



ANNUAL REPORT 2020 ON MIGRATION AND ASYLUM IN AUSTRIA

Contribution to the Commission and EASO Annual Reports

Funded by
the European Union's AMIF



 Federal Ministry
Republic of Austria
Interior



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Publisher: National Contact Point Austria
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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 and political developments in the field of migration and asylum in Austria in 2020. The report provides input to the EMN's Annual Report on Migration and Asylum 2020 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 European and International Affairs and the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection.

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SUMMARY OF CHANGES TO THE NATIONAL MIGRATION/ASYLUM SYSTEM IN 2020 – TO SERVE AS 2020 EMN COUNTRY FACTSHEET

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 the information you enter in this section will simultaneously serve as the draft version of the 2020 EMN Country Factsheet for your respective Member State. Therefore, please provide a summary of the main developments at national level for each of policy areas in clear and concise English, using complete sentences. The total length of the summary should not exceed 3 pages. Please also follow the detailed instructions outlined below and the EMN Style Guide. Following the submission, the EMN Service Provider will copy the provided summary into the correct template and carry out an English-language check. The final draft version of the Country Factsheets (including the statistical annexes to be produced by KCMD) will then be shared with NCPs for final validation (similar to the process in 2019).

- Please only include content that relates to the most significant 2020 developments for each section.
- Please do not change the order or name of the main headings. If no significant development has occurred under a specific heading, please indicate this with "No significant developments in 2020". Sub-headings have also been included in line with the ARM. Individual sub-headings should be deleted if no significant development has occurred;
- Please adhere at all times to the EMN style guide (provided in annex);
- Please do not exceed 3 pages;
- Please provide three key points in the yellow box at the top of the document, highlighting the three most significant developments in the year in your Member State. These should be described in one sentence. The appropriate icons will be added by ICF;
- Legislation and any policy reports / evaluations etc. mentioned in the narrative should be referenced as much as possible by inserting hyperlinks to the respective webpage (if available). Footnotes should be avoided and should primarily be used to provide clarifications to concepts mentioned in the narrative.

Key points:¹

1. A new Federal Government was sworn in on 7 January 2020, ushering in changes in migration and asylum policy. In detail, the Government Programme 2020–2024 envisages a more balanced approach to migration and asylum that builds on multilateral cooperation while initiating the task of preparing a comprehensive migration strategy to apply at all levels of State.
2. The recently established Federal Agency for Reception and Support Services was set up in the legal form of a limited company (*GmbH*), with responsibility as of 1 December 2020 for administrating material reception conditions to applicants of international protection under federal care. As of 1 January 2021, the agency’s portfolio also encompasses legal assistance and return counselling, observing human rights compliance, as well as interpreting and translating services.
3. To ensure a continued food supply as well as cover the demand for nursing services even during the mobility restrictions necessitated by COVID-19, special arrangements were found for certain key workers in agriculture or in medical and care services, to facilitate entry to Austria and the renewal and issue of work permits.

¹ These three key developments will be added in a dedicated box at the top of the Country Factsheets (as done in previous years). Please describe the development in one sentence. The key developments mentioned should also be reflected in the main narrative.

Overarching changes to the national migration and asylum system in 2020

A new federal government, consisting of delegates of the Austrian People's Party and the Austrian Green Party, was sworn in on 7 January 2020. The [Government Programme 2020–2024](#) envisages a more balanced approach to migration and asylum that builds on multi-lateral cooperation. Additionally planned is the preparation of a comprehensive migration strategy which, applying at all levels of State, is to be based on a clear separation of migration and asylum. The [Federal Agency for Reception and Support Services](#), in the legal form of a limited company (*GmbH*), also became operative in 2020.

Legal Migration

WORK-RELATED MIGRATION

Three regulations entered into effect in Austria on 1 January 2020 which detail more fully certain types of labour migration to Austria in 2020. These are (a) the [quotas for short-term employment in tourism and in agriculture and forestry](#), (b) the [Regulation for Skilled Workers 2020 containing the annual list of shortage occupations](#) and (c) the [Regulation on the admission of very highly qualified workers in specific shortage occupations](#) in 2020. An [amendment to the Settlement and Residence Act](#) also entered into force on 24 December 2020. As a result, applicants for a Red-White-Red Card (RWR Card) are no longer required to provide evidence of accommodation to local standards.

To ensure a continued food supply as well as cover the demand for care services even during the mobility restrictions necessitated by COVID-19, special arrangements were found for certain categories of workers. [Key agricultural workers](#) and [24/7 home care workers](#) were allowed to enter Austria under defined conditions, while [the renewal of work permits for seasonal workers](#) became permissible. The conditions regulating the [recognition of qualifications acquired in foreign countries](#) were temporarily eased for previously trained workers providing health and nursing care or in medico-technical professions.

STUDENTS AND RESEARCHERS

The Federal Ministry of Education, Science and Research presented a new [National Strategy for Mobility and Internationalization in Tertiary Education](#) in September 2020. The aim in implementing the strategy is to promote the mobility and international exchange of students and researchers.

FAMILY REUNIFICATION INCLUDING FAMILY FORMATION

As part of the amendment to the [Settlement and Residence Act](#), as of 24 December 2020 an abbreviated application procedure was introduced for the residence permit referred to as the "Settlement Permit" for certain family members of citizens of the European Economic Area and Switzerland. Also, for this category of individuals, changing to an RWR Card Plus after two years was made easier and the requirement for evidence of accommodation to local standards was also dropped.

OTHER MEASURES REGARDING LEGAL MIGRATION

In response to the COVID-19 pandemic, it was ruled that applications for renewal or change of purpose of residence permits could be submitted [by regular mail or by electronic means](#) as long as measures limiting personal mobility or interpersonal contact were in effect. [Where certain conditions are met](#), the requirements to submit originals of documents and evidence and to have the papillary lines of fingerprints documented can be waived until 30 June 2021.

In relation to the [Withdrawal Agreement between the United Kingdom and the European Union](#), Austria adopted a [Brexit Implementing Regulation](#) specifying detailed rules for the (continued) right of residence of UK citizens and their family members who stay in Austria beyond 31 December 2020.

International Protection

IMPLEMENTATION OF THE COMMON EUROPEAN ASYLUM SYSTEM

As of 1 December 2020, the recently established [Federal Agency for Reception and Support Services](#) is responsible for administering material reception conditions to applicants of international protection under federal care. As of 1 January 2021, the agency is additionally tasked with legal assistance and return counselling, observing human rights compliance, as well as interpreting and translating services.

As a result of the measures aimed at containing COVID-19, for certain periods in 2020 procedures were modified to permit [online appointments with authorities](#) and [digital administration](#), while also introducing special rules relating to [competent authorities](#) and [periods allotted for legal remedies](#). Other steps included [raising awareness of the public health measures among asylum seekers](#) and [reducing occupancy levels at care facilities](#). Austria's enforcement of the [Dublin III Regulation](#) was also limited due to the COVID-19 pandemic. After a de facto suspension of transfer activities in the second quarter of 2020, Austria conferred closely with other EU Member States to define transfer procedures and safe conditions.

RELOCATION AND RESETTLEMENT

There were no cases of relocation or resettlement to Austria in 2020.

Minors and Other Vulnerable Groups

MINORS

The [Government Programme 2020–2024](#) envisages improved protection of unaccompanied minor refugees as well as a better legal status for this group that emphasizes guardianship.

A 2020 [amendment to the Asylum Act 2005](#) expands the legal definition of family members: as of 24 December 2020, asylum seekers and individuals entitled to asylum or subsidiary protection who are unmarried minors are considered family members of the person who represents them legally but is not their parent. Consequently, a minor can obtain through a family asylum procedure the protection status accorded to the minor's legal representative.

OTHER VULNERABLE GROUPS

In a [resolution passed on 9 July 2020](#), the National Council petitioned the Federal Government to ensure fair asylum procedures conforming to high standards, especially where particularly vulnerable groups are involved. Specific mention is made here of individuals threatened with persecution due to religious conversion or to their sexual orientation, gender identity.

Integration

OVERARCHING DEVELOPMENTS

The [key focuses in integration](#) in 2020 were: (1) strengthening the role of women as "integration drivers", (2) strengthening identification with Austria, (3) encouraging voluntary work as a new pillar for integration, (4) ascribing more responsibility to the parents of school-age children with a migration background, and (5) stepping up efforts to avoid the formation of parallel societies.

INTEGRATION OF ADULTS

In response to the COVID-19 pandemic, the [period allotted for completing module 1 of the Integration Agreement](#) was temporarily extended.

FIGHTING RACISM AND DISCRIMINATION

The [Government Programme 2020–2024](#) envisages a first-ever national action plan against racism and discrimination. Progress was made in 2020 on a draft federal act providing for measures to [prevent online hate speech](#).

Citizenship and Statelessness

ACQUISITION OF CITIZENSHIP

One of the changes introduced through [amendments to the Citizenship Act 1985](#), becoming effective as of 1 September 2020, was to make it easier for direct descendants of victims of National Socialism to acquire Austrian citizenship. To adjust legal aspects relating to such procedures, the [Citizenship Regulation was similarly modified](#) as of 15 September 2020, setting out among other things the evidence needing to be submitted.

Another change, introduced in response to the COVID-19 pandemic, was to temporarily [allow citizenship candidates to take the oath in writing](#).

Borders, Schengen and Visas

SCHENGEN GOVERNANCE

Temporary controls at the EU internal borders with Slovenia and Hungary were [maintained](#) or [extended](#) in 2020. For certain periods, [borders were closed or controls introduced at border crossings with neighbouring countries](#), as part of the measures which aimed at limiting the spread of the COVID-19 virus.

Irregular Migration including Migrant Smuggling

PREVENTING MIGRANTSMUGGLING AND IRREGULAR STAY

At the ministers' conference on effectively combating irregular migration in July 2020, an [agreement](#) was reached to set up a platform in Vienna to address irregular migration along the eastern Mediterranean route. Also, Austria tested the [use of technical options including drones](#) to the end of preventing irregular border crossings.

Trafficking in Human Beings

NATIONAL STRATEGIC POLICY DEVELOPMENTS

In efforts against human trafficking, the [Government Programme 2020–2024](#) commits to: measures aimed at improved prevention and victim protection, prosecution of accessories to such acts under criminal law, as well as international cooperation and a foreign policy campaign. A pivotal step here is to detail the National Action Plan against Human Trafficking for 2021–2023, accommodating the [recommendations by the Group of Experts on Action against Trafficking in Human Beings \(GRETA\)](#). Work on the plan began in 2020.

Attention in 2020 was also given to [raising awareness](#) of the [impacts that the COVID-19 restrictions](#) are having on anti-trafficking efforts. While in some instances a surge in precarious working conditions were identified as a result of the pandemic, a clear connection is seen between situations of economic pressure and the risk of exploitation and human trafficking. This was one of the topics at the annual [conference](#) hosted by the Task Force on Combating Human Trafficking in Austria.

Return and Readmission

MAIN NATIONAL DEVELOPMENTS IN FIELD OF RETURN

An [amendment to the Federal Office for Immigration and Asylum Procedures Act](#) requires mandatory return counselling sessions to be held at an advanced stage of the procedures, beginning on 1 January 2021. Previously, return counselling had been obligatory at an earlier stage, either once a first-instance return decision had been issued, or upon notice of the intended rejection or dismissal of an application for international protection or intended revocation of de facto protection against removal. From now on, counselling is to be administered among others only after a final or enforceable return decision has been issued against an asylum applicant or a third-country national lawfully residing in Austria.

Another change is the shift of responsibility for return counselling and return assistance to the [Federal Agency for Reception and Support Services](#) as of 1 January 2021.

Migration and Development Cooperation

NATIONAL ACTIONS

The Austrian Federal Government is putting a stronger focus on migration-related goals as a factor in development cooperation in the period of [2020–2024](#). The main emphasis will be on providing assistance in migrants' countries of origin as well as on creating incentives for businesses to invest in third countries playing a role in migration, to create local opportunities for a livelihood and thus to mitigate the causes of forced and voluntary migration.

0 OVERARCHING CHANGES TO THE NATIONAL MIGRATION AND ASYLUM SYSTEM IN 2020

Please describe any overarching changes in the national migration and asylum system that have taken place in 2020. 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. This could entail digitalisation strategies across more than one area of processing; policy decisions for institutional restructuring; a new migration law covering both asylum and migration etc.

1. Were there any overarching <u>legal or policy</u> developments in the national migration and asylum system in 2020? 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.		
Development (<i>Please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order</i>).	Nature	Major Development
A new federal government, consisting of delegates of the Austrian People's Party and the Austrian Green Party, was sworn in on 7 January 2020. The Government Programme (Austrian Federal Government, 2020) refers to a more balanced approach to migration and asylum that builds on multi-lateral cooperation, with actors including the European Union (EU) and the United Nations (UN). Besides this commitment, the government specifies as focuses: immigration of skilled individuals, improved opportunities in migrants' countries of origin, border protection and preventing irregular migration.	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Austria's change of governments also led to changes in migration and asylum policy.</i>
For 2020 to 2024, the Federal Government plans a comprehensive migration strategy which, applying at all levels of State, is to be based on a clear separation of migration and asylum (Austrian Federal Government, 2020:136). Toward this planned strategy, institutional structures to support cooperation at all State levels were set up and a development process was defined in 2020 (Gauersdorfer and Jakubowicz, 2020).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>The planned migration strategy represents a key strategic priority in migration and asylum policy.</i>
The act establishing the Federal Agency for Reception and Support Services as a limited company (<i>GmbH</i>) became effective as of 20 June 2019, ² with its implementation underway since then. As of 1 December 2020, the Federal Agency for Reception and Support Services – as a company outsourced by the Federal Ministry of the Interior – is responsible for administering material reception conditions under federal care applicants of international protection. As of 1 January 2021, the agency is additionally tasked with legal assistance and return counselling, observing human rights compliance, as well as interpreting and translating services (see 2.1.2 , 2.1.4 and 9.2.1).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>The key concern in setting up the Federal Agency for Reception and Support Services is to guarantee that all transferred responsibilities are reliably met, in accordance with the highest quality standards and with the needs of the individuals receiving care, counselling or legal representation.³</i>

² Federal Act Establishing the Federal Agency for Reception and Support Services as a Private Limited Company, FLG I No. 53/2019.

³ Written input: Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 22 January 2021.

1 LEGAL MIGRATION

Please provide **information on *new developments in 2020*** relating to any of the areas as indicated below. The ARM 2020 will focus on **legislative and policy developments only. Please do not include any practice / other operational developments in your answer.**

NB Policy measures can sometimes include decisions to undertake major practical/operational actions. However, a practice/operational development should be included only in cases where it changes administrative procedures in a substantive way and therefore can also be considered a policy development.

Please indicate the **nature of the development** (legal or policy) in the tick boxes below. **Please describe the objective for and the context which drove the legislative or policy development, and which were the most important/significant developments in your Member State during 2020 by following the specific instructions in each box below. Please also flag whether the development was a ‘Major’ development i.e. a strategic development, fundamental policy change, political priority or a development having a high impact on applicants etc.**

1.1 OVERARCHING STRATEGIC POLICY CHANGES IN LEGAL MIGRATION

2. Were there any overarching legal or policy developments in relation to legal migration in 2020? 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.

Development (Please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order).	Nature	Major Development
Three regulations entered into effect in Austria on 1 January 2020 which detail more fully certain types of labour migration to Austria in 2020. These are (a) the quotas for short-term and temporary employment ⁴ (see 1.2.3), (b) the annual list of shortage occupations ⁵ (see 1.2.1) and (c) the Regulation on the admission of very highly qualified workers in specific shortage occupations in 2020 ⁶ (see 1.2.1).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Defining the quotas and categories of occupations relating to labour migration to Austria is an important policy decision each year.</i>
Due to the COVID-19 pandemic, public office hours at the Austrian representation authorities worldwide that are responsible for visa and residence matters were discontinued as of 13 March 2020, in accordance with European Commission recommendations (2020b, 2020e). The recommendation by the Council of the European Union (2020) on the possible lifting of these restrictions ⁷ was implemented by Austria as of 30 June 2020, in accordance with entry regulations applicable in Austria. Representation authorities reopened offices to the public to the extent specified in regulations and where allowed by local epidemiological conditions. ⁸	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>The COVID-19 pandemic had significant impacts on regular migration in terms of visas and migrants' stays.</i>
The Fourth COVID-19 Act ⁹ included an amendment to the Settlement and Residence Act ¹⁰ that entered into force on 5 April 2020. The addition allows applications for renewal or for the change of purpose of a residence permit to be submitted to authorities either by regular	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

⁴ Temporary employment of foreign nationals in tourism and in agriculture and forestry in 2020, FLG II No. 407/2019.

