

AUSTRIA

ANNUAL REPORT ON MIGRATION AND ASYLUM 2023

Anna Ammann

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EXECUTIVE SUMMARY

The Annual Report on Migration and Asylum 2023 has been produced within the framework of annual reporting by the National Contact Points in the European Migration Network. The report outlines the most important political and legal developments in asylum and migration in Austria in 2023. These are contextualized by information about civil society initiatives and public debates.

General developments in migration and asylum

In 2023, the focus was on measures and cross-border cooperation to prevent irregular migration. At the same time, addressing the shortage of labour and skilled workers was a cross-government priority and gave rise to the first strategic action plan to tackle the shortage of skilled workers; here too, cooperation with third countries gained in importance.

There were also a number of developments relating to the temporary protection of displaced persons from Ukraine; here too, the focus was on labour market integration. In addition, bilateral cooperation with third countries increased in importance across the board.

Regular migration

The majority of legal and policy developments in the field of regular migration were made in response to the shortage of labour and skilled workers, and related to labour market access for third-country nationals and the recruitment of skilled workers from third countries. The number of Red-White-Red Cards issued in 2023 was higher than in the previous year. The language requirements were relaxed, and the list of shortage occupations extended. Special measures were implemented in the health and care sector as well as in public transport. With regard to the recruitment of skilled workers from abroad, cooperation with third countries was intensified and Austria agreed the first Memorandum of Understanding with a third country on the recruitment of skilled workers.

International protection

In 2023, the number of applications for international protection decreased compared to the previous year; whereby Austria still has the second-highest number of applications in relation to the population in an EU-wide comparison. At the same time, Austria recorded the highest number of final positive decisions in five years.

The Constitutional Court ruled that the independence of legal advice for asylum-seekers provided by the Federal Agency for Reception and Support Services is not adequately safeguarded by law.

There were two further relevant developments related to housing costs in basic care: First, due to increased building, energy and personnel costs in winter 2022/23, it was decided that from October 2022 to March 2023, the Federal State would reimburse the provinces for the financial costs they incurred from granting a

cost-of-living adjustment to accommodation providers. Second, the Federal Ministry of the Interior worked with the City of Vienna to develop a “Transparent Real Cost Model” designed to replace flat-rate cost claims and to ensure greater transparency, less bureaucracy and a more equitable distribution of costs.

Temporary protection for displaced persons from Ukraine

The temporary right of residence for displaced persons from Ukraine, their inclusion in the Austrian health insurance system and their entitlement to family benefits were extended until 4 March 2025.

Based on a decision of the Supreme Court, displaced persons became entitled to (legally enforceable) long-term care allowance if they met the other requirements.

The Constitutional Court provided legal certainty about the fact that Ukrainian nationals who had left Ukraine not long before 24 February 2022 (in the context of this decision, it was 11 days prior to that date) are entitled to temporary protection in Austria.

Furthermore, measures were taken to promote the labour market integration of displaced persons: in January 2023, the Federal and Provincial Government Coordination Board decided to increase the exemption threshold for displaced persons in basic care. An amendment to the Act Governing the Employment of Foreign Nationals in April 2023 gave displaced persons unrestricted access (no permit required) to the labour market.

Unaccompanied minors

In 2023, the number of applications for international protection of unaccompanied minors was lower than in the previous year.

The civil society initiative “Gemeinsam für Kinderrechte” (Together for Children’s Rights) filed guardianship applications for unaccompanied minors during an action week and reiterated its call for a legal guardianship regulation from day one of arrival.

The temporary cost-of-living adjustment and “Transparent Real Cost Model” (see p. 5) also apply to unaccompanied minors.

Integration

The labour market integration of persons granted asylum, beneficiaries of subsidiary protection status and skilled workers from third countries was a priority in the area of integration in 2023.

During implementation of the government programme, the Austrian Integration Fund set up the new Integration Service for Professionals, which offers various support, advice and information services. The range of resources available on the Language Portal was increased, and the Austrian Integration Fund digitalized various processes.

An urgent need for action was identified with regard to the recognition of qualifications acquired abroad, which is why an interministerial exchange meeting on recognition and assessment has been held quarterly since November 2023 under the leadership of the Federal Chancellery.

Irregular migration

Also in 2023, the Federal Ministry of the Interior, in cooperation with the Federal Ministry for European and International Affairs and the Federal Chancellery, focused on preventing irregular migration. This involved strengthening (bilateral and multilateral) cooperation with EU Member States (Bulgaria, Hungary, Romania) and third countries (Armenia, India, Iraq, Morocco, Serbia).

Return and reintegration

In the area of return, the Federal Ministry of the Interior continues to aim for comprehensive, consistent implementation. Assisted voluntary return is a key pillar of the Austrian return system. Austria offered reintegration programmes for voluntary returnees in 40 countries of origin in 2023. In addition, a package of measures designed to encourage voluntary return to Iraq was implemented in the second half of the year.

In a broader context, return cooperation agreements were also concluded with relevant countries of origin, including India, Morocco and Iraq.

I INTRODUCTION

The Annual Report on Migration and Asylum 2023 was produced within the framework of the European Migration Network (EMN),¹ which was established by Council Decision 2008/381/EC in May 2008.² The EMN provides up-to-date, objective, reliable and comparable information on migration and asylum matters, with the aim of supporting policymaking at European Union (EU) and national levels as well as of disseminating this information among the general public. This is the twentieth Annual Report on Migration and Asylum³ compiled by EMN Austria, covering the period from 1 January to 31 December 2023. The purpose of the report is to provide an overview of the most significant political and legislative developments relating to migration and asylum in Austria. It also aims to summarize the political and public debates in this area.

In preparing the Annual Report on Migration and Asylum 2023, EMN Austria followed common specifications developed by the EMN to facilitate comparability of the findings from all Member States. The terminology used within this report is (unless stated otherwise) based on the terms and definitions in the EMN Glossary 9.0 (EMN, 2024), including the following key terms:

- EEA citizen: EEA citizen is a foreigner who is a national of a contracting party to the Agreement on the European Economic Area.⁴
- Integration: In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of EU Member States for the most equal participation possible in the central spheres of social life.
- Labour shortage: A lack of workers of all kinds, including persons without vocational education and training (Bosch, 2011).
- Material reception conditions (in Austria: basic care): The reception conditions include, among others, housing, food, health insurance, medical care, school supplies, information, counselling and clothing provided in kind, or as financial allowance or in vouchers, or a combination of the three, and a daily expenses allowance.⁵
- Refugee: In the EU context, either a third-country national who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country

1 Further information about EMN Austria at www.emn.at.

2 Council Decision of 14 May 2008 establishing a European Migration Network (2008/381/EC), OJ L 131/7. Available at <https://eur-lex.europa.eu>.

3 Previous reports from the years 2004 to 2022 are available at www.emn.at.

4 Art. 2 para. 1 subpara. 4 Settlement and Residence Act, FLG. I No. 100/2005, in the version of FLG. I No. 175/2023.

5 Written input: Federal Ministry of the Interior, Department V/B/9 (Basic Care), 10 May 2024.

of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Art. 12 (Exclusion) of Directive 2011/95/EU⁶ does not apply.

- Shortage of skilled workers: A lack of specialist workers with relevant skillsets and qualifications (Bosch, 2011).
- Temporary protection: A procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons and other persons requesting protection.
- Third-country national: Any person who is not a citizen of the European Union within the meaning of Art. 20 para. 1 of the Treaty on the Functioning of the European Union⁷ and who is not a person enjoying the European Union right to free movement, as defined in Art. 2 para. 5 of the Regulation (EU) 2016/399 (Schengen Borders Code).⁸

In order to allow for concise reporting and comparability, the Annual Report on Migration and Asylum 2023 only reflects significant developments and debates defined on the basis of the criteria listed in the report specifications. These include amended or new legislation, strategic developments, fundamental political changes, and developments with high political priority or a significant impact on migrants. A significant debate was defined as different opinions that were exchanged in the Austrian Parliament or between relevant ministries, political parties or civil society stakeholders, and which consequently received wide media coverage. The following sources of information were consulted: press releases and websites of relevant ministries and government agencies, journals, studies, reports, policy documents, draft and enacted legislation, court rulings, parliamentary debates, and online media articles of the main daily newspapers in Austria.

The basis for the Austria – Annual Report on Migration and Asylum 2023 is the “Annual Report 2023 on Migration and Asylum in Austria: Contribution to Annual Report of the European Commission” (EMN Austria, 2024), which was compiled by EMN Austria in cooperation with the Federal Chancellery, the Federal Ministry for European and International Affairs, the Federal Ministry of the Interior, the Federal Ministry of Labour and Economy and the Federal Ministry of Social Affairs, Health, Care and Consumer Protection.

The present report was prepared by Anna Ammann (Research Associate) under the supervision of Leila Hadj Abdou (Deputy Head, Policy Research and Migration Law Unit, IOM Country Office for Austria). Special thanks go to Jan Niklas Janoth and Victoria Müller (Research Interns, IOM Country Office for Austria) for their support in drafting the report.

6 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast): OJ L 337.

7 Consolidated version of the Treaty on the Functioning of the European Union: OJ C 326.

8 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code): OJ L 135.

The Annual Report on Migration and Asylum 2023 was prepared in close cooperation with the Federal Ministry of the Interior.

2 GENERAL DEVELOPMENTS IN THE ASYLUM AND MIGRATION SECTOR

Labour migration and meeting the demand for labour and skilled workers

In 2023, the shortage of skilled workers in Austria reached a record level of 87 per cent according to a study by Ernst & Young (Ernst & Young, 2024). On average, 206,400 jobs were unfilled in 2023 – fewer than in 2022, a record year in this regard, but still significantly more than in the previous years (Statistics Austria, 2024). The shortage of labour and skilled workers (see definition in Section I) can be attributed to a variety of reasons, such as the rapid recovery of the economy after the COVID-19 pandemic, an ageing

population and differences in the level of education between younger and older generations (Dornmayr and Riepl, 2023:6; Horvath et al., 2022:96–98; Mühlböck et al., 2023:7). Meeting this **demand for labour and skilled workers across sectors** was a cross-government priority for the Austrian Federal Government in 2023 (Federal Chancellery et al., 2023). Numerous actors underlined the fact that labour migration and the recruitment of skilled workers from third countries across all qualification levels (Raucher, 2023) play a vital role in meeting the demand for labour and skilled workers (Der Standard, 2023e; Federal Chancellery et al., 2023; Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023c; Ebner et al., 2023:16; Federation of Austrian Industries, 2023b; Austrian Federal Economic Chamber, 2023a). Compared to other countries, however, Austria is less attractive to migrant workers. For example, Austria is in the bottom third of countries in the Talent Attractiveness ranking system developed by the Organisation for Economic Co-operation and Development (OECD, 2023). According to the Public Employment Service, the largest increase in the number of people with foreign citizenship in employment has been among EU citizens; the labour force potential of third-country nationals has expanded in particular due to the influx of refugees in recent years (Public Employment Service, 2023a:1).

- Meeting the demand for labour and skilled workers as a cross-government priority
- Focus on the labour market integration of persons displaced from Ukraine
- Cooperation with third countries intensified in the areas of skilled immigration, irregular migration, and return and reintegration

The Council of Ministers of the Austrian Federal Government adopted the first coordinated and whole-of-government **strategic action plan to tackle the shortage of skilled workers** on 1 December 2023 to meet the demand for labour in Austria (Federal Chancellery et al., 2023; Federal Ministry of Labour and Economy, 2023d). The plan covers the areas of: (1) skilled immigration; (2) the labour market integration of migrants (in particular, persons granted asylum and beneficiaries of subsidiary protection) who are already living in Austria; and (3) the labour market integration of displaced persons from Ukraine.

In order to achieve the objectives of the action plan, the Federal Chancellery, all responsible federal ministries, the Public Employment Service, the Austrian Business Agency and the Austrian Federal Economic Chamber were all involved in the process, a distribution of tasks was defined and an interministerial strategy committee was set up (Federal Chancellery et al., 2023; Federal Ministry of Labour and Economy, 2023f). The Federation

of Austrian Industries, the Austrian Federal Economic Chamber and the Austrian Economic Association support the strategic action plan (Austrian Economic Association, 2023; Austrian Federal Economic Chamber, 2023e; Federation of Austrian Industries, 2023d). The Chamber of Labour and the trade union *vida*, on the other hand, have criticized the existing labour migration model, which they believe prevents skilled immigration and encourages wage and social dumping (Chamber of Labour, 2023b, 2023a; Gewerkschaft *vida*, 2023b).

The option for **asylum-seekers to “change track”** from the asylum system to other residence permits which, for example, exists under certain conditions in Sweden for asylum-seekers who have received a negative decision (Swedish Migration Agency, 2023) and for asylum-seekers in ongoing asylum procedures in Germany (Informationsverbund Asyl und Migration, 2023), was also discussed. The Vienna Integration Council, Grüne Wirtschaft and the NEOS party are among the organizations who have called for a change in this direction (Grüne Wirtschaft, 2023; Wiener Integrationsrat, 2023; Austrian Parliament, 2023f). At government level, however, the separation of asylum and labour migration envisaged in the government programme was upheld (Brickner et al., 2023b). In order to tackle the shortage of labour and skilled workers and to promote the integration of refugees, a number of actors also called for **easier access to the labour market for asylum-seekers** (Asylkoordination, 2023d; Grüne Wirtschaft, 2023; Salzburger Nachrichten, 2024; Wiener Integrationsrat, 2023) and referred to the results of international studies, which show that employment at an early stage has a positive impact on labour market integration (Marbach et al., 2018; Wiener Integrationsrat, 2023).

Developments relating to displaced persons from Ukraine

The Russian war of aggression in Ukraine led to the largest and fastest displacement in Europe since the Second World War (United Nations, 2022). According to the United Nations High Commissioner for Refugees (UNHCR) over 5.7 million people had fled Ukraine by the beginning of May 2022 (UNHCR, 2022). The number of internally displaced persons was estimated at 8 million (International Organization for Migration, 2022). According to Eurostat, at the end of 2023 there were just under 4.3 million people from Ukraine in the European Union and over 80,000 people from Ukraine who were granted temporary protection in Austria (Eurostat, n.d.a). Studies have shown that a significant proportion intend to stay in Austria in the longer term (Heilemann, 2023:12; Kohlenberger et al., 2023) and various actors have argued for the creation of long-term residence prospects (Caritas Österreich, 2023; Federation of Austrian Industries, 2023c; Meinhart, 2023; Austrian Federal Economic Chamber, 2023b). Against this background, and in view of the shortage of labour and skilled workers, the labour market integration of displaced persons was a cross-government priority in 2023 (see Section 5.2).

