ruling on the interpretation of Art. 29 of Directive 2011/95/EU. The occasion for the ruling was the case described in the following: On 30 September 2016, the Austrian Federal Office for Immigration and Asylum recognized the asylum seeker as a refugee and granted the

<sup>84</sup> Supreme Administrative Court, 5 April 2018, [Ra 2017/19/01699](#).

<sup>85</sup> [FLG I No. 100/2005](#), in the version of federal law [FLG I No. 56/2018](#).

<sup>86</sup> [FLG I No. 87/2012](#), in the version of federal law [FLG I No. 56/2018](#).

<sup>87</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 14 January 2019.

<sup>88</sup> Supreme Administrative Court, 26 April 2018, [Ro 2017/21/0010](#).

<sup>89</sup> Directive [2011/95/EU](#) of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, 20 December 2011, OJ 2011 L 337/9.

man temporary right of residence for three years as a person entitled to asylum. On 9 March 2017, the person granted asylum submitted an application for assistance to secure a means of subsistence and housing for himself and his family. The District Administrative Authority of Linz-Land issued a decision on 10 April 2017, granting the man assistance in the form of monthly cash payments, consisting of a basic allowance and a temporary supplementary allowance. According to that decision, as a person granted asylum and entitled to temporary residence, the individual could claim only lower needs-based minimum benefits under Austrian law. On 3 June 2017, the person granted asylum brought an action against that decision, citing as one of the arguments the unfavourable treatment under that legislation of refugees not entitled to permanent residence, which was incompatible with EU law. The Provincial Administrative Court of Upper Austria responded with the argument that this group of refugees was treated equally with beneficiaries of subsidiary protection with respect to social assistance. Only refugees entitled to permanent residence were treated equally with Austrian citizens, the court asserted. In its ruling, the CJEU interpreted Art. 29 of the Directive as meaning that refugees granted temporary right of residence were to receive the same level of social benefits as nationals of the Member State that had granted those individuals refugee status. It further ruled the Upper Austrian legislation as incompatible with Art. 29 of the Directive concerned.

**Link to full text (in German):** see footnote.<sup>90</sup>

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<sup>90</sup> Court of Justice of the European Union, 21 November 2018, *Ahmad Shah Ayubi v Bezirkshauptmannschaft Linz-Land*, [C-713/17](#).

### 3 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

#### 3.1 Unaccompanied minors applying for asylum

Were there any **new** developments at national level in 2018 in relation to unaccompanied minors (UAMs) who were applying for asylum using the specific headings outlined below ?  
Y/N.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) Increase/Decrease of human resources and/or training of staff;</b>	
The Federal Office for Immigration and Asylum organized in 2018 two training events on conducting interviews with minors, attended by 32 individuals in total. <sup>91</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>b) Improvement of protection and care of UAMs, including reception facilities;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Legal guardianship and foster care;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Age assessment;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Procedural safeguards;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>f) Provision of information (info material, e.g. videos, leaflets, booklets etc.);</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>g) Other.</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>91</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 14 January 2019.

### 3.2 Other vulnerable groups applying for asylum

Were there any **new** developments at national level in relation to other vulnerable groups<sup>92</sup> applying for asylum in 2018? Y/N.

Other vulnerable groups include minors, disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) people, pregnant women, single parents with minor children, 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, following the specific headings outlined below.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) Measures clarifying the definition of vulnerable groups;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Special reception facilities for vulnerable groups;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Identification mechanisms/referrals;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Applicable procedural safeguards;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Other.</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 3.3 Unaccompanied minors NOT applying for asylum

Were there any **new** developments at national level in 2018 in relation to unaccompanied minors (UAMs) NOT applying for asylum, following the specific headings outlined below? Y/N.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) Increase/Decrease of human resources and/or training of staff;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation

<sup>92</sup> Not including victims of human trafficking, as this is covered in Section 7.

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
	<input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Improvement of protection and care of UAMs, including reception facilities;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Legal guardianship and foster care;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Age assessment;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Procedural safeguards;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>f) Provision of information</b> (info material, e.g. videos, leaflets, booklets etc.);	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>g) Other.</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 3.4 Other vulnerable groups NOT applying for asylum

Were there any **new developments at national level in 2018 in relation to other vulnerable groups NOT** applying for asylum (such as (accompanied) minors, disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) people, pregnant women, single parents with minor children, 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) , following the specific headings outlined below? **Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
<b>a) Measures clarifying the definition of vulnerable groups;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Special reception facilities for vulnerable groups;</b>	

No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Identification mechanisms/referrals;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Applicable procedural safeguards;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Other.</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

## 4 INTEGRATION

### 4.1 Integration of third-country nationals

#### 4.1.1 Integration through socio-economic participation

Were there any **new** developments to facilitate integration of third-country nationals, through socio-economic participation in 2018? Y/N.

Please note that this question is intended to capture generic integration policies. Measures targeting specific categories of third-country nationals are addressed in Section 4.2.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Measures to improve attainment in schooling and/or the education system and/or vocational training;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Measures to enhance language skills;</b>	
An amendment to the School Organization Act became effective as of 15 June and 1 September 2018. <sup>93</sup> The amendment provides for separate remedial German classes beginning with the 2018–2019 school year for students at general compulsory schools who are unable to follow instruction due to inadequate language proficiency (Art. 8h School Organization Act). <sup>94</sup> Such students leave remedial German classes and attend regular instruction as soon as they are able to follow it. While attending regular instruction, they can continue to receive six hours of remedial German. <sup>95</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
In 2018 the Austrian Integration Fund launched another call to tender within the framework of the Start-up Package for German and Integration programme, inviting proposals for projects to provide German courses for persons granted asylum and beneficiaries of subsidiary protection aged 15 and over, assisting such individuals in achieving an A1 level of language proficiency and passing a corresponding integration examination. <sup>96</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>c) Access to social security, social assistance, healthcare, housing and other basic services;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Integration into the labour market.</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>93</sup> FLG I No. 35/2018.

<sup>94</sup> FLG No. 242/1962, in the version of federal law FLG I No. 35/2018.

<sup>95</sup> Federal Ministry of Education, Science and Research, *Aktuelle Projekte*, available at [https://bildung.bmbwf.gv.at/schulen/service/schuljahr18\\_neues.html#heading\\_Deutschfoerdklassen](https://bildung.bmbwf.gv.at/schulen/service/schuljahr18_neues.html#heading_Deutschfoerdklassen) (accessed on 20 December 2018).

<sup>96</sup> Austrian Integration Fund, *Deutschkurse auf Sprachniveau A1: ÖIF-Aufruf für Projektförderung*. Press release, 16 July 2018, available at [www.ots.at/presseaussendung/OTS\\_20180716\\_OTS0060/deutschkurse-auf-sprachniveau-a1-oeif-aufruf-fuer-projektfoerderung](http://www.ots.at/presseaussendung/OTS_20180716_OTS0060/deutschkurse-auf-sprachniveau-a1-oeif-aufruf-fuer-projektfoerderung) (accessed on 29 January 2019).

<b>e) Other.</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 4.1.2 Integration through civic participation

**Were there any new developments to promote the integration of third-country nationals through civic participation in 2018? Y/N.**

For instance, consider measures to increase the participation of third country nationals (both women and men) in the design and implementation of integration policies; outreach programmes, capacity-building within migrant organisations; and measures to enhance democratic participation, for example, training, civic courses on national history, political institutions and values, mentors etc.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development (Please describe)</b>	<b>Nature*</b>
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 4.2 Promoting integration of specific categories of third-country nationals

**Were there any new developments specifically targeted to facilitate integration of specific categories of third-country nationals, such as beneficiaries of international protection, family migrants, UAMs and other vulnerable groups etc. in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development (Please describe)</b>	<b>Nature*</b>
<b>a) Measures to improve attainment in schooling and/or the education system and/or vocational training;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) Measures to enhance language skills;</b>	
The Act Amending the Aliens Law 2018 <sup>97</sup> resulted in an amendment to the Asylum Act 2005 <sup>98</sup> which entered into force as of 1 September 2018. As a result, language courses can be approved to support the integration not only of persons granted asylum and beneficiaries of subsidiary protection but also of asylum seekers who have been admitted to asylum procedures, whose identities have been established and who will most likely be granted international protection; such courses are contingent on the availability of funding and organizational resources (Art. 68 para 1 Asylum Act 2005). The asylum statistics from the previous year are to be used as the basis for determining the countries of origin	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>97</sup> [FLG I No. 56/2018](#).