⁵ Regulation for Skilled Workers 2020, FLG II No. 421/2019.

⁶ Regulation on the admission of very highly skilled workers 2020, FLG II No. 420/2019.

⁷ Council Recommendation 2020/912 of 30 June 2020 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction ABl. L 208, S. I/1–I/7.

⁸ Written input: Federal Ministry for European and International Affairs, Department IV.2 (Visa, Border, Residence and Asylum Affairs, Migration, Combating Trafficking in Human Beings), 22 January 2021.

⁹ Fourth COVID-19-Act, FLG I No. 24/2020.

¹⁰ Settlement and Residence Act, FLG I No. 100/2005 in the version of federal law FLG I No. 146/2020.

mail or electronic means, instead of personally as previously required. This is applicable as long as freedom of movement or interpersonal contact is restricted in order to prevent the spread of COVID-19 (Art. 19 para 1a Settlement and Residence Act). This special provision was extended until 30 June 2021. ¹¹		
Another change affected the Regulation on the Implementation of the Settlement and Residence Act. ¹² To prevent the spread of COVID-19, authorities are permitted to waive the requirement for collecting papillary lines of fingerprints as part of residence-permit renewal and change of purpose of stay, and may issue residence permits without these biometric data where no doubt exists as to the applicants' identities (Art. 2b para 4a Regulation on the Implementation of the Settlement and Residence Act). Similarly, the requirement to submit originals of documentary evidence can be waived where no justification exists for doubting the authenticity and veracity of the evidence (Art. 6 para 2a Regulation on the Implementation of the Settlement and Residence Act). This rule became effective as of 9 May 2020 and will remain in effect until 30 June 2021.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

1.2 WORK-RELATED MIGRATION

Admission policies for 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 HIGHLY SKILLED/QUALIFIED WORKERS

3. Were there any <u>new legal or policy</u> developments in relation to highly skilled/qualified workers in 2020? 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.		
Development (<i>Please list the developments in order of importance or chronological order as instructed under the first question</i>).	Nature	Major Development
An amendment to the Settlement and Residence Act ¹³ entered into force on 24 December 2020. As a result, applicants for a Red-White-Red Card (RWR Card) are no longer required to provide evidence of accommodation to local standards (Art. 41 Settlement and Residence Act). This change is intended as a further step in the strategy aimed at controlled immigration of skilled persons (Federal Ministry of the Interior et al., 2020p) while also responding to Austria's shortage of skilled labour (Dornmayr and Rechenberger, 2020).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>These changes have high impact on applicants.</i>
The Regulation for Skilled Workers for 2020 entered into force as of 1 January 2020. ¹⁴ This regulation, issued annually, specifies a list of shortage occupations as the basis for determining the eligibility of foreign nationals – as defined in the Act Governing the Employment of Foreign Nationals ¹⁵ – to be employed as skilled workers anywhere in Austria. A total of 56 fields of work were listed as shortage occupations	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

¹¹ Federal Act Amending the Citizenship Act 1985, the Settlement and Residence Act, the Aliens Police Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 146/2020.

¹² Regulation on the Implementation of the Settlement and Residence Act, FLG II No. 451/2005 in the version of federal law FLG II No. 580/2020.

¹³ Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 145/2020.

¹⁴ Regulation for Skilled Workers 2020, FLG II No. 421/2019.

¹⁵ Act Governing the Employment of Foreign Nationals, FLG No. 218/1975 in the version of federal law FLG I No. 98/2020.

in 2020 (2019:45). ¹⁶ The new additions included masons, locomotive drivers, health-care assistants and nursing professionals. The regulation additionally lists other shortage occupations as the basis for determining the eligibility of third-country nationals to be employed as skilled workers in the various Austrian provinces. The additional listings stem from varying regional labour demand (Ebner and Humer, 2020:18–20), with 26 additional shortage occupations enumerated for Upper Austria in 2020, to cite an example.		
A regulation of 19 December 2019 by the Austrian Minister for Labour, Social Affairs, Health and Consumer Protection specifies nine occupations ¹⁷ that were to be eligible in 2020 for Temporary Residence Permits for very highly qualified workers as defined in Art. 12 of the Act Governing the Employment of Foreign Nationals. This list of occupations includes, as in the previous year, physicians and university-level engineers, with the addition of social and economic researchers and statisticians as new fields of work.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
The Regulation for Skilled Workers 2021 was promulgated on 22 December 2020, specifying the shortage occupations to apply throughout Austria and in the various provinces in 2021. ¹⁸	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

1.2.2 INTRA-CORPORATE TRANSFEREES

<p>4. Were there any <u>new legal or policy</u> developments in relation to intra-corporate transferees in 2020? 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.</p>		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

1.2.3 SEASONAL WORKERS

<p>5. Were there any <u>new legal or policy</u> developments in relation to seasonal workers in 2020? 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.</p>		
Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
The quotas regulating the temporary employment of foreign nationals in tourism, agriculture and forestry in 2020 were set on 17 December 2019. ¹⁹ A quota of 1,263 permits was set for the tourist industry, 3,046 for agriculture and forestry, and 119 for harvest workers. As a first-ever ruling in 2020, peak-season quotas were allowed to be exceeded by as much as 20 per cent provided total permits remained within annual quotas (Ebner and Humer, 2020:21). A regulation issued by the Federal Minister for Labour, Family and Youth retains the previous year's quotas in 2021. ²⁰	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Defining the quotas is an important policy decision each year.</i>
See also the details on seasonal workers in section 1.2.8 .	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

¹⁶ Regulation for Skilled Workers 2019, FLG II No. 3/2019.

¹⁷ Regulation on the admission of very highly skilled workers 2020, FLG II No. 420/2019.

¹⁸ Regulation for Skilled Workers 2021, FLG II No. 595/2020.

¹⁹ Temporary employment of foreign nationals in tourism and in agriculture and forestry in 2020, FLG II No. 407/2019.

²⁰ Temporary employment of foreign nationals in tourism and in agriculture and forestry in 2021, FLG II No. 601/2020.

1.2.4 LOW AND MEDIUM SKILLED WORKERS (OTHER THAN SEASONAL WORKERS)

<p>6. Were there any <u>new legal or policy</u> developments in relation to low and medium skilled workers, other than seasonal workers, in 2020? 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.</p>		
Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
See also the details on seasonal workers in section 1.2.8 .	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

1.2.5 ENTREPRENEURS, START-UPS, AND INVESTORS

<p>7. Were there any <u>new legal or policy</u> developments in relation to entrepreneurs, business start-ups and investors in 2020? 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.</p>		
Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

1.2.6 TRAINEES, AU-PAIRS AND VOLUNTEERS

<p>8. Were there any <u>new legal or policy</u> developments in relation to trainees, au-pairs and volunteers in 2020? 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.</p>		
Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

1.2.7 OTHER REMUNERATED WORKERS

<p>9. Were there any <u>new legal or policy</u> developments in relation to other remunerated workers in 2020? 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.</p>		
Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

1.2.8 SATISFYING LABOUR MARKET NEEDS

10. Were there any new legal or policy 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 2020? (e.g. use of instruments/tools to forecast labour shortages and the need for labour migration) 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.

Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
Under the Third COVID-19 Act, ²¹ employers were temporarily permitted, beginning with 5 April 2020, to employ third-country seasonal workers for periods exceeding the previously applicable maximum of nine months (Art. 32c para 1 Act Governing the Employment of Foreign Nationals). The Fourth COVID-19 Act ²² amended the Aliens Police Act 2005, ²³ introducing an option for individuals already staying lawfully in Austria ²⁴ to obtain a Visa D for particularly exceptional circumstances (Art. 22a Aliens Police Act 2005) from the competent provincial police administration. This provision, which in turn allows individuals to pursue dependent gainful employment, mostly affected seasonal workers (Humer and Spiegelfeld, 2020:32). These legislative amendments were in response to the COVID-19 pandemic and the accompanying mobility restrictions affecting seasonal and harvest workers, but also stemmed from the reduced capacity of Austrian representation authorities abroad to issue visas (see also 1.1). ²⁵	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Mitigating any negative impacts on the capacity to ensure food supplies received high policy priority. The measures heavily affected applicants and employers.</i>
Although entry restrictions were still in effect, key agricultural and forestry workers were permitted to enter Austria via land border crossings as of 1 May 2020, on condition of compliance with specified safety and hygiene standards (Federal Ministry of Agriculture, Regions and Tourism et al., 2020). This step was taken to avoid supply shortages (see 6.3) (Humer and Spiegelfeld, 2020:31–32).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>See above.</i>
Special arrangements, involving corridor trains and COVID-19 testing, were made for 24/7 care givers from other countries in the spring of 2020. This was to ensure adequate numbers of professionals to cover care needs in Austria, despite the entry restrictions imposed in order to contain the spread of COVID-19 (Federal Chancellery, 2020h; ORF.at, 2020a).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Ensuring continuation of care services was a key concern.</i>

²¹ Third COVID-19-Act, FLG I No. 23/2020.

²² Fourth COVID-19-Act, FLG I No. 24/2020.

²³ Aliens Police Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 146/2020.

²⁴ Provided that a required authorization or other confirmation according to the Act Governing the Employment of Foreign Nationals has been issued (Art. 20 para 2 Aliens Police Act 2005).

²⁵ Written input: Federal Ministry of the Interior, Department V/7 (Aliens Police), 22 January 2021.

1.2.9 'SOCIAL DUMPING'²⁶ AND LABOUR EXPLOITATION

11. Were there any new legal or policy developments aimed at tackling labour exploitation and/or social dumping of third-country national workers legally residing in your (Member) State in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

1.2.10 CIRCULAR MIGRATION

12. Were there any new legal or policy developments regarding circular migration²⁷ in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

1.2.11 BILATERAL LABOUR MIGRATION AGREEMENTS²⁸

13. Were there any new developments regarding bilateral labour migration agreements between your (Member) State and third countries in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

²⁶ 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 EMN Glossary (Version 7.0) defines social dumping as "The practice whereby workers are given pay and / or working and living conditions which are sub-standard compared to those specified by law or collective agreements in the relevant labour market, or otherwise prevalent there." See <https://ec.europa.eu>.

²⁷ Circular migration: A repetition of legal migration by the same person between two or more countries. See <https://ec.europa.eu>.

²⁸ According to the International Organization for Migration (IOM), bilateral labour migration agreements are "formal mechanisms concluded between States, which agreements are essentially legally binding commitments concerned with inter-state cooperation on labour migration. The term is also used to describe less formal arrangements regulating the movement of workers between countries entered into by States as well as a range of other actors, including individual ministries, employer organizations, etc." See <https://publications.iom.int>.

1.2.12 OTHER DEVELOPMENTS IN WORK-RELATED MIGRATION

14. Were there any <u>other new legal and / or policy</u> developments in the area of work-related migration in 2020 (for example, in the simplification of procedures etc)? 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.		
Development (<i>Please list in order of importance or chronological order as instructed under the first question</i>)	Nature	Major Development
See also the details on labour market integration and recognition of qualifications in section 4.3 .	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

1.3 STUDENTS AND RESEARCHERS

15. Were there any <u>new legal or policy</u> developments in relation to a) Students and b) Researchers in 2020? 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.		
a) STUDENTS (<i>Please list in order of importance or chronological order as instructed under the first question</i>)	Nature	Major Development
A new National Strategy for Mobility and Internationalization in Tertiary Education was presented in September 2020 (Federal Ministry of Education, Science and Research, 2020b). It pursues the vision of enhancing Austria's attractiveness to international students and researchers by 2030. The implementation goals affecting international students include: broadening the programme of classes and courses of study in other languages, increasing scholarships as an incentive for mobility, and expanding existing joint programmes to strengthen international cooperation. Efforts are also to be made toward: improving the culture of welcoming international students, greater recognition of study progress achieved in other countries, and further developing online and hybrid learning designs.	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Implementing the strategy will have high impact on international students.</i>
In the 2019/2020 school year, international students were among those affected by online learning and entry travel and visa restrictions (see 6.3). Information on these issues was provided to international students periodically by the Austrian Academic Exchange Service (Agency for Education and Internationalisation, 2020).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
b) RESEARCHERS (<i>please describe</i>)	Nature	Major Development
Within Austria's new National Strategy for Mobility and Internationalization in Tertiary Education (see 1.3.a), some of the implementation goals especially affect international researchers, specifically: the plan to internationalize teaching staff and broaden international cooperation, the intention to expand course offerings in other languages and offer virtual classes, and the goal to encourage mobility among doctoral students and faculty members more strongly.	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Implementation will have high impact on international researchers.</i>

1.4 FAMILY REUNIFICATION²⁹ INCLUDING FAMILY FORMATION

16. Were there any new legal or policy developments regarding family reunification including family formation in 2020 (excluding persons within the asylum procedure, which is covered in section 2, and family reunification for unaccompanied minors, which is covered in section 3)? 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.

Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
An amendment to the Settlement and Residence Act (see also 1.2.1) ³⁰ now makes it easier for certain family members of citizens of the European Economic Area and Switzerland to apply for a residence permit: a shorter period is allotted for procedures, now 90 days instead of 6 months (Art. 56 Settlement and Residence Act), ³¹ applications are now permitted from within Austria (Art. 21 para 2 subpara 6 <i>ibid.</i>) and eased conditions apply when changing to an RWR Card Plus after two years (Art. 41a para 2 <i>ibid.</i>). These changes were made in the aftermath of the infringement procedure concerning EU Directive 2004/38/EC that had been initiated by the European Commission against Austria. ³²	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>These changes have high impact on applicants.</i>

1.5 INFORMATION ON ROUTES TO AND CONDITIONS OF LEGAL MIGRATION

17. Were there any new legal or policy developments in 2020 to improve the provision of information on the routes to and conditions of legal migration for third-country nationals? Y/N.

For example, legal / policy decisions to improve provision of information through information campaigns aiming at legal migration (e.g. campaigns targeting students, highly-skilled workers, family reunification), websites, specific centres etc.

If yes, please elaborate below, focussing on the policy decisions. The aim here is not to obtain a detailed list of campaigns or changes to existing websites. Please indicate the nature of each development in the tick boxes below.

Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

1.6 OTHER MEASURES REGARDING LEGAL MIGRATION

18. Were there any other new legal or policy developments regarding legal migration in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
The Brexit Implementing Regulation was promulgated on 23 December 2020, ³³ implementing the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other

²⁹ This refers to family reunification under the Family Reunification Directive ([2003/86/EC](#)).

³⁰ Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 145/2020.

³¹ Government Proposal – Explanatory Notes: Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act - 349 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

³² *Ibid.*

³³ Regulation on the Implementation of Brexit, FLG II No. 604/2020.

<p>European Union³⁴ and the changes affecting residence status that were scheduled to take effect on 1 January 2021. The regulation details how directly applicable provisions of the withdrawal agreement will be applied, in particular how to proceed legally to determine the (continued) residence status of United Kingdom citizens and their family members staying in Austria after 31 December 2020.³⁵</p>		<p><i>These implementing provisions have high impact on those affected.</i></p>
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³⁴ Notice concerning the entry into force of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community. Official Journal of the European Union, L 29/189, p. 191. Available at <https://eur-lex.europa.eu>.

³⁵ Written input: Federal Ministry of the Interior, Department V/2 (Residence and Citizenship) and Unit III/1/c (Alien-related Legislation), 26 January 2021.

2 INTERNATIONAL PROTECTION

NB: Please note that the information collected in this section may also be used in the EASO Asylum Report – Annual Report on the Situation of Asylum in the EU.

2.1 LEGISLATIVE AND POLICY DEVELOPMENTS RELATED TO INTERNATIONAL PROTECTION IN THE EU MEMBER STATES AND NORWAY

Changes in legislation and policy

Please provide **information on *new developments in 2020*** relating to any of the areas as indicated below. The ARM 2020 will focus on **legislative and policy developments only. Please do not include any practice / other operational developments in your answer.**

NB For all sections, policy measures can sometimes include decisions to undertake major practical/operational actions. However, a practice/operational development should be included only in cases where it changes administrative procedures in a substantive way and therefore can also be considered a policy development.