Intensified cooperation with third countries

In 2023, bilateral cooperation with third countries in the areas of skilled immigration, irregular migration, and return and reintegration increased in importance. For example, the first Memorandum of Understanding (MoU) was agreed upon at the federal level with a third country (the Philippines) for the recruitment of skilled workers (see Section 3.2). Furthermore, a joint declaration was concluded with Morocco, which covers cultural,

economic and industrial issues as well as migration-related topics,⁹ and is particularly relevant in the areas of irregular migration (see Section 8.2) and return (see Section 9.3). The Migration and Mobility Agreement¹⁰ between Austria and India entered into force on 1 September 2023, making it the first comprehensive migration and mobility agreement that Austria has concluded with a third country. The agreement includes provisions on promoting the mobility of skilled workers, restricting irregular migration (see Section 8.2) and the return of nationals subject to removal orders (see Section 9.3). Furthermore, Austria strengthened its ties with Iraq in 2023 (see Section 8.2 and Section 9.3). In the context of an EU readmission agreement with Armenia that had come into force back in 2014, Austria also concretised the practical readmission of persons staying irregularly in an implementation protocol with Armenia (see Section 9.3).

9 Written input: Federal Ministry of the Interior, Unit VIA/5/b (International Migration Affairs), 19 January 2024.

10 Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

3 REGULAR MIGRATION

Infobox 1: Regular migration

Persons with foreign nationality fall into different legal regimes, depending on whether the immigrant is (1) an EEA citizen or Swiss citizen; (2) a third-country national; or (3) a refugee (see Infobox 3 and definitions provided in Section 1).

The residence of third-country nationals who stay in Austria for longer than six months is regulated in the **Settlement and Residence Act**.¹¹ This act stipulates (general and specific) requirements that must be met by third-country nationals in order for them to be issued with a residence permit, e.g. a certain type and level of income, legal entitlement to accommodation that is in conformity with local accommodation (Art. 11 para. 2 Settlement and Residence Act), and knowledge of German (Art. 21a Settlement and Residence Act). The **Red-White-Red Card (RWR Card)**, which is available for a variety of categories, is the most common immigration scheme for skilled third-country nationals who wish to move to Austria. This residence permit entitles the holder to temporarily settle in the country and to take up employment with a specific employer. It may be issued for up to two years and can be renewed. RWR Cards are issued on the basis of a points system. The employment of **seasonal workers** from abroad takes place in Austria through so-called seasonal quotas, which are defined in a regulation of the Federal Minister of Labour and Economy (so-called Seasonal Quota Regulation).¹² Since the RWR Card reform¹³ in October 2022, there has also been a RWR Card for registered seasonal workers. These are seasonal workers who have previously been employed in tourism or in agriculture and forestry in Austria for a certain period of time.

3.1 Facilitating access to the labour market

The number of new RWR Cards issued in 2023 was 40 per cent higher than in 2022 (2022: 2,903; 2023: 4,042). This development must be seen within the context of the **RWR Card** reform implemented in October 2022, which relaxed various requirements for the issuing of RWR Cards (in detail see Stiller, 2023b:24ff.). The reform is viewed as an important first step to encourage skilled immigration (Federal Chancellery et al., 2023; Federal Ministry of Labour and Economy, 2023b).

- 85 per cent more RWR Cards issued to skilled workers in shortage occupations
- Number of seasonal jobs increased
- Easier process for foreign care workers

¹¹ Settlement and Residence Act, FLG. I No. 100/2005, in the version of FLG. I No. 175/2023.

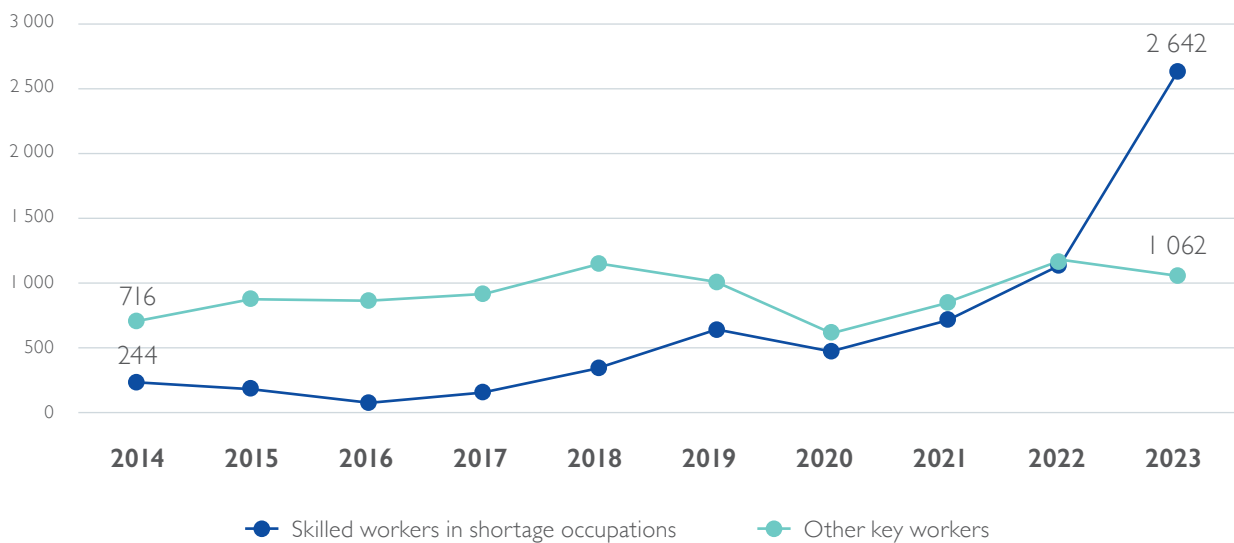
¹² Art. 5 para. 1 subpara. 1 Act Governing the Employment of Foreign Nationals, FLG. No. 218/1975, in the version of FLG. I No. 84/2023.

¹³ Amendment to the Act Governing the Employment of Foreign Nationals, the Labour Market Promotion Act, the Settlement and Residence Act and the Aliens Police Act 2005, FLG. I No. 106/2022.

Closer examination of the figures for new RWR Cards issued in 2022 and 2023 reveals that the number of RWR Cards issued to skilled workers in shortage occupations, which make up the majority of RWR Cards issued, was around 85 per cent higher in 2023 than in the previous year (2022: 1,430; 2023: 2,642). When the figures are compared over a 10-year period, this category also saw the greatest increase in the number of new RWR Cards issued. The number of new RWR Cards issued to very highly qualified workers, university graduates, self-employed key workers and start-up founders remained at roughly the same level in 2023 as in the previous year. A new RWR Card for regular workers was introduced in October 2022, and in 2023, more RWR Cards were issued in this category than to university graduates, self-employed key workers and start-up founders. The number of RWR Cards issued to other key workers fell by around 12 per cent (2022: 1,187; 2023: 1,062) and was thus lower than in 2018 (1,152).

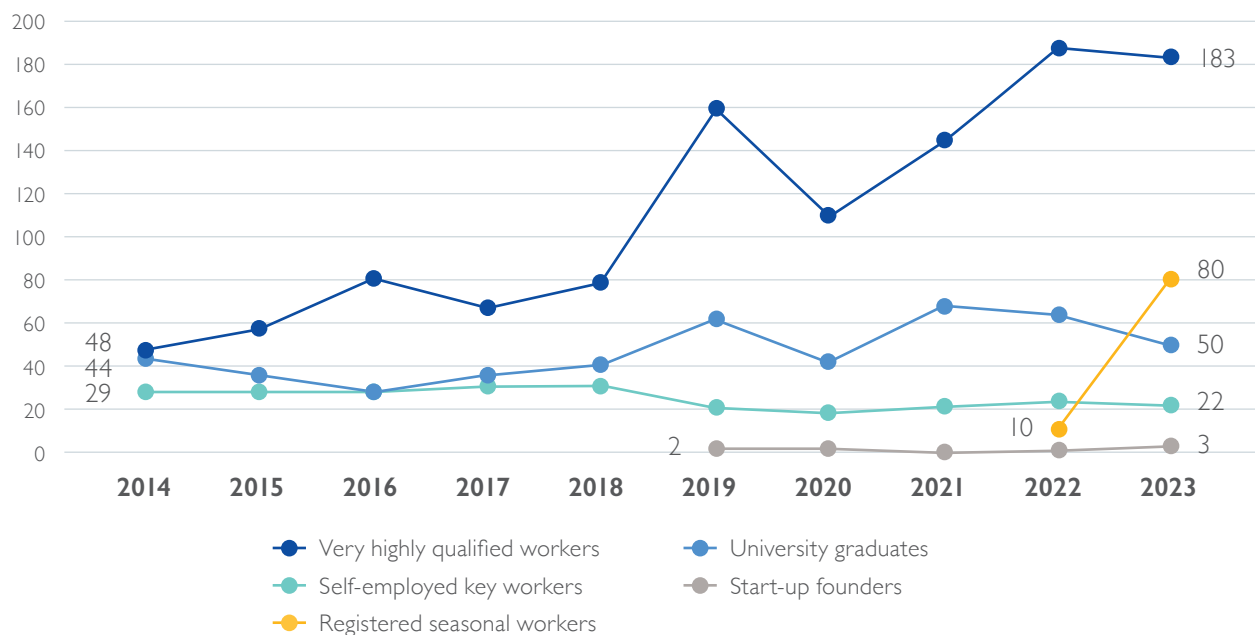
Figure 1 below shows the trends in RWR Cards for skilled workers in shortage occupations and other key workers. Figure 2 provides an overview of the remaining categories, with fewer than 200 RWR Cards per year issued in each category.

Figure 1: Number of newly issued RWR Cards for skilled workers in shortage occupations and other key workers (2014–2023)



Sources: Federal Ministry of the Interior, 2014, 2015b, 2016b, 2017b, 2018b, 2019b, 2020b, 2021b, 2022b, 2023j.

Figure 2: Number of newly issued RWR Cards in other categories (2014–2023)



Note: The RWR Card for start-up founders was introduced in 2018. The RWR Card for regular workers was introduced in 2022.
Sources: Federal Ministry of the Interior, 2014, 2015b, 2016b, 2017b, 2018b, 2019b, 2020b, 2021b, 2022b, 2023j.

The following measures were implemented in 2023 to facilitate access to the labour market for workers from third countries within the framework of the RWR Card (Federal Ministry of Labour and Economy, 2023a):

- In order to shorten the processing time of applications for RWR Cards, consular representation offices have had the option to forward RWR Card applications to the offices in the particular provincial governments by electronic means since 30 January 2023.¹⁴
- On 21 April 2023, an amendment to the Act Governing the Employment of Foreign Nationals¹⁵ came into force that made it easier for applicants for all RWR Card categories to fulfil the “language skills” eligibility criterion. Under the new regulation, points can also be gained not only for German and English, but also for French, Spanish, Bosnian, Croatian and Serbian language skills. The new regulation applies to very highly qualified workers, skilled workers in shortage occupations, other key workers and start-up founders. (Austrian Parliament, 2023d). Furthermore, the level of German proficiency required for an RWR Card to be issued to a regular seasonal worker was reduced from A2 level to A1 level (according to the Common European Framework of Reference for Languages).

The Federation of Austrian Industries, for example, viewed the relaxation of requirements as a step in the right direction (Federation of Austrian Industries, 2023a). A need for further improvements in relation to

¹⁴ Written input: Federal Ministry for European and International Affairs, 25 January 2024.

¹⁵ Amendment to the Act Governing the Employment of Foreign Nationals, FLG. I Nr. 43/2023.

the requirements for low-skilled and medium-skilled workers, the bureaucratic effort and digitalization was identified (Kohlenberger, 2023a, 2023b; Strobl, 2023).

The **Regulation for Skilled Workers 2023**,¹⁶ in which this year's list of shortage occupations was issued, came into force on 1 January 2023. The Regulation for Skilled Workers 2023 offers skilled third-country workers who meet the relevant requirements¹⁷ the opportunity to obtain a RWR Card that entitles them to work in a shortage occupation anywhere in Austria or in a specific province. With 98 shortage occupations nationwide and an additional 56 regionally, the number of shortage occupations reached an all-time high in 2023.¹⁸ The trade union *vida* criticized the expansion of the shortage occupation list, calling instead for better working conditions and higher wages (Gewerkschaft *vida*, 2023a).

The **tourism, agriculture and forestry sectors** faced a particular shortage of labour and skilled workers in 2023 (Federal Ministry of Labour and Economy, 2023c). The high turnover of staff due to working conditions is often cited as a reason for this in the tourism industry (Szigetvari, 2023). In order to cover the demand for seasonal workers, the Seasonal Quota Regulation 2023¹⁹ provided for a total of 6,568 seasonal jobs in these sectors (see Infobox 1). On 6 June 2023, an amendment to the regulation came into force that increased the number of seasonal jobs to 7,568 (4,287 jobs in tourism and 3,162 jobs in agriculture and forestry, with the harvest industry accounting for the remaining 119 jobs).²⁰ The Chamber of Labour criticized the increase in seasonal quotas, calling instead for better working conditions, especially in the tourism industry (Chamber of Labour, 2023b).

In the **health and care sector**, the first steps to cover the shortage of skilled workers were already taken in 2021 (Ebner, 2022:14) and 2022 (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023b). On 22 July 2023, an amendment²¹ to the Health Care and Nursing Act²² came into force with the following simplifications:

- The validation or recognition of care assistant training completed abroad is, under certain conditions, conditional on the completion of an aptitude test, an adaptation period or additional training. In this case, the amendment states that care assistants can be included in the Register of Health Care Professionals for a limited period of two years and during this period may work as care assistants under the guidance and supervision of higher-level health care and nursing staff (Art. 87 para. 12, Art. 89 para. 10 Health Care Act).
- Care assistants who have trained abroad can work as care assistants for training purposes during the recognition or validation process. This work must be done under the guidance and supervision of a member of higher-level health care and nursing staff and is limited to a maximum of one year (Art. 89a Health Care Act).