<sup>98</sup> [FLG I No. 100/2005](#), in the version of federal law [FLG I No. 56/2018](#).

from which asylum seekers have an especially high likelihood of being recognized as refugees (Art. 68 para 1a Asylum Act 2005).	
<b>c) Access to social security, social assistance, healthcare, housing and other basic services;</b>	
As part of the United Nations' 16 Days of Activism Against Gender Violence, the Federal Ministry for Europe, Integration and Foreign Affairs and the Austrian Integration Fund jointly sponsored numerous events between 25 November and 10 December, aimed at informing the public about related initiatives and at encouraging awareness of violence against women. <sup>99</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
The social security agreement signed with Albania became effective as of 1 December 2018. <sup>100</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Integration into the labour market;</b>	
Activities in 2018 were focused on helping unemployed persons granted asylum to enter the labour market at an earlier stage, as well as enhancing the qualifications of individuals who have completed only compulsory education, providing them with counselling and guidance during training and employment as well as German courses at the A2 level and higher. Competence centres for the recognition of occupational skills support such individuals towards having their previous education and training recognized or validated. With regard to young people, the main activities were targeted at preparing such individuals to enter apprenticeships and at placing them in training firms in other regions, for example in tourism vocations and in seasonal employment. <sup>101</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>e) Other.</b>	
Promoting the integration of women with a migration background is a main focus of the Federal Ministry for Europe, Integration and Foreign Affairs. <sup>102</sup> This topic is also the focus of the <i>2018 Integration Report</i> , <sup>103</sup> prepared by the independent Expert Council for Integration. Speaking at the opening of the biannual meeting of the Advisory Board on Integration on 29 November 2018, the Federal Minister for Europe, Integration and Foreign Affairs similarly expressed a commitment to expand integration programmes for women. <sup>104</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>99</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Karin Kneissl: „Gewalt gegen Frauen beschäftigt uns auch mitten in Österreich“*. Press release, Vienna, 25 November 2018, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2018/11/karin-kneissl-gewalt-gegen-frauen-beschaeftigt-uns-auch-mitten-in-oesterreich/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2018/11/karin-kneissl-gewalt-gegen-frauen-beschaeftigt-uns-auch-mitten-in-oesterreich/) (accessed on 29 January 2018).

<sup>100</sup> Written input by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, Department V/A/1 (Policy Issues and Coordination in EU Affairs), 22 January 2019.

<sup>101</sup> Ibid.

<sup>102</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Karin Kneissl: „Umsetzung des Integrationsgesetzes und die Förderung der Integration von Frauen mit Migrationshintergrund sind Prioritäten der Integrationsarbeit“*. Press release, Vienna, 14 September 2018, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2018/09/karin-kneissl-umsetzung-des-integrationsgesetzes-und-die-foerderung-der-integration-von-frauen-mit-migrationshintergrund-sind-prioritaeten-der-integrationsarbeit/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2018/09/karin-kneissl-umsetzung-des-integrationsgesetzes-und-die-foerderung-der-integration-von-frauen-mit-migrationshintergrund-sind-prioritaeten-der-integrationsarbeit/) (accessed on 20 December 2018).

<sup>103</sup> Expert Council for Integration, *Integrationsbericht 2018*, available at [www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Integration/Integrationsbericht\\_2018/Integrationsbericht\\_2018\\_Zahlen\\_Trends\\_und\\_Analysen\\_-\\_Integration\\_von\\_Frauen\\_im\\_Fokus\\_stand\\_14\\_11.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2018/Integrationsbericht_2018_Zahlen_Trends_und_Analysen_-_Integration_von_Frauen_im_Fokus_stand_14_11.pdf) (accessed on 20 December 2018).

<sup>104</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Karin Kneissl: „Wir stärken die Teilnahme von Frauen mit Migrationshintergrund an der Gesellschaft“*. Press release, Vienna, 29 November 2018, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2018/11/karin-kneissl-wir-staerken-die-teilnahme-von-frauen-mit-migrationshintergrund-an-der-gesellschaft/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2018/11/karin-kneissl-wir-staerken-die-teilnahme-von-frauen-mit-migrationshintergrund-an-der-gesellschaft/) (accessed on 20 December 2018).

\*Please tick the appropriate box

### 4.3 Non-discrimination

Were there any **new** relevant developments in 2018 that concern promotion, implementation and monitoring of non-discrimination policies, in particular on grounds of ethnicity, race and others, as well as the intersection of several grounds for discrimination that would be particularly relevant for third-country nationals? Y/N.

Specifically mention any measures beyond those introduced through the transposition and implementation of EU legislation.<sup>105</sup>

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
In cooperation with the Jewish Community in Vienna, the Austrian Integration Fund held a series of one-day workshops in 2018, aimed at training teachers, instructors in German and values courses, and counselling centre staff members, all of whom have to deal with anti-semitic behaviour in their work. <sup>106</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 4.4 Promoting integration at local level and cooperation, consultation and coordination of local stakeholders

Were there any **new** relevant activities implemented by national, regional and/or local governments on the integration of third-country nationals involving the active participation of local authorities and/or civil society in 2018? Y/N.

They might include activities addressing integration challenges in disadvantaged urban areas; improving multi-level cooperation between different levels of governance (e.g. national, regional, local government) and stakeholders (e.g. civil society organisations, economic and social partners, education institutions, public employment services); granting voting rights in local elections.

If **yes**, please elaborate below.

Development (Please describe)	Nature*
Workshops dealing with identity and home country were held for young persons of Chechen origin in 2018, in close cooperation with intercultural mediators from Chechen organizations in Vienna and Linz and as part of a workshop series, under the National Action Plan for Integration, which seeks to promote integration and prevent radicalization. The project “WIR: Workshops for integration and the prevention of radicalization” is co-funded by the Federal Ministry for Europe, Integration and Foreign Affairs and implemented by the Country Office for Austria of the International Organization for Migration (IOM). <sup>107</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>105</sup> European non-discrimination law, as constituted by the EU non-discrimination directives (Racial Equality and Employment Equality Directive), Article 21 of the EU Charter of Fundamental rights and Article 14 of and Protocol 12 to the European Convention on Human Rights, prohibits discrimination across a range of contexts and a range of grounds.

<sup>106</sup> Austrian Integration Fund, *ÖIF und Israelitische Kultusgemeinde: Neue Seminarreihe gegen Antisemitismus im Integrationsbereich*. News post, 30 August 2018, available at [www.integrationsfonds.at/newsbeitrag/oeif-und-israelitische-kultusgemeinde-neue-seminarreihe-gegen-antisemitismus-im-integrationsbereich\\_3523/](http://www.integrationsfonds.at/newsbeitrag/oeif-und-israelitische-kultusgemeinde-neue-seminarreihe-gegen-antisemitismus-im-integrationsbereich_3523/) (accessed on 29 January 2019).

<sup>107</sup> IOM Country Office for Austria, *WIR*, available at [www.iomvienna.at/en/wir](http://www.iomvienna.at/en/wir) (accessed on 18 January 2019).

*\*Please tick the appropriate box*

#### 4.5 Awareness raising on migration in the hosting (Member) State

Were there any **new** developments aimed at raising awareness / engaging the receiving community within the (Member) State in order to enhance its understanding of the phenomenon of migration and thereby promote integration and social cohesion (information campaigns, websites, etc.) in 2018? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development <i>(Please describe)</i>	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### 4.6 Integration measures in the countries of origin and/or involving diaspora communities

##### 4.6.1 Pre-departure integration measures in countries of origin

Were there any **new** pre-departure policies / measures taking place in the countries of origin of third-country nationals to prepare for their integration after arrival in 2018? For example, language training, vocational training, recognition of qualifications and skills. Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development <i>(Please describe)</i>	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

##### 4.6.2 Integration measures involving the diaspora communities in Member States

Were there any **new** integration developments involving the diaspora communities in your Member State (as a host country) in 2018? For example, activities either organised by public authorities or by diaspora communities with the government's support, to promote cultural awareness and/or integration activities for particular diaspora communities. Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development <i>(Please describe)</i>	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

## 5 CITIZENSHIP AND STATELESSNESS

### 5.1 Citizenship

#### 5.1.1 Acquisition of citizenship

Were there any **new** developments in relation to the acquisition of citizenship (prerequisites and conditions) for legally residing third-country nationals in your (Member) State during 2018? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
The Citizenship Act 1985 <sup>108</sup> saw changes as a result of the Act Amending the Aliens Law 2018, <sup>109</sup> which entered into force as of 1 September 2018. The major change is that, to be eligible for citizenship, persons granted asylum must have legally resided in Austria for 10 consecutive years (Art. 11a para 7 Citizenship Act 1985). Previously the eligibility period was six years.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 5.1.2 Grounds for revocation of citizenship

Were there any new developments regarding the grounds for revocation of citizenship during 2018? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
In December 2018, the Constitutional Court reviewed a case involving a man who, based on a decision by the Vienna Provincial Government in accordance with Art. 27 para 1 of the Citizenship Act 1985, had forfeited his Austrian citizenship by reacquiring Turkish citizenship. Initially, the Vienna Provincial Government had, on the basis of a purported list of persons eligible to vote in Turkey, ascertained that the individual concerned had again become a Turkish citizen. The individual objected, claiming not to have reacquired Turkish citizenship but to be unable to present proof, as records from the Turkish civil status register are only issued to Turkish citizens. The Vienna Provincial Government held that the individual concerned had forfeited his Austrian citizenship by again taking up Turkish citizenship. The man objected to the decision by the Vienna Provincial Government by lodging a complaint, which the Vienna Provincial Administrative Court subsequently rejected as unfounded, thereby upholding the Provincial Government's decision. The Constitutional Court ruled, however, that the purported list of persons eligible to vote in Turkey did not qualify as evidence for concluding that an individual had acquired foreign citizenship. The high court, consequently revoking the ruling by the Vienna	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>108</sup> FLG No. 311/1985, in the version of federal law FLG I No. 56/2018.

<sup>109</sup> FLG I No. 56/2018.