Please indicate the **nature of the development** (legal or policy) in the tick boxes below. **Please describe the objective for and the context which drove the legislative or policy development, and which were the most important/significant developments in your Member State during 2020 by following the specific instructions in each box below. Please also flag whether the development was a ‘Major’ development i.e. a strategic development, fundamental policy change, political priority or a development having a high impact on applicants etc.**

2.1.1 ACCESS TO THE ASYLUM PROCEDURE

19. Were there any new legal or policy developments in relation to access to the asylum procedure (i.e. making, registering and lodging an application)³⁶ in 2020? 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.

Development (Please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order).	Nature	Major Development
Following the entry into force of the COVID-19 measures (see 2.1.3), the number of applications for international protection dropped in the period 16–31 March 2020 (Federal Ministry of the Interior, 2020e:6).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

2.1.2 RECEPTION OF ASYLUM APPLICANTS

20. Were there any new legal or policy developments in relation to reception of applicants for international protection in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
The Federal Agency for Reception and Support Services, in the legal form of a limited company (<i>GmbH</i>), became operative in 2020 (see 0 and 2.1.4). As of 1 December 2020, the Federal Agency for Reception and Support Services – as a company outsourced by the Federal Ministry of the Interior – is responsible for administering material reception conditions to	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>The key concern in setting up the Federal Agency for Reception</i>

³⁶ As per the Asylum Procedures Directive 2013/32/EU: Making an application: during this phase the person expresses the intention to apply for **international protection**; registering an application: the applicant’s intention to seek protection is registered, which may be done by an authority not competent for the asylum procedure itself, such as the border police; lodging an application: the asylum application is formally lodged at the competent authority for the asylum procedure.

applicants of international protection under federal care (Art. 2 para 1 Act Establishing the Federal Agency for Reception and Support Services). ^{37,38} The goals in putting the Federal Agency for Reception and Support Services into operation are: to achieve synergies through common administration of resources, benefit from coordinated effort within the organization, reduce dependency on outside parties, and to ensure adherence with the highest quality standards in all areas of responsibility (Federal Ministry of the Interior, 2020e:6). ³⁹		<i>and Support Services is to guarantee that all transferred responsibilities are reliably met, in accordance with the highest quality standards and with the needs of the individuals receiving care, counselling or legal representation.</i> ⁴⁰
The COVID-19 pandemic in 2020 resulted in short-term capacity limitations at federal reception centres (Federal Ministry of the Interior, 2020c:3). In response, various temporarily closed federal reception centres were reactivated, as to ensure the care and accommodation of asylum seekers while complying with regulations relating to hygiene and quarantine, and observing social distancing (Federal Ministry of the Interior, 2020b). Capacities were generally reduced by 25 per cent, which allowed conditions such as ample space for occupants and isolation zones to be ensured. ⁴¹ Towards protecting facility residents, advice was posted in various languages, staff and residents were made aware of the situation, and more comprehensive hygiene and protection measures were introduced. In suspected cases of COVID-19, residents were tested, then appropriately given medical care and moved to a separate isolation zone (Federal Ministry of the Interior, 2020b:5–7).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>High priority was given to ensuring residents' health and to containing the coronavirus.</i>
21. Were there any new legal or policy developments regarding detention of applicants for international protection in 2020? Y/N. ⁴² 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.		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

2.1.3 ASYLUM PROCEDURES – TYPES OF PROCEDURE

22. Were there any new legal or policy developments in relation to types of asylum procedures in 2020 under the following headings. 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.		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
a) Dublin procedure (e.g. policies relating to suspension of transfers)		
There was a de facto suspension of transfer activities under the Dublin III Directive between 16 March and 16 June 2020. The underlying cause was the suspension of air travel in response to COVID-19, which made transfer	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Mobility restrictions due to COVID-19 had high</i>

³⁷ Federal Act Establishing the Federal Agency for Reception and Support Services as a Private Limited Company, FLG I No. 53/2019.

³⁸ Written input: Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 22 January 2021.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Detention in the context of return is covered in [Chapter 9](#).

activities impossible. ⁴³ Transfer activities were resumed from mid-June 2020, with the EU Member States agreeing various practical procedures to ensure overall safety. An example here is Austria's request for information on the state of health of individuals to be transferred from another EU Member State; negative polymerase chain reaction (PCR) tests were required only from Member States reciprocally requiring such tests for incoming transfers. ⁴⁴ The initiation of procedures under Dublin III was in no way limited. ⁴⁵		<i>impact on transfer activities.</i>
b) Border Procedure		
Third-country nationals were prohibited from entering Austria at an airport on flights from outside the Schengen area between 19 March and 30 April 2020. This applied to persons not holding a residence permit or not falling under specified categories including family members, diplomatic representatives and designated key workers. ⁴⁶ When entering Austria, foreign nationals not falling under the entry ban had to present a valid health certificate that included a negative COVID-19 test result. ^{47,48} With consideration to the principle of <i>non-refoulement</i> , health authority officials were entitled to refuse entry to individuals not having such a health certificate (Federal Ministry of the Interior, 2020a:2).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Border-crossing rules were of major importance.</i>
c) Safe country concepts (e.g. introducing concept into law; creating or revising safe country of origin lists)		
After an amendment to the Federal Office for Immigration and Asylum Procedures Act, ⁴⁹ the United Kingdom of Great Britain and Northern Ireland is considered a safe country of origin as of 1 January 2021.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
d) Other procedures (e.g. admissibility procedures; accelerated procedures)		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

2.1.4 ASYLUM PROCEDURE – OPERATIONAL ASPECTS

23. Were there any new legal or policy developments in relation to operational aspects of the asylum procedure in 2020 under the following headings? 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.		
Development (Please list in order of importance or chronological order as instructed under the first question)).	Nature	Major Development
a) Access to information and legal counselling/representation		
With reference to legal assistance, the previous framework agreements with ARGE Rechtsberatung, which is run by the non-governmental organizations Diakonie and Volkshilfe, and Verein Menschenrechte Österreich were cancelled at the end of February 2020 and expired on 31 December 2020 (FairLassen, 2020). As of 1 January 2021, the Federal Agency for Reception and Support Services is entrusted with providing legal assistance in cases before the Federal Office for Immigration and Asylum and in appeals heard by the Federal Administrative Court. ⁵⁰ As set	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>The key concern in setting up the Federal Agency for Reception and Support Services is to guarantee that all responsibilities are</i>

⁴³ Written input: Federal Ministry of the Interior, Department V/8 (Asylum) and Unit III/1/c (Alien-related Legislation), 22 January 2021.

⁴⁴ Written input: Federal Ministry of the Interior, Department V/8 (Asylum) and Unit III/1/c (Alien-related Legislation), 22 January 2021.

⁴⁵ Ibid.

⁴⁶ Regulation Issued by the Federal Minister for Social Affairs, Health, Care and Consumer Protection on Entry by Air into Austria, FLG II No. 105/2020.

⁴⁷ Amendment to the Regulation on measures on entry from Italy, Switzerland and Liechtenstein, FLG II No. 104/2020.

⁴⁸ Regulation Issued by the Federal Minister for Social Affairs, Health, Care and Consumer Protection on Entry by Air into Austria, FLG II No. 105/2020.

⁴⁹ Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 145/2020.

⁵⁰ Written input: Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 22 January 2021.

<p>out in Art. 13 of the Act Establishing the Federal Agency for Reception and Support Services, the legal assistance provided is to be independent and in content matters not subject to instructions from a higher level. Apart from this article of law, independence is to be ensured through other organizational and institutional arrangements, such as by specifying experts' not being subject to instructions from higher up and by setting up a quality advisory board (Federal Ministry of the Interior, 2020j).⁵¹</p>		<p><i>reliably met, in accordance with the highest quality standards and with the needs of the individuals receiving care, counselling or legal representation.</i>⁵²</p>
<p>The Federal Act amending the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005 (Seventh COVID-19 Act)⁵³ empowers the Federal Office for Immigration and Asylum as of 6 May 2020 to assign legal advisors not only at initial reception centres but also at regional directorates and branch offices. The goal here was to enable, during the anti-COVID-19 measures, a very high level of flexibility and to avoid overcrowding of the initial reception centres (Austrian Parliament, 2020a). This provision was extended until 30 June 2021.⁵⁴</p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
<p>b) Provision of interpretation</p>		
<p>Efforts toward fully setting up the Federal Agency for Reception and Support Services progressed in 2020. The Federal Agency for Reception and Support Services is additionally responsible for making interpreters and translators available within the context of legal and return counselling as of 1 January 2021 (Art. 2 para 1 subpara 5 Act Establishing the Federal Agency for Reception and Support Services).⁵⁵</p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>See above.</i>
<p>c) Timeframes and case management (including backlog management, caseload management tools e.g. prioritisation procedures) for i) first instance determinations and ii) appeals/judicial review</p>		
<p>In response to the situation caused by COVID-19, the Federal Office for Immigration and Asylum stepped down normal operations between 15 March and 18 May 2020 (Federal Office for Immigration and Asylum, 2020d). Availability to the public was limited to answering requests submitted by email or mail or over the phone, while narrowing the scope to fundamental and non-postponable activities (Federal Office for Immigration and Asylum, 2020c). During the lockdown from 17 November to 6 December 2020, the Federal Office for Immigration and Asylum preferred digital means of communication, applied safety precautions and hold appointments online (Federal Office for Immigration and Asylum, 2020b).</p>	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
<p>The Federal COVID-19 Act accompanying administrative procedures, administrative court proceedings as well as in proceedings before the Supreme Administrative Court and the Constitutional Court was promulgated on 21 March 2020.⁵⁶ If the period allotted for applying to the Federal Office for Immigration and Asylum for a legal remedy had not expired by 22 March 2020, the period was interrupted until 1 May 2020. The remaining term of any interrupted legal remedy period continued as of 1 May 2020 (Art. 16 para 1 Second COVID-19 Act).</p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
<p>The Seventh COVID-19 Act⁵⁷ required as of 6 May 2020 applications for the renewal of a Residence Permit for Individual Protection to be submitted to authorities by regular mail or by electronic means. The requirement is contingent on the continuation of the measures restricting personal mobility or interpersonal contact that were imposed to limit the spread of</p>	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

⁵¹ Written input: Federal Ministry of the Interior, Department V/9 (Basic Care Programme), 22 January 2021.

⁵² Ibid.

⁵³ Federal Act Amending the Federal Office for Immigration and Asylum Procedures Act 2012 and the Asylum Act 2005 (Seventh COVID-19-Act), FLG I No. 29/2020.

⁵⁴ Federal Act Amending the Citizenship Act 1985, the Settlement and Residence Act, the Aliens Police Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 146/2020.

⁵⁵ Federal Act Establishing the Federal Agency for Reception and Support Services as a Private Limited Company, FLG I No. 53/2019.

⁵⁶ COVID-19 Act Accompanying Administrative Law, FLG I No. 16/2020.

⁵⁷ Federal Act Amending the Federal Office for Immigration and Asylum Procedures Act 2012 and the Asylum Act 2005 (Seventh COVID-19-Act), FLG I No. 29/2020.

COVID-19 (Austrian Parliament, 2020a). This provision was extended until 30 June 2021. ⁵⁸		
d) Country of origin information (policy level developments in methodology)		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
e) Digitisation of the procedure/Data management elements		
Under the COVID-19 Act Accompanying Administrative Law (Art. 3), ⁵⁹ hearings, interviews, inspections, the gathering of evidence and similar activities were to be carried out as of 22 March 2020 only where it could be ensured that social distancing and hygiene precautions to contain the COVID-19 pandemic were maintained. Such official duties could alternatively be conducted using technical equipment suitable for audio and video transmissions. This provision was adapted through the Twelfth COVID-19 Act ⁶⁰ to protect the rights of individuals who have no access to technical equipment enabling participation in audio-visual hearings (Austrian Parliament, 2020c).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>High impact was felt from altering and digitizing processes.</i>

2.1.5 FAMILY TRACING AND MAINTAINING FAMILY UNITY FOR ADULT BENEFICIARIES OF INTERNATIONAL PROTECTION

24. Were there any new legal or policy developments in relation to the availability of family tracing for <u>adult</u> beneficiaries of international protection in 2020?⁶¹ 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.		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
25. Were there any new legal or policy developments in relation to maintaining family unity for <u>adult</u> beneficiaries of international protection in 2020?⁶² 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.		
The definition of who is considered a family member was expanded in scope as a result of an amendment to the Asylum Act 2005, ⁶³ valid as of 24 December 2020 (see 3.1.4). ^{64,65}	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other

⁵⁸ Federal Act Amending the Citizenship Act 1985, the Settlement and Residence Act, the Aliens Police Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 146/2020.

⁵⁹ COVID-19 Act Accompanying Administrative Law, FLG I No. 16/2020.

⁶⁰ Federal Act Amending the Integration Act, the COVID-19 Administrative Law Companion Act, the Service of Documents Act and the Agrarmarkt Austria Act (Twelfth COVID-19-Act), FLG I No. 42/2020.

⁶¹ Please note that family tracing for unaccompanied minors is covered in [Chapter 3](#).

⁶² Ibid.

⁶³ Asylum Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 145/2020.

⁶⁴ Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 145/2020.

⁶⁵ Government Proposal – Explanatory Notes: Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act - 349 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

2.1.6 WITHDRAWAL OF INTERNATIONAL PROTECTION

26. Were there any new legal or policy developments in relation to withdrawal (both revocation and cessation) of international protection in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
In 2020 the Federal Office for Immigration and Asylum continued to give priority to cases involving the withdrawal of protection status from individuals convicted of criminal offences (Ebner and Humer, 2020:30). Of the 7,790 withdrawal procedures initiated in 2020, 2,271 (29%) had resulted from a criminal conviction. ⁶⁶ The level was similar to that seen in the previous year, when 32 per cent of withdrawal procedures were initiated due to a criminal conviction (Federal Office for Immigration and Asylum, 2019).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

2.1.7 OTHER DEVELOPMENTS

27. Were there any other new legal and policy developments in the field of asylum in 2020 which were not covered above? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

2.2 RELOCATION AND RESETTLEMENT

2.2.1 RELOCATION⁶⁷

National relocation mechanisms

⁶⁶ Written input: Federal Ministry of the Interior, Department V/8 (Asylum) and Unit III/1/c (Alien-related Legislation), 22 January 2021.

⁶⁷ 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 application 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 EMN Glossary V6).

28. Were there any developments in 2020 with regard to relocation activities organised under national schemes including ad hoc relocation resulting from search and rescue disembarkations. Y/N. If yes, please report on numbers relocated in the table below.

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.

Breakdown: Please breakdown as set out below

Name of National Relocation Programme	State Bilateral/multilateral agreement/ad hoc mechanism, if applicable (e.g. Malta Declaration, a particular vessel)	Number relocated	Country of disembarkation from which relocation took place	Top 3 countries of origin of persons relocated
No significant changes in 2020.				

Legal and policy changes in relation to national relocation programmes in the boxes below.⁶⁸

29. Were there any new legal or policy changes in 2020 in relation to national relocation programmes? 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.

Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
There were no cases of relocation in 2020.	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

2.2.2 RESETTLEMENT AND HUMANITARIAN ADMISSION PROGRAMMES⁶⁹

EU-sponsored Resettlement Programmes and national resettlement programmes

30. Please report on quotas and/or pledged and actual numbers resettled in 2020 under resettlement and humanitarian admission programmes by filling in the table below.

	Type of programme	Name of national programme	Resettlement quota/pledge for 2020	Number of resettlements carried out in 2020	Country resettled from (e.g. Turkey, Lebanon, Jordan, Libya, Niger etc)	Top 3 countries of origin of persons resettled (e.g. Syria, Iraq etc)
EU – sponsored resettlement	European resettlement programme (this covers national UNHCR programmes which implement pledges made for EU-sponsored resettlement)	No significant changes in 2020.				
	EU-Turkey Statement Please indicate if your MS' resettlements under the EU-Turkey statement are counted separately or as part of the	No significant changes in 2020.				