16 Regulation for Skilled Workers 2023, FLG. II No. 488/2022.

17 Art. 12a Regulation Governing the Employment of Foreign Nationals, FLG. No. 609/1990, in the version of FLG. II No. 175/2023.

18 In 2022, there were 68 nationwide and between 2 and 49 regional shortage occupations in the provinces, see Art. 1 Regulation for Skilled Workers 2022, FLG. II No. 573/2021, in the version of FLG. II No. 271/2022.

19 Seasonal Quota Regulation 2023, FLG. II No. 489/2022, in the version of FLG. II No. 168/2023. This came into force on 1 January 2023.

20 Written input: Federal Ministry of Labour and Economy, 19 January 2024.

21 Amendment to the Health Care and Nursing Act 2023, FGL I No. 108/2023.

22 Health Care and Nursing Act, FLG. I No. 108/1997, in the version of FLG. I No. 108/2023.

- Simplification for the validation of qualifications were introduced (Art. 89 Health Care Act). For example, it is explicitly clarified that both training and professional experience must be taken into account (Art. 89 para. 6 Health Care and Nursing Act).

To further improve the recruitment of care workers, Hilfswerk Austria proposed a five-point plan that includes ethical recruitment, cooperation with countries of origin, settlement prospects, contact points in Austria and facilitating the recognition of qualifications (Hilfswerk Austria, 2023).

3.2 Recruitment of labour and skilled workers

Infobox 2: International Skilled Workers Initiative und Skills Mobility Partnerships

The Austrian Federal Economic Chamber has developed an international skilled labour strategy as a strategic framework for attracting skilled workers from abroad (Austrian Federal Economic Chamber, 2023f). The aim of the **International Skilled Workers Initiative** is to encourage the influx of skilled workers in shortage occupations from certain focus countries (Austrian Federal Economic Chamber, 2023f). The International Skilled Workers Initiative was initiated in 2022 (Ebner et al., 2023:10).

Skills Mobility Partnerships (SMPs) are bilateral or multilateral agreements between States that promote skills development. SMPs usually consist of five components: (1) State cooperation, (2) multi-stakeholder involvement, (3) training, (4) skills recognition, and (5) migration/mobility (International Organization for Migration, 2019). A 2023 study by IOM Austria shows that relevant stakeholders in Austria and in the potential partner countries are very interested in SMPs but that there are barriers to practical implementation (Ebner et al., 2023). The study also identified the (sometimes differing) needs of some potential partner countries, which include the expansion of education structures and skills development (Ebner et al., 2023:20, 25).

As part of its International Skilled Workers Initiative, the Austrian Federal Economic Chamber worked with the Federal Ministry of Labour and Economy and the Austrian Business Agency (ABA) to support Austrian companies in the recruitment of international skilled workers (Austrian Business Agency, 2023; Austrian Federal Economic Chamber, 2023e). The International Skilled Workers Initiative was implemented in 2023 in six selected focus countries (Albania, Brazil, Indonesia, Kosovo,²³ North Macedonia and the Philippines),

where Austria was promoted as a business location and international skilled workers were sought in key shortage occupations (Austrian Federal Economic Chamber, 2023e, 2023f). In September 2023, for

- MoU concluded with the Philippines
- Easier process for skilled workers in the transport and mobility sector
- Migration and Mobility Partnership Agreement between Austria and India in force

23 The reference to Kosovo is to be understood in the sense of United Nations Security Council Resolution 1244 (1999).

example, the Austrian Federal Economic Chamber and ABA organized an information event in Brazil to make IT specialists aware of job opportunities in Austria (Austrian Federal Economic Chamber, 2023c).

In April 2023, the Austrian Federal Economic Chamber joined forces with the Federal Ministry for European and International Affairs and the ABA to examine the general conditions for the recruitment of skilled workers from the Philippines (Federal Ministry of Labour and Economy, 2023e). On 25 October 2023, Austria and the Philippines signed a **Memorandum of Understanding (MoU) on the recruitment of skilled workers**, which is the first MoU of its kind that Austria has signed with a third country. At the provincial level, too, efforts were made to recruit skilled workers from the Philippines. On 7 July 2023, the City of Vienna, the Austrian Federal Economic Chamber and the Philippine government signed a MoU on the recruitment of Filipino care workers (Vienna Social Fund, n.d.). Agreements in other sectors were also targeted (Wiener Integrationsrat, 2023). Burgenland and Upper Austria already recruited care workers from the Philippines in 2023 (Land Burgenland, 2023; Oberösterreichische Landesregierung, 2023).

As public transport continued to expand, the need for additional skilled workers for passenger transportation increased (Austrian Parliament, 2023e:2). In order to facilitate the **recruitment of skilled workers in the transport and mobility sector**, an amendment to a provision in the Act Governing the Employment of Foreign Nationals came into force on 31 December 2023. This provision sets out the conditions under which a third-country national can be admitted to a shortage occupation specified in the Regulation for Skilled Workers (Art. 12a Act Governing the Employment of Foreign Nationals).²⁴ The requirements of this provision include proof that the individual has completed relevant vocational education and training (Art. 12a para. 1 subpara. 1 Act Governing the Employment of Foreign Nationals) which must be at least comparable to an Austrian apprenticeship (Austrian Parliament, 2023e:2). Under the amended legislation, relevant professional authorization is deemed to be appropriate completed vocational education and training in the public transport profession (Art. 12a para. 2 Act Governing the Employment of Foreign Nationals). The trade union *vida* criticized this development, calling instead for better working conditions and a wider range of opportunities for skills development and retraining (Gewerkschaft *vida*, 2023c). The Austrian Federal Economic Chamber's Austrian railways and public transport association welcomed this development (Austrian Federal Economic Chamber, 2023d).

The Migration and Mobility Partnership Agreement between Austria and India,²⁵ which came into force on 1 September 2023, aims to promote and facilitate the mobility of skilled workers through the exchange of information. A closer look at the holders of valid RWR Cards by citizenship over the past five years reveals that around 10 per cent of valid RWR Cards were issued to Indian citizens each year, putting India in the top three nationalities alongside Bosnia and Herzegovina and Serbia (Federal Ministry of the Interior, 2019b:8, 2020b:9, 2021b:17, 2022b, 2023j:17). The agreement has also paved the way for cooperation to be expanded in the area of migration (Ebner et al., 2023:20).

²⁴ Amendment to the Act Governing the Employment of Foreign Nationals and the Settlement and Residence Act, BGBl. I Nr. 175/2023.

²⁵ Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

4 INTERNATIONAL PROTECTION

Infobox 3: International protection

Everyone has the right to seek protection from persecution (asylum) in other countries and (when fulfilling refugee status) to be granted protection.²⁶

International protection includes **refugee status (asylum)**; see Section I) and **subsidiary protection**. A person is considered a refugee under the Geneva Refugee Convention²⁷ as soon as they meet the criteria of the refugee definition. **Beneficiaries of subsidiary protection status** are persons who have not been granted refugee status but whose lives or safety may be threatened in their country of origin.

One of the key principles of the Geneva Refugee Convention is the **non-refoulement principle**, which prohibits the expulsion, extradition or removal of persons to a country where they are at risk of being subjected to torture, inhuman treatment or serious human rights violations.

EU directives and regulations also set out mandatory common minimum standards for all European Union Member States – for example, for conducting asylum procedures. A key component of the Common European Asylum System is the **Dublin procedure**,²⁸ which is used to determine which Member State is responsible for assessing an application for international protection. This involves the application of various criteria in a set sequence (Art. 7 Dublin III Regulation). Generally speaking, responsibility lies with the first State that the asylum-seeker arrives in. Special consideration is given to the principles of the best interests of the child and family unity (UNHCR Germany, n.d.); responsibility for the procedure may vary based on these principles, among other factors.

International protection in Austria is primarily regulated by the **Asylum Act 2005**. Applications are assessed by the **Federal Office for Immigration and Asylum** in the first instance (see [Annex](#)). Decisions on applications for international protection then fall into three categories: **positive, negative or other**.

Other decisions concern an application being determined devoid of purpose and withdrawn,²⁹ the suspension of proceedings³⁰ and the termination of proceedings.³¹

26 Art. 14 Universal Declaration of Human Rights, 10 December 1948. A/RES/217. Art. 18 Charter of Fundamental Rights of the European Union. OJ C 326, pp. 391–407. Convention relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series vol. 189; Protocol relating to the Status of Refugees, 31 January 1967, United Nations Treaty Series vol. 606.

27 Convention relating to the Status of Refugees, 28 July 1951. United Nations Treaty Series vol. 189; Protocol relating to the Status of Refugees, 31 January 1967. United Nations Treaty Series vol. 606.

28 Regulation (EU) No 604/2013 of the European Parliament and of the Council Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). OJ L 180, pp. 31–59.

29 For example, subsequent applications may be filed as irrelevant under certain conditions or if the application was submitted inadmissibly in writing (Art. 25 Asylum Act 2005).

30 Proceedings must be suspended if a preliminary issue is the subject of pending proceedings before the competent administrative authority or the competent court or is pending at the same time (Federal Ministry of the Interior, 2023a:53). Art. 38 General Administrative Procedures Act 1991 General Administrative Procedures Act 1991, FLG. I No. 51/1991, in the version of federal law FLG. I No. 88/2023.

31 Pursuant to Art. 24 Asylum Act 2005, asylum proceedings must be discontinued if asylum-seekers have withdrawn from the proceedings and a decision cannot be made without a further interview or hearing. Withdrawal from proceedings means that the Federal Office for Immigration and Asylum or the Federal Administrative Court neither knows nor can easily determine the whereabouts of the asylum-seeker if he/she voluntarily leaves the federal territory, and the proceedings cannot be dismissed as irrelevant or if he/she does not come to the appointments set by the Federal Office in the admission procedure despite being requested to do so.

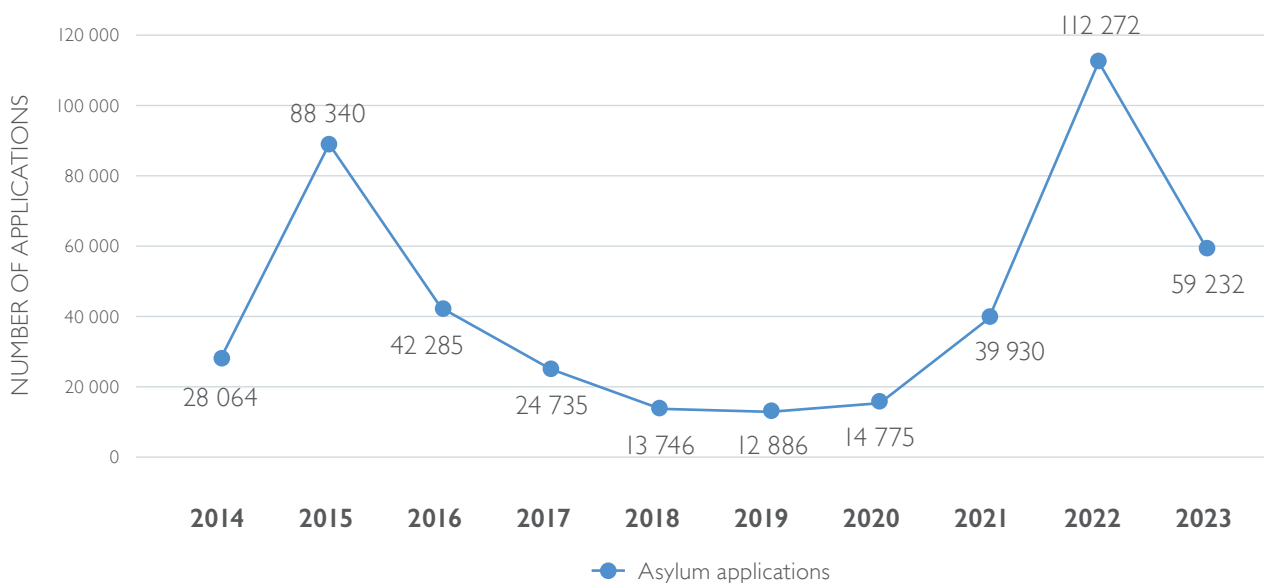
4.1 Statistical developments

The number of applications for international protection in the European Union increased in 2023; according to the European Union Agency for Asylum (EUAA), the number of applications received in October was the highest in a single month for seven years (EUAA, 2024). Contrary to this trend, the number of applications for international protection in Austria in 2023 was lower than the previous year (2022: 112,272 applications; 2023: 59,232 applications; -47%). However, a 10-year comparison (see Figure 3) shows that the third-highest number of applications in this period (after 2015 and 2022) was recorded in 2023. In an EU comparison, Austria was one of the Member States with the most asylum applications in 2023 – only one other Member State (Cyprus) had more applications in relation to its population (EUAA, 2024:10).

- Fall in the number of applications
- More final positive decisions

In view of the high volume of applications for international protection received in 2022, the Federal Ministry of the Interior implemented a series of measures in 2022 and 2023 to combat irregular migration on national, European, and international levels and uses for these the political term “Asylbremse”, meaning “asylum brake.” The Federal Ministry of the Interior justified the use of this term with a need to reduce irregular migration with a high burden on the State as a whole, for example in the areas of education, health and housing.³² Some stakeholders see the term as problematic, as Austria is obliged to guarantee the right to asylum under the Refugee Convention, the European Convention on Human Rights and EU law (Parliamentary Administration, 2023b) and the measures were discussed with regard to possible deflection effects of refugee and migration movements instead of a reduction in irregular migration (Kohlenberger, 2023c; Pollak, 2023).