Provincial Administrative Court that had rejected the complaint as unfounded, referred the case back to the lower court for a new decision. <sup>110</sup>	
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*\*Please tick the appropriate box*

## 5.2 Statelessness

### 5.2.1 Statelessness determination, status and rights granted

Were there any **new** developments in relation to statelessness determination and status during 2018? Y/N

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) Ratification of international conventions on statelessness;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>b) A dedicated statelessness determination procedure (SDP) or any other procedures or mechanisms by which statelessness can be identified and status determined;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Good practices;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>d) Rights granted to recognised statelessness persons.</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>110</sup> Constitutional Court, 11 December 2018, [E 3717/2018-42](#); Constitutional Court, VfGH: *Mindestsicherung und Nichtrauchererschutz auf Tagesordnung der Dezember-Session 2018*. Press release, Vienna, 23 November 2018, available at [www.vfgh.gv.at/medien/VfGH\\_Mindestsicherung\\_und\\_Nichtraucher\\_schutz\\_auf\\_Ta.de.php](http://www.vfgh.gv.at/medien/VfGH_Mindestsicherung_und_Nichtraucher_schutz_auf_Ta.de.php) (accessed on 20 December 2018).

## 6 BORDERS, VISA AND SCHENGEN

### 6.1 Enhanced border management at the external borders

#### 6.1.1 Border control measures/management

Were there any **new** developments in relation to border control measures/ management implemented during 2018? Y/N.

**NB:** This question only pertains to technical developments and measures taken at the external borders.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
An amendment to the Border Control Act <sup>111</sup> became law with effect from 23 December 2018. The change authorizes the director of a provincial police administration to empower public employees not belonging to the public security service to issue orders and exercise force at Austria's international borders, provided such persons are qualified and specially trained (Art. 12b para 1 Border Control Act). <sup>112</sup> The amendment, in response to the increased number of passengers at Vienna-Schwechat International Airport in recent years, was necessary to alleviate the workload of the police officers carrying out border checks at the airport. <sup>113</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 6.1.2 Activities to improve the effectiveness of controls at external borders

Were there any **new** developments to ensure more effective control of the external borders, such as reinforcing border control staff, providing training, increasing overall resources, introducing action plans or protocols, etc. in 2018? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
Within the framework of the Salzburg Forum (SF), <sup>114</sup> an SF Ministerial Conference was held in Bucharest, Romania, on 14 and 15 June 2018, also attended by SF friends from the Western Balkans. <sup>115</sup> During the conference,	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>111</sup> FLG I No. 93/2018.

<sup>112</sup> FLG No. 435/1996, in the version of federal law FLG I No. 93/2018.

<sup>113</sup> Federal Ministry of the Interior, *Kickl: Mehr Personal für Grenzkontrollen am Flughafen Wien-Schwechat*. News, 10 December 2018, available at [www.bmi.gv.at/news.aspx?id=69657A464D49306E3034383D](http://www.bmi.gv.at/news.aspx?id=69657A464D49306E3034383D) (accessed on 28 December 2018).

<sup>114</sup> The Salzburg Forum is a Central European security partnership based on an initiative of the Austrian Federal Ministry of the Interior with nine Member States. These are Austria, Bulgaria, Croatia, Czechia, Hungary, Poland, Romania, Slovakia and Slovenia (Salzburgforum, available at [www.salzburgforum.org/](http://www.salzburgforum.org/) (accessed on 30 January 2019)).

<sup>115</sup> The Friends of the Salzburg Forum from the Western Balkans include Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, and Serbia.

Austria promised to support the Western Balkan States by strengthening police cooperation for protecting international borders. <sup>116</sup>	
In a joint declaration adopted at the SF Ministerial Conference in Bratislava, Slovak Republic on 28 and 29 November 2018, the ministers agreed on the need to increase the staff of the European Border and Coast Guard Agency (Frontex) while simultaneously maintaining national sovereignty. <sup>117</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
Austrian police officers supported Frontex in various operations in 2018. They were deployed in a variety of roles, including border surveillance in areas without checkpoints, border control, plus migrant registration and interviews. Some 5,000 experts from all over Europe, including 245 Austrian police officers, belong to the European Border and Coast Guard Teams. Of the Austrian contingent, an average of 35 officers were deployed with Frontex each month. Austrian officers were mainly posted along the Eastern Mediterranean route (Greece and Bulgaria), the Central Mediterranean route (Italy) and the Western Balkan route. <sup>118</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 6.1.3 Reinforced cooperation with third countries in the area of border management.

**Please list any 2018 agreements, and other forms of bilateral and multilateral cooperation with third countries with an objective to strengthen the operational capacity in combatting irregular migration and controlling of external borders.**

Title of agreement (where relevant)	Third country (countries) with whom the cooperation exists	Description (e.g. provision of border equipment, training of border guards, etc.)
Police Cooperation Convention for Southeast Europe (PCC SEE)	Albania	Two Austrian police officers participated in the DRINO 2018 operation at the border between Albania and Greece in 2018. The operation was part of international cooperation towards combating irregular migration. The States participating included Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Montenegro, the Republic of Moldova, Serbia and Slovenia, along with Europol and Frontex. The officers participating acquired knowledge of migrants' countries of origin and of the Balkan route. <sup>119</sup>

<sup>116</sup> Federal Ministry of the Interior, *Kickl bei "Forum Salzburg"-Ministerkonferenz: Kontrolle der Balkanroute hat weiterhin hohe Priorität*. News, 15 June 2018, available at [www.bmi.gv.at/news.aspx?id=583961425574754272534D3D](http://www.bmi.gv.at/news.aspx?id=583961425574754272534D3D) (accessed on 20 December 2018).

<sup>117</sup> Federal Ministry of the Interior, *Generalsekretär Goldgruber bei Ministerkonferenz in Bratislava*. News, 3 December 2018, available at [www.bmi.gv.at/news.aspx?id=716254507851734B32306F3D](http://www.bmi.gv.at/news.aspx?id=716254507851734B32306F3D) (accessed on 20 December 2018).

<sup>118</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 25 January 2019.

<sup>119</sup> Federal Ministry of the Interior, Criminal Intelligence Service Austria, *Polizisten aus Österreich unterstützen bei Grenzschutz*. News, 6 August 2018, available at [www.bundeskriminalamt.at/news.aspx?id=654A4151714B54595956593D](http://www.bundeskriminalamt.at/news.aspx?id=654A4151714B54595956593D) (accessed on 20 December 2018); Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 25 January 2019.

Status agreement for stronger involvement of the European Border and Coast Guard Agency (Frontex)	Albania	The agreement, signed in October 2018 between Austria, on behalf of the EU, and Albania, facilitates rapid deployment of European border and coast guard teams. <sup>120</sup>
	former Yugoslav Republic of Macedonia	In 2018, 20 seconded police officers provided year-round support to their counterparts in the former Yugoslav Republic of Macedonia in surveillance of the border with Greece. <sup>121</sup>
European Union Border Assistance Mission (EUBAM)	Libya	One staff member from the Federal Ministry of the Interior advises and supports the Libyan interior ministry in reforming structures and roles within the country's security system. <sup>122</sup>
	Serbia	Launched in January 2017, the operation to assist Serbian officers in the surveillance of Serbia's border with Bulgaria was terminated as of 27 September 2018. Originally 20 and later 10 police officers had participated. <sup>123</sup>

*If information is available, please describe any evidence of the effectiveness of these measures*

## 6.2 Visa Policy

**Were there any new developments in relation to the implementation of the Visa Code and the Visa Information System (VIS) or any other Visa related developments, in particular in relation to cooperation between (Member) States' consulates and the set-up of joint consular services for visas in 2018? Y/N**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
Several annexes to agreements stipulating mutual representation in procedures for granting visas were amended in 2018: <ul style="list-style-type: none"> <li>• Through an exchange of notes effective as of 16 January 2018, Austria and the Swiss Confederation agreed for the Swiss Confederation's</li> </ul>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

<sup>120</sup> Federal Ministry of the Interior, *Kickl: EU muss Zusammenarbeit mit Westbalkan stärken - Frontex-Vereinbarung unterzeichnet [sic!]*. News, 6 October 2018, available at [www.bmi.gv.at/news.aspx?id=434D4761706870656E6C383D](http://www.bmi.gv.at/news.aspx?id=434D4761706870656E6C383D) (accessed on 20 December 2018).

<sup>121</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 25 January 2019.

<sup>122</sup> Federal Ministry of the Interior, *Unterstützung für libysches Innenministerium*. News, 2 February 2018, available at [www.bmi.gv.at/news.aspx?id=2B4D74396261417966426B3D](http://www.bmi.gv.at/news.aspx?id=2B4D74396261417966426B3D) (accessed on 20 December 2018).