⁶⁸ Please note that relocation and resettlement activities specifically related to unaccompanied minors are covered in Chapter 3.1.14.

⁶⁹ 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 a 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 EMN Glossary V6).

	overall EU pledge for your Member State					
National programmes	National Resettlement programme (covers resettlement under national programmes other than EU pledges above)	No significant changes in 2020.				
	National Humanitarian Admission Programme	No significant changes in 2020.				
	Private/community Sponsorship programme/scheme	No significant changes in 2020.				
	Ad-hoc special programmes (national or international initiatives)	UNHCR Emergency Transit Mechanisms (Libya–Ruanda, Libya–Niger) ⁷⁰				

Legal and Policy Developments in relation to resettlement and humanitarian admission programmes⁷¹

31. Were there any new legal or policy changes in 2020 in relation to resettlement (e.g. pledges made in 2020 for future years; new national programmes introduced; new policy approaches to resettlement, e.g. community sponsorship) in the boxes below.

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.

Development (Please list in order of importance or chronological order as instructed under the first question)	Nature	Major Development
No new developments were seen in relation to the items listed above and no cases of resettlement were handled in 2020. ⁷²	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

⁷⁰ Austria is committed to strengthening the external dimension of migration, in particular "protection on the ground". In December 2020, Austria and UNHCR signed an agreement on the financial support of the UNHCR Evacuation Mechanism Libya – Rwanda. The Austrian focus here is on water, sanitation and hygiene (WASH) as well as health and nutrition services. Written input: Federal Ministry of the Interior, Department V/5 (National and International Migration Strategy), 2 March 2021.

⁷¹ Please note that relocation and resettlement activities specifically related to unaccompanied minors are covered in Chapter 3.1.14.

⁷² Written input: Federal Ministry of the Interior, Department V/8 (Asylum) and Unit III/1/c (Alien-related Legislation), 22 January 2021.

3 MINORS AND OTHER VULNERABLE GROUPS

Please provide **information on *new developments in 2020*** relating to any of the areas as indicated below. The ARM 2020 will focus on **legislative and policy developments only. Please do not include practice / other operational developments in your answer.**

NB For all sections, policy measures can sometimes include decisions to undertake major practical/operational actions. However, a practice/operational development should be included only in cases where it changes administrative procedures in a substantive way and therefore can also be considered a policy development.

Please indicate the **nature of the development** (legal or policy) in the tick boxes below. Please describe the objective for and the context which drove the legislative or policy development, and which were the most important/significant developments in your Member State during 2020 by following the specific instructions in each box below. Please also flag whether the development was a 'Major' development i.e. a strategic development, fundamental policy change, political priority or a development having a high impact on applicants etc.

3.1 MINORS

Policy developments may be applicable specifically to third-country national unaccompanied minors or minors accompanied by family members.⁷³ Please check the relevant boxes as applicable in your Member State.

3.1.1 IDENTIFICATION AND REGISTRATION

32. Were there any new legal or policy developments at national level in relation to identification and registration of (unaccompanied) minors (including the collection of biometric data, identification of special needs)? (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.

Development (please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order).	Nature	Category	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other

3.1.2 HUMAN TRAFFICKING

33. Were there any new legal or policy developments at national level in relation to the identification, detection and housing of third-country national minors who are (potential) victims of human trafficking? (Y/N)

If Yes, please elaborate in the box below and specify **by type of procedure (asylum/legal migration/minors detected staying irregularly)**. Please include one development per row and indicate the nature of each development in the tick boxes. If needed, please add additional rows to the table below.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development

⁷³ Within the meaning of the definitions provided by Article 2 of the Qualifications Directive (2011/95/EU).

Within the Austrian Task Force on Combating Human Trafficking, the Working Group on Child Trafficking continued the work on measures to counteract this abuse in 2020. ⁷⁴ A thematic focus of the Joint Action Days, 5–11 October 2020, was the trafficking of minors. Eleven EU Member States besides Austria participated in efforts to uncover relevant networks (Criminal Intelligence Service Austria, 2020c).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Accompanied minors <input checked="" type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
On early detection and victim protection, see 8.1 .	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Accompanied minors <input checked="" type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

3.1.3 RECEPTION FACILITIES

34. Were there any new legal or policy developments at the national level in relation to the reception of (unaccompanied) minors (including changes in policies/legislation regarding safeguards, minimum standards, facilities adapted to unaccompanied children and families with children, policies on the availability of staff trained in child protection, availability and use of alternative care system, monitoring of the facilities)? (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.			
Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development
Within the Human Rights Advisory Council of the Austrian Ombudsman Board, ⁷⁵ a working group was set up to deal with standards in accommodation and care for unaccompanied minors (UAM). The recommendations submitted to the Federal Government in July 2020 included: improving the system of guardianship for UAMs (see 3.1.4), accommodation in facilities suited to children's needs, integration of official responsibilities with child and youth welfare, training for staff, as well as enhanced options for participating in society and a fuller schedule of daily activities (Austrian Ombudsman Board, 2020b).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input checked="" type="checkbox"/> Unaccompanied minors	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Accommodation and care for UAMs was a topic of ongoing discussion in 2020.</i>
UAMs in admission procedures are housed at federal reception centres at Traiskirchen and Reichenau an der Rax (Lower Austria) (Federal Ministry of the Interior, 2020g:9). The Federal Act amending the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005 (Seventh COVID-19 Act) ⁷⁶ additionally permits, as of 6 May 2020, unaccompanied minor asylum seekers to be transferred to a regional directorate or a branch office (Austrian Parliament, 2020a), where a legal guardian can be appointed, an application for international protection lodged and	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input checked="" type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

⁷⁴ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

⁷⁵ The Human Rights Advisory Council supports the Austrian Ombudsman Board as an advisory body. It consists of representatives of the Federal Ministries, the provinces and civil society. It supports the Ombudsman Board in determining the focal points for monitoring procedures, issuing maladministration statements, developing recommendations and ensuring consistent procedures and inspection standards. See: Austrian Ombudsman Board, 2020a.

⁷⁶ Federal Act Amending the Federal Office for Immigration and Asylum Procedures Act 2012 and the Asylum Act 2005 (Seventh COVID-19-Act), FLG I No. 29/2020.

steps taken within the framework of procedures. This provision was extended until 30 June 2021. ⁷⁷ Among the reasons for this time-limited modification was to allow more flexible responses in the event that any centres might need to be shut down due to COVID-19 (Austrian Parliament, 2020b).			
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3.1.4 GUARDIANSHIP

35. Were there any new legal or policy developments at the national level in relation to guardianship of minors (including changes to the policies regarding training of guardians and policy changes regarding the number of minors in their care)? (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.			
Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development
An amendment to the Asylum act 2005 ⁷⁸ expands the legal definition of family members. As of 24 December 2020, the term “family member” as defined in Art. 2 para 1 subpara 22 of the Asylum Act 2005 was expanded as follows: asylum seekers, persons granted asylum and beneficiaries of subsidiary protection who are unmarried minors are considered family members of the person who represents them legally but is not their parent, and can within the framework of family procedures obtain such protection status as is accorded to their particular representative. ^{79,80} Under previous legal arrangements, the scope of protection for the legal representative of a minor child could be legally derived from the status of the child, yet the minor child’s scope of protection could not be derived from that of the child’s legal representative. ⁸¹	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input checked="" type="checkbox"/> Unaccompanied minors	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>This change has high impact on UAMs and their legal representatives.</i>
The Government Programme 2020–2024 envisages improved protection of UAMs as well as a better legal status for this group that emphasizes guardianship (Austrian Federal Government, 2020:141). In 2020 the Human Rights Advisory Council and the United Nations Committee on the Rights of the Child put forth proposals aimed at improving the guardianship system for unaccompanied minors and young people in Austria (Austrian Ombudsman Board, 2020b; United Nations Committee on the Rights of the Child, 2020).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input checked="" type="checkbox"/> Unaccompanied minors	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>How guardianship is organized has high impact on UAMs.</i>

⁷⁷ Federal Act Amending the Citizenship Act 1985, the Settlement and Residence Act, the Aliens Police Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 146/2020.

⁷⁸ Asylum Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 145/2020.

⁷⁹ Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 145/2020.

⁸⁰ Government Proposal – Explanatory Notes: Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act - 349 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

⁸¹ Written input: Federal Ministry of the Interior, Department V/8 (Asylum) and Unit III/1/c (Alien-related Legislation), 22 January 2021.

3.1.5 PROCEDURAL SAFEGUARDS IN THE ASYLUM PROCEDURE

36. Were there any new legal or policy developments at national level in relation to improving the procedural safeguards for minors in the asylum procedure (For example child-friendly methods of providing information, fast tracking procedures of (unaccompanied) minors)? (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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other

3.1.6 AGE ASSESSMENT

37. Were there any new legal or policy developments at national level in relation to age assessment or in the methods of age assessment? (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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other

3.1.7 FAMILY TRACING AND MAINTAINING FAMILY UNITY

38. Were there any new legal or policy developments at national level in relation to family tracing and maintaining family unity? (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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other

3.1.8 DETENTION DURING THE ASYLUM PROCEDURE AND FOR THE PURPOSE OF RETURN

39. Were there any new legal or policy developments at national level in relation to the (alternatives to) detention of (unaccompanied) minors or families with minors for the purpose of return? (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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other

40. Were there any new legal or policy developments at national level in relation to the (alternatives to) detention of (unaccompanied) minors or families with minors during the asylum procedure? (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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other

3.1.9 VOLUNTARY AND FORCED RETURN

Were there any new developments in 2020 at the national/regional level in relation to voluntary/forced returns of (unaccompanied) minors?

41. Were there any new legal or policy developments at national level in relation to voluntary/forced returns of (unaccompanied) minors? (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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development
The amendments to the Federal Office for Immigration and Asylum Procedures Act that relate to compulsory return counselling sessions (see 9.2.1) ⁸² apply equally to accompanied and unaccompanied minors. ⁸³	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Accompanied minors <input checked="" type="checkbox"/> Unaccompanied minors	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>With a view to efficiency and expediency and due to the temporal relationship, it was necessary in certain cases to alter the timing of compulsory return counselling, thus postponing it until appeal proceedings had been decided.⁸⁴</i>

⁸² Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLGI No. 145/2020.

⁸³ Written input: Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 26 January 2021.

⁸⁴ Ibid.

3.1.10 INTEGRATION

42. Were there any new legal or policy developments at national/regional level in relation to the integration of TCN minors in the host society? (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.			
Development (please list in order of importance or chronological order as instructed under first question).	Nature	Category	Major Development
Basic skills and language training			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other
Early childhood education and care			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other
Primary and secondary education			
Austria's integration policy goal in 2020 was to address current inequalities between pupils with and without a migration background in relation to their levels of completed education and competency (Expert Council for Integration, 2020:3–4). Examples of steps taken in the context of the COVID-19 measures include: providing digital user devices to disadvantaged pupils in mid-2020 (European Commission, 2020c:7(19)); organizing targeted remedial German classes as part of a two-week summer school (Federal Chancellery, 2020f); offering study support during the Christmas and semester breaks in 2020/2021 (#weiterlernen, 2020).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Accompanied minors <input checked="" type="checkbox"/> Unaccompanied minors	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>The measures were particularly important for those pupils with a migration background who are disadvantaged or require remedial support.</i>
The Government Programme 2020–2024 envisages the introduction of an education obligation (Austrian Federal Government, 2020:205), to apply to all young people between their ninth year of schooling and the age of 18. They are to be allowed to leave the education system only after achieving minimum basic skills standards. Not previously falling under the Compulsory Education Act, ⁸⁵ minor refugees will be affected by the new measure.	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Accompanied minors <input checked="" type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
Informal and non-formal learning			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other

⁸⁵ Compulsory Education Act, FLG I No. 62/2016 in the version of federal law FLG I No. 100/2018.

3.1.11 ACCESS TO SERVICES/RIGHTS FOR MINOR ASYLUM SEEKERS

43. Were there any new legal or policy developments in 2020 at national level in relation to the services/rights for minor asylum seekers in 2020, including new national level programs and/or initiatives to improve access to these services? 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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development
a) Access to healthcare			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other
b) Access to psychological support			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other
c) Access to education			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other
d) other			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other

3.1.12 ACCESS TO SERVICES/RIGHTS FOR IRREGULARLY STAYING MINORS

44. Were there any new legal or policy developments in 2020 at national level in relation to the services/rights for irregularly staying minors in 2020? 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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Category	Major Development
a) Access to healthcare			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other

b) Access to psychological support			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other
c) Access to education			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other
d) Other			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Accompanied minors <input type="checkbox"/> Unaccompanied minors	<input type="checkbox"/> Major <input type="checkbox"/> Other

3.1.13 TRANSITION INTO ADULTHOOD

45. Were there any new legal or policy developments at national level in the type of support (e.g. housing, education, employment, psychological support) available for the transition to adulthood of TCN unaccompanied minors legally residing in your Member State? (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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

3.1.14 RESETTLEMENT AND RELOCATION

46. Were there any new legal or policy developments at national level in relation to resettlement and/or relocation of unaccompanied minors to your Member State in 2020 (including prioritisation e.g. through quotas, fast-track procedures)? (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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

3.1.15 STATELESSNESS

47. Were there any new legal or policy developments in relation to the prevention of children being born stateless in your Member State in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

48. Were there any legal or policy developments in relation to the protection of children recognised as stateless in your Member State in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

3.2 OTHER VULNERABLE GROUPS

Other vulnerable groups include disabled people, elderly people, lesbian, gay, bisexual, transgender, queer or questioning, and intersex (LGBTQI) people, pregnant women, 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.

Please note that this subsection covers other vulnerable groups excluding victims of human trafficking, which group is covered in Section 7.

49. Were there any new legal or policy developments at national level regarding vulnerable groups (excluding victims of trafficking in human beings) in the asylum procedure?

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.

a) Special reception facilities for vulnerable groups

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
Since becoming operational on 1 December 2020, the Federal Agency for Reception and Support Services (see 2.1.2) has been responsible for ensuring care and support to vulnerable groups under the federal care system. ⁸⁶ And, in a resolution passed on 9 July 2020, the National Council places special emphasis on considering the particular vulnerability of individuals when providing accommodation and care (see 3.2.d). ⁸⁷	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Implementation of this measure has significant impact on vulnerable groups.</i>

b) Identification mechanisms/referrals

⁸⁶ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

⁸⁷ Resolution of the National Council on 9 July 2020 on ensuring fair, quality asylum procedures, especially in dealing with particularly vulnerable groups such as those fleeing on the basis of religious conversion, sexual orientation or gender identity, 85/E XXVII. Legislative Term. Available at www.parlament.gv.at.

No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
c) Applicable procedural safeguards		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
d) Other		
In a resolution passed on 9 July 2020, the National Council ⁸⁸ petitioned the Federal Government to ensure fair asylum procedures conforming to high standards, especially where particularly vulnerable groups are involved. Specific mention is made here of individuals threatened with persecution due to religious conversion or sexual orientation, gender identity. The measures proposed here include: offering periodic workshops and programmes to raise awareness among staff members involved in asylum procedures, aligning documentation of countries of origin with target group needs, deploying suitable interpreters, and coordinating efforts with civil society and international organizations.	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Implementation of this measure has significant impact on vulnerable groups.</i>
50. Were there any new legal or policy developments at national level regarding vulnerable groups (excluding victims of trafficking in human beings) outside of the asylum procedure? 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.		
a) Special reception facilities for vulnerable groups		
Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
b) Identification mechanisms/referrals		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
c) Applicable procedural safeguards		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
d) Other		
Awareness-raising measures have been taken to address various types of violence committed against women and girls in the context of migration, refugee travel and integration. A manual detailing action and prevention options has been released by the Austrian Integration Fund, the Austrian Red Cross and <i>FEM Süd</i> , an institution to promote female and male health (Austrian Integration Fund, 2020c).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

⁸⁸ Resolution of the National Council on 9 July 2020 on ensuring fair, quality asylum procedures, especially in dealing with particularly vulnerable groups such as those fleeing on the basis of religious conversion, sexual orientation or gender identity, 85/E XXVII. Legislative Term. Available at www.parlament.gv.at.