Figure 3: Applications for international protection in Austria (2014–2023)



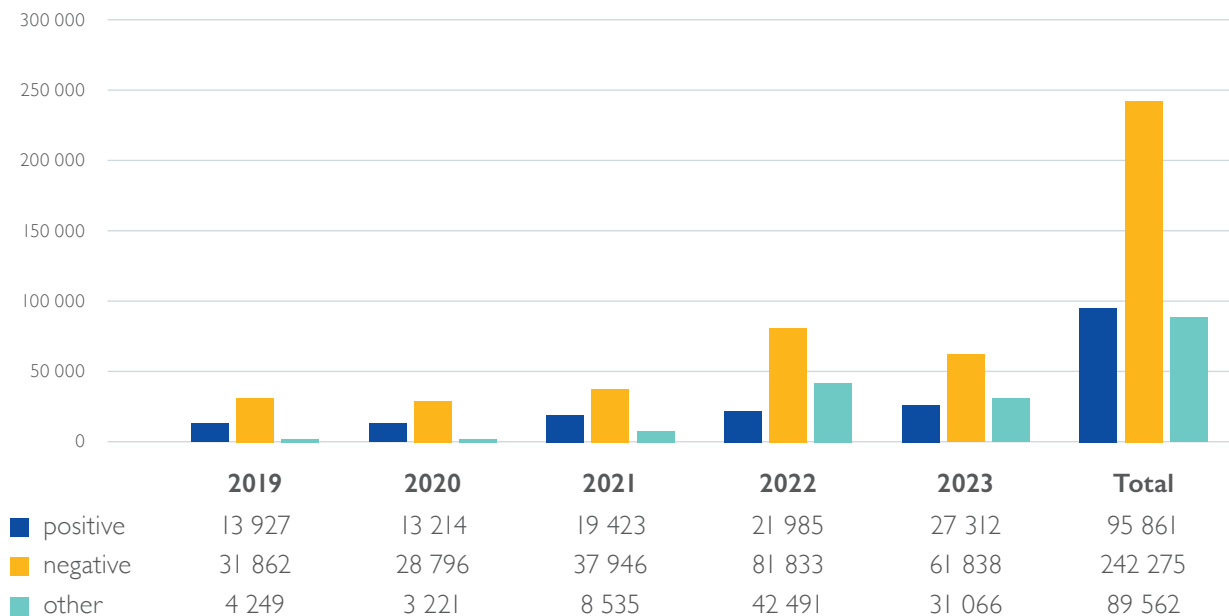
Sources: Federal Ministry of the Interior; 2015a:3, 2016a:3, 2017a:8, 2018a:8, 2019a:8, 2020a:8, 2021a:8, 2022a:10, 2023a:10, 2024a:1.

32 Written input: Federal Ministry of the Interior, Division V/A/5/a (EU migration affairs), 10 May 2024.

Over a third of all applications for international protection in 2023 came from Syrian nationals (21,409), followed by Afghan (8,567), Turkish (7,769) and Moroccan (6,948) nationals (Federal Ministry of the Interior, 2024a:4). These four nationalities accounted for three quarters of all applications in 2023. Furthermore, an increase in asylum applications from Turkish nationals was observed in 2023 (February: 144 applications; October: 2,885 applications; Federal Ministry of the Interior, 2024a:18). The reasons seem unclear. According to media reports, the increase was partly due to the earthquake on 6 February 2023 in the Republic of Türkiye and the Syrian Arab Republic (ORF.at, 2023a), but this could not be confirmed by the Federal Ministry of the Interior.³³

It should also be noted that over 20 per cent more final positive decisions were issued in 2023 than in 2022, the highest number of final positive decisions in five years (see Figure 4). The number of negative decisions in 2023 was down 24 per cent from the previous year; however, more final negative decisions were issued than positive decisions. The number of other decisions issued also decreased by 27 per cent. The number of legally binding other decisions (see Infobox 3 and Figure 4) indicates that Austria was a transit country for around one fifth of applicants (Asylkoordination, 2023b; Der Standard, 2023d). This is also implied by the comparatively low number of asylum-seekers in basic care (as of 31 December 2023: 20,571; 31 December 2022: 21,572; Der Standard, 2023a; Expert Council for Integration, 2023:13; Federal Ministry of the Interior, 2023e, 2024b:10).

Figure 4: Overview of final decisions on applications for international protection (2019–2023)



Source: Federal Ministry of the Interior; 2020a:28, 2021a:28, 2022a:25, 2023a:26, 2024a:27.

33 Written input: Federal Ministry of the Interior, Department V/B/7 (Aliens Police, Visa Affairs and ETIAS), 10 May 2024.

4.2 Legal advice

Since 1 January 2021, the Federal Agency for Reception and Support Services has been responsible for providing legal advice for asylum-seekers at the Federal Office for Immigration and Asylum and before the Federal

Administrative Court.³⁴ The Federal Agency for Reception and Support Services is a limited liability company wholly owned by the Federal State, and was established in 2019 with the Federal Act Establishing the Federal Agency for Reception and Support Services company with limited liability.³⁵ According to Art. 13 of this Act, legal advisers must be independent and there must be no requirement to follow instructions. The more detailed (organizational and institutional) structure of this independence and freedom from instructions is governed by a framework agreement between the Federal Agency for Reception and Support Services and the Federal State, which is not available for the general public to consult (Federal Constitutional Court, 2023c). Since the Federal Agency for Reception and Support Services was founded, non-governmental organizations have been concerned about the independence and the quality of its legal advice (Ebner, 2022:19). The European Commission against Racism and Intolerance (ECRI) has also expressed concerns about the independence of legal advice provided by the Federal Agency for Reception and Support Services (European Commission against Racism and Intolerance, 2022). The Constitutional Court initiated legal review proceedings in 2022 due to several complaints by asylum-seekers against the findings of the Federal Administrative Court (Federal Constitutional Court, 2023d). On 14 December 2023, the Constitutional Court ruled that the independence of legal advice provided to asylum-seekers by the Federal Agency for Reception and Support Services is not adequately safeguarded by law. It repealed the relevant provisions of the Federal Act Establishing the Federal Agency for Reception and Support Services company with limited liability and the Federal Office for Immigration and Asylum Procedures Act³⁶ as unconstitutional (Federal Constitutional Court, 2023d). The legislator has until 1 July 2025 to enact new legislation. For the Constitutional Court, the provision of legal advice by the Federal Agency for Reception and Support Services was per se in order, whereby the chosen legal form was recognised as constitutional. However, there was a lack of sufficient legal safeguards for independence, which is why the Constitutional Court found a violation of the right to an effective legal remedy (Federal Constitutional Court, 2023c). The concerns voiced by civil society were confirmed (Asylkoordination, 2023e). The Minister of Justice and the Federal Agency for Reception and Support Services welcomed the decision and supported the move to legally safeguard the independence of legal advice in the future (Der Standard, 2023j).

- Decision of the Constitutional Court regarding legal advice for asylum-seekers

4.3 Basic care

The total number of persons in basic care at the reporting date 31 December 2023 was 78,834 (Federal Ministry of the Interior, 2024a:53; see Section I). As in 2022 (Stiller, 2023b:33), persons displaced from Ukraine accounted

- Temporary cost-of-living adjustment
- Real Cost Model

34 Art. 2 para. 1 subpara. 2 in conjunction with para. 3 subpara. 2 Federal Act Establishing the Federal Agency for Reception and Support Services company with limited liability, FLG. I No. 53/2019.

35 Federal Act Establishing the Federal Agency for Reception and Support Services company with limited liability, FLG. I No. 53/2019.

36 Federal Office for Immigration and Asylum Procedures Act, FLG. I No. 87/2012, in the version of FLG. I No. 221/2022.

for the majority of people in basic care at the end of the year 2023 (51%), followed by asylum-seekers (2%), beneficiaries of subsidiary protection status (14%) and others (9%; Federal Ministry of the Interior, 2024b).

Daily rates are mainly used to settle **cost claims in basic care** between the Federal State and the provinces. Civil society and the provinces have argued for some time that the payments made by the Federal State are insufficient to cover the real costs of providing accommodation and assistance for refugees, calling for a reform as a result (Der Standard, 2023f; ORF.at, 2023c). To provide compensation for financial costs resulting from increased building, energy and personnel costs, a federal act on a temporary cost-of-living adjustment within the framework of the basic care system came into force on 24 March 2023.³⁷ This act provides for a cost-of-living adjustment for individual and organized accommodation in provincial basic care. Specifically, the maximum reimbursable costs in the case of individual accommodation were EUR 50 per month for individuals and EUR 100 per month for families. A maximum of EUR 2 was reimbursed per person in organized accommodation, or EUR 4 in the case of unaccompanied minors. The cost-of-living adjustment covered the period from 1 October 2022 to 31 March 2023. The Federal State provided just over EUR 26 million (Parliamentary Administration, 2023d). Although the Social Democratic Party of Austria and the NEOS party were in favour the initiative, they criticized the temporary nature of the cost-of-living adjustment (Parliamentary Administration, 2023c).

On 15 September 2023, the Federal Minister of the Interior and the Vienna City Councillor for Health, Social Affairs and Sport unveiled a **transparent Real Cost Model** for basic care, which is designed to replace flat-rate cost claims (Federal Ministry of the Interior, 2023u). The Real Cost Model covers all persons who are housed in organized accommodation in Vienna under the basic care system, including unaccompanied minors and persons requiring special care (Austrian Parliament, 2023a; Federal Ministry of the Interior, 2023u). The Real Cost Model is being run as a pilot project with retrospective effect from 1 January 2023 until 30 June 2026 (Federal Ministry of the Interior, 2023u). In order to implement the Real Cost Model, an agreement under Art. 15a Federal Constitutional Act³⁸ was required between the Federal State and the province of Vienna, which came into force on 1 January 2024.³⁹ The agreement stipulates that the costs for unaccompanied minors and persons requiring care who are housed in special facilities will be charged according to the Real Cost Model with retrospective effect from 1 January 2023. For all persons housed in organized accommodation under the basic care system in Vienna, charging in accordance with the Real Cost Model will come into effect as of 1 January 2024 (Art. 3 para. 2 Real cost settlement agreement between the Federal State and the Province of Vienna).

37 Temporary reimbursement of costs by the Federal Government to the Federal States for financial expenses as compensation for inflation in the context of basic care, FLG. I No. 28/2023.

38 Federal Constitutional Act, FLG. No. 1/1930, in the version of FLG. I No. 222/2022.

39 Real cost settlement agreement between the Federal State and the province of Vienna- Art. 15a Federal Constitutional Act, FLGI. No. 1/2024.

5 TEMPORARY PROTECTION FOR DISPLACED PERSONS FROM UKRAINE

Infobox 4: Temporary protection for displaced persons from Ukraine

The European Union responded to the war of aggression in Ukraine by activating the 2001 **EU Temporary Protection Directive**,⁴⁰ with the Council of the European Union adopting the implementing decision⁴¹ to apply this directive to persons displaced from Ukraine for the first time on 4 March 2022. Thereby, in addition to granting temporary protection in the European Union for persons displaced from Ukraine, also various rights, such as access to social services, the education system (for minors) and to accommodation, employment and self-employment, were granted (Art. 12–14 EU Temporary Protection Directive). According to the EU directive, temporary protection is granted for the duration of a year initially and is automatically renewed twice for a period of six months each time, and can be extended for up to a further year by Council decision if the reasons for temporary protection persist.

The **Regulation on Displaced Persons**⁴² came into force on 12 March 2022 for the purpose of implementing temporary protection in Austria.

5.1 Displaced person status and social services

The Constitutional Court dealt with the subject of **displaced person status** in March 2023; in Austria, only persons who were residing in Ukraine on 24 February 2022 can be granted this status. On 15 March 2023, the Constitutional Court ruled that Ukrainian nationals who had left Ukraine not long before 24 February 2022 (in the ruling, the person in question had left Ukraine 11 days earlier), were still resident in Ukraine on this cut-off date

and are thus entitled to temporary protection in Austria (Federal Constitutional Court, 2023a, 2023b). The ruling provided the legal certainty that persons who left Ukraine shortly before 24 February 2024 – for example for a holiday – are also entitled to protection in Austria.

- Extension of temporary protection until 4 March 2025
- Call for long-term residence prospects
- Entitlement to long-term care allowance for displaced persons

The **temporary right of residence** for displaced persons was initially extended until 4 March 2024 with an amendment to the Regulation on Displaced Persons (Art. 4 para. 1 Regulation on Displaced Persons).⁴³

40 Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, OJ L 212, S. 12–23.

41 Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection as introduced by Implementing Decision (EU) 2022/382. OJ L 2023/2409, p. 24.

42 Regulation on Displaced Persons, FLG. II No. 92/2022, in the version of FLG. II No. 27/2023.

43 Amendment to the Regulation on Displaced Persons, FLG. II No. 27/2023.

As a result, the Federal Office for Immigration and Asylum automatically issued new ID cards with an extended expiry date to all persons registered as displaced persons residing in Austria (Federal Ministry of the Interior, 2023l). With the EU Council's decision⁴⁴ of 19 October 2023 regarding the extension of temporary protection until 4 March 2025, displaced person status in Austria was also automatically extended until this date.⁴⁵ For the period after the end of temporary protection, various actors have called for long-term residence prospects to be created for displaced persons in Austria (Austrian Federal Economic Chamber, 2023b; Caritas Österreich, 2023; Federation of Austrian Industries, 2023c; Meinhart, 2023; ORF.at, 2023b). Experts made the same calls during an event organized by EMN Austria in November 2023 (EMN Austria, 2023). According to a decision of the Council of Ministers on 1 December 2023, the Federal Government is already taking action in this regard (Federal Chancellery et al., 2023).

On 14 December 2023, the inclusion of displaced persons in the Austrian **health insurance system** was extended until 4 March 2025. The extension was granted by order of the Federal Minister for Social Affairs, Health, Care and Consumer Protection by way of a regulation approved by the Main Committee of the National Council (Parliamentary Administration, 2023h). An amendment⁴⁶ to the Act on the Compensation of Family Expenses⁴⁷ came into force on 31 December 2023, extending the entitlement of displaced persons to childcare allowance and family allowance until 4 March 2025.

On 22 August 2023, the Supreme Court decided that displaced persons are entitled to (legally enforceable) long-term care allowance under the Federal Care Allowance Act⁴⁸ if they meet the other requirements (Supreme Court, 2023). The United Nations High Commission for Refugees (UNHCR), among others, welcomed the decision, emphasizing that a survey conducted by the UNHCR in the spring found that around 17 per cent of displaced persons had special requirements (UNHCR Austria, 2022b:3). According to a parliamentary response to an enquiry, 327 displaced persons had applied for long-term care allowance by the end of November 2023 following the Supreme Court's decision, by which time 18 applications were complete (Federal Ministry of Social Affairs, Health, Care and Consumer Protection, 2023a:2).