<sup>123</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 25 January 2019.

representation at Khartoum to represent Austria in visa application matters involving persons holding diplomatic passports and official passports issued by Sudan.<sup>124</sup>

- Through an exchange of notes effective as of 1 June 2018, Austria and Czechia agreed for Czechia's representation at Baghdad to additionally represent Austria in visa application matters involving Iraqi citizens who hold standard passports and are to travel on the invitation of international organizations established in Vienna, limited to a maximum of 30 applications per year.<sup>125</sup>
- Through an exchange of notes effective as of 1 June 2018, Austria and Germany agreed to remove Kabul from the list of places where Germany represents Austria.<sup>126</sup>
- Through an exchange of notes effective as of 1 June 2018, Austria and Malta agreed to remove Tehran from the annex of the mutual representation agreement.<sup>127</sup>
- Through an exchange of notes effective as of 1 July 2018, Austria and Hungary agreed to remove Addis Ababa from the annex of the mutual representation agreement.<sup>128</sup>
- Through an exchange of notes effective as of 1 August 2018, Austria and Malta agreed to also remove Caracas from the annex of the mutual representation agreement.<sup>129</sup>
- Through an exchange of notes effective as of 1 August 2018, Austria and Latvia agreed to remove Caracas from the annex of the mutual representation agreement.<sup>130</sup>
- Through an exchange of notes effective as of 1 August 2018, Austria and Slovenia agreed to remove Caracas from the annex of the mutual representation agreement.<sup>131</sup>
- Effective as of 1 September 2018, Austria and Liechtenstein agreed for Austria to additionally represent Liechtenstein in New Delhi (for applications submitted through the external service provider in Thimphu, Bhutan) and Canberra (for applications submitted through the external service provider in Adelaide, Brisbane, Canberra, Melbourne, Perth and Sydney).<sup>132</sup>
- Through an exchange of notes effective as of 1 November 2018, Austria and Slovenia agreed to also remove Senegal from the annex of the mutual representation agreement.<sup>133</sup>
- Through an exchange of notes effective as of 1 December 2018, Austria and Slovenia agreed to also remove Tehran from the annex of the mutual representation agreement.<sup>134</sup>

*\*Please tick the appropriate box*

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<sup>124</sup> [FLG III No. 20/2018.](#)

<sup>125</sup> [FLG III No. 87/2018.](#)

<sup>126</sup> [FLG III No. 86/2018.](#)

<sup>127</sup> [FLG III No. 85/2018.](#)

<sup>128</sup> [FLG III No. 102/2018.](#)

<sup>129</sup> [FLG III No. 144/2018.](#)

<sup>130</sup> [FLG III No. 153/2018.](#)

<sup>131</sup> [FLG III No. 202/2018.](#)

<sup>132</sup> [FLG III No. 143/2018.](#)

<sup>133</sup> [Ibid.](#)

<sup>134</sup> [FLG III No. 210/2018.](#)

### 6.3 Schengen governance

Were there any new developments in relation to Schengen governance during 2018? Y/N

Where relevant, please include any (planned) actions in relation to the new Schengen acquis, temporary suspension of Schengen, etc.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
An agreement between Austria and Germany on cooperation at the joint centre at Passau became effective as of 1 February 2018. The centre is intended to enable closer cooperation between the competent police authorities, in combating criminal activity, in protecting public security and order, and in combating irregular migration. Cooperation includes mutual assistance in returning third-country nationals. <sup>135</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
In May 2018 the Federal Minister of the Interior issued a regulation as referred to in Art. 10 para 2 of the Border Control Act, <sup>136</sup> temporarily reintroducing border controls along the EU internal borders with Hungary and Slovenia. Temporary border controls were initially to be maintained until 11 November 2018. <sup>137</sup> Another regulation was then issued in early November, introducing temporary border controls until 12 May 2019. <sup>138</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
Border police cooperation between Austria and Germany was intensified as of 1 June 2018, with agreement reached over targeted activities and checks of passenger and freight trains in the border zone. <sup>139</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>135</sup> FLG III No. 18/2018.

<sup>136</sup> FLG No. 435/1996, in the version of federal law FLG I No. 93/2018.

<sup>137</sup> FLG II No. 98/2018.

<sup>138</sup> FLG II No. 274/2018.

<sup>139</sup> Federal Ministry of the Interior, *Verstärkte grenzpolizeiliche Zusammenarbeit im bayerisch-österreichischen Grenzgebiet*. News, 29 May 2018, available at [www.bmi.gv.at/news.aspx?id=496970466B786B757857593D](http://www.bmi.gv.at/news.aspx?id=496970466B786B757857593D) (accessed on 20 December 2018).

## 7 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

### 7.1 Preventing and tackling of misuse of legal migration channels

#### 7.1.1 Irregular migration as a result of visa liberalisation

Were there any **new** developments introduced in 2018 to prevent irregular migration as a result of visa liberalisation? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 7.1.1.1 Effects of visa free regimes

Were there any **new** developments to monitor the effects of visa free regimes in your (Member) State in 2018? Y/N

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 7.1.1.2 Key findings of monitoring activities

Please describe the results/key findings of these monitoring activities – especially in relation to impact on the number unfounded asylum applications registered in your (Member) State.

No significant changes in 2018.

### 7.1.2 Irregular migration as a result of misuse of legal migration channels

#### 7.1.2.1 Misuse of legal migration channels by third-country national workers

Were there any **new** developments in 2018 to tackle misuse of legal migration channels by third-country national workers? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### *7.1.2.2 Misuse of legal migration channels by third-country national students and researchers*

**Were there any new developments in 2018 to tackle misuse of legal migration channels by third-country national students and researchers? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development (Please describe)</b>	<b>Nature*</b>
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### *7.1.2.3 Misuse of family reunification migration channels*

**Were there any new developments in 2018 to tackle misuse of family reunification migration channels? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development (Please describe)</b>	<b>Nature*</b>
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### *7.1.3 False travel documents*

**Were there any new developments in 2018 to prevent, identify and/or investigate fraudulent acquisition and use of false travel documents? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development (Please describe)</b>	<b>Nature*</b>
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

#### *7.1.4 Irregular migration caused by the misuse of free movement rights by third-country nationals and preventing the fraudulent acquisition and use of free movement rights by third-country nationals*

**Were there any new developments in 2018 to prevent the fraud and misuse of free movement rights? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

## 7.2 The fight against facilitation of irregular migration ('smuggling') and prevention of irregular stay

### 7.2.1 Combatting facilitation of irregular migration (smuggling)

Were there any **new** developments aimed at preventing and combatting facilitation of irregular migration (smuggling), including facilitation of unauthorised entry in 2018? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
At a special meeting of interior ministers in Sarajevo, Bosnia and Herzegovina on 7 June 2018, a Balkan task force was set up. The participating Balkan States as well as Germany, Italy and Austria agreed to share information and data, while the Joint Operational Office (JOO) within the Criminal Intelligence Service Austria is responsible for coordination. The goal of the initiative is to step up efforts to combat people smuggling along the various Balkan routes. <sup>140</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
During the Austrian Presidency of the EU Council (see 7.2.2), the JOO within the Criminal Intelligence Service Austria organized an international conference to share good practices for combating the smuggling and trafficking of human beings. Those in attendance included experts from the EU Member States and the European Commission, Eurojust, Europol, the European Border and Coast Guard Agency (Frontex) and Interpol, as well as from 20 third countries. <sup>141</sup> The participating States declared their intention of working more closely together to combat the smuggling and trafficking of human beings, while also pledging to intensify information exchange. <sup>142</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
The JOO within the Criminal Intelligence Service Austria began implementing the SILK ROAD project in 2018, with the goal of combating irregular migration and people smuggling along the Silk Road. Initial steps will be taken towards building trust, with cooperation in criminal investigations to follow at a later stage. Bulgaria, Interpol and Hungary are partners in the project, and Afghanistan, the Islamic Republic of Iran, Pakistan and Turkey are the countries at the project's focus. <sup>143</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 7.2.2 Prevention of irregular migration

Were there any **new** developments responding to the objective of prevention of irregular migration from third countries of origin and transit (information campaigns, websites, projects

<sup>140</sup> Written input by the Criminal Intelligence Service Austria, 14 January 2019.

<sup>141</sup> Ibid.

<sup>142</sup> Written input by the Criminal Intelligence Service Austria, 25 January 2019.

<sup>143</sup> Written input by the Criminal Intelligence Service Austria, 14 January 2019 resp. 25 January 2019.

with grass-roots NGOs or involving the diaspora, etc., with the exception of cooperation activities with third countries to be reported in section 7.2.4) in 2018? **Y/N**.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
Austria held the Presidency of the Council of the European Union from 1 July to 31 December 2018. In keeping with the Austrian EU Council Presidency's motto of "A Europe that protects", Austria highlighted the EU's role in protecting its citizens through three focal areas of the Austrian programme. The first focus, relating to migration, was entitled "Security and the fight against illegal migration". The main goals here were to reform the Common European Asylum System, to refocus and strengthen Frontex, and to work more closely with third countries. <sup>144</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
Austria contributed EUR 35,000 in funding to the Aware Migrants <sup>145</sup> information campaign, carried out by the International Organization for Migration (IOM) to support the Regional Development and Protection Programme in North Africa. The contribution was used to fund a total of 84 TV ads broadcast in February and March of 2018, with the aim of informing potential migrants about the risks involved in irregular migration. <sup>146</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
At a ministerial conference held in Vienna in April 2018, Austria launched the "Vienna Process" at policy level. This new type of initiative is aimed at linking up Austria's traditional Central European partners in the Salzburg Forum (see 6.1.2) with former and future EU Presidency countries. The participants adopted a declaration pledging close cooperation towards the following five aims: 1) strengthening the EU's external border protection; 2) developing a crisis-resistant EU asylum system; 3) removing the breeding ground for violent extremism and terrorism; 4) strengthening European police cooperation, with a particular focus inter alia on fighting human trafficking and migrant smuggling as well as promoting Community Policing; and 5) safeguarding digital security. <sup>147</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
A unit of the aliens and border police, referred to as "Puma", was installed in each of the provinces' police administrations as of 1 September 2018. The tasks of such units include verifying whether foreigners are residing and being employed lawfully in Austria, processing asylum applications, carrying out checks at EU internal borders and, when required, at international airports, and participating in joint cross-border patrols with police officers from neighbouring countries. <sup>148</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>144</sup> Federal Chancellery, *Programm des österreichischen Ratsvorsitzes*, pp. 7–8, available at [www.eu2018.at/dam/jcr:b5dd3521-d93b-4dbc-8378-1d1a6a7f99cf/Programm%20des%20C3%B6sterreichischen%20Ratsvorsitzes.pdf](http://www.eu2018.at/dam/jcr:b5dd3521-d93b-4dbc-8378-1d1a6a7f99cf/Programm%20des%20C3%B6sterreichischen%20Ratsvorsitzes.pdf) (accessed on 20 December 2018).