4 INTEGRATION

Please provide **information on *new developments in 2020*** relating to any of the areas as indicated below. The ARM 2020 will focus on **legislative and policy developments only. Please do not include practice / other operational developments in your answer. A practice/operational development should be included only** in cases where it changes administrative procedures in a substantive way and therefore can also be considered a policy development.

Please describe which were the most important/significant developments in your Member State during 2020 by following the specific instructions in each box below. Please indicate the **nature of the development** (legislation or policy) in the tick boxes below. Please also indicate whether the development was **generic or aimed at a specific subsection** of third-country nationals (e.g. beneficiaries of international protection, women, long-term residents, etc.). Furthermore, **please flag whether the development was a ‘major’ development** (e.g. a strategic development, fundamental policy change, political priority or a development having a high impact on applicants, etc.).

Please note that this section refers to the integration of **adults**; measures related specifically to the integration of minors are already addressed in Chapter 3.

4.1 NATIONAL INTEGRATION STRATEGY

51. Were there any developments in or changes to the national integration strategy?			
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.			
Development (please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order).	Nature	Target Group	Major Development
Drawing on the motto of “integration based on achievement”, migrants’ commitment to integration programmes continued to be the emphasis underlying Austria’s integration strategy in 2020 (Expert Council for Integration, 2020:2). The key focuses within integration policy in 2020 were: (1) strengthening the role of women as “integration drivers”, (2) strengthening identification with Austria, (3) encouraging voluntary work as a new pillar for integration, (4) ascribing more responsibility to the parents of school-age children with a migration background, and (5) enhancing efforts to avoid the formation of parallel societies (Federal Chancellery, 2020j). Toward implementing these focuses, it was decided in 2020 to increase the budget for 2021 (Federal Chancellery, 2020l).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Integration was a policy focus in 2020.</i>
Within Austria’s integration policy, education came more strongly into focus in 2020, with a greater emphasis on German proficiency and scholastic integration (see also 3.1.10 and 4.2) (Federal Chancellery, 2020e; Federal Ministry of Education, Science and Research, 2020a).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
The “Austrian Fund for the Documentation of Religiously Motivated Political Extremism” (Documentation Centre for Political Islam) was established in June 2020. The fund has been set up to investigate and analyse dangerous developments in the struggle against religiously motivated political extremism, along with segregated social milieus that pose challenges and parallel societies within Austria, and provide information on these phenomena (Federal Chancellery, 2020i). ⁸⁹ Also, an evidence-	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Extremism and radicalization were central policy and societal issues in 2020.⁹⁰</i>

⁸⁹ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

⁹⁰ Ibid.

based early warningsystem is to be put in place to help recognize early on any parallel societies and milieus raising challenges, and to counteract such developments (Federal Chancellery, 2020a:3).			
Efforts by the Austrian Integration Fund were focused again in 2020 on the integration of women with a migration background. This focus is a key component in counselling and training, and is also reflected in the number of women participating in the programmes (Austrian Integration Fund, 2020b; Austria Presse Agentur, 2020f). The Austrian Integration Fund also launched an invitation to tender for projects relating to “measures to counteract violence and support women and girls in an integration context”, awarding a total of EUR 2 million in funding to 19 projects (Austria Presse Agentur, 2020a). ⁹¹	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Generic <input checked="" type="checkbox"/> Specific Women with a migration background	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

52. Were there any changes in the distribution of responsibilities for integration policy between national, regional, and local authorities?

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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Target Group	Major Development
As a result of the new government forming (see Q), the Federal Chancellery took over the integration portfolio as of 29 January 2020, previously assigned to the Federal Ministry for European and International Affairs. As part of this change, a Federal Chancellery minister was for the first time appointed to take responsibility for integration and serve as Federal Minister for Women and Integration (Federal Chancellery, 2020c). ⁹²	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
On 18 June 2020 it was announced that all German courses would be organized along uniform lines beginning in 2021, with the Austrian Integration Fund acting as the central office for awarding course contracts (Federal Chancellery, 2020g). Previously, other bodies besides the Austrian Integration Fund, including the Public Employment Service and the various Austrian provinces had also organized German courses – while prerequisites for participating had also varied (ORF.at, 2020b). Common general conditions and processes were designed for throughout Austria, and migrants are expected to benefit from centralized processing and quality assurance (Austria Presse Agentur, 2020g). As part of the centralized courses offered by the Austrian Integration Fund, a focus will be to support women experiencing the integration process, for example by expanding the programme of childcare tailored to accompany courses. The quality of literacy courses will also be improved, by introducing a framework curriculum attuned to target-group needs. In addition, course providers will be enabled to offer individual remedial support to supplement courses, thereby helping participants to achieve required proficiency levels. ⁹³	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

⁹¹ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

⁹² Ibid.

⁹³ Ibid.

4.2 EDUCATION OF ADULTS

53. Were there any new policy/legislative developments at the national/ regional level targeting the integration of third-country nationals through education?

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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Target Group	Major Development
a) Basic skills and language training			
As a result of the COVID-19 pandemic, activities at integration centres in Austria were restricted between 15 March and 15 May 2020 (Austria Presse Agentur, 2020e). In response, the Austrian Integration Fund made A1 to B1-level German courses available free of charge online. By installing the daily programme of online German courses, the Austrian Integration Fund helped about 45,000 course participants improve their German skills during the COVID-19 restrictions. ⁹⁴ Because of the high demand, the digitalized programme is to be maintained in future as a supplement to the regular course of studies (Austria Presse Agentur, 2020c).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Supplementing courses through online programmes has high impact for those learning German.</i>
When first issued certain types of residence permits, third-country nationals are required to complete module 1 of the Integration Agreement within two years. The Federal Act for the integration of persons without Austrian citizenship lawfully staying in Austria (Integration Act) ⁹⁵ was amended as of 15 May 2020 in response to the spread of COVID-19. For those originally having to meet the module requirement by a date between 22 March and 30 June 2020, the period was extended until 31 October 2020 (Art. 9 para 2a Integration Act).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
The Austrian Integration Fund had set up a fully accessible exam programme by mid-2020 (Austrian Integration Fund, 2020d). In this way, individuals previously exempted from the requirement to demonstrate German proficiency because of a sight, speech or hearing impairment or physical disability can now demonstrate their level of achievement. Candidates can sit the fully accessible exams throughout Austria at any of the nine Austrian Integration Fund centres. ⁹⁶	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Generic <input checked="" type="checkbox"/> Specific Migrants with disabilities	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
The Austrian Integration Fund and the Vienna Economic Chamber have been offering web-based specialist German courses for participants from the catering sector and gastronomy, accommodation and tourist industries since December 2020. ⁹⁷	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Generic <input checked="" type="checkbox"/> Specific Catering sector, gastronomy, accommodation and tourist industries	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

b) Informal and non-formal learning⁹⁸ (e.g. associations, culture and sport)

⁹⁴ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

⁹⁵ Integration Act, FLG I No. 68/2017 in the version of federal law FLG I No. 42/2020.

⁹⁶ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

⁹⁷ Ibid.

⁹⁸ According to CEDEFOP, non-formal learning is "learning which is embedded in planned activities not explicitly designated as learning (in terms of learning objectives, learning time or learning support). Non-formal learning is intentional from the learner's point of view. (Source: Terminology of European education and training policy - a selection of 100 key terms. CEDEFOP, Luxembourg: Office for Official Publications of the European Communities, 2008. Available at www.cedefop.europa.eu)

No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input type="checkbox"/> Other
c) Other			
To accompany the summer school (see 3.1.10), the Austrian Integration Fund simultaneously conducted courses for parents of pupils having a migration background (Federal Chancellery, 2020f). The goal here was to better inform parents about the school system, education tracks and remedial opportunities.	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

4.3 LABOUR MARKET AND SKILLS

<p>54. Were there any new policy/legislative developments at the national/ regional level targeting the labour market integration of third-country nationals (in general or targeting specific groups)?</p> <p>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.</p>			
Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Target Group	Major Development
Within labour market integration of persons granted asylum, one of the focuses in 2020 was placement across regions. This focus was reflected among other things in the job exchange that was held in March 2020 (Federal Ministry of Labour, Family and Youth, 2020). The focus on placement across regions is based on the higher number of job openings in western Austria relative to the eastern region (Public Employment Service, 2020).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Generic <input checked="" type="checkbox"/> Specific Persons granted asylum	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
<p>55. Were there any new policy/legislative developments at the national/ regional level targeting the access to vocational training and other types of training for third-country nationals?</p> <p>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.</p>			
Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Target Group	Major Development
The Austrian Integration Fund initiated a training programme in harvest and seasonal work for more than 160 jobseekers who had been granted asylum or subsidiary protection. The effort was supported by the Vienna Public Employment Service, the Vienna Chamber of Agriculture and the Federal College of Viticulture and Pomology at Klosterneuburg (Austrian Integration Fund, 2020e). In addition to acquiring basic skills in agriculture and knowledge of current safety standards, the participants had the opportunity to work in small teams at agricultural businesses, helping with harvesting grapes and other crops for two weeks. ⁹⁹	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Generic <input checked="" type="checkbox"/> Specific Jobseekers granted asylum or subsidiary protection	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
To assist them in integration and in completing their studies, 30 students with a migration background received a Liese Prokop scholarship fund in 2020. In addition to financial assistance, the scholarship fund offers a broad programme of advanced workshops and networking events. ¹⁰⁰	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Generic <input checked="" type="checkbox"/> Specific Students granted asylum	<input type="checkbox"/> Major <input type="checkbox"/> Other

⁹⁹ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

¹⁰⁰ Ibid.

56. Were there any new policy/legislative developments at the national/ regional level targeting the validation of skills and recognition of qualifications for third-country nationals?

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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Target Group	Major Development
As part of the second package of COVID-19 legislation of 21 March 2020, amendments were passed to the Health and Nursing Care Act ¹⁰¹ and the Federal Act governing high-level medico-technical professions. ¹⁰² For the duration of the COVID-19 pandemic, workers with previous training in a health and nursing care occupation (Art. 36) or a in medico-technical profession (Art. 37) who had acquired their qualifications in another country could be employed under less stringent conditions. ¹⁰³ The requirement for completing levelling programmes or supplementary training was waived, resulting in an exemption that facilitates recognition of qualifications acquired outside Austria (Expert Council for Integration, 2020:8).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Generic <input checked="" type="checkbox"/> Specific Health-care workers with qualifications from another country	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Alleviating shortages in medical and nursing services became an issue of major importance as a result of COVID-19.</i>

4.4 BASIC SERVICES

57. Were there any new policy/legislative developments at the national/ regional level targeting the integration of third-country nationals through access to basic services?

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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Target Group	Major Development
a) Access to housing			
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input type="checkbox"/> Other
b) Access to healthcare including in relation to mental health			
The Government Programme 2020–2024 emphasizes health care for migrants, including encouraging health skills, as a horizontal policy matter within integration (Austrian Federal Government, 2020:144–148). Information campaigns in various languages were launched in 2020 to appropriately inform foreign nationals of the COVID-19 measures (Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 2020b; Austria Presse Agentur, 2020b). The Austrian Integration Fund made information about COVID-19 available in 17 languages (Austrian Integration Fund, 2020a). A multilingual hotline was put in place, alongside information services via text messaging, email, the Austrian Integration Fund website and social media. A total of	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

¹⁰¹ Health Care and Nursing Act, FLG I No. 108/1997 in the version of federal law FLG I No. 16/2020.

¹⁰² Federal Law on the Regulation of Advanced Medical-Technical Services, FLG Nr. 460/1992 in the version of federal law FLG I No. 16/2020.

¹⁰³ Second COVID-19-Act, FLG I No. 16/2020.

roughly 800,000 people were informed through these channels. ¹⁰⁴			
c) Access to social security			
A national poverty prevention strategy was launched in May 2020, aimed at mitigating the social impacts of the COVID-19 pandemic on those already suffering from poverty. The group targeted by the strategy includes individuals not holding Austrian citizenship (Austria Presse Agentur, 2020d). This was prompted among other things by the realization that the measures in response to COVID-19 were resulting in a significant increase in unemployment in 2020, especially among foreign nationals (Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, 2020a:61–66).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input checked="" type="checkbox"/> Specific Persons affected by poverty	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
d) Other			
To make news related to COVID-19 available in more than one language, the news platforms of the Austrian Broadcasting Corporation (ORF) and Austria Press Agency (APA) launched a special multilingual programme early in the year (Der Standard, 2020; ORF.at, 2020c). The Austrian Integration Fund also made information about COVID-19 available in many languages (see 4.4.b).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
In relation to the issue of violence against women in an integration context (see also 4.1), the Austrian Integration Fund stepped up its publicity and information campaigns for migrants and refugees in 2020, for instance through the UN-initiative “Orange the World”. For multipliers confronted with this issue professionally on a day-to-day basis, the Austrian Integration Fund additionally offered workshops, while also making interpreters available to the helpline for women threatened with violence, a project sponsored by autonomous women’s shelters in Austria. ¹⁰⁵	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Generic <input checked="" type="checkbox"/> Specific Female refugees and migrants	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

4.5 ACTIVE PARTICIPATION

58. Were there any new policy/legislative developments at the national/ /regional level targeting the integration of third-country nationals through active (civic/social) participation? (Note: please only include overarching programmes/developments and not individual projects)

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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Target Group	Major Development
a) Migrant participation in local democratic structures			
As part of a <i>Fördern und Fordern</i> (Support and Challenge) tour in 2020, Austria’s minister for integration consulted with local experts throughout Austria on how to implement integration measures (Federal Chancellery, 2020d).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
b) Organising civic orientation programmes			

¹⁰⁴ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

¹⁰⁵ Written input: Federal Chancellery, Directorate General II (Integration, Cultural Office and Ethnic Groups), 22 January 2021.

No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input type="checkbox"/> Other
c) Other			
In an agreement adopted on 8 July 2020, the Republic of Austria and the United Nations Educational, Scientific and Cultural Organization (UNESCO) stipulated the establishment of the International Centre for the Promotion of Human Rights at the Local and Regional Levels in Graz. The centre's work is to be aimed at helping achieve the development goal of making cities and human settlements inclusive, safe, resilient and sustainable. ¹⁰⁶	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

4.6 FIGHTING RACISM AND DISCRIMINATION

59. Were there any new policy/legislative developments at the national or regional aimed at fighting discrimination of third-country nationals, racism etc.? (Note: please only include overarching programmes/developments and not individual projects)

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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Target Group	Major Development
The Government Programme 2020–2024 envisages a first-ever national action plan against racism and discrimination, and in 2020 progress was achieved in preparing and detailing the plan (Federal Chancellery, 2020b)	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
Progress was made in 2020 on a draft federal act providing for measures to prevent online hate speech. The government's draft bill includes broadening the scope of what falls under the criminal offence of incitement as defined in Art. 283 para 1 subpara 2 of the Criminal Code, ¹⁰⁷ which is to now encompass personal insults that violate the human dignity of individuals belonging to protected groups. ¹⁰⁸	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Generic <input type="checkbox"/> Specific	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>The legislation will have high impact for those affected.</i>
The Austrian Constitutional Court lifted the ban on veils in elementary schools on 11 December 2020 (Constitutional Court Austria, 2020b). As of the beginning of the 2019/2020 school year, the covering of one's head with clothing characteristic of a world view or religion had been prohibited at elementary schools. The Constitutional Court ruled the ban as violating the principle of equality in conjunction with the right to religious freedom.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Generic <input checked="" type="checkbox"/> Specific Pupils with veils in elementary schools	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

4.7 PRE-DEPARTURE/ARRIVAL PROGRAMMES

60. Were there any new policy/legislative developments targeting the integration of third-country nationals through pre-departure/arrival programmes?

¹⁰⁶ Resolution of the National Council of 8 July 2020 concerning an Agreement between the Republic of Austria and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the Establishment of the International Centre for the Promotion of Human Rights at Local and Regional Levels under the auspices of UNESCO (Category 2) in Graz (Austria), (108/BNR). Available at www.parlament.gv.at.

¹⁰⁷ Criminal Code, FLG No. 60/1974 in the version of federal law FLG I No. 111/2019.

¹⁰⁸ Government Proposal Concerning the Combating of Hate on the Internet Act - Explanatory Notes, (48/ME) - 481 of the supporting documentation, XXVII. Legislative Term. Available at www.parlament.gv.at.