5.2 Labour market integration

Entry into the labour market of beneficiaries of temporary protection is a priority for the Federal Government in view of the demand for labour and skilled workers (Federal Chancellery, 2023a). The following two developments in 2023 were intended to promote the labour market integration of persons displaced from Ukraine. In January 2023, the Federal and Provincial Government

- Unrestricted labour market access for displaced persons
- Existing labour force potential not yet exhausted

44 Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection as introduced by Implementing Decision (EU) 2022/382. OJ L 2023/2409, p. 24.

45 Written input: Federal Chancellery, 23 January 2024; Written input: Federal Ministry of the Interior, Department V/B/7 (Foreign Nationals Police, Visa Affairs and ETIAS), 23 January 2024.

46 Amendment to the Act on the Compensation of Family Expenses 1967, FLG. I No. 184/2023.

47 Act on the Compensation of Family Expenses 1967, FLG. No. 376/1967, in the version of FLG. I No. 184/2023.

48 Federal Care Allowance Act, FLG. No. 110/1993, in the version of FLG. I No. 109/2023.

Coordination Board⁴⁹ decided to **increase the exemption threshold for displaced persons in basic care** (Federal Chancellery et al., 2023). Under this new model for displaced persons, basic care benefits (EUR 110 per month plus EUR 80 for each additional family member of the nuclear family) are gradually reduced as soon as the general exemption threshold has been reached. Specifically, this means that once the exemption threshold has been exceeded, a person's basic care benefits will be continuously reduced by 65 per cent of the income earned above this threshold until their income reaches the level at which the fundamental basic care benefits are completely used up due to the extent of the deduction.⁵⁰ Application of the increased exemption threshold requires the internal regulations of each province to be amended. Although the resolution for a new exemption threshold for displaced persons has been adopted, it has not been implemented throughout all of the provinces (at the end of 2023 Lower Austria, Carinthia and Salzburg were lagging behind).⁵¹ According to media reports, legal concerns regarding unequal treatment of those seeking protection posed an obstacle to implementation in Carinthia and Salzburg, as the new model applies only to displaced persons and not to other recipients of basic care (e.g. asylum-seekers, beneficiaries of subsidiary protection; ORF.at, 2023e).

Since 21 April 2023, displaced persons have **unrestricted access to the labour market** and can, if they hold an ID card for displaced persons, take up any employment in Austria without a work permit (Austrian Parliament, 2023d). This was transposed into law with an amendment to the Act Governing the Employment of Foreign Nationals,⁵² which exempted displaced persons from the scope of the Act Governing the Employment of Foreign Nationals (Art. 1 para. 2 (k) Act Governing the Employment of Foreign Nationals). The aim of this exemption was to remove all obstacles imposed by the labour market authorities and to accelerate the labour market integration of displaced persons who seek to remain in the Austrian labour market permanently (Austrian Parliament, 2023d). Previously, an employment permit was required, which was issued without carrying out a labour market test (Austrian Parliament, 2023d; Parliamentary Administration, 2023a). With unrestricted access to the labour market, the number of Ukrainians registered with the Public Employment Service as jobseekers increased (as of March 2023: 524; April 2023: 1,780; Federal Ministry of Labour and Economy, 2024b).⁵³ However, the labour force potential was not exhausted, with the fear of losing basic care being one of the reasons discussed in the public debate (Stiller, 2023a:21f.; Ziegler, 2023).

Although unrestricted access to the labour market for displaced persons was welcomed (Austrian Federal Economic Chamber, 2023b; Federation of Austrian Industries, 2023a; UNHCR Austria, 2023), it has resulted in displaced persons being given equal treatment to persons granted asylum in terms of access to the labour market while they continue to be treated as asylum-seekers under social law (SOS Mitmensch, 2023c).⁵⁴ As

49 The Federal and Provincial Government Coordination Board is made up of representatives of the Federal Government and the provinces and is dedicated to solving problems in partnership that arise from current events, the interpretation of the basic provision agreement, cost allocation and its review, as well as due to extraordinary events, Art. 5 para. 1 and 2 Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act, FLG. I No. 80/2004.

50 Written input: Federal Ministry of the Interior, Department V/B/9 (Basic Care Programme) in coordination with the Ukraine Refugee Coordination Unit, 23 January 2024.

51 Ibid.

52 Amendment to the Act Governing the Employment of Foreign Nationals, FLG. I Nr. 43/2023.

53 The figures relate to Ukrainian nationals aged 15 to 64 who are registered with the Public Employment Service for the purpose of job placement and who are not in employment or education (training) (Federal Ministry of Labour and Economy, 2024a).

54 Displaced persons are currently excluded from social assistance (Art. 4 para. 1 General Social Assistance Act, FLG. I No. 41/2019, in the version FLG. I No. 45/2023.). They fall within the scope of basic care (Art. 2 para. 1 subpara. 3 Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act, FLG. I No. 80/2004.

in the previous year, various actors criticized the fact that displaced persons (like asylum-seekers) are included in basic care and recommended that these persons be granted access to social assistance (Caritas Österreich, 2023; Diakonie Austria, 2023c; Meinhart, 2023; SOS Mitmensch, 2023b; UNHCR Austria, 2023). It was argued that in addition to improving the financial benefits for displaced persons, this would also promote their labour market integration (Public Employment Service, 2023b:3; SOS Mitmensch, 2023a; Stiller, 2023a:21). The exemption threshold in basic care is viewed as an insurmountable obstacle to entering the labour market, especially for the large group of females who have fled alone with children (SOS Mitmensch, 2023a).

It should also be mentioned at this point that survey results indicate a high willingness to work among displaced persons (around 25% of respondents employed, 56% looking for work, 18% not employed and not looking for work). The majority (82%) of respondents who were neither employed nor looking for work stated that they wanted to learn German first; childcare (30%) and the recognition of an education (25%) were also mentioned, for example (Austrian Institute for Family Research, 2023:20).

In a motion for a resolution, the NEOS party also called for displaced persons to be accorded the same social rights as persons granted asylum (Austrian Parliament, 2023c). In the motion, the party argued that relationships of dependency may arise because the basic care services for displaced persons, most of whom live in private accommodation, would not cover the cost of rent (Parliamentary Administration, 2023f). An analytical report from the International Organization for Migration (IOM) in Austria also indicated that the precarious financial situation – 75 per cent of respondents rate their financial situation as unsatisfactory/not good – increases risk factors relating to housing (Heilemann, 2023:23).

6 UNACCOMPANIED MINORS

Infobox 5: Unaccompanied minors (UAM)

Unaccompanied minors (UAM) are children and young people who are outside of their country of origin or their country of former habitual residence and who have been separated from both parents or the adult who, by law or custom, was previously responsible for their care (UNHCR Austria, 2021:8). They differ from adult asylum-seekers in that there are certain special provisions for minors based on international, European and national law. The principle of the **best interests of the child**, for example, is a primary consideration throughout all stages of the flight and migration process (UNHCR Austria, 2021:10).

6.1 Statistical developments

The number of applications for international protection from unaccompanied minors was declining in 2023, with a sharper decrease than the number of applications for international protection overall. While 13,276 unaccompanied minors applied for international protection in 2022, this figure fell to just 4,946 in 2023 (-63%). By comparison, the total number of applications for international protection decreased by 47 per cent over the same period (see Section 4.1; Federal Ministry of the Interior, 2024a).

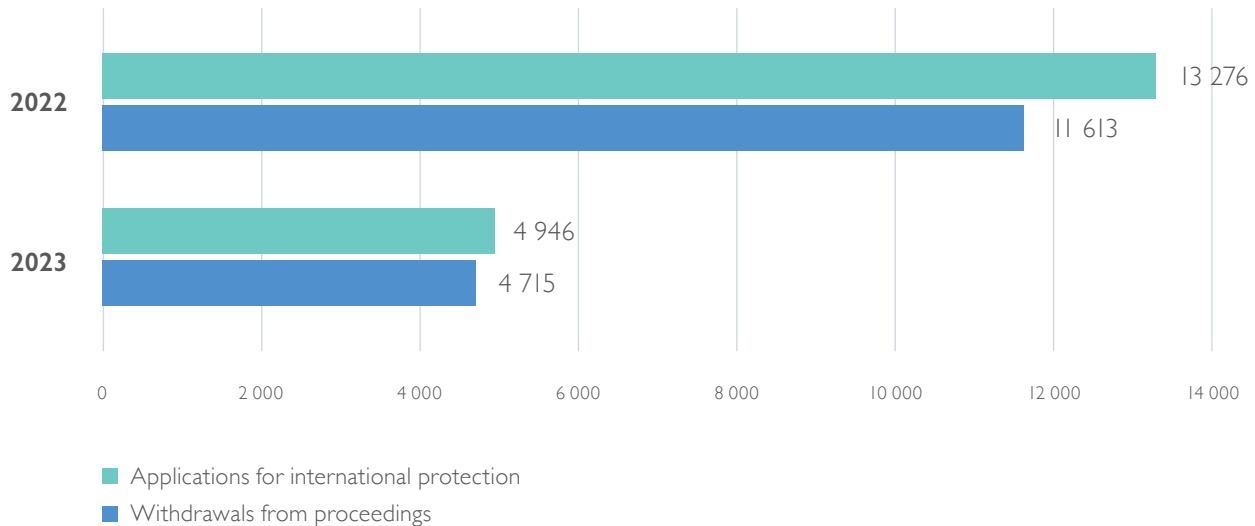
- Decrease in the number of applications of UAM
- Increase in disappearances of unaccompanied minors

Since 2022, the detailed statistics published by the Federal Office for Immigration and Asylum also include the number of **withdrawals from proceedings** (see Figure 5). A withdrawal from proceedings occurs when an applicant's whereabouts are either unknown or are difficult to ascertain, when they voluntarily leave the federal territory of Austria, or when they fail to attend an appointment arranged by the Federal Office for Immigration and Asylum as part of the admission procedure (Art. 24 para. 1 Asylum Act 2005).⁵⁵ In 2023, the rate of withdrawals from proceedings by unaccompanied minors as compared to applications was 95 per cent (2022: 87%). It is assumed that most unaccompanied minors travelled onwards to other EU Member States. Since they do so independently and their whereabouts often remain unknown (Asylkoordination, 2023c), this phenomenon is referred to as the "absconding" or "disappearance" of unaccompanied minors (Child Welfare Commission, 2021:30). In principle, unaccompanied minors cannot be prevented from leaving federal reception centres. In the majority of cases, unaccompanied minors disappear from Federal State reception centres during the admission procedure. As the Commission on the Best Interests of the Child (Child Welfare Commission) pointed out, during this time, they generally have no legal guardian and are therefore on their own (Child Welfare Commission, 2021:114,193). According to Europol, children who travel alone are at risk of becoming victims of child trafficking or other forms of exploitation (Europol, 2018). However, the extent

⁵⁵ Asylum Act 2005, FLG. I No. 100/2005, in the version of FLG. I No. 221/2022.

to which this concerns unaccompanied minors who have disappeared from the Austrian asylum procedure is unclear.

Figure 5: Applications for international protection of UAM and withdrawals from proceedings (2022–2023)



Sources: Federal Ministry of the Interior; 2023a:20, 2023g:20, 2024a:21, 2024c:24.

6.2 Guardianship of unaccompanied minors in asylum procedures

Guardianship encompasses care, education, dealing with finances and providing representation.⁵⁶ For some years, there has been criticism of the fact that it takes a relatively long time (usually until after the admission procedure is complete) to gain clarity on **guardianship**

for unaccompanied minors in Austria. Neither legal advisers nor care takers are granted the rights of a legal guardian until this time, which is problematic in the view of the Federal Minister for Justice and others (Federal Ministry for Justice, 2023:4). Various actors, including the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration, the United Nations Children’s Fund and the Child Welfare Commission, which was established in 2021, have called upon the Federal Government to ensure uniform guardianship provisions for unaccompanied minors throughout Austria from day one of arrival (Child Welfare Commission, 2021:238; UNHCR Austria, 2020, 2022a).

- Civil society initiative *Gemeinsam für Kinderrechte* (Together for Children’s Rights)

Just under 30 guardianship applications for unaccompanied minors were filed during an action week held as part of **Gemeinsam für Kinderrechte (Together for Children’s Rights)**, a civil society initiative supported by 10 organizations (Gemeinsam für Kinderrechte, n.d.). The first decisions from the guardianship court in Vienna, transferring guardianship to Municipal Department II – Child and Youth Welfare Service (MA II),

⁵⁶ Art. 138 General Civil Code, FLG. No. 946/1811, in the version of federal law FLG. I No. 182/2023.

were already made in November. This was an initial success from a civil society perspective. Nevertheless, there has been criticism from supporters of the *Gemeinsam für Kinderrechte* (Together for Children's Rights) initiative, including Caritas, Diakonie, Amnesty International and the former chair of the Commission on the Best Interests of the Child, who argued that legislation on the matter is long overdue (Diakonie Austria, 2023b). The Federal Ministry of Justice has drawn up draft legislation that contains statutory provisions for the child and youth welfare authorities with regard to the guardianship of unaccompanied minors from day one; this has been the subject of policy coordination since the end of 2021 (Federal Ministry for Justice, 2023). The NEOS party tabled a motion for a resolution in March 2023, calling for the draft legislation to be presented (Austrian Parliament, 2023b). According to Diakonie Austria, there is a lack of agreement from the provinces (Diakonie Austria, 2023a).

6.3 Basic care

In 2023, the non-governmental organization Asylkoordination published a study identifying the current demands relating to basic care for unaccompanied minors and the needs underlying these demands (Asylkoordination, 2023a). One of the criticisms was of the fact that basic care

centres for unaccompanied minor asylum-seekers with legal capacity differ from the child and youth welfare centres in terms of quality standards, daily rates and the counsellor-to-client ratio (Glawischnig, 2023:224, 238). The daily rates for housing unaccompanied minors have been blamed for shortages in the number of accommodation places in recent years, with repeated calls for an increase.⁵⁷ The decision to increase the daily rates was finally taken in 2022, both in the Council of Ministers and at the Conference of Provincial Refugee Case Workers (Glawischnig, 2023:2,7–8). According to these decisions the Federal Ministry of the Interior and the City of Vienna developed in 2023 the “Transparent Real Cost Model”, which provides for retroactive settlement of costs for unaccompanied minors from 1 January 2023 (see further Section 4.3). In 2023, a reimbursement of a maximum of EUR 4 per person was granted for the provision of accommodation, food and support for unaccompanied minors in organized accommodation as part of the temporary cost-of-living adjustment (see Section 4.3). This did not constitute an increase to the daily rate (Glawischnig, 2023:9).