<sup>145</sup> Aware Migrants, available at <http://awaremigrants.org/> (accessed on 29 January 2019).

<sup>146</sup> Written input by the Federal Ministry of the Interior, Department V/8 (Asylum), 24 January 2019.

<sup>147</sup> Federal Ministry of the Interior, *Innenminister Herbert Kickl startet "Wiener Prozess"*. News, 13 April 2018, available at [www.bmi.gv.at/news.aspx?id=43734E44463148575A2B633D](http://www.bmi.gv.at/news.aspx?id=43734E44463148575A2B633D) (accessed on 20 December 2018).

<sup>148</sup> Federal Ministry of the Interior (ed.), *Streifen und kontrollieren*. In: Federal Ministry of the Interior (ed.), *Öffentliche Sicherheit 9–10/18*, p. 29 available at [www.bmi.gv.at/magazinfiles/2018/09\\_10/puma.pdf](http://www.bmi.gv.at/magazinfiles/2018/09_10/puma.pdf) (accessed on 20 December 2018).

### 7.2.3 Prevention of irregular stay

Were there any **new** developments aimed at preventing irregular stay and combatting facilitation of irregular stay, including disincentives and sanctions in 2018? Y/N.

Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
The Aliens Police Act 2005 <sup>149</sup> also saw changes as a result of the Act Amending the Aliens Law 2018, <sup>150</sup> entering into force as of 1 September 2018. Among the changes introduced is the possibility of imposing an administrative penalty on persons entering or staying in Austria unlawfully in violation of a valid entry ban or exclusion order. Specifically, the authorities can impose a fine of between EUR 5,000 and EUR 15,000 or imprisonment for a maximum of six weeks in such cases (Art. 120 para 1c Aliens Police Act 2005). Administrative penalties, in the form of fines and substitute imprisonment penalties, had already applied in the past in cases of unlawful entry, unlawful stay and failure to comply with return decisions and entry bans (see Art. 120 para 1 to 1c Aliens Police Act 2005). <sup>151</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 7.2.4 Cooperation with third countries to prevent irregular migration

Were there any specific cooperation activities developed in 2018 in your (Member) State to prevent irregular migration in relation to the specific regions outlined below? Y/N.

If yes, please elaborate below.

<p><b>a) The Western and Southern Mediterranean countries</b> (i.e. Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Mauritania, Palestinian territories, Syrian Arab Republic and Tunisia);</p> <p>In 2018 Tunisia was introduced as a new destination for liaison officers.<sup>152</sup></p> <p>The ministerial conference on “Security and Migration – Promoting Partnership and Resilience”, held on 14 September 2018 under Austria’s EU Council Presidency, was dedicated to fostering cooperation with African partner States. Among those in attendance were the interior ministers of Tunisia and Chad (see also 7.2.4 c).<sup>153</sup></p>
<p><b>b) The Eastern Partnership countries</b> (i.e. Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine);</p> <p>Document advisers with the Federal Ministry of the Interior held several training sessions in 2018 on identifying counterfeit and falsified documents and on verifying personal identity. A total of 133 members of Georgia’s patrol police (responsible for passport checks) received basic training in such skills within the framework of eight two-and-a-half day workshops spread over four weeks.</p>

<sup>149</sup> FLG I No. 100/2005, in the version of federal law FLG I No. 56/2018.

<sup>150</sup> FLG I No. 56/2018.

<sup>151</sup> FLG I No. 100/2005, in the version of federal law FLG I No. 145/2017.

<sup>152</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 21 January 2019.

<sup>153</sup> Austrian Presidency of the Council of the European Union, *Conference on Security and Migration – Promoting Partnership and Resilience*, available at [www.eu2018.at/en/calendar-events/political-events/BMI-2018-09-13-Security-Partnership.html](http://www.eu2018.at/en/calendar-events/political-events/BMI-2018-09-13-Security-Partnership.html) (accessed on 30 January 2019); Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 21 January 2019.

In addition, one-week advanced courses that included practical exercises were held for experienced officers from Kazakhstan and Ukraine.<sup>154</sup>

**c) The Western Balkans countries** (i.e. Albania, Bosnia and Herzegovina, Kosovo,<sup>155</sup> the former Yugoslav Republic of Macedonia, Montenegro and Serbia);

Four Western Balkan States (Albania, the former Yugoslav Republic of Macedonia, Montenegro and Serbia), the Republic of Moldova and four EU Member States (Austria, Bulgaria, Hungary and Romania) signed an agreement along with a memorandum of understanding regulating automated information exchange; the occasion was the ministerial conference on “Security and Migration – Promoting Partnership and Resilience”, held on 13 and 14 September 2018 under Austria’s EU Council Presidency.<sup>156</sup> The agreements enable automated exchange of DNA data, dactyloscopic data and vehicle registration data. Austria is to assist Albania, the former Yugoslav Republic of Macedonia, Montenegro and Serbia in technical implementation of the agreements.<sup>157</sup>

The Austrian Federal Ministry of the Interior posted document advisors to Albania, the former Yugoslav Republic of Macedonia, and Montenegro to provide document security training at a basic level.<sup>158</sup>

See also section 7.2.1

**d) Countries in the African Atlantic coast** (e.g. Gambia, Ghana, Nigeria, Democratic Republic of Congo, Côte d’Ivoire, etc.).

No significant changes in 2018.

### 7.2.5 Monitoring and identifying irregular migration routes

**Were there any new developments with regard to identifying, monitoring and aggregating information on irregular migration routes in 2018? Y/N**

If yes, please indicate the nature of each development in the tick boxes below.

*Please explain how this information is used to develop your (Member) State’s response to migratory flows.*

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
The 2017 annual report on the smuggling of migrants was published by the Criminal Intelligence Service Austria in July 2018. The report, based on records of authorities’ activities, reveals a renewed decrease for 2017 in the number of smugglers apprehended and persons smuggled. It also forecasts a decline in irregular migration from Iraq and the Syrian Arab Republic as well as continued migration from Pakistan and North Africa in 2018. <sup>159</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>154</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 25 January 2019.

<sup>155</sup> References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).

<sup>156</sup> Bosnia and Herzegovina and Slovenia will accede to the agreement at a later date.

<sup>157</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2019; T.H., Zusammenarbeit in Südosteuropa. In: Federal Ministry of the Interior (ed.), *Öffentliche Sicherheit 11–12/18*, p. 68, available at [www.bmi.gv.at/magazinfiles/2018/11\\_12/polizeikooperation.pdf](http://www.bmi.gv.at/magazinfiles/2018/11_12/polizeikooperation.pdf) (accessed on 27 December 2018).

<sup>158</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 25 January 2019.

<sup>159</sup> Criminal Intelligence Service Austria, *Lagebericht Schlepperei 2017*, pp. 6 and 16, available at [www.bundeskriminalamt.at/304/files/Schlepperei\\_17\\_web\\_082018.pdf](http://www.bundeskriminalamt.at/304/files/Schlepperei_17_web_082018.pdf) (accessed on 20 December 2018).

<p>The Federal Ministry of the Interior holds periodic meetings to assess the current situation, and also set up a task force for migration in June 2018;<sup>160</sup> through these arrangements, information on migration flows is shared, measures are coordinated, and reports are presented to the Council of Ministers on a weekly basis. In November 2018 special attention was given to monitoring the border between Bosnia and Herzegovina and Croatia. The interior ministry fears a new pull factor and migrant flows towards Austria, should migrants succeed in crossing the border.<sup>161</sup></p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<p>The Federal Ministry of the Interior has implemented a structural model to support the centralized control of asylum and aliens affairs (GAF), as a means of analysing cause and effect relationships in the systems of basic care, integration, immigration and border management, and within the security police, and to coordinate information sharing in these areas. The centralized control system comprises one group for analysis and another for control. Delegates to the analysis group from the various organizations and specialist departments meet to mutually share information, which is also compared with information from the international level. This results in a “master document”, that is, a comprehensive picture of the overall situation including key figures, enabling proposals for alternative action as well as the evaluation of implementation outcomes. The analysis group submits its findings to the control group, which then defines a common strategy and advises the specialist unit heads responsible in each case. Objectives are stipulated for the lower-level authorities, organizational units and administrative offices, which are then tasked with corresponding implementation measures. The GAF system has additionally been installed in the federal provinces as “regional GAFs”, each serving to facilitate the sharing and coordination of information on border management and aliens police activities. The objective here is, like the GAF under the federal ministry, to prepare regional analyses and define matching coordinated measures.<sup>162</sup></p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Order
<p>In November 2018 a meeting to share information on current migration trends took place in Vienna, attended by representatives of Germany’s Joint Centre for Illegal Migration Analysis and Policy (GASIM), Switzerland’s State Secretary for Migration (SEM) and Unit III/5/b (Controlling of Asylum and Aliens Issues) in the Federal Ministry of the Interior. The meeting centred on the shift in migration routes taking place towards the Western and Eastern Mediterranean, and on secondary migration of asylum seekers within the EU.<sup>163</sup></p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<p>In Austria, the Eurosur National Coordination Centre (NCC) is the central contact point for sharing information and cooperating with other national coordination centres and with Frontex. The NCC’s main activity in 2018 was to enter national data in the Eurosur and JORA systems as well as to prepare daily and weekly</p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

<sup>160</sup> The Task Force Migration is under the direction of the Federal Ministry of the Interior and consists of representatives of the Federal Chancellery; the Federal Ministry of Defense, the Federal Ministry for Europe, Integration and Foreign Affairs; the Federal Ministry for Transport, Innovation and Technology; and the Federal Ministry of Constitutional Affairs, Reforms, Deregulation and Justice.