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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Target Group	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input type="checkbox"/> Other

4.8 INVOLVEMENT OF NON-GOVERNMENT STAKEHOLDERS

61. Were there any new policy/legislative developments at the national/regional level targeting the involvement of non-government stakeholders in promoting the integration of third-country nationals (e.g. civil society organisations, diasporas, migrant communities, faith-based organisations)? (Note: please only include overarching programmes/developments and not individual projects)

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.

Development (please list in order of importance or chronological order as instructed under the first question).	Nature	Target Group	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Generic <input type="checkbox"/> Specific	<input type="checkbox"/> Major <input type="checkbox"/> Other

5 CITIZENSHIP AND STATELESSNESS

Please provide **information on new developments in 2020** relating to any of the areas as indicated below. The ARM 2020 will focus on **legislative and policy developments only. Please do not include any practice / other operational developments in your answer.**

NB For all sections, policy measures can sometimes include decisions to undertake major practical/operational actions. However, a practice/operational development should be included only in cases where it changes administrative procedures in a substantive way and therefore can also be considered a policy development..

Please indicate the **nature of the development** (legal or policy) in the tick boxes below. **Please describe the objective for and the context which drove the legislative or policy development, and which were the most important/significant developments in your Member State during 2020 by following the specific instructions in each box below. Please also flag whether the development was a 'Major' development i.e. a strategic development, fundamental policy change, political priority or a development having a high impact on applicants etc.**

5.1 ACQUISITION OF CITIZENSHIP

62. Were there any new legal or policy developments in relation to the acquisition of citizenship (prerequisites and conditions) for legally residing third-country nationals in your Member State in 2020? 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.

Development (Please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order).	Nature	Major Development
As part of an amendment to the Citizenship Act 1985 that had been enacted in October 2019, ¹⁰⁹ a new option for acquiring citizenship was introduced for direct descendants of victims of National Socialism (Art. 58c para 1 Citizenship Act 1985). The new provision, which entered into force as of 1 September 2020, ¹¹⁰ enables qualifying descendants to obtain Austrian citizenship merely through notification and without having to relinquish their previous citizenships. ¹¹¹ To reflect the amendment to the Citizenship Act 1985, the Citizenship Regulation 1985 was similarly modified as of 15 September 2020. ¹¹² The regulation specifies the documents and evidence needing to be presented when submitting notification as referred to in Art. 58c para 1 and 1a of the Citizenship Act 1985, while also setting out details of procedures. The intention here is to make it easier for eligible individuals to apply for citizenship (Krisper, 2020).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
Normally, candidates must take an oath orally before they are conferred Austrian citizenship. The Fourth COVID-19 Act, ¹¹³ passed in response to the pandemic, included the temporary option beginning with 5 April 2020 of submitting the oath (Art. 21 Citizenship Act 1985) in writing to the competent authority (Art. 22 para 1 <i>ibid.</i>). This special provision expires as of 30 June 2021. ¹¹⁴	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

¹⁰⁹ Citizenship Act 1985, FLG No. 311/1985 in the version of federal law FLG I No. 146/2020.

¹¹⁰ Federal Act Amending the Citizenship Act 1985, FLG I No 96/2019.

¹¹¹ Written input: Federal Ministry of the Interior, Department V/2 (Residence and Citizenship) and Unit III/1/c (Alien-related Legislation), 26 January 2021.

¹¹² Citizenship Regulation, FLG No 329/1985 in the version of federal law FLG II No 399/2020.

¹¹³ Fourth COVID-19-Act, FLG I No. 24/2020.

¹¹⁴ Federal Act Amending the Citizenship Act 1985, the Settlement and Residence Act, the Aliens Police Act 2005, the Federal Office for Immigration and Asylum Procedures Act and the Asylum Act 2005, FLG I No. 146/2020.

5.2 STATELESSNESS

<p>63. Were there any new legal or policy developments in relation to the <u>ratification of international conventions on statelessness in 2020</u>? Y/N</p> <p>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.</p>		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
<p>64. Were there any new legal or policy developments in relation to a <u>dedicated statelessness determination procedure (SDP)¹¹⁵ or any other procedures or mechanisms by which statelessness can be identified or the status can be determined in 2020</u>? Y/N</p> <p>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.</p>		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
<p>65. Were there any new legal or policy developments in relation to the <u>issuance of a residence permit for recognised stateless persons in your Member State in 2020</u>? Y/N</p> <p>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.</p>		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
<p>66. Were there any new legal or policy developments in relation to the rights (access to the labour market, access to education, access to health care and social aid, access to citizenship, etc.) granted to recognised stateless persons in your Member State in 2020? Y/N</p> <p>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.</p>		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

¹¹⁵ A statelessness determination procedure is a mechanism for determining whether an individual is stateless. *Source*: EMN (2020) Statelessness in the European Union, p.4. EMN Inform. Brussels: European Migration Network.

6 BORDERS, VISA AND SCHENGEN

Please provide **information on *new developments in 2020*** relating to any of the areas as indicated below. The ARM 2020 will focus on **legislative and policy developments only. Please do not include any practice / other operational developments in your answer.**

NB For all sections, policy measures can sometimes include decisions to undertake major practical/operational actions. However, a practice/operational development should be included only in cases where it changes administrative procedures in a substantive way and therefore can also be considered a policy development..

Please indicate the **nature of the development** (legal or policy) in the tick boxes below. **Please describe the objective for and the context which drove the legislative or policy development, and which were the most important/significant developments in your Member State during 2020 by following the specific instructions in each box below. Please also flag whether the development was a 'Major' development i.e. a strategic development, fundamental policy change, political priority or a development having a high impact on applicants etc.**

6.1 ENHANCED BORDER MANAGEMENT AT THE EXTERNAL BORDERS

6.1.1 BORDER CONTROL MEASURES/MANAGEMENT

67. Were there any new legal or policy developments in relation to border control measures/management implemented in 2020. 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.

Development (Please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order).	Nature	Major Development
Within the framework of the EU migration and asylum legislation package, work progressed in 2020 on the draft EU Regulation introducing a screening of third country nationals at the external borders (European Commission, 2020d), aimed at helping establish and check the identity of individuals at the EU's external borders. ¹¹⁶	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
Refer to 2.1.3 b) for details of the entry restrictions imposed in response to COVID-19.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

6.1.2 IMPROVING THE EFFECTIVENESS OF CONTROLS AT EXTERNAL BORDERS

68. Were there any new legal or policy developments to ensure more effective control of the external borders, such as policy decisions to reinforce border control staff, providing training, increasing overall resources, introducing action plans or protocols, etc. in 2020 under the following headings. 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
a) General issues		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
b) Entry/Exit System (EES)		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
c) European Travel Information and Authorisation System (ETIAS)		

¹¹⁶ Written input: Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2021.

In compliance with EU Regulation 2018/1240, ¹¹⁷ Austria started implementing the European Travel Information and Authorisation System (ETIAS) as of 1 January 2020. Requirements were analysed in the first phase. ¹¹⁸	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Implementation of the ETIAS is of major importance.</i>
d) the European Interoperability Framework (EIF)		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
e) Local Border Traffic Regime		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
f) the European integrated border management (IBM)		
In 2020 Austria collaborated with the European Commission on a report to evaluate Austria's IBM strategy for 2019–2020. Together with the Frontex technical and operative strategy for integrated European border management, the joint evaluation will contribute to Austria's IBM strategy for 2021. ¹¹⁹	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

6.1.3 REINFORCED COOPERATION WITH THIRD COUNTRIES IN THE AREA OF BORDER MANAGEMENT

69. Please list any agreements, and other forms of bilateral and multilateral cooperation with third countries that were completed or signed/ entered into force in 2020 with an objective to strengthen operational capacity in combatting irregular migration and control of external borders.

Where applicable, please indicate whether working groups or committees were operational in 2020.

Please do not assess already existing agreements or collaboration schemes.

Title of agreement or Working Group (where relevant)	Third country (countries) with whom the cooperation exists	Description (e.g. provision of border equipment, training of border guards, etc.).
Memorandum of Understanding between the Federal Ministry of the Interior of the Republic of Austria, (Directorate-General for Public Security) and the Ministry of the Interior of the Republic of Serbia (General Police Directorate on enhanced cooperation in the area of internal security).	Serbia	Border management support by Austrian police officers along the border between Serbia and North Macedonia. ¹²⁰

70. Did your (Member) State take any new policy decisions to deploy or remove liaison officers to particular regions or countries in 2020 (ILO/¹²¹EMLO¹²²)?

No significant changes in 2020.

¹¹⁷ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, 2018. Official Journal of the European Union, L236/1.

¹¹⁸ Written input: Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2021.

¹¹⁹ Ibid.

¹²⁰ Written input: Federal Ministry of the Interior, Department I/4 (International Affairs), 22 January 2021.

¹²¹ According to the EMN Glossary Version 7.0, an Immigration Liaison Officer (ILO) is a "A representative of one of the EU Member States, posted abroad by the immigration service or other competent authorities in order to establish and maintain contacts with the authorities of the host country with a view to contributing to the prevention and combating of irregular migration, the return of irregular migrants and the management of legal migration".

¹²² According to the EMN Glossary Version 7.0, a European migration liaison officer (EMLO) is "A specialised liaison officer seconded in EU Delegations in third countries tasked to coordinate and represent EU interests in the field of migration with the aim of maximizing the impact of EU action on migration in third countries and enhancing the engagement of key countries of origin and transit on the entire spectrum of migration".

6.2 VISA POLICY

71. Were there any new legal or policy developments in relation to the implementation of Visa Policy (both short-stay and long-stay visa) in 2020 under the following headings. 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.		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
a) Visa reciprocity mechanism		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
b) Other Visa related developments		
The recast Schengen Visa Code ¹²³ became effective as of 2 February 2020 and was to be implemented in Austria immediately. ¹²⁴	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>The recast Schengen Visa Code has high impact on applicants.</i>
Effective as of March 2020, Japan cancelled unilaterally the agreement exempting Austrian citizens from visa requirements. Furthermore, the bilateral agreement with South Korea stipulating visa exemption on entry and for 90 days' maximum stay was suspended. ¹²⁵	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
See also the details on public office hours for cases relating to visas and stays, sections 1.1 and 1.2.8 , and the Schengen Evaluations in 6.3.c .	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other

6.3 SCHENGEN GOVERNANCE

72. Were there any new legal or policy developments in relation to Schengen governance during 2020 under the following headings. 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.		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
a) Internal borders (including temporary suspension of Schengen)		
To maintain law, order and public security, border controls were temporarily reintroduced at Austria's internal EU borders with Slovenia and Hungary from 12 November 2019 to 12 May 2020 and from 12 May to 11 November 2020 (European Commission, 2020a). ^{126,127} These border controls were extended from 12 November 2020 up to and including 11 May 2021 due to continued migration as well as to maintain internal security and because of tensions resulting from COVID-19 (Federal Ministry of the Interior, 2020o). ¹²⁸ During this entire period internal borders may only be crossed at border crossing points.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

¹²³ Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas- (Visa Code). Official Journal of the European Union, L188/25.

¹²⁴ Written input: Federal Ministry for European and International Affairs, Department IV.2 (Visa, Border, Residence and Asylum Affairs, Migration, Combating Trafficking in Human Beings), 22 January 2021.

¹²⁵ Ibid.

¹²⁶ Regulation issued by the Federal Minister of the Interior on the temporary reintroduction of border controls at internal borders, FLG II No 177/2020.

¹²⁷ Regulation issued by the Federal Minister of the Interior on the temporary reintroduction of border controls at internal borders, FLG II No 316/2019.

¹²⁸ Regulation issued by the Federal Minister of the Interior on the temporary reintroduction of border controls at internal borders, FLG II No 469/2020.

Austria temporarily introduced border controls with neighbouring countries in the period 11 March–15 June 2020 ¹²⁹ as a measure to contain the spread of COVID-19 (European Commission, 2020a) and border traffic was temporarily suspended at certain border crossing points. This meant that travellers seeking entry had to present medical certificates proving negative COVID-19 tests. These restrictions directly affected harvest and seasonal workers (see 1.2.3) as well as 24/7 home care workers (see 1.2.4). Also, there was a drop in asylum applications (see 2.1.3).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>This development had high impact on labour migration, asylum and mobility within the EU.</i>
The Regulation on entry to Austria in the context of containment of SARS-CoV-2, which set out the conditions of entry for EU and third-country citizens, was in effect 15–30 June 2020; ¹³⁰ this was accompanied by a loosening of restrictions applying to a majority of the Schengen States (Federal Ministry for European and International Affairs, 2020e).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>See above.</i>
An amended Regulation on entry to Austria in the context of containment of SARS-CoV-2, ¹³¹ introducing a new form for transit travel, became effective as of 22 August 2020. Spot checks at borders were also stepped up in the face of the rising number of COVID-19 cases (Federal Ministry for European and International Affairs, 2020d; Federal Chancellery, 2020k).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>See above.</i>
The Federal Minister of Social Affairs, Health, Care and Consumer Protection issued a regulation on entry travel to Austria in the context of COVID-19 on 15 October 2020; the regulation has been amended twice since then. ¹³² The legislation sets out rules governing travel to Austria. These include a 10-day quarantine for travellers entering Austria from most other countries, valid as of 19 December 2020 and expected to be in effect until 31 March 2021, whereby quarantine can be terminated prematurely after five days upon presentation of a negative COVID-19 test.	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>See above.</i>
b) new Schengen acquis (including Schengen Information System (SIS))		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
c) Schengen Evaluation missions		
A Schengen Evaluation of Austria was carried out between September and November 2020, with external borders, return policy, SIS/Sirene, police cooperation and data privacy coming under scrutiny. ¹³³ Because of the COVID-19 pandemic, the scheduled visa policy evaluation was postponed, so that two Schengen Evaluations of Austrian representation authorities, planned for 2020, will not take place before 2021. ¹³⁴ Similarly, participation in Evaluation missions to other Member States by Austrian experts was cancelled in most cases in 2020. ¹³⁵	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Schengen Evaluation is of major importance.</i>
d) Other Schengen governance related developments		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

¹²⁹ Italy: 11 March – 15 June 2020; Switzerland and Liechtenstein: 14 March – 15 June 2020; Germany: 19 March – 15 June 2020; Slovakia and Czechia: 10 April – 15 June 2020.

¹³⁰ Regulation issued by the Federal Minister of Social Affairs, Health, Care and Consumer Protection on entry into Austria in connection with the containment of SARS-CoV-2, FLG II No 263/2020.

¹³¹ Regulation issued by the Federal Minister of Social Affairs, Health, Care and Consumer Protection amending the Regulation on entry into Austria in connection with the containment of SARS-CoV-2, FLG II No 372/2020.

¹³² COVID-19 Entry Regulation, FLG II No 445/2020 in the version of federal law FLG II No 563/2020.

¹³³ Written input: Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2021.

¹³⁴ Written input: Federal Ministry for European and International Affairs, Department IV.2 (Visa, Border, Residence and Asylum Affairs, Migration, Combating Trafficking in Human Beings), 22 January 2021.

¹³⁵ Written input: Federal Ministry of the Interior, Department V/6 (Integrated Border Management), 22 January 2021.

7 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

Please provide **information on *new developments in 2020*** relating to any of the areas as indicated below. The ARM 2020 will focus on **legislative and policy developments. Practice developments can be more common in relation to prevention of irregular migration than legislative or policy developments in certain contexts. Thus, information on new practices is sometimes requested in this chapter. Please do not include any practice / other operational developments in your answer, unless this is clearly indicated in the question (for example, Q7.1.6 False Travel Documents)**

NB For all sections, policy measures can sometimes include decisions to undertake major practical/operational actions. However, a practice/operational development should be included only in cases where it changes administrative procedures in a substantive way and therefore can also be considered a policy development.

Please indicate the **nature of the development** (legal or policy) in the tick boxes below. **Please describe the objective for and the context which drove the legislative or policy development, and which were the most important/significant developments in your Member State during 2020 by following the specific instructions in each box below. Please also flag whether the development was a 'Major' development i.e. a strategic development, fundamental policy change, political priority or a development having a high impact on applicants etc.**

7.1 PREVENTING AND TACKLING OF MISUSE OF LEGAL MIGRATION CHANNELS

7.1.1 IRREGULAR MIGRATION AS A RESULT OF VISA LIBERALISATION

73. Were there any new legal or policy developments introduced in 2020 to prevent irregular migration as a result of visa liberalisation? 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.