- Study concerning basic care for UAMs
- Transparent Real Cost Model and temporary cost-of-living adjustment

⁵⁷ The last increase in daily rates for unaccompanied minors in organized accommodation took place in 2016.

7 INTEGRATION

Infobox 6: Integration

The **Integration Act**,⁵⁸ which provides for the integration of third-country nationals regularly residing in Austria and is based on a reciprocal process consisting of the systematic provision of integration measures (promoting integration) and the obligation to actively cooperate in the integration process (integration obligation), has been in force in Austria since 2017 (Art. 1 para. 1 Integration Act). The target group of the Integration Act includes persons granted asylum and beneficiaries of subsidiary protection status, third-country nationals who have settled in Austria⁵⁹ and third-country nationals with a temporary right of residence as displaced persons (Art. 3 Integration Act). The Integration Act includes such integration measures as German courses for persons granted asylum, beneficiaries of subsidiary protection and displaced persons; orientation and values courses for persons granted asylum and beneficiaries of subsidiary protection; as well as the Integration Agreement for third-country nationals who have settled in Austria, which consists of two modules and is focused on the teaching of German-language skills and the fundamental values of the legal and social system.

The **Austrian Integration Fund** is a partner of the Federal State in the implementation of integration measures and is responsible for the organization of German courses, orientation and values courses, as well as the Integration Agreement (Austrian Integration Fund, n.d.a).

7.1 Labour market integration

Due to the shortage of labour and skilled workers, the **labour market integration of persons granted asylum and beneficiaries of subsidiary protection as well as of immigrant skilled workers** was a priority in 2023 (see Section 2). One focus was, for example, on the labour market integration of migrants in the care sector for which according to a press release from the Federal Minister for Integration in May 2023 an additional EUR 1 million would be provided (Federal Chancellery, 2023b).

- Digitalization and expansion of language provisions
- Integration Service for Professionals: New service centre for foreign skilled workers, their families and businesses
- Challenges posed by deskilling
- Debate surrounding mandatory voluntary work for asylum-seekers

58 Integration Act, FLG. I No. 68/2017, in the version of federal law FLG. I No. 76/2022.

59 Settlement is the actual or intended future stay in the federal territory for the purpose of establishing a residence that actually exists for more than six months per year; the establishment of a centre of vital interests or the taking up of gainful employment that is not merely temporary (Art. 2 para. 2 Settlement and Residence Act, FLG. I No. 100/2005, in the version of FLG. I No. 175/2023).

The Austrian Integration Fund began issuing **digital certificates for integration and language tests** in January 2023 (Austrian Integration Fund, 2023a). Furthermore, the Austrian Integration Fund introduced a new digital assessment process. Initial consultation, placement and course booking can now be completed in a single appointment (Austrian Integration Fund, n.d.b). To improve the balance between work and learning German, the free **Language Portal** (sprachportal.at), a learning platform provided by the Austrian Integration Fund, was updated and expanded in August 2023 (Austrian Integration Fund, 2023b). The contents of the portal revolve around occupational and pre-vocational German language learning.⁶⁰ At the end of November 2023, for example, a new, free online course format specific to jobs in care and personal assistance was made available on the Language Portal (Austrian Integration Fund, 2023d).

In 2023, the Integration Report compiled annually by the Expert Council for Integration focused on the integration of young people. In order to promote the educational success of young people from a migratory background, the Expert Council for Integration recommended prioritizing the advancement of German-language skills and spoke in favour of more systematic and context-related educational and career counselling and an expansion of the range of modular training systems available (Expert Council for Integration, 2023:58f.). With regard to the labour market integration of refugees, the report points out that the proportion of refugees in employment is increasing (albeit slowly), while at the same time observing that the level of education of the newly arrived refugees has fallen in recent years. According to the report, around 70 per cent of recognized asylum-seekers and beneficiaries of subsidiary protection who attended their first course provided by the Austrian Integration Fund in 2022 had literacy needs, and pass rates, especially for literacy courses, are low. According to the integration report, better language skills do not automatically lead to higher labour market integration. At the same time, it shows that the labour market can also absorb people with rather poor German language skills (Expert Council for Integration, 2023:24f., 59f.). Against this background, the Federal Minister for Integration introduced the idea of a **“performance obligation” for German and values courses** during the presentation of the integration report (Der Standard, 2023c). The Austrian Green Party coalition partner rejected the proposed cuts to social assistance in this context and experts questioned the legal compliance of a regulation of this sort (Der Standard, 2023c).

The **Integration Service for Professionals** included in the government programme was put into operation in October 2023. This coordination office, which has been established at the Austrian Integration Fund, is a central point of contact for foreign skilled workers, their families and interested companies. The office provides extensive advice and information services, including advice on German language learning services for skilled workers (focusing on job-specific, occupational and digital language courses), assistance with the recognition of training and qualifications, and pre-integration advice and events (Austrian Integration Fund, 2023c).

A need for action was identified in the **recognition of qualifications** acquired abroad (Kohlenberger, 2023a; Strobl, 2023). People with foreign educational qualifications are often overqualified for their positions. In Vienna, this applies to around a third of all employees with a migrant background with intermediate and higher educational qualifications from a third country (City of Vienna, 2023:114). According to migration researcher Kohlenberger, demands for qualified immigration are therefore offset by a significant number of overqualified

60 Written input: Federal Chancellery, 23 January 2024.

migrants (Kohlenberger, 2023a). In view of the acute shortage of skilled workers and the tendency for individuals with foreign educational qualifications to be employed in roles for which they are overqualified an interministerial meeting on the recognition of foreign vocational and educational qualifications took place on 9 November 2023, led by the Federal Chancellery. In the future, further meetings are to be organized quarterly to promote cooperation, information and discussion across ministries on the cross-government subject of professional recognition.⁶¹ Additionally, in December 2023, the Integration Service for Professionals extended the opportunities for reimbursement of the costs incurred in the recognition and assessment of foreign qualifications. Since then, in addition to persons granted asylum and subsidiary protection status, temporary protection and third-country nationals with long-term prospects of staying, Red-White-Red cardholders may also receive funds and the possible amount of assistance was increased from EUR 1,000 to EUR 1,500 per person (Austrian Integration Fund, 2023e).

Another topic that has been discussed both politically and in the media is **voluntary work for asylum-seekers**. According to media reports, an obligation to undertake voluntary work was decided upon in the Conference of Provincial Refugee Case Workers in September 2023 and the Federal Ministry of the Interior was charged with the development of a model to enable work in non-profit organizations.⁶² It was previously possible to carry out voluntary charitable work in the accommodation provided (for example, cleaning services, kitchen work) or on behalf of the Federal State, provinces and municipalities (for example, land management) for a token payment ("remunerated work"; Art. 7 para. 3 Federal Basic Care Act 2005; see also Ebner, 2023:25f.). In December 2023 it was still unclear whether a model had been submitted (Der Standard, 2023h; ORF.at, 2023f). At provincial level, the Austrian People's Party in Vorarlberg announced a "Vorarlberg Code" at the beginning of November, which obliges asylum-seekers to undertake voluntary work (Der Standard, 2023i). This was supported by politicians in the Austrian People's Party at both government and provincial level (Hager and Gebhart, 2023; ORF.at, 2023g). The Social Democratic Party of Austria and the NEOS party in Vienna, Austrian Green Party politicians and the Volkshilfe organization criticized the proposal (Der Standard, 2023h, 2023i; Stempf, 2023; Volkshilfe Österreich, 2023). Experts questioned the legal feasibility of this obligation and its compliance with human rights (ORF.at, 2023a; Stempf, 2023). According to media reports, however, a review by the Federal Ministry of the Interior showed that it is legally possible to reduce the allowance provided to asylum-seekers who refuse to undertake voluntary work (ORF.at, 2023g). The details of this expert legal opinion are not known.

61 Written input: Federal Chancellery, 23 January 2024.

62 This is generally possible by means of a regulation (Art. 7 para. 3a Federal Basic Care Act 2005, FLG. I No. 405/1991, in the version of federal law FLG. I No. 53/2019).

7.2 Prevention of antisemitism and extremism

Infobox 7: Antisemitism, extremism and racism

According to the working definition adopted by the International Holocaust Remembrance Alliance (IHRA) and supported by Austria, **antisemitism** is a certain perception of Jews that can be expressed as hatred towards Jews. Antisemitism is directed in word and deed against Jewish or non-Jewish individuals and/or their property as well as against Jewish community institutions and religious organizations (Federal Chancellery, 2021:53).

According to the working definition of the Austrian Strategy for the Prevention of Extremism and Deradicalisation, **extremism** in turn refers to a political, religious or ideological attitude “directed to the extreme”. The aim is to achieve a total change in the social order system. The use of violence and coercion in extremism is a legitimate means of achieving this goal (Nationwide network for the prevention of extremism and deradicalisation, 2019).

The UN Convention on the Elimination of All Forms of Racial Discrimination (CERD), to which Austria is a party, defines **racism** as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or wha other field of public life.⁶³ According to the non-governmental organization ZARA - Civil Courage and Anti-Racism Work, racism amounts to discrimination against people due to the biological and/or cultural (including religious) characteristics and/or the origin ascribed to them (ZARA, n.d.). Currently, cultural differences are often central to this, as they are presented as natural and unchangeable. Anti-Muslim racism and antisemitism are examples of racism that focus on the alleged irreversibility of cultural difference. A national action plan to combat racism does not currently exist in Austria, but was called for in 2022 in the **Black Voices referendum petition** (Black Voices Anti-Rassismus Volksbegehren, n.d.). However, the petition fell just short of the 100,000 signatures required for discussion in the National Council. Subsequently, members of the Social Democratic Party of Austria in the National Council submitted a petition containing the demands of Black Voices to the National Council in October 2022 (Austrian Parliament, n.d.).

Since the drastic attack on Israel by Hamas on 7 October 2023 and the war in Gaza, the number of **antisemitic incidents** in Austria has increased. The antisemitism reporting office of the Jewish Community Vienna (IKG) registered 1,147 antisemitic incidents in 2023, which corresponds to an increase of 59.5 per cent compared to 2022 (IKG Vienna, 2023). Measures

- Increase in antisemitism and anti-Muslim racism
- Focus on segregation

63 Art. 1 para. 1 Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965. United Nations Treaty Series vol. 660.

to prevent and combat antisemitism have been increasingly established in the area of integration. Reference should also be made to the work of the Documentation Centre for Political Islam, which documents extremist, anti-democratic activities, including antisemitism (Documentation Centre for Political Islam, 2023). Furthermore, the increase in antisemitic incidents prompted the Austrian People's Party in Lower Austria to launch a "zero tolerance initiative", which provided for stricter integration and naturalization regulations. Green politicians rejected the proposal (Der Standard, 2023g; Völker, 2023).

The number of **anti-Muslim incidents** in Austria also increased (Documentation Centre Austria, 2023). The Documentation and Advice Centre on Islamophobia and Anti-Muslim Racism criticized generalizing statements made by politicians against Muslims and called for social division and all forms of discrimination to be counteracted (Documentation Centre Austria, 2023).

In March 2023, **demands relating to a National Action Plan against Racism** were discussed in Parliament with activists from the Black Voices Petition (Black Voices Anti-Racism Petition, 2023; SPÖ-Parlamentklub, 2023). Statements for the Black Voices Petition were obtained in the course of 2023 (Austrian Parliament, n.d.). The petition was supported, for example, by the non-governmental organization ZARA - Civil Courage and Anti-Racism Work, which called for the creation of a National Action Plan against Racism (ZARA, 2023). According to a study on racism against Black people published by the European Union Agency for Fundamental Rights (FRA) in October 2023, Austria is one of the countries in the European Union where most respondents stated that they had been discriminated against in the past five years because of their skin colour, origin or religion. For example, 59 per cent of respondents reported experiencing discrimination when looking for work, which is the highest proportion across the European Union. A comparison with an earlier FRA study also indicates that racism is on the rise in Austria (FRA, 2023:27, 36f., 59).

On 27 April 2023, the Federal Chancellery presented the report *Gesellschaftlicher Zusammenhalt und Segregation - Eine Bestandsaufnahme zu Integration und Disintegration in Österreich* (Social Cohesion and Segregation - A Review of Integration and Disintegration in Austria), which was drawn up in implementation of the government programme (Austrian Federal Government, 2020:159).⁶⁴ Subsequently, the Federal Chancellery established the new funding priority "**Prevention of extremism and segregation**" as part of the National Integration Promotion 2024/2025 call. Among other things, this is intended to promote low-threshold programmes that prevent segregation tendencies and prevent extremism among young people.⁶⁵

The 2023 **amendment to the Prohibition Act**⁶⁶ was promulgated on 30 December 2023. Among other changes, this amendment set out stricter penalties for certain offences and envisaged an alignment of the penalties for displaying National Socialist symbols and other banned symbols in Austria, for example, symbols of the Islamic State, Hamas, the Grey Wolves and Kurdistan Workers' Party (Parliamentary Administration, 2023g). The changes came into force on 1 January 2024.

⁶⁴ Written input: Federal Chancellery, 23 January 2024.

⁶⁵ Ibid.

⁶⁶ Amendment to the Prohibition Act 2023, FLG. I No. 177/2023.

8 IRREGULAR MIGRATION

Infobox 8: Irregular migration and smuggling of migrants

There is no universally accepted definition of **irregular migration**. Irregular migration is generally understood as entry, residence or taking up work or a combination (e.g. irregular residence and work) in a country without the necessary authorisation or documents required under the immigration rules (see EMN, 2024:198).

In the case of **asylum-seekers** entering the country irregularly, the Geneva Refugee Convention⁶⁷ must be considered. As the circumstances surrounding forced displacement do not usually make it possible for asylum-seekers to obtain the documentation for legal entry into the country of destination, irregular entry is not to be sanctioned according to Art. 31 para. 1 Geneva Refugee Convention (UNHCR, 2013).

The **smuggling of migrants** is the arrangement of the irregular entry of an individual into a (United Nations) Member State, of which the individual does not have citizenship or authorized permanent residence, with the aim of directly or indirectly obtaining a financial or other material advantage (EMN, 2024:298).