<sup>161</sup> Federal Ministry of the Interior, *Migrationslage am Westbalkan weiter angespannt, aber unter Kontrolle*. News, 8 November 2018, available at [www.bmi.gv.at/news.aspx?id=413665775A4C367369736F3D](http://www.bmi.gv.at/news.aspx?id=413665775A4C367369736F3D) (accessed on 20 December 2018); Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 25 January 2019.

<sup>162</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 25 January 2019.

<sup>163</sup> Federal Ministry of the Interior, *Treffen von Migrationsexperten in Wien*. News, 27 November 2018, available at [www.bmi.gv.at/news.aspx?id=47485637797959357847673D](http://www.bmi.gv.at/news.aspx?id=47485637797959357847673D) (accessed on 20 December 2018).

reports on the migration situation at international and national levels, used by strategic and operational management as a basis for information and decision-making. <sup>164</sup>	
See also 6.1.3 (PCC SEE)	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

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<sup>164</sup> Written input by the Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 25 January 2019.

## 8 TRAFFICKING IN HUMAN BEINGS

*This Section should be completed in the context of the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)" and related Communication<sup>165</sup>. You should liaise with your National Rapporteur on Trafficking in Human Beings or Equivalent Mechanism (NREMs).*

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

*NREMs share information with the Commission (via the informal EU Network of NREMs) on a biannual basis on developments relevant to their national legal and policy framework. This information can be used for this reporting exercise too. All information is uploaded accordingly to the EU Anti-Trafficking Website under the section of national pages.<sup>166</sup>*

### 8.1 National strategic policy developments

**Were there any new developments or actions regarding the prevention and/or the fight against trafficking in human beings of third-country nationals (e.g. national action plans or national strategies introduced during 2018)? Y/N**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> <i>(Please describe)</i>	<b>Nature*</b>
On 10 October 2018 the Council of Ministers followed a motion to adopt the report on implementation of the fourth National Action Plan (NAP) on Combating Human Trafficking (2015–2017), at the same time adopting the new fifth NAP (2018–2020). <sup>167</sup> The new NAP is designed to reflect the changed situation since the immigration in 2015. <sup>168</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
The Criminal Intelligence Service Austria published the 2017 status report on human trafficking and cross-border prostitution in November 2018. The report reveals sexual exploitation – the issue in more than 70 per cent of the police investigations completed in 2017 – to be the most common form of human trafficking. Roughly 57 per cent of the victims of sexual exploitation were third-country nationals, mostly from China or Nigeria. <sup>169</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>165</sup> European Commission, Communication from the Commission to the European Parliament and the Council: Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions, COM(2017), 728 Final, available at [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/20171204\\_communication\\_reporting\\_on\\_follow-up\\_to\\_the\\_eu\\_strategy\\_towards\\_the\\_eradication\\_of\\_trafficking\\_in\\_human\\_beings.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/20171204_communication_reporting_on_follow-up_to_the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings.pdf) (accessed on 20 December 2018).

<sup>166</sup> European Commission, Together against Trafficking in Human Beings, *Member States*, available at <https://ec.europa.eu/anti-trafficking/member-states> (accessed on 20 December 2018).

<sup>167</sup> Written input by the Criminal Intelligence Service Austria, 14 January 2019.

<sup>168</sup> Parliament of the Republic of Austria, *III-216 der Beilagen XXVI. GP - Bericht - 03 Nationaler Aktionsplan 2018–2020*, p. 2, available at [www.parlament.gv.at/PAKT/VHG/XXVI/III/III\\_00216/fname\\_721006.pdf](http://www.parlament.gv.at/PAKT/VHG/XXVI/III/III_00216/fname_721006.pdf) (accessed on 20 December 2018).

<sup>169</sup> Criminal Intelligence Service Austria, *Lagebericht Menschenhandel und grenzüberschreitender Prostitutionshandel 2017*, p. 11, available at [www.bmi.gv.at/bmi\\_documents/2251.pdf](http://www.bmi.gv.at/bmi_documents/2251.pdf) (accessed on 20 December 2018); Federal Ministry of the Interior, *Menschenhandelsbericht 2017: 121 Opfer, Ermittlungen gegen 141 Tatverdächtige*. News, 17 November 2018, available at [www.bmi.gv.at/news.aspx?id=4A366B6B4757526C446D633D](http://www.bmi.gv.at/news.aspx?id=4A366B6B4757526C446D633D) (accessed on 20 December 2018).

## 8.2 Improving identification of and provision of information to third-country national victims of human trafficking

### 8.2.1 Provision of information on assistance and support to third-country national victims

Were there any new developments in relation to the improvement of the provision of information and assistance to third-country national victims (including child victims and applicants for asylum) during 2018? Y/N.

If yes, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Training and awareness raising ;</b>	
On the occasion of the European Union Anti-Trafficking Day, the Task Force on Combating Human Trafficking in Austria <sup>170</sup> organized a conference on 29 October 2018. The annual conference in 2018 discussed the topic of “Human trafficking and human rights – access to rights for trafficking victims”. <sup>171</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
In accordance with the NAP (2018–2020), additional training and awareness-raising measures were held in 2018 for individuals working at the Federal Office for Immigration and Asylum, reception centres, institutions providing basic care and police detention centres. Additional information material was also made available in potential victims’ native languages. Material suited for minors is also planned. Within the Task Force on Combating Human Trafficking, the Working Group on Child Trafficking has been commissioned with planning a national shelter for minor foreign nationals. <sup>172</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
In 2018 training courses on human trafficking were included in the continuing education programme for employees of police detention centres. The experts from Austria are also involved in the training offered by CEPOL, the European Union Agency for Law Enforcement Training. Annual workshops are held for representatives of labour inspectorates and tax authorities, with the involvement of the Criminal Intelligence Service Austria and victim protection organizations LEFÖ-IBF (Intervention Center for Trafficked Women) and MEN VIA (Support for Male Victims of Human Trafficking). <sup>173</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
In 2018 the Federal Ministry of the Interior organized a workshop, focused specifically on the trafficking of children, for staff of the child and youth welfare authorities of the City of Vienna. Similar workshops were also held in the other federal provinces. <sup>174</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>b) Measures on cooperation between national authorities;</b>	
In May 2018 the Federal Ministry of the Interior and the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection jointly committed to	<input type="checkbox"/> Legislation

<sup>170</sup> In 2004, the federal government established a Task Force on Combating Human Trafficking in order to coordinate and intensify the Austrian measures against human trafficking. Its main task is to develop National Action Plans and monitor their implementation.

<sup>171</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Internationale Kooperation zur Bekämpfung des Menschenhandels im Fokus der Konferenz „Menschenhandel und Menschenrechte“*. Press release, Vienna, 30 October 2018, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2018/10/internationale-kooperation-zur-bekaempfung-des-menschenhandels-im-fokus-der-konferenz-menschenhandel-und-menschenrechte/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2018/10/internationale-kooperation-zur-bekaempfung-des-menschenhandels-im-fokus-der-konferenz-menschenhandel-und-menschenrechte/) (accessed on 20 December 2018).

<sup>172</sup> Written input by the Criminal Intelligence Service Austria, 14 January 2019.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

Development (Please describe)	Nature*
provide funding for a cooperative project by UNDOK (Association for Trade Union Support of Undocumented Workers) and MEN VIA (Support for Male Victims of Human Trafficking). Continuation of the project is planned under the NAP (2018–2020). The project is intended to contribute towards implementing the Employer Sanctions Directive (2009/52/EC), <sup>175</sup> which defines measures to be taken against employers who employ third-country nationals not lawfully residing in a country. <sup>176</sup> An agreement was signed in 2018 pledging base funding from the Federal Ministry of the Interior to enable MEN VIA to operate anonymous shelter accommodations for trafficking victims and to ensure that such individuals receive court assistance. <sup>177</sup>	<input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
The Federal Ministry of the Interior issued a decree providing for assistance to trafficking victims anywhere in Austria, and for ensuring the rights of such individuals (National Referral Mechanism); the decree became effective as of 13 November 2018. In addition, within the framework of the Task Force on Combating Human Trafficking, information is shared and close cooperation takes place on an ongoing basis among all ministries and offices as well as the federal provinces and victim protection organizations. <sup>178</sup>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Measures on cooperation between (Member) States.</b>	
In a joint operation with police units from Belgium, Germany and Italy, federal and provincial criminal intelligence investigators inspected brothels in the province of Carinthia in August 2018. The focus of the operation was human trafficking involving the sexual exploitation of victims from Nigeria. A main aspect of the international campaign was to provide counselling to potential victims and to distribute information on prevention. <sup>179</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

### 8.2.2 Identification of victims

**Were there any new developments in relation to the improvement of the identification of victims (including child victims and applicants for asylum) during 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
<b>a) Training and awareness raising;</b>	

<sup>175</sup> Directive [2009/52/EC](#) of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, 30 June 2009, OJ 2009 L 168/24.