Development (Please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

74. Were there any new legal or policy developments to monitor the effects of visa free regimes in your (Member) State in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

7.1.2 MISUSE OF LEGAL MIGRATION CHANNELS BY THIRD-COUNTRY NATIONAL WORKERS

75. Were there any new legal or policy developments in 2020 to tackle misuse of legal migration channels by third-country national workers (e.g. overstay, misuse of rights granted by a permit)? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

7.1.3 MISUSE OF LEGAL MIGRATION CHANNELS BY THIRD-COUNTRY NATIONAL STUDENTS AND RESEARCHERS

76. Were there any new legal or policy developments in 2020 to tackle misuse of legal migration channels by third-country national students and researchers (e.g. overstay, misuse of rights granted by a permit)? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

7.1.4 MISUSE OF FAMILY REUNIFICATION MIGRATION CHANNELS

77. Were there any new legal or policy developments in 2020 to tackle misuse of family reunification migration channels? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

7.1.5 MISUSE OF OTHER LEGAL MIGRATION CHANNELS

78. Were there any new legal or policy developments in 2020 to tackle misuse of other legal migration channels? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

7.1.6 FALSE TRAVEL DOCUMENTS

79. Were there any new legal, policy or practice¹³⁶ developments in 2020 to prevent, identify and/or investigate fraudulent acquisition and use of false travel documents? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input type="checkbox"/> Practice	<input type="checkbox"/> Major <input type="checkbox"/> Other

¹³⁶ Developments related to practices are more common in relation to false travel documents than legislative or policy developments. Thus, information on new practices in this area is requested here.

7.1.7 MISUSE OF FREE MOVEMENT RIGHTS BY THIRD-COUNTRY NATIONALS

80. Were there any new legal or policy developments in 2020 to prevent the fraud and misuse of free movement rights? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

7.2 THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION ('SMUGGLING') AND PREVENTION OF IRREGULAR STAY

7.2.1 COMBATting FACILITATION OF IRREGULAR MIGRATION (SMUGGLING)

81. Were there any new legal or policy developments aimed at preventing and combatting facilitation of irregular migration (smuggling), including facilitation of unauthorised entry in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
Apprehension of people smugglers is to be improved through options offered by technology (Criminal Intelligence Service Austria, 2020d, 2020a). Drones are to be used along the borders with Hungary and Slovenia, to identify irregular border crossings more efficiently and enable security officers to be dispatched to the area sooner. A related pilot project was launched in August 2020 (Federal Ministry of the Interior, 2020i).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
The initiative focusing on irregular migration and expanded border protection as well as on cooperation with other EU Member States and third countries continued in 2020 (Ebner and Humer, 2020:52–55). According to data provided by the Federal Ministry of the Interior, as of 10 February 2020, Austrian police officers seconded to any other country to assist in border protection and in combating irregular migration numbered 60, with 25 of them assigned to Frontex operations (Federal Ministry of the Interior, 2020n); additional assistance has been pledged (Provincial Police Directorate of Burgenland, 2020a).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

7.2.2 PREVENTION OF IRREGULAR MIGRATION

82. Were there any new developments in legislation, policy or practice¹³⁷ responding to the objective of prevention of irregular migration from third countries of origin and transit (e.g. policy decisions to undertake new information campaigns launched, websites, new projects 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 2020? Y/N

If yes, please elaborate below, focussing on the policy decisions rather than providing a detailed list of projects. 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.

¹³⁷ Developments related to practices are more common in relation to prevention of irregular migration than legislative or policy developments. Thus, information on new practices in this area is requested here.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
A ministers' conference on effectively combating irregular migration was held in Vienna on 22 and 23 July 2020. An agreement between EU member states and Western Balkan countries was reached (Vienna Declaration) to set up a platform in Vienna to counteract irregular migration along the eastern Mediterranean route (Joint Coordination Platform). The objective is improved coordination of activities relating to border protection, returns, preventing migrant smuggling, combating trafficking in human beings, as well as asylum procedures and capacities, and in this way improved migration management (Federal Ministry of the Interior, 2020m; Provincial Police Directorate of Burgenland, 2020b).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy <input type="checkbox"/> Practice	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>The platform will be a major factor in efforts to combat irregular migration.</i>
Under a project entitled "Strengthening the delivery of information provision and counselling within the scope of AVR in the Western Balkans", Austria contributed funding toward encouraging voluntary return from Albania and Bosnia and Herzegovina to countries of origin between June 2019 and December 2020. Implemented by the International Organization for Migration (IOM), the project involved capacity-building to encourage voluntary return, as well as a campaign to inform populations about topics including the risks of irregular migration, with materials presented in Arabic, English, Pashto and Urdu. ¹³⁸	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
<i>Zielland Österreich</i> (Destination Austria), a project co-funded by the Asylum, Migration and Integration Fund (AMIF), was launched as of 1 January 2020. Among the goals pursued is to understand how to prevent irregular migration. ^{139,140} By widening the scope to include the entire migration process, the project is integrating the perspectives of (potential) migrants and of refugees in an attempt to better comprehend the reasons and circumstances underlying the choice of Austria as a destination for migration (Federal Ministry of the Interior, 2020l).	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

7.2.3 PREVENTION OF IRREGULAR STAY

83. Were there any new legal or policy developments aimed at preventing irregular stay and combatting facilitation of irregular stay, including disincentives and sanctions in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
In a ruling handed down on 10 March 2020, the Constitutional Court lifted the minimum fine of EUR 5,000 set out in Art. 120 para 1b of the Aliens Police Act 2005, ¹⁴¹ referring to it as unconstitutional. This minimum fine applies to foreign nationals staying in Austria unlawfully who do not immediately meet their obligation to depart from the country. The Constitutional Court ruled the minimum fine specified in Art. 120 para 1b of the Aliens Police Act 2005 to be inadequately differentiated and to violate the requirement for objectivity as derived from the principle of equality (Constitutional Court Austria, 2020a).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

¹³⁸ Written input: Federal Ministry of the Interior, Department V/5 (National and International Migration Strategy), 22 January 2021.

¹³⁹ Written input: Federal Ministry of the Interior, Department I/9 (Institute for Science and Research), 22 January 2021.

¹⁴⁰ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁴¹ Aliens Police Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 146/2020.

84. Did your (Member) State establish any NEW cooperation activities with new or existing partner third countries in 2020 to prevent irregular migration in relation to the specific regions outlined below? Y/N

If yes, please describe the development. When reporting on each development, please include the objective of and driver for the development (e.g. COVID-19 if relevant, if relevant). See definitions footnoted under the first question

a) The Western and Southern Mediterranean countries or areas (i.e. Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Mauritania, Palestinian Territories, Syrian Arab Republic and Tunisia);

Austria is responsible for managing COP-North Africa against Migrant SMUGGLING and THB, a project started in January 2020 (Agency for European Integration and Economic Development, 2020), while also concentrating on strengthening cooperation with Tunisia. The project is funded by the International Security Fund – Police, and is being implemented jointly with France, Germany, Italy, the Netherlands and Interpol. The aim is to establish operational partnerships with competent authorities of North African States as a means of better addressing people smuggling and human trafficking.¹⁴²

In 2020, Austria also supported capacity-building of the Tunisian border and coast guard, thus contributing to enhanced migration management on the ground. This contribution is part of the Integrated Border Management project of the International Centre for Migration Policy Development (ICMPD) in Tunisia (duration: June 2020 - May 2023).¹⁴³

b) The Eastern Partnership countries (i.e. Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova, and Ukraine);

c) The Western Balkans countries or areas (i.e. Albania, Bosnia and Herzegovina, Kosovo,¹⁴⁴ North Macedonia, Montenegro and Serbia);

Through the Joint Operational Office (JOO) based in Vienna, Austria was again in 2020 involved in close cooperation with Western Balkan States. Specifically, within the framework of the Danube and South East Europe Joint Action Days, cooperative efforts targeted irregular migration (Criminal Intelligence Service Austria, 2020b, 2020e). In 2020 Austria also served as deputy head of the priority Facilitation of illegal immigration, as set by the European Multidisciplinary Platform Against Criminal Threats (EMPACT) (European Commission, n.d.). Austria also chaired the Task Force Western Balkan, a body set up to encourage cooperation and relationship-building among EU Member States and Balkan countries.¹⁴⁵

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

Austria actively participated in the negotiations for the “post-Cotonou” agreement in 2020.¹⁴⁶

¹⁴² Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

¹⁴³ Written input: Federal Ministry of the Interior, Department V/5 (National and International Migration Strategy), 2 March 2021.

¹⁴⁴ References to Kosovo shall be understood to be in the context of United Nations Security Council resolution 1244 (1999).

¹⁴⁵ Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

¹⁴⁶ Written input: Federal Ministry for European and International Affairs, Department IV.2 (Visa, Border, Residence and Asylum Affairs, Migration, Combating Trafficking in Human Beings), 22 January 2021.

7.2.5 MONITORING AND IDENTIFYING IRREGULAR MIGRATION ROUTES

85. Were there any new developments in legislation, policy or practice,¹⁴⁷ with regard to identifying and/or monitoring irregular migration routes in 2020? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
<p>A policy focus in 2020 was to assess regular and irregular migration flows as well as to develop forecast scenarios (Gauersdorfer and Jakubowicz, 2020). One of the bodies responsible here is the migration task force within the Federal Ministry of the Interior, which in turn disseminates among various federal ministries status reports on migration that specifically consider countries of origin and transit (Federal Ministry of the Interior, 2020f). Also, Forecasting the Future of Global Migration was the featured topic at the 2020 national EMN conference organized by the National Contact Point Austria in the European Migration Network (EMN) on 29 September 2020 (EMN Austria, 2020).</p>	<p><input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice</p>	<p><input type="checkbox"/> Major <input checked="" type="checkbox"/> Other</p>

¹⁴⁷ Developments related to practices are more common in relation to identifying and/or monitoring irregular migration routes than legislative or policy developments. Thus, information on new practices in this area is requested here.

8 TRAFFICKING IN HUMAN BEINGS

This Section should address key developments in the migration context with regard to **third-country national victims of trafficking in human beings**. Please note that developments related to the trafficking of minors are covered in Chapter 3.

NB For all sections, policy measures can sometimes include decisions to undertake major practical/operational actions. However, a practice/operational development should be included only in cases where it changes administrative procedures in a substantive way and therefore can also be considered a policy development.

In order to respond to this section, please ensure that you liaise with the appointed **National Rapporteur or Equivalent Mechanism on Trafficking in Human Beings (NREMs)**. Please note that based on Article 19 of Directive 2011/36/EU the tasks of NREMs include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organizations active in this field, and reporting. In this context, every two years based on Articles 19-20 of Directive 2011/36/EU, Member States report such information to the EU Anti-trafficking Coordinator for the European Commission's Progress Report. The European Commission regularly collects EU-wide statistical data, including with respect to non-EU victims and perpetrators, which is gender- and age specific.

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. Information from the Member States is also available in the Commission's Third progress report, Staff Working Document and Study on Data collection on trafficking in human beings in the EU.¹⁴⁸

8.1 NATIONAL STRATEGIC POLICY DEVELOPMENTS

86. Were there any new legal or policy developments 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 2020? 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.

Development (Please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order).	Nature	Major Development
The Government Programme 2020–2024 sets out various anti-trafficking measures, including improved prevention and victim protection, prosecution of accessories to such acts under criminal law, as well as international cooperation and a foreign policy campaign (Austrian Federal Government, 2020:122–161). The measures were underscored by parliament in a National Council resolution passed on 9 July 2020. ¹⁴⁹ The resolution lists four specific measures needed in identifying and protecting (potential) trafficked persons: (1) sensitizing and raising awareness among the general public and individuals working in relevant fields, (2) improving cooperation in identification, (3) providing easier access to counselling and care, in particular for those exposed to sexual exploitation, and (4) improving integration into society of those affected by human trafficking. ¹⁵⁰	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>Measures to combat trafficking in human beings played a major role in policies in 2020.</i>
A pivotal step mentioned in the Government Programme is to detail more fully the National Action Plan (NAP) against Human Trafficking for 2021–2023, which	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other

¹⁴⁸ See <https://ec.europa.eu>.

¹⁴⁹ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁵⁰ Resolution of the National Council of 9 July 2020 on measures to combat trafficking in human beings, 88/E XXVII. Legislative Term. Available at www.parlament.gv.at.

<p>began in 2020. The Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (2020) completed a country inspection of Austria in June 2020, subsequently publishing recommendations that have now been considered in the NAP as well as in efforts by the Task Force on Combating Human Trafficking in Austria.¹⁵¹ In addition, the Federal Ministry of the Interior commissioned a review on the status of human trafficking in Austria, which included an analysis of needs. The goal here is to lay the groundwork for a nationwide anti-trafficking strategy, to be applied for instance in the NAP.^{152,153}</p>		<p><i>Measures to combat trafficking in human beings played a major role in policies in 2020.</i></p>
<p>In relation to various applied migration policy areas 2020 saw an improved operational framework for addressing this abuse.¹⁵⁴ For example, organizational measures were taken at the Federal Ministry of the Interior to better enable the identification and protection of trafficked persons. In detail, this involved improving coordination of portfolios relating to human trafficking and adapting working procedures, and related to areas including settlement and residence law and provision of material reception conditions.¹⁵⁵</p>	<p><input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy</p>	<p><input type="checkbox"/> Major <input checked="" type="checkbox"/> Other</p>

8.2 IMPROVING IDENTIFICATION OF AND PROVISION OF INFORMATION TO THIRD-COUNTRY NATIONAL VICTIMS OF TRAFFICKING IN HUMAN BEINGS

8.2.1 PROVISION OF INFORMATION ON ASSISTANCE AND SUPPORT TO THIRD-COUNTRY NATIONAL VICTIMS

<p>87. Were there any new legal or policy developments in relation to the provision of information and assistance to third-country national victims (including child victims and applicants for asylum) in 2020? 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.</p>		
<p>Development (Please list in order of importance or chronological order as instructed under the first question).</p>	<p>Nature</p>	<p>Major Development</p>
<p>a) Training and awareness raising</p>		
<p>The impact of the COVID-19 pandemic on individuals affected by human trafficking, in particular exacerbating the risk of exploitation (see 8.2.2), also played a key role in how support was provided to such persons. MEN VIA, an organization caring for male victims of human trafficking, directly encountered several severe cases of exploitation in 2020, particularly in the context of agriculture and harvest work, and was able to provide support. On a case-by-case basis, closer ties were established with other relevant actors (including trade unions, the Sezionieri campaign, the Chamber of Labour and media representatives).¹⁵⁶</p>	<p><input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy</p>	<p><input type="checkbox"/> Major <input checked="" type="checkbox"/> Other</p>
<p>Several events planned for 2020 had to be cancelled due to developments related to COVID-19.^{157,158}</p>	<p><input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy</p>	<p><input type="checkbox"/> Major <input checked="" type="checkbox"/> Other</p>

¹⁵¹ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁵² Ibid.

¹⁵³ Written input: Federal Ministry of the Interior, Department I/9 (Institute for Science and Research), 22 January 2021.

¹⁵⁴ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁵⁵ Ibid.

¹⁵⁶ Written input: Federal Ministry of Social Affairs, Health, Care and Consumer Protection, Department V/A/1 (General Issues and Coordination in EU Affairs), 22 January 2021.