8.1 Measures for the prevention of irregular migration

Reducing irregular migration – also against the backdrop of the European Council conclusions adopted in this regard in 2023 – was a priority for the Federal Ministry of the Interior. The following measures were implemented at national level: implementation of border controls⁶⁸ (which took place in 2023 with Czechia,⁶⁹ Hungary and Slovenia,⁷⁰ as well as Slovakia⁷¹ with the aim of maintaining public order and security and combating trafficking networks⁷²) and measures against smuggling networks, including participation in border point and border area controls in other countries. Among other things, the Federal Ministry of the

- Border controls with Czechia, Hungary, Slovakia and Slovenia
- Participation in border controls in other countries
- Cooperation with Hungary and Serbia

67 Convention relating to the Status of Refugees, 28 July 1951. United Nations Treaty Series vol. 189; Protocol relating to the Status of Refugees, 31 January 1967. United Nations Treaty Series vol. 606.

68 With regard to internal border controls, reference should be made to the ECJ ruling of 21 September 2023 (C-143/22), according to which the Return Directive also applies if a third-country national has entered the territory of a Member State before crossing a border crossing point at which such controls are carried out. The decision reduces the legal possibilities for refoulement at internal European borders. Written input: Federal Ministry of the Interior; Department V/B/7 (Aliens Police, Visa Affairs and ETIAS), 10 May 2024.

69 Temporary reintroduction of border controls at the internal borders with the Czech Republic, FLG. II No. 308/2023, in the version of FLG. II No. 382/2023.

70 Temporary reintroduction of border controls at the internal borders with Slovenia and Hungary, FLG. II No. 326/2023.

71 Temporary reintroduction of border controls at the internal borders with the Slovak Republic, FLG. II No. 295/2023, in the version of FLG. II No. 349/2023.

72 Written input: Federal Ministry of the Interior; Division V/A/5/a (EU migration affairs), 10 May 2024.

Interior assisted Hungary, Serbia and North Macedonia in carrying out border point controls, either through the direct local presence of Austrian police officers or appropriate technical assistance (Federal Ministry of the Interior, 2023p, 2023q, 2023w; Federal Office for Immigration and Asylum, 2023a). Austria also participated in international border area controls, such as Operation Fox (Federal Ministry of the Interior, 2023n),⁷³ which was extended until the end of May 2024 by a decree issued by the Federal Minister of the Interior on 2 June 2023 (Federal Ministry of the Interior, 2023d:8). In addition, the Federal Minister highlighted other measures to curb irregular migration, including the implementation of accelerated asylum procedures in cases with a low likelihood of being granted international protection (e.g. persons from Bangladesh, India or Morocco) and the systematic implementation of removals from the country (see Section 9.2; Federal Ministry of the Interior, 2023k:6, 2023s; Federal Office for Immigration and Asylum, 2023a). Many of these measures were initiated in 2022, as a result of the high number of applications for asylum (see Section 4.1; Parliamentary Administration, 2023b).

Austria also cooperated with Hungary and Serbia in 2023. Thus, for example, Austrian police officers were active both as part of Operation Fox and as part of the deployment at the Hungarian–Serbian border under the direction and in the presence of the Hungarian police. They are authorized to carry out sovereign tasks (for example, apprehending people and handing them over to the police) and are subject to Hungarian law. A parliamentary response to an enquiry emphasizes that Austrian police officers do not commit any acts that violate human rights during these operations. According to an operational agreement with Hungary, all actions which are incompatible with the rule of law, fundamental rights and ethical imperatives must be avoided (Federal Ministry of the Interior, 2023k). Civil society as well as political representatives have criticized the cooperation. The Migration Summit, which was attended by representatives from Austria, Hungary and Serbia and during which a Memorandum of Understanding (MoU) was adopted, took place in July 2023 in Vienna amid protests by a number of activists and non-governmental organizations (Hoang and Opis, 2023). Both civil society and the NEOS party demanded the withdrawal of Austrian police officers and warned of human rights violations and pushbacks (see further Hungarian Helsinki Committee, 2023) at the Hungarian–Serbian border (Asylkoordination, 2023d; Salzburger Nachrichten, 2023). The Federal Ministry of the Interior, however, rejected allegations that Austrian police officers were involved in pushbacks (Salzburger Nachrichten, 2023).

As background: The number of applications for international protection in Hungary is very low (2022: 45 applications; 2023: 30 applications; Eurostat, n.d.b). This is seen as a consequence of the “zero asylum policy” that Hungary has been following since 2015, which included the erection of a border fence on the Hungarian–Serbian border (Mayer, 2022) and which makes application for international protection more difficult in a way that is contrary to EU law (Bauer, 2023; CJEU, 2020). Nevertheless, according to media reports, many asylum-seekers travel directly from Serbia to Hungary. This is also reflected in border crossings into Austria. According to the report by the Federal Ministry of the Interior into the smuggling of migrants, the majority of the recorded irregular border crossings (63%) in 2022 were from Hungary (Federal Ministry of the Interior, 2023i). According to media reports, the “zero asylum policy” has paradoxically made Hungary an attractive destination for asylum-seekers, as, once they have made it into other EU countries, they do not have to fear being transferred back to Hungary (ORF.at, 2023d).

73 Operation Fox is a cross-border cooperation measure in which Austrian police officers are deployed in Hungary (Federal Ministry of the Interior, 2023k).

8.2 Cooperation in the prevention of irregular migration

Bulgaria and **Romania** are viewed as important partners for the Federal Ministry of the Interior due to their geographical position on the EU's external borders, the high volume of smuggling activities and the diverse irregular migration routes (Parliamentary Administration, 2023e). In 2023, Austria agreed a bilateral action plan with

both Romania (Federal Ministry of the Interior, 2023o, 2023r; Provincial Police Directorate of Burgenland, 2023) and Bulgaria (Federal Criminal Intelligence Service Austria, 2023) in order to deepen cooperation with both countries, prevent smuggling and restrict irregular migration. Furthermore, an administrative agreement was signed with Romania on 23 August 2023 to implement the obligations arising from the Dublin III Regulation, which has been in force since 29 October 2023.⁷⁴

- Cooperation with the EU Member States Bulgaria and Romania
- Cooperation with third countries India, Iraq and Morocco

Cooperation with third countries was also of growing importance to the Federal Ministry of the Interior, whereby the activities of the Joint Coordination Platform (JCP) played a key role. These included training events and lectures on the individual topics of the JCP mandate (Federal Ministry of the Interior, 2023v:2) as well as the implementation of a regional project that supports Western Balkan partners, particularly in improving contacts with countries of origin of irregular migrants (see EMN Austria, 2024:56, 61). On 28 February 2023, Austria and **Morocco** signed a joint declaration that created a basis for future cooperation in the area of irregular migration (Federal Ministry of the Interior, 2023m). The impetus for the declaration was, among other issues, the comparatively high number of applications for international protection by Moroccan nationals (2022: 8,699 applications; Federal Ministry of the Interior, 2023a; 7), 90 per cent of whom, according to the Federal Ministry of the Interior, came to Austria through smuggling (Federal Ministry of the Interior, 2023m). According to the asylum statistics for 2023, Moroccan nationals with 6,948 applications represented the fourth-highest number of asylum-seekers (see Section 4.1). While the number of applications fell between January and April 2023 (January: 1,209; April: 251), almost as many Moroccans applied for asylum in August and September 2023 as before the declaration was signed (August: 1,113; September: 1,085), before the number of applications fell again in the fourth quarter (Federal Ministry of the Interior, 2024a:16).

The Migration and Mobility Partnership Agreement between Austria and **India**, which came into force on 1 September 2023, aims to strengthen collaboration between Austria and India in efforts to restrict irregular migration, smuggling activities and trafficking in human beings (Art. 1 para. 4).⁷⁵ In the event of a significant increase in or a significant volume of irregular migration of nationals of one party to the territory of the other party, a joint working group will analyse the situation and propose concrete measures to reduce the number of irregular migrants (Art. 13). The impetus for the agreement was the increase in irregular migrants from India (Federal Ministry for European and International Affairs, 2023a). In 2022, Indian nationals were able to enter Serbia without a visa; this was no longer possible in 2023 (Asylkoordination, 2023b).

⁷⁴ Written input: Federal Ministry of the Interior, Division V/A/5/a (EU migration affairs), 10 May 2024.

⁷⁵ Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

Austria also strengthened its relations with **Iraq** in 2023. On 11 September 2023, Austria signed a Memorandum of Understanding (MoU) in the area of security with Iraq during a working visit by the Federal Minister for European and International Affairs to Baghdad. The aim of the MoU was to intensify cooperation between Austria and Iraq in various areas, including irregular migration (Federal Ministry of the Interior, 2023t).⁷⁶ Furthermore, the Austrian Embassy in Baghdad was reopened on 12 September, which has strengthened the monitoring of current migration movements and developments (through a so-called early warning system; Federal Ministry for European and International Affairs, 2023b). In July 2023, Austria and Iraq signed a MoU in the area of return, see Section 9.3.

⁷⁶ Written input: Federal Ministry for European and International Affairs, 25 January 2024.

9 RETURN AND REINTEGRATION

Infobox 9: Voluntary return and forced removal from the country

Return is defined as the journey back of an individual from their host country to their country of origin, the country of their citizenship or their usual country of residence following a longer period of residence in the host country, regardless of whether this return is voluntary, forced, supported or spontaneous (EMN, 2024:282). **Voluntary return** is the supported or independent return to the country of origin, transit country or third country based on the free will of the returnee (EMN, 2024:146). **Forced removal from the country** is only possible by official order of the Federal Office for Immigration and Asylum if an enforceable return decision, an order of removal from the country, an expulsion or exclusion order has been issued (Federal Office for Immigration and Asylum, n.d.). EU citizens can also be expelled if they no longer have the right of residence under EU law.⁷⁷

In practice, not rarely are cases of removal unfeasible for legal, humanitarian or practical reasons (Geddes et al., 2020:111f). The non-refoulement principle, for example, prevents the removal of individuals to countries in which they face the risk of serious violations of their human rights. Respect for family life and privacy (Art. 8 EHCR) or health reasons may also prevent removal. In some cases, deportations are only possible to a limited extent or not at all due to a lack of readmission willingness with countries of origin. In the literature, this phenomenon of non-removability is referred to as a **deportation gap**⁷⁸ (Rosenberger et al., 2018).

9.1 Voluntary return

In 2023, Austria offered **Return with Prospects reintegration programmes** for voluntary returnees in 40 countries of origin. The aim of the reintegration programmes was to facilitate a new start for individuals in their country of origin through counselling, training, and financing of a business idea or medical assistance.

The schemes were implemented primarily as part of the Frontex Joint Reintegration Services (JRS), as well as with other partners like the International Organization for Migration (IOM), European Technology and Training Centre (ETTC), French Office for Immigration and Integration (OFII; Federal Ministry of the Interior, 2023h).⁷⁹ In addition, a brochure entitled Stories of Return

- Reintegration offerings in 40 countries of origin
- Package of measures to promote voluntary return to Iraq

⁷⁷ Art. 66 para. 1 Aliens Police Act 2005, FLG. I No. 100/2005, as amended by FLG. I No. 202/2022.

⁷⁸ In the literature and in political discourse, the return rate is often used in this context. Stutz and Trauner, for example, point out the problems associated with the comparability and reliability of the data and the use of the return rate in political discourse (Stutz and Trauner, 2021).

⁷⁹ Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

and Reintegration, produced by IOM Austria in collaboration with reintegration partners, was published in March 2023. The brochure was commissioned by the Federal Ministry of the Interior and contains information and accounts of experiences relating to the return and reintegration process (Federal Ministry of the Interior, 2023h). In 2023, a study commissioned by IOM Austria analysing both the motives of voluntary returnees in the context of national and EU-wide return strategies as well as existing support mechanisms,⁸⁰ and providing recommendations for the further development of the Austrian voluntary return system, was published (Angleitner et al., 2023).

As a result of the intensified return cooperation with Iraq (see Section 9.3) the Federal Ministry of the Interior implemented a **package of measures to promote voluntary return to Iraq**. Among other things, voluntary returnees received a special financial bonus of EUR 1,000 per person (maximum EUR 3,000 per family) as return assistance from 3 October to 31 December 2023 (Federal Agency for Reception and Support Services, 2023; Federal Office for Immigration and Asylum, 2023c). The package of measures included the improvement of processes relating to the procurement of replacement travel documents, the implementation of renewed return counselling, the involvement of two reintegration counsellors from Iraq as part of Frontex's Joint Reintegration Counselling Missions (JRCM) pilot project, communication measures (online and in person) and measures in the area of forced return.⁸¹

9.2 Forced removal from the country

In 2023, the charter returns organized by Austria were almost entirely carried out as Frontex Joint Return Operations (JRO), unless otherwise specified by third countries. In addition, bilateral exchanges with other EU Member States were further expanded.⁸² One focus was on the repatriation of offenders (Federal Office for Immigration and Asylum, 2023b).

- The majority of forced removals from the country involve EU citizens

⁸⁰ Motives for voluntary return were identified as, for example, the desire to be close to family or friends, a lack of prospects to stay and health reasons. Motives against voluntary return include persecution and a lack of employment prospects in the country of origin, social relationships, education, and training careers as well as income in Austria and formal legal reasons (such as waiting for an asylum procedure).

⁸¹ Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

⁸² Ibid.

Table 1: Number of returns from Austria by category (2022 and 2023)

	2022	2023
Voluntary departure	8 079	6 910
Forced departure	4 471	5 990
Removals	3 371	4 750
Dublin transfers	1 100	1 240
Total departures	12 550	12 900

Source: Federal Ministry of the Interior, 2023h:20, 2024c:21.

It should be noted that the majority of removals involve EU citizens. The parliamentary response to an enquiry in November 2023 reveals that between January and August 2023, 3,991 forced removals from the country were carried out, of which 2,240 (56%) involved EU citizens (Federal Ministry of the Interior, 2023f:14–16).

9.3 Cooperation with third countries in the area of return

In 2023, Austria strengthened cooperation with third countries in the area of return. Among other things, return and reintegration were key components of the declaration between Austria and **Morocco** (Federal Ministry of the Interior, 2023c:2: see also Section 8.2). Cooperation with Morocco is considered particularly important with regard to return preparation (establishing nationality and issuing return travel certificates; Federal Ministry of the Interior, 2023b, 2023c). The parliamentary response to an enquiry reveals that between January and August 2023, over three times as many return travel certificates were issued for Moroccan nationals than in the whole of 2022 (Federal Ministry of the Interior, 2023f:10–11).