<sup>176</sup> Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, *UNDOK und MEN VIA: Grünes Licht für Förderung gegen Menschenhandel*. Press release, Vienna, 18 May 2018, available at [www.sozialministerium.at/site/Service\\_Medien/Presse/Presseausendungen/UNDOK\\_und\\_MEN\\_VIA\\_Gruenes\\_Licht\\_fuer\\_Foerderung\\_gegen\\_Menschenhandel](http://www.sozialministerium.at/site/Service_Medien/Presse/Presseausendungen/UNDOK_und_MEN_VIA_Gruenes_Licht_fuer_Foerderung_gegen_Menschenhandel) (accessed on 20 December 2018).

<sup>177</sup> Written input by the Criminal Intelligence Service Austria, 14 January 2019.

<sup>178</sup> Ibid.

<sup>179</sup> Federal Ministry of the Interior, Criminal Intelligence Service Austria, *Schwerpunktaktion gegen Menschenhandel in Kärnten*. Press release, Vienna, 31 August 2018, available at [www.bundeskriminalamt.at/news.aspx?id=354348666B3368666444673D](http://www.bundeskriminalamt.at/news.aspx?id=354348666B3368666444673D) (accessed on 20 December 2018).

The NAP (2018–2020) provides for the expansion of existing programmes aimed at identifying and caring for child trafficking victims. The plan singles out unaccompanied minors as a group potentially at risk. <sup>180</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
Under the Asyl-Train project, training courses aimed at improving skills in identifying victims of human trafficking and at fostering intercultural competencies in asylum procedures were held in 2018. The participants were staff members of the Federal Office for Immigration and Asylum, the Federal Administrative Court, ARGE Rechtsberatung, and legal counsellors with Verein Menschenrechte Österreich and ORS Service GmbH (responsible for the care of asylum seekers at federal reception facilities). <sup>181</sup> The project is implemented by the Country Office for Austria of the International Organization for Migration (IOM), with co-funding provided by the Federal Ministry of the Interior and the European Union. <sup>182</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
At the conference on the occasion of the European Union Anti-Trafficking Day (see 8.2.1), the Director of the Criminal Intelligence Service Austria cited the identification of victims as being a focus of operations and referred to related training programmes for police officers as well as information campaigns in victims' countries of origin. <sup>183</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>b) Measures on cooperation between national authorities;</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
<b>c) Measures on cooperation between (Member) States.</b>	
In a joint operation with Spanish authorities in June 2018, Austrian police succeeded in liberating 13 victims of sexual exploitation through trafficking who originated from Venezuela and Columbia, and in arresting five suspects. <sup>184</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
In August 2018 criminal investigators from Romania assisted the Joint Operational Office (JOO) within the Criminal Intelligence Service Austria in an operation to combat human trafficking for the purpose of sexual exploitation. <sup>185</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
As part of the Action Plan for a Safe Austria, staff members of the partner unit in Bulgaria assisted the Criminal Intelligence Service in an operation to investigate organized begging in the context of human trafficking in September 2018. The two-fold objective was to share criminal police intelligence and to have officers from the victims' country of origin assist in identifying victims. <sup>186</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>180</sup> Written input by the Criminal Intelligence Service Austria, 14 January 2019.

<sup>181</sup> Ibid.

<sup>182</sup> For further information, see IOM Country Office for Austria, *ASYL-Train*, available at [www.iomvienna.at/en/asyl-train](http://www.iomvienna.at/en/asyl-train) (accessed on 15 January 2018).

<sup>183</sup> Written input by the Criminal Intelligence Service Austria, 14 January 2019.

<sup>184</sup> Federal Ministry of the Interior, Criminal Intelligence Service Austria, *Ermittlungserfolg gegen den organisierten Menschenhandel*. News, 13 June 2018, available at [www.bundeskriminalamt.at/news.aspx?id=63373030566B4D4A754C6B3D](http://www.bundeskriminalamt.at/news.aspx?id=63373030566B4D4A754C6B3D) (accessed on 20 December 2018).

<sup>185</sup> Written input by the Criminal Intelligence Service Austria, 14 January 2019.

<sup>186</sup> Ibid.

### 8.2.3 Cooperation with third countries

Were there any **new** developments involving cooperation with third-countries on the prevention and fight against trafficking in human beings in 2018? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development ( <i>Please describe</i> )	Nature*
<b>a) Training and awareness raising;</b>	
Numerous working meetings were held in 2018 in the context of the JOO. An example is an experts' meeting in Beijing, China, which JOO officers attended in April 2018 as part of the EMPACT Chinese THB project. An expert with the Criminal Intelligence Service took part in an operational meeting at Abuja, Nigeria in September 2018, to discuss options for investigation offered by technology. <sup>187</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
The Twinning Serbia project was launched in Belgrade on 24 September 2018, with funding provided by the Internal Security Fund (ISF). The project serves to strengthen the competencies of institutions involved in combating human trafficking. The aims are to help individuals avoid becoming victims and to protect those that do, to improve the identification of victims, and to develop an efficient National Referral Mechanism. <sup>188</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>b) Joint investigation teams;</b>	
As part of the OP ANGEL investigative operation in September 2018, investigators from Nigeria assisted the JOO in activities to combat trafficking for the purpose of sexual exploitation. <sup>189</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
<b>c) Information and prevention campaigns.</b>	
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

<sup>187</sup> Written input by the Criminal Intelligence Service Austria, 14 January 2019.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

## 9 RETURN AND READMISSION

### 9.1 Enhancing return migration management including cooperation among EU Member States on return practices

PLEASE NOTE THAT THIS SECTION 9.1 OF THE SYNTHESIS REPORT WILL CONSIST OF THE FOLLOWING

- 9.1.1. *Summary of the EMN REG return and reintegration activities developed during 2017 (To be drafted by the EMN Service Provider)*
- 9.1.2. *Summary of the Frontex Return Implementation Framework, including Joint Return Operations (JTOs) (To be provided by Frontex)*
- 9.1.3. *Maximising the potential of a common EU approach in the field of return, both voluntary and forced in compliance with existing EU acquis (To be drafted by COM)*

### 9.2 Main national developments in the field of return

#### 9.2.1 Swift, sustainable and effective return

##### 9.2.1.1 General policy developments in the area of return

**Were there any new developments with regard to the development of swift, sustainable and effective return in 2018? Y/N.**

If yes, please elaborate. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
A special focus pursued by the Federal Office for Immigration and Asylum in 2018 was the return, generally, of third-country nationals staying here irregularly and, specifically, of individuals whose asylum application had been rejected. This is necessary since an effective return mechanism is an essential feature of a credible asylum system, according to the Federal Office for Immigration and Asylum. As a result of this special focus, the Federal Office for Immigration and Asylum increased the rate of voluntary and enforced return as compared with 2017. Based on the office's preliminary figures, removal cases increased by four per cent to a level of 12,611 in 2018. Of that number, 45 per cent or 5,665 individuals returned voluntarily and 55 per cent or 6,946 persons were forcibly removed. The rate of enforced removal rose by 47 per cent (by 24% excluding Dublin transfers), while the voluntary departure rate climbed by nine per cent. <sup>190</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>190</sup> Federal Office for Immigration and Asylum, *Rückstandsabbau erledigt, Verfahrensdauer unter drei Monaten, Abschiebungen gesteigert*. News, 24 January 2019, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=72735962325769334A57773D&ctrl=794E752F6259564A344A437375564B796375373831364F486E38592F6A766152](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=72735962325769334A57773D&ctrl=794E752F6259564A344A437375564B796375373831364F486E38592F6A766152) (accessed on 28 January 2019); Written input by the Federal Office for Immigration and Asylum, Directorate, 25 January 2019; Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 24 January 2019.

### 9.2.1.2 Issuing Return decisions

**Were there any new developments with regard to issuing return decisions in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
The Aliens Police Act 2005 <sup>191</sup> saw changes as a result of the Act Amending the Aliens Law 2018. <sup>192</sup> Art. 46 para 7 of the Aliens Police Act 2005 now obliges hospitals to inform the Federal Office for Immigration and Asylum on request where the hospital is soon to release an alien whose removal is pending. According to the Federal Office for Immigration and Asylum, the disclosure of information concerning the individual's date of release is necessarily subordinate to the interest in an orderly and efficient execution of asylum and alien matters. Yet, it is added, the details are at the same time limited to the minimum necessary, namely the date of release from hospital care. <sup>193</sup> The amendment became effective as of 1 September 2018.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
The Federal Office for Immigration and Asylum Procedures Act <sup>194</sup> was also amended as part of the Act Amending the Aliens Law 2018. Para 4 of Art. 9 Federal Office for Immigration and Asylum Procedures Act was dropped. Now, where the public interest outweighs other interests, a return decision can also be issued against individuals who have been lawfully settled in Austria for a long period.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 9.2.1.3 Issuing Entry bans

**Were there any new developments with regard to issuing entry bans in 2018? Y/N**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
The Act Amending the Aliens Law 2018 resulted in amendments to the Aliens Police Act 2005. The authorities can now impose a permanent entry ban on third-country nationals convicted with final effect even when the unconditional prison sentence is for more than three years (Art. 53 para 3 subpara 5 Aliens Police Act 2005). The previous minimum sentence had been five years.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 9.2.1.4 (Assisted) voluntary return

**Were there any new developments with regard to (assisted) voluntary return in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<sup>191</sup> [FLG I No. 100/2005](#), in the version of federal law [FLG I No. 56/2018](#).

<sup>192</sup> [FLG I No. 56/2018](#).

<sup>193</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 14 January 2019.

