

EMN Study Displaced Persons from Ukraine – Summarizing Overview of Austrian Measures in the Period February 2022 to June 2023

SUMMARY

Due to Russia's war against Ukraine, more than six million people left Ukraine and sought refuge in neighboring countries, but also in other States. The European Union responded to this war by activating the EU Temporary Protection Directive for the first time. On 4 March 2022, the Council of the European Union adopted the implementing decision to apply this directive to persons displaced from Ukraine. In this context, Austria issued the Regulation on Displaced Persons in March 2022, which created the legal basis for the rapid admission of displaced persons from Ukraine to Austria. The entitled group of persons has a temporary right of residence in Austria on the basis of the Regulation on Displaced Persons. In Austria, it is not currently possible to switch from the temporary right of residence to a regular Austrian residence permit under the Settlement and Residence Act; only when a person's temporary protection status ceases does this become a prospect.

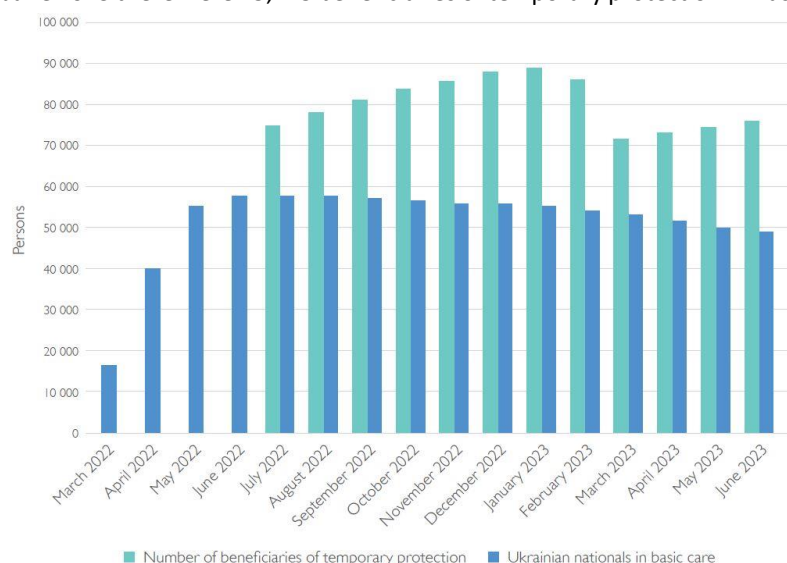
Accommodation and support for beneficiaries of temporary protection

The number of beneficiaries of temporary protection in Austria rose continuously until January 2023. It then fell slightly only to rise again, so that in June 2023 there were 75,775 beneficiaries of temporary protection in Austria.

Displaced persons in need of aid are supported in Austria within the framework of basic care, including housing in organized accommodation. The use of the basic care system for displaced persons was already criticized in May and June 2022 by civil society actors and the United Nations High Commissioner for Refugees pointed out, among other things, that the basic care system was not designed for people in need of aid to stay in the long term.

In connection with the care and support of displaced persons, Austria has increasingly relied on civil society support (donations of accommodation). Recently, however, the number of accommodations offered each month has only been in the single-digit range, resulting in an increased demand among displaced persons to be housed in organized accommodation. The situation has therefore changed since Austria started to receive displaced persons. At that time, only a relatively small number of people were housed in organized accommodation.

In order to grant displaced persons access to family benefits an amendment to the Childcare Allowance Act was announced in October 2022, among other things; a retroactive application is possible for a maximum of 182 days in the past up until 3 March 2024 at the latest. If the childcare allowance is applied for retroactively by displaced persons in basic care, approval of this application will ultimately lead to retroactive receipt of two sets of benefits



Notes: The number of beneficiaries of temporary protection is not available for the period March to June 2022. Data retrieved on 31 August 2023; extra-EU27 nationals or Ukrainian nationals only.
Sources: Austrian Integration Fund, n.d.a; Eurostat, n.d.a.

– basic care as well as the retroactive award of childcare allowance. Childcare allowance is treated as income and is therefore set off against basic care benefits. Therefore, the childcare allowance is subsequently offset, which can lead to a repayment obligation on the part of the displaced persons. Basic care may be suspended until the amount claimed back has been paid. In addition, the legal requirements for basic care were handled relatively leniently at the start of reception of displaced persons in Austria in order to accommodate them (e.g. by non-offsetting of Ukrainian pensions against basic benefits). Now, the legal requirements are implemented more strictly and the deduction from basic care benefits is being made retroactively, which means that Ukrainian pensioners, for example, are being confronted, in some cases through no fault of their own, with high repayment demands.

Access to the labour market

With regard to labour market integration, Austria initially used a simplified procedure from March 2022, and in April 2023, the access of displaced persons to the Austrian labour market was fundamentally changed and simplified. The associated elimination of the need for an employment permit seems to have encouraged the taking up of employment, but the labour force potential of Ukrainian nationals in Austria does not seem to have been exhausted. Experts presume that entry into the labour market is hampered by the additional earnings limit which must be taken into account when receiving basic care benefits.



Note: The category "Employed (15–64 years)" includes dependently and marginally employed persons at the month-end cut-off date.
Sources: Federal Ministry of Labour and Economy, n.d.; Statistics Austria, n.d.

Vulnerable persons and combating human trafficking

With regard to identification of particularly vulnerable persons, the Ukraine Refugee Coordination Unit of the Federal Government suggested the introduction of a clearing process, among other things to prevent vulnerabilities from being overlooked. The fact that displaced persons have faced and are still facing an increased risk of human trafficking or exploitation remains unchanged. They are vulnerable to various forms of exploitation: minors can be affected by illegal adoptions, while women and children may be impacted by labour exploitation, forced begging or sexual exploitation. The challenges generally faced in Austria relating to the identification and prevention of human trafficking obviously also apply in the context of displaced persons. With regard to displaced persons, the situation is complicated by the fact that they often have less contact with authorities than applicants for international protection, for example, which makes it more difficult for potential human trafficking or exploitative situations to be identified.