- Implementation protocol on readmission with Armenia
- Declaration of intent on cooperation with Iraq
- Provisions on return in agreements with India and Morocco

To strengthen and facilitate cooperation between Austria and **Armenia** on the readmission of persons residing irregularly,⁸³ Austria and Armenia signed an implementation protocol for the readmission of irregular migrants on 18 July 2023.⁸⁴ Among other things, the protocol defines responsibilities, procedures, border crossing points and contact details.⁸⁵

⁸³ Written input: Federal Ministry for European and International Affairs, 25 January 2024.

⁸⁴ Written input: Federal Ministry for European and International Affairs, 25 January 2024; Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

⁸⁵ Written input: Federal Ministry of the Interior, Department V/B/10 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

With the aim of further promoting the voluntary return and reintegration of Iraqi nationals and facilitating the forced return of Iraqi nationals,⁸⁶ Austria and **Iraq** signed a declaration of intent on increased cooperation on migration issues on 20 July 2023 (Federal Ministry of the Interior, 2023t). Readmission was explicitly stipulated in the EU-Iraq Partnership and Cooperation Agreement back in 2018.⁸⁷ Based on this declaration, a charter return flight to Iraq was organized for the first time in October 2023,⁸⁸ after the Austrian embassy in Baghdad was reopened in September 2023 and a Memorandum of Understanding was signed with Iraq (see Section 8.2). According to media reports, multiple refugee organizations protested against the return charter flight (Brickner et al., 2023a). The Austrian Green Party was also critical of the removal and pointed out that no official return agreement exists (Brickner et al., 2023c).

In order to strengthen and facilitate cooperation in the forced return process (Art. I para. 5), the Migration and Mobility Agreement between Austria and **India** also contains provisions on the forced return of nationals who are required to leave the country.⁸⁹ These related, for instance, to determination of nationality, issuing of original or replacement travel documents, different deadlines, assumption of costs as well as modalities of communication and exchange of data (Art. II). Voluntary return was agreed as the preferred option. Austria declared its willingness to offer return counselling and, if necessary, financial support for voluntary return (Art. I2). The Federal Ministry of the Interior stated that it would force the return of Indian nationals whose asylum procedures in Austria had been concluded with a final negative decision (Der Standard, 2023b). The parliamentary response to an enquiry reveals that between January and August 2023, 382 Indian nationals left Austria and 72 Indian nationals were removed. The number of return travel certificates issued doubled from 237 in 2022 to 474 in the period from January to August 2023 (Federal Ministry of the Interior, 2023f).

86 Ibid.

87 Written input: Federal Ministry of the Interior, Department V/B/I0 (Return, Reintegration and Quality Development), 10 May 2024.

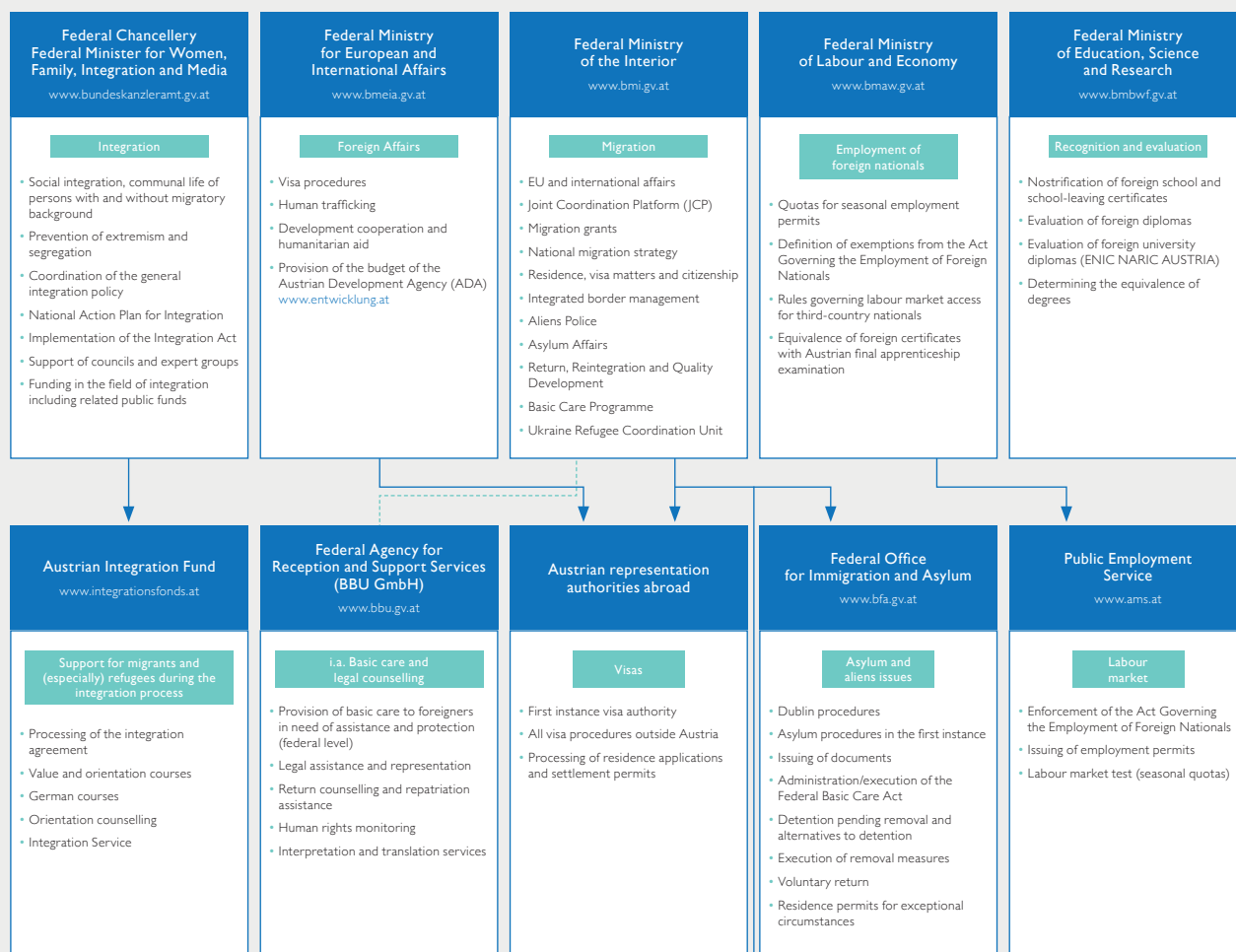
88 Written input: Federal Ministry of the Interior, Department V/B/I0 (Return, Reintegration and Quality Development) in coordination with the Team Agreements, 23 January 2024.

89 Agreement between the Austrian Federal Government and the Government of the Republic of India on a Comprehensive Partnership for Migration and Mobility, FLG. III No. 127/2023.

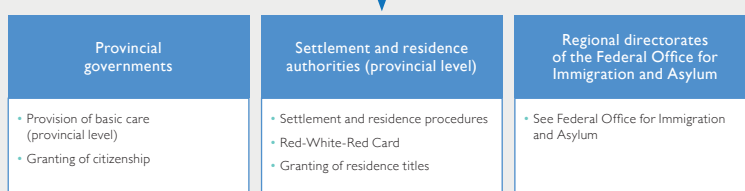
ANNEX

Institutional Framework for the State Migration and Asylum System*

Federal Level



Provincial Level



Legend:

- Bound by instructions
- Other relationship

* This institutional chart provides an indicative overview of the State migration and asylum system in Austria as of May 2024

Courts



Control over:

- Public Employment Service
- Federal Office for Immigration and Asylum
- Austrian representation authorities abroad
- Non-central authorities

List of translations and abbreviations

English term	English abbreviation	German term	German abbreviation
Act Governing the Employment of Foreign Nationals	–	Ausländerbeschäftigungsgesetz	AuslBG
Agreement between the Federal State and the Provinces on Basic Care – Art. 15a Federal Constitutional Act	–	Grundversorgungsvereinbarung – Art. 15a B-VG	GVV
Aliens Police Act 2005	–	Fremdenpolizeigesetz 2005	FPG
Asylum Act 2005	–	Asylgesetz 2005	AsylG 2005
Austrian Broadcasting Corporation	–	Österreichischer Rundfunk	ORF
Austrian Federal Economic Chamber	–	Wirtschaftskammer Österreich	WKO
Austrian Freedom Party	–	Freiheitliche Partei Österreich	FPÖ
Austrian Integration Fund	–	Österreichischer Integrationsfonds	ÖIF
Austrian People's Party	–	Österreichische Volkspartei	ÖVP
Austrian Trade Union Federation	–	Österreichischer Gewerkschaftsbund	ÖGB
Chamber of Labour	–	Arbeiterkammer	AK
Civil Courage and Anti-Racism Work	ZARA	Zivilcourage und Anti-Rassismus Arbeit	ZARA
Court of Justice of the European Union	CJEU	Gerichtshof der Europäischen Union	EuGH
European Convention on Human Rights	ECHR	Europäische Menschenrechtskonvention	EMRK
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Union	EU	Europäische Union	EU
European Union Agency for Asylum	EUAA	Asylagentur der Europäischen Union	EUAA

English term	English abbreviation	German term	German abbreviation
Federal Administrative Court	–	Bundesverwaltungsgericht	BVwG
Federal Agency for Reception and Support Services	–	Bundesagentur für Betreuungs- und Unterstützungsleistungen	BBU GmbH
Federal Chamber of Labour	–	Bundesarbeitskammer	BAK
Federal Chancellery	–	Bundeskanzleramt	BKA
Federal Constitutional Act	–	Bundes-Verfassungsgesetz	B-VG
Federal Law Gazette	FLG.	Bundesgesetzblatt	BGBI.
Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology	–	Bundesministerium für Klimaschutz, Umwelt, Energie, Mobilität, Innovation und Technologie	BMK
Federal Ministry for European and International Affairs	–	Bundesministerium für europäische und internationale Angelegenheiten	BMEIA
Federal Ministry of Education, Science and Research	–	Bundesministerium für Bildung, Wissenschaft und Forschung	BMBWF
Federal Ministry of Justice	–	Bundesministerium für Justiz	BMJ
Federal Ministry of Labour and Economy	–	Bundesministerium für Arbeit und Wirtschaft	BMAW
Federal Ministry of Social Affairs, Health, Care and Consumer Protection	–	Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz	BMSGPK
Federal Ministry of the Interior	MoI	Bundesministerium für Inneres	BMI
Federal Office for Immigration and Asylum	–	Bundesamt für Fremdenwesen und Asyl	BFA
Federation of Austrian Industries	–	Industriellenvereinigung	IV
General Social Insurance Act	–	Allgemeines Sozialversicherungsgesetz	ASVG

English term	English abbreviation	German term	German abbreviation
Health Care Act	–	Gesundheits- und Krankenpflegegesetz	GuGK
Integration Act	–	Integrationsgesetz	IntG
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
Joint Coordination Platform	JCP	Joint Coordination Platform	JCP
Joint Operational Office	JOO	Joint Operational Office	JOO
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
National Socialism	–	Nationalsozialismus	NS
NEOS – The New Austria	NEOS	NEOS – Das Neue Österreich	NEOS
Official Journal of the European Union	OJ	Amtsblatt der Europäischen Union	ABl.
page	p.	Seite	S.
Public Employment Service	–	Arbeitsmarktservice	AMS
Recognition and Assessment Act	–	Anerkennungs- und Bewertungsgesetz	AuBG
Red-White-Red Card	RWR Card	Rot-Weiß-Rot – Karte	RWR-Karte
Regulation Governing the Employment of Foreign Nationals	–	Ausländerbeschäftigungsverordnung	AuslBVO
Regulation on Displaced Persons	–	Vertriebenen-Verordnung	VertriebenenVO
Schengen Borders Code	–	Schengener Grenzkodex	SGK
Settlement and Residence Act	–	Niederlassungs- und Aufenthaltsgesetz	NAG
Settlement Regulation	–	Niederlassungsverordnung	NLV

English term	English abbreviation	German term	German abbreviation
Social Democratic Party of Austria	–	Sozialdemokratische Partei Österreichs	SPÖ
Supreme Administrative Court	–	Verwaltungsgerichtshof	VwGH
Supreme Court	–	Oberster Gerichtshof	OGH
Unaccompanied minors	UAM	Unbegleitete Minderjährige	UMF
United Nations High Commissioner for Refugees	UNHCR	Hoher Flüchtlingskommissar der Vereinten Nationen	UNHCR

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EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2003, by the European Commission and by order of the European Council, in order to satisfy the need for a regular exchange of reliable information in the field of migration and asylum at European level. Since 2008 the Council Decision 2008/381/EC has constituted the legal basis of the EMN. National Contact Points (NCPs) have been established in each European Union Member State (except Denmark) and in EMN Observer Countries (Armenia, Georgia, Montenegro, Norway, the Republic of Moldova, Serbia and Ukraine).

The EMN's role is to provide up-to-date, objective, reliable and comparable information on migration and asylum to European Union institutions and Member States' authorities and institutions with a view to supporting policymaking in the European Union in these areas. The EMN is also tasked with providing such information to the general public.

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

The main tasks of the NCPs in implementing the work programme of the EMN include drafting the annual policy reports and studies covering specific topics, responding to ad hoc queries launched by other NCPs or the European Commission, carrying out activities to increase the EMN visibility, and networking within several fora. In addition, the NCPs in each country also set up national networks of organizations, institutions and individuals working in the field of migration and asylum.

In general, the NCPs do not conduct primary research but collect and analyse existing data and information, which are supplemented where necessary through additional information collected directly. EMN studies are prepared in accordance with common study templates in order to achieve comparable results within the European Union and Norway. Since comparing results frequently proves challenging, the EMN has produced a Glossary, which ensures that similar definitions and terminology are used in all national reports.

On completion of national reports, the European Commission with the support of a service provider drafts a synthesis report, which summarizes the most significant results from the individual national reports. In addition, topic-based policy briefs, referred to as EMN Informs, are prepared as succinct summaries and comparisons of national findings on key selected topics. All national studies, synthesis reports, Informs and the Glossary are available on the website of the European Commission Directorate-General for Migration and Home Affairs.