<sup>194</sup> [FLG I No. 87/2012](#), in the version of federal law [FLG I No. 56/2018](#).

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
Since June 2018 Austria has been a partner in the recently established European Return and Reintegration Network (ERRIN). In addition to common reintegration activities – the first pillar of its predecessor ERIN – ERRIN now also comprises a second pillar entailing support for Member States in assisting returnees (including improved return counselling programmes as well as project development and innovation). <sup>195</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
Under Austrian leadership, representatives of Austria, Denmark, France, Germany, Sweden and the United Kingdom prepared an internal guideline and implemented a pilot project in early 2018, aimed at harmonizing forms and procedures and thus facilitating and improving conditions for individuals to return voluntarily to their countries of origin and become reintegrated. The initial phase of the pilot project was launched in the Russian Federation in May. ERRIN experts met in Vienna in September to evaluate the results after testing the new forms and procedures, and to prepare the second phase of the pilot project, launched in Morocco in November and allowing the revised instruments to be tested until April 2019. <sup>196</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
In September 2018 the Austrian Federal Ministry of the Interior and the French Office for Immigration and Integration launched a bilateral cooperation, with the aim of offering reintegration assistance to individuals returning to any of a total of 13 francophone States in Africa. This pilot project is the first instance in which Austria is cooperating bilaterally with reintegration. <sup>197</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
On 1 September 2018 the Federal Office for Immigration and Asylum launched a new bonus programme to encourage the assisted voluntary return of (former) asylum seekers from the six most common countries of origin (Afghanistan, the Islamic Republic of Iran, Iraq, Nigeria, the Russian Federation and the Syrian Arab Republic). This is intended as a continuation of the campaign in 2016 and 2017 carried out under the motto of “Voluntary departure – a new start with prospects” while providing new incentives to make voluntary departure more attractive. In addition to startup assistance, eligible returnees can receive a one-off bonus of EUR 1,000 per person or a maximum of EUR 3,000 for each family (with eligibility limits based on defined criteria). Running until 31 December 2018, the bonus offer is applicable depending on when individuals apply for voluntary departure assistance. Eligible individuals include asylum seekers whose procedures are currently pending (having applied before 1 September 2018) and foreign nationals who received a final decision on asylum status within the previous six months and are citizens of one of the six most common countries of origin. <sup>198</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

<sup>195</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 21 January 2019.

<sup>196</sup> Federal Ministry of the Interior, *Freiwillige Rückkehr und Reintegration*. News, 21 September 2018, available at [www.bmi.gv.at/news.aspx?id=5A306E466A697A7A5359593D](http://www.bmi.gv.at/news.aspx?id=5A306E466A697A7A5359593D) (accessed on 20 December 2018); Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 21 January 2019.

<sup>197</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 21 January 2019.

<sup>198</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 23 January 2019; Federal Office for Immigration and Asylum, *Bonusaktion Plus 1.000 – Infoblatt*, available at [www.bfa.gv.at/files/return/2018\\_Bonusaktion\\_Infoblatt.pdf](http://www.bfa.gv.at/files/return/2018_Bonusaktion_Infoblatt.pdf) (accessed on 28 January 2019).

#### 9.2.1.5 Use of (alternatives for) detention in return procedures

Were there any **new** developments with regard to the use of detention and alternatives to detention in return procedures in 2018? Y/N

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
See section 2.1.1.2	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 9.2.1.6 Recording of entry bans in the SIS and exchange of information

Were there any **new** developments with regard to recording entry bans in the SIS and facilitating the exchange of information on entry bans in 2018?<sup>199</sup> Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 9.2.1.7 Operation of national forced return monitoring system

Were there any **new** developments with regard to the operation of the national forced return monitoring system (established in accordance with Article 8 (6) of the Return Directive) in 2018?<sup>200</sup> Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 9.2.1.8 Other actions related to swift, sustainable and effective return

Were there any **new** developments related to the field of return in 2018 which were not covered above? Y/N.

<sup>199</sup> This category of measure relates to the commitments of the Stockholm Programme specifically.

<sup>200</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ 2008 L 348/98.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
Removal of individuals convicted of a criminal offence was one of the focus activities at the Federal Office for Immigration and Asylum in 2018. Consequently, 42 per cent of those removed from Austria were convicted criminals. Continued priority is to be placed on such cases in 2019, according to the Federal Office for Immigration and Asylum. <sup>201</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
During the Austrian Presidency of the Council of the European Union from 1 July to 31 December 2018, the Federal Ministry of the Interior focused on measures related to return. The subject of negotiations included the draft regulation on immigration liaison officers, the articles of the Frontex Regulation relating to return and the Return Directive (2008/115/EC). <sup>202,203</sup>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 9.2.2 *Return of rejected asylum seekers*

**Were there any new developments regarding the return of rejected asylum applicants (including measures in relation to reception and supports, (alternatives) to detention, etc.) in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

*Please specify if there are any specific measures for unaccompanied minors and other vulnerable groups<sup>204</sup>.*

<b>Development</b> ( <i>Please describe</i> )	<b>Nature*</b>
No significant changes in 2018.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other

*\*Please tick the appropriate box*

### 9.2.3 *Return of irregular migrants*

**Were there any new developments to ensure the swift return of persons, overstaying permissions to stay or otherwise misusing legal migration channels in 2018? Y/N.**

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

<sup>201</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 25 January 2019.

<sup>202</sup> 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.

<sup>203</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 22 January 2019.

<sup>204</sup> This group includes minors, disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) people, pregnant women, single parents with minor children, 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.

Please specify if there are any specific measures for unaccompanied minors and other vulnerable groups.

Development (Please describe)	Nature*
Measures directed against individuals staying irregularly in Austria was another focus pursued by the Federal Office for Immigration and Asylum in 2018. In more than 330 instances, targeted activities were jointly carried out at public gathering places with police administrations in the provinces. During the operations, 8,500 individuals were checked and more than 350 were arrested, with detention pending deportation imposed in 200 arrest cases. <sup>205</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other

\*Please tick the appropriate box

#### 9.2.4 Evidence of the effectiveness of the measures to ensure return

Please provide information regarding the **effectiveness** of the above-mentioned measures in ensuring return (where evidence exists and stating how this is measured).

No significant changes in 2018.
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### 9.3 Strengthening cooperation with third countries of origin and transit on return and reintegration management

#### 9.3.1 Involvement of third countries in return measures

Were there any **new** developments regarding return activities implemented in cooperation with third countries in 2018? Y/N.

If **yes**, please elaborate below. Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
For the first time ever, charter flights were arranged to return individuals to Azerbaijan, Bangladesh, and Bosnia and Herzegovina, as a result of the focus placed by the Federal Office for Immigration and Asylum on stepping up efforts to return third-country nationals residing irregularly in Austria, in particular with the assistance of the European Border and Coast Guard Agency (Frontex). In total, 72 charter flights for the purpose of removal were organized to 17 third-country destinations in 2018 (excluding Dublin transfers), equating to an increase of about 24 per cent over the previous year. <sup>206</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
The Federal Office for Immigration and Asylum undertook to work with additional countries in the area of pre-return management (to obtain return travel certificates) in 2018. In the course of these efforts, contacts were established with countries including Côte d'Ivoire, Mongolia, Nepal, Sierra Leone and Uzbekistan. <sup>207</sup>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice/Other
In 2018 Austria received delegations from four countries not represented in Austria by a consulate: Gambia, Guinea, Guinea-Bissau and Uganda. During their visits, the delegations participated in identification missions for the purpose	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy

<sup>205</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 25 January 2019.

<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

of issuing return travel certificates for individuals purported to be citizens of their countries. <sup>208</sup>	<input checked="" type="checkbox"/> Practice/Other
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\*Please tick the appropriate box

### 9.3.2 Ensuring implementation of all EU readmission agreements to their full effect<sup>209</sup>

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

EU Readmission agreement (country)	National development (i.e. implementing protocol, cooperation)	Date of agreement (if relevant)
Côte d'Ivoire	During the Austrian EU Council Presidency in the second half of 2018, a consensus was reached with Côte d'Ivoire regarding a working agreement between the EU and Côte d'Ivoire on return policy. <sup>210</sup>	
Russian Federation and other countries	The Federal Office for Immigration and Asylum is responsible for the implementation of readmission agreements. In this role, the office confers regularly with representatives of third countries to encourage and ensure implementation in accordance with the agreements. Worth mentioning in this regard are the talks held with the Russian Federation in 2018, in Austria as well as at the Migration Service in Moscow. The Federal Office for Immigration and Asylum also actively participates in EU expert groups (country working groups and joint working groups) which support implementation. <sup>211</sup>	

### 9.3.3 Reintegration measures implemented in cooperation with third countries, e.g. countries of origin.

Were there any **new developments** regarding **reintegration activities** implemented in cooperation with countries of origin in 2018? Y/N

*Measures to support reintegration may include developing a rights-based framework for reintegration and for temporary and circular migration.*

Please indicate the nature of each development in the tick boxes below.

Development (Please describe)	Nature*
No significant changes in 2018.	<input type="checkbox"/> Legislation

<sup>208</sup> Written input by the Federal Office for Immigration and Asylum, Directorate, 24 January 2019.

<sup>209</sup> Norway is invited to report on any national agreements in place.

<sup>210</sup> Written input by the Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 22 January 2019.

<sup>211</sup> Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 24 January 2019.

	<input type="checkbox"/> Policy <input type="checkbox"/> Practice/Other
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*\*Please tick the appropriate box*

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