¹⁵⁷ Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

¹⁵⁸ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

b) Measures on cooperation between national authorities		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
c) Measures on cooperation between (Member) States		
Together with other countries belonging to the European Return and Reintegration Network (ERRIN), since September 2020 Austria has been involved in efforts to set up a mechanism for returning trafficking victims to Nigeria for reintegration. A pilot project implemented by the Federal Ministry of the Interior, Strengthening the Provision of Support for Safe Return and Reintegration of Presumed and Identified Victims of Trafficking (VoT) to Nigeria, provides support to victims through the involvement of various actors and through sourcing assistance benefits. ¹⁵⁹	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

8.2.2 IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS

88. Were there any new legal or policy developments in relation to the identification of third-country national victims (including child victims and applicants for international protection) in 2020? 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.		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
a) Training and awareness raising		
The main focus of activities in 2020 was to raise awareness of the impact that the restrictions aimed at containing the spread of COVID-19 were having on anti-trafficking efforts (Criminal Intelligence Service Austria, 2020f). While in some instances a surge in precarious working conditions was identified as a result of the pandemic – for instance in the case of seasonal and harvest workers and home care workers – a clear connection is seen between situations of economic pressure and the risk of exploitation and human trafficking. This was one of the focus topics at the annual conference hosted by the Task Force on Combating Human Trafficking in Austria, held on the occasion of the EU Anti-Trafficking Day (Task Force Menschenhandel, 2020). At the conference, victim protection advocate MEN VIA emphasized how the COVID-19 pandemic was exacerbating vulnerability for exploitation, reporting related observations from the organization’s work with trafficking persons (see also 8.2.1). ¹⁶⁰ Conference findings are reflected in the new NAP (see 8.1). ¹⁶¹ The Task Force on Combating Human Trafficking stepped up publicity activities – among other things through a poster campaign and the extension of an online exhibition – while also instructing police officers in training about the impact of the COVID-19 pandemic on human trafficking and detailing recommendations for early recognition of trafficking in suspected cases (see 8.1). ¹⁶²	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
b) Measures on cooperation between national authorities		
Cross-border prostitution and exploitation through forced begging were two forms of trafficking receiving special attention in 2020. To address these abuses, officers specially trained in information technology were deployed	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

¹⁵⁹ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁶⁰ Written input: Federal Ministry for Social Affairs, Health, Care and Consumer Protection, Department V/A/1 (General Issues and Coordination in EU Affairs), 22 January 2021.

¹⁶¹ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁶² Ibid.

while steps were taken to improve identification and protection of trafficked persons (Criminal Intelligence Service Austria, 2020a:30).		
c) Measures on cooperation between (Member) States		
As set out in the Government Programme 2020–2024, Austria pursues a policy of international cooperation in the fight against human trafficking as a form of transnational organized crime (Austrian Federal Government, 2020:139). Within the framework of the Central European Police Academy (CEPOL), Austria cooperates with neighbouring countries. ¹⁶³ Training is offered at annual workshops on topics relating to organized crime, as part of efforts to promote operations and bilateral collaboration. ¹⁶⁴ In addition, in the fight against organized crime in Bulgaria, two police officers from Bulgaria were deployed at Criminal Intelligence Service Austria in February 2020, as part of deepening direct cooperation. ^{165,166}	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

8.2.3 COOPERATION WITH THIRD COUNTRIES

89. Were there any new legal, policy or practical¹⁶⁷ developments involving cooperation with third countries on the prevention and fight against trafficking in human beings in 2020? 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.		
Development (Please list in order of importance of chronological order as instructed under the first question).	Nature	Major Development
a) Training and awareness raising		
The Twinning Serbia project, aimed at training Serbian stakeholders in anti-trafficking and at identifying response strategies (Ebner and Humer, 2020:58), was successfully completed in September 2020. In response to the COVID-19 pandemic, training sessions were held online and recorded. Experts from Austria, Serbia and Slovenia collaborated in the preparation and publication of a multilingual handbook on trafficking in human beings. ^{168,169}	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
Activities planned jointly with third countries for 2020 had to be cancelled due to the COVID-19 situation. ¹⁷⁰	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
b) Joint investigation teams		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

¹⁶³ Czechia, Germany, Hungary, Slovakia, Slovenia and Switzerland.

¹⁶⁴ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁶⁵ Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

¹⁶⁶ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁶⁷ Developments related to practices are very common in relation to the fight against trafficking in human beings. Thus, information on new practices in this area is requested here.

¹⁶⁸ Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

¹⁶⁹ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁷⁰ Ibid.

c) Information and prevention campaigns

<p>Efforts to prevent and counteract trafficking are also reflected in projects seeking to stop irregular migration, such as the new Joint Coordination Platform with a focus on the Western Balkan region (see 7.2.2), the COP-North Africa against Migrant SMUGGLing and THB project (see 7.2.4) and the Destination Austria project (see 7.2.2).¹⁷¹</p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
<p>Activities planned jointly with third countries for 2020 had to be cancelled due to the COVID-19 situation.¹⁷²</p>	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy <input checked="" type="checkbox"/> Practice	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

¹⁷¹ Written input: Accorded between the specialized departments of the Federal Ministry of the Interior and the Federal Ministry for European and International Affairs in the joint Task Force on Combating Human Trafficking, 22 January 2021.

¹⁷² Written input: Criminal Intelligence Service Austria, Unit 3.4.1 (Trafficking in Human Beings - Women, Children and Prostitutes), 22 January 2021.

9 RETURN AND READMISSION

9.1 UPDATE ON EMN REG ACTIVITIES AND UPDATE FROM FRONTEX

PLEASE NOTE THAT 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 2020 (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)¹⁷³

9.2 MAIN NATIONAL DEVELOPMENTS IN THE FIELD OF RETURN

Changes in legislation and policy

Please provide information on new developments in 2020 relating to any of the areas as indicated below. The ARM 2020 will focus on legislative and policy developments only. Please do not include any practice/other operational developments in your answer. Developments related specifically to the return of minors are covered under Chapter 3.

NB For all sections, policy measures can sometimes include decisions to undertake major practical/operational actions. However, a practice/operational development should be included only in cases where it changes administrative procedures in a substantive way and therefore can also be considered a policy development..

Please indicate the nature of the development (legal or policy) in the tick boxes below. Please describe the objective for and the context which drove the legislative or policy development, and which were the most important/significant developments in your Member State during 2020 by following the specific instructions in each box below. Please flag whether the development was a 'Major' development i.e. a strategic development, fundamental policy change, political priority or a development having a high impact on applicants etc.

9.2.1 GENERAL LEGAL AND POLICY DEVELOPMENTS IN THE AREA OF RETURN

90. Were there new legal or policy developments in relation to return of irregular migrants and rejected asylum seekers in 2020? 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.

Development (Please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order).	Nature	Major Development
Efforts toward fully setting up the Federal Agency for Care and Support Services progressed in 2020. Responsibility for return counselling and return assistance was shifted to the Federal Agency for Care and Support Services as of 1 January 2021 (Art. 2 para 3 Act Establishing the Federal Agency for Care and Support Services ¹⁷⁴) (see 0 and 2.1.4).	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other
An amendment to the Federal Office for Immigration and Asylum Procedures Act, ¹⁷⁵ promulgated on 23 December 2020, requires mandatory return counselling sessions to be held at an advanced stage of the procedures. Previously, return counselling had been obligatory either once a first-instance return decision against a third country national or notification as referred to in Art. 29 para 3 subpara 4 to 6 of the Asylum	<input checked="" type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Other <i>With a view to efficiency and expediency and due to the temporal</i>

¹⁷³ Please do not include any information related to participation in Frontex joint return operations, as this will be provided by Frontex.

¹⁷⁴ Federal Act Establishing the Federal Agency for Care and Support Services as a Private Limited Company, FLG I No. 53/2019.

¹⁷⁵ Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act, FLG I No. 145/2020.

<p>Act 2005¹⁷⁶ to an asylum applicant had been issued. Beginning with 1 January 2021, such counselling is to be generally administered only after a final or enforceable return decision has been issued. Exceptions have been defined for cases including third-country nationals staying unlawfully and accelerated procedures.¹⁷⁷ It still remains possible to request voluntary return counselling at any stage in the procedures.¹⁷⁸</p> <p>As of 1 January 2021, a return counselling session is thus mandatory in the following cases, as set out in Art. 52a para 2 of the Federal Office for Immigration and Asylum Procedures Act: (1) third-country nationals staying unlawfully in Austria against whom return decisions have been issued, even if not final, (2) third-country nationals staying lawfully against whom return decisions have been issued and become enforceable or final, (3) asylum seekers against whom notifications of intended rejection or dismissal of the application for international protection or of intended revocation of de facto protection against removal have been issued in admission procedures (Art. 29 para 3 subpara 4 to 6 Asylum Act 2005), and (4) asylum seekers against whom return decisions have been issued and become enforceable or final. This amendment was prompted by the fact that compulsory return counselling had previously taken place at an earlier stage, often before any appeal proceedings. Waiting until decisions become final and enforceable should ensure targeted and efficient return counselling. It should also help make sure that foreign nationals receive information promptly on concerning assistance options for voluntary return, thus avoiding any forced return and strengthening voluntary return and reintegration.¹⁷⁹</p>	<p><i>relationship, it was necessary in certain cases to alter the timing of compulsory return counselling, thus postponing it until appeal proceedings had been decided.¹⁸⁰</i></p>
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9.2.2 ASSISTED VOLUNTARY RETURN

91. Were there any new legal or policy developments with regard to (assisted) voluntary return in 2020? 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.		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
The Government Programme 2020–2024 places strong emphasis on voluntary return and reintegration (Austrian Federal Government, 2020:40). For the return counselling and assistance provided by the Federal Agency for Care and Support Services beginning in January 2021 (see 9.2.1), binding work procedures with defined workflows and standards have been developed to guarantee efficient and uniform application and enforcement practice in the context of (assisted) voluntary return and reintegration and when dealing with the actors involved. Also, as part of a package of measures to encourage voluntary return, financial start-up support was adjusted, and the information	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

¹⁷⁶ Asylum Act 2005, FLG I No. 100/2005 in the version of federal law FLG I No. 145/2020.

¹⁷⁷ Government Proposal – Explanatory Notes: Federal Act Amending the Settlement and Residence Act, the Asylum Act 2005 and the Federal Office for Immigration and Asylum Procedures Act - 349 of the supporting documentation XXVII. Legislative Term. Available at www.parlament.gv.at.

¹⁷⁸ Written input: Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 26 January 2021.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid.

materials on return assistance were further developed, as was the relaunch of the website www.returnfromaustria.at . ¹⁸¹		
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Reintegration measures

92. Were there any new legal or policy developments regarding reintegration measures in 2020? 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.		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

9.2.3 FORCED RETURN AND DETENTION

93. Were there any new legal or policy developments regarding forced return, detention, alternatives to detention of irregular migrants and rejected asylum seekers in 2020? 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.		
Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
a) Forced Return		
In spite of the COVID-19 pandemic and the accompanying travel limitations, in a move aligned with other EU Member States, removal activities were not generally suspended or discontinued in 2020. ¹⁸² The situation was evaluated in an ongoing manner and measures consistently adapted to current needs (Federal Office for Immigration and Asylum, 2020a; Federal Ministry of the Interior, 2020k). In the event of forced returns, escorting officers were primarily subject to the general rules applying to policing activities ¹⁸³ and to compliance with current hygiene precautions. Medical precautions, such as protective eyewear, were additionally made mandatory for removals by charter flights. In accordance with a decree specifying rules for removals under SARS-CoV-2 conditions, escorting officers were to be in possession of valid negative polymerase chain reaction (PCR) tests. ^{184,185}	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other
b) Detention		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other
c) Alternatives to detention		
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

¹⁸¹ Ibid.

¹⁸² Written input: Federal Ministry of the Interior, Department V/10 (Return, Reintegration and Quality Development), 26 January 2021.

¹⁸³ In accordance with the decree "Organisation; Dienstbetrieb Coronavirus SARS-CoV-2, Grundsatzlerlass Schutzausrüstung COVID-19" dated 27 April 2020 (2020-0.229.478), including enclosures and updates (see also Federal Ministry of the Interior, 2020d:18).

¹⁸⁴ In accordance with the decree „COVID-19-Testungen von Escortbeamten“ dated 30 July 2020 (2020-0.470.506) updated with the decree „Exekutiv- und Einsatzangelegenheiten Aktualisierung hinsichtlich Covid-19-Testungen von Escortbeamten“ dated 5 August 2020 (2020-0.499.625) and the decree „SARS-CoV-2 - Außerlandesbringungen und Testungen von Escortbeamten, dated 11 December 2020 (2020-0.795.660).

¹⁸⁵ Written input: Federal Ministry of the Interior, Unit V/7/a (Coercive Measures - Aliens Police), 22 January 2021.

9.2.4 COOPERATION WITH THIRD COUNTRIES OF ORIGIN AND TRANSIT AND IMPLEMENTATION OF EU READMISSION AGREEMENTS

Cooperation with third countries of origin and transit on return management and reintegration

94. Were there any new legal or policy developments regarding cooperation with third countries in 2020 on return and reintegration management? 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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
Refer to the details on collaboration with third countries in section 7.2.4 .	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

Implementation of EU Readmission Agreements

95. Please report on activities undertaken at national level to support the implementation of EU readmission agreements in 2020 (implementing protocols, cooperation with third countries to encourage implementation) by completing the table and providing any additional relevant information:

EU Readmission agreement (country)	National development (i.e. implementing protocol, cooperation) <u>in 2020 only</u> .
	No significant changes in 2020.

9.2.5 CROSS-CUTTING DEVELOPMENTS IN RETURN AND REINTEGRATION RELATED TO OTHER THEMATIC CHAPTERS OF THE ARM (BORDERS, IRREGULAR MIGRATION AND TRAFFICKING)

96. In previous chapters, cooperation with third countries in the field of border management, visa policy, irregular migration and return were addressed. These policies are often interlinked, also with return and reintegration. If applicable, please highlight any links between these dimensions and return and reintegration policy. Please also highlight any links with sustainable development policies.

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.

Development (Please list in order of importance or chronological order as instructed under the first question).	Nature	Major Development
No significant changes in 2020.	<input type="checkbox"/> Legislation <input type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other

10 MIGRATION AND DEVELOPMENT COOPERATION

10.1 NATIONAL ACTIONS IN THE FIELD OF MIGRATION AND DEVELOPMENT COOPERATION

Please provide **information on new developments in 2020** relating to any of the areas as indicated below. The ARM 2020 will focus on **legislative and policy developments only. Please do not include any practice / other operational developments in your answer.**

NB For all sections, policy measures can sometimes include decisions to undertake major practical/operational actions. However, a practice/operational development should be included only in cases where it changes administrative procedures in a substantive way and therefore can also be considered a policy development.

Please indicate the **nature of the development** (legal or policy) in the tick boxes below. **Please describe the objective for and the context which drove the legislative or policy development, and which were the most important/significant developments in your Member State during 2020 by following the specific instructions in each box below. Please also flag whether the development was a ‘Major’ development i.e. a strategic development, fundamental policy change, political priority or a development having a high impact on applicants etc.**

97. Were there any new legal or policy developments aimed at facilitating synergies between migration and development in third countries? Please see footnote for examples.¹⁸⁶

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.

Development (Please list the developments in order of importance starting with the development you deem most important; if several developments are deemed equally important, please use a chronological order).	Nature	Major Development
In the context of development cooperation, the Austrian Federal Government put a strong focus on migration and effective local assistance in the Government Programme 2020–2024 (Austrian Federal Government, 2020:124). Considering migration-related goals in development cooperation meant among other things providing assistance in migrants’ countries of origin as well as creating incentives for businesses to invest in third countries playing a role in migration, ¹⁸⁷ to create local opportunities for a livelihood and thus to mitigate the causes of forced and voluntary migration (Federal Ministry for European and International Affairs, 2020a:2, 2018:10; Federal Ministry of the Interior, 2020h).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input type="checkbox"/> Other <i>Local assistance in migrants’ countries of origin was a strong policy focus in 2020.</i>
The Austrian Federal Government passed a decision in October 2020 to appreciably augment the funding earmarked for humanitarian aid and development cooperation, also as a means of more effectively responding to the humanitarian impact felt from the COVID-19 pandemic (Federal Ministry for European and International Affairs, 2020f, 2020b). A major focus was to provide medical care and to help improve sanitary and hygiene conditions at refugee camps in third countries (Austrian Development Agency, 2020; Federal Ministry for European and International Affairs, 2020c).	<input type="checkbox"/> Legislation <input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Major <input checked="" type="checkbox"/> Other

¹⁸⁶ Examples of such developments could include: New national development strategies, incorporating migration; mainstreaming migration into national development activities; engagement at multilateral level, including new developments in relation to participation in regional consultative processes; Regional Development Protection Programmes (RPPs)); policies aimed at engaging third country national diaspora in their home countries; policy level decisions to participate in EU partnerships/projects (e.g. EU legal migration pilot projects). Please do not include lists of funded projects.

¹⁸⁷ Written input: Federal Ministry of the Interior, Department V/5 (National and International Migration Strategy), 22 January 2021.

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