

# AUSTRIA ANNUAL POLICY REPORT

The opinions presented in this report are those of the NCP Austria and do not represent the position of the Austrian Federal Ministry of the Interior.

2011

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## **EXECUTIVE SUMMARY**

This national report has been produced within the framework of the annual reporting of the National Contact Points (NCPs) in the European Migration Network (EMN). The report gives an overview of the most significant political and legislative developments in the areas of asylum and migration in Austria in the year 2011 and provides the reader with related information on policy and public debates.

Additionally, the Annual Policy Report 2011 offers an overview of the implementation of both the European Pact on Immigration and Asylum and the Stockholm Programme in a separate Annex. This approach facilitates the production of the European Commission Staff Working Paper on the Third Annual Report on Immigration and Asylum of the European Commission. The European Commission will report to the European Council in June 2012 on the transposition of the European Pact on Immigration and Asylum and of the Stockholm Programme, referring to the situation in the EU Member States based on the Annual Policy Reports of the EMN NCPs.

The main policy and legislative developments in Austria in 2011 concerned the immigration of (highly) qualified workers, integration issues and the introduction of free legal aid; all as part of the amendments to the aliens' law which came into effect from 1 July 2011. These developments were accompanied by extensive debates in the media and among relevant actors in the field of migration and asylum.

The immigration of (highly) qualified workers was given a new legislative framework: through the introduction of the new residence titles "Red-White-Red Card" and "Red-White-Red Card plus" as well as the "Visa for the Purpose of Job Search", an immigration system was created that allows highly qualified workers, skilled workers, key workers, other key workers and graduates of Austrian universities as well as their family members entry into Austria and access to the Austrian labour market without quota regulations, but based on a fixed point system.

Implementing the Return Directive (2008/115/EC), a comprehensive system of free legal aid during aliens' police proceedings was established. Third country nationals, in general, are now provided with a legal advisor with expertise in aliens' law during aliens' law proceedings. A system of free legal aid was also introduced to most of the stages of the asylum procedure.

Furthermore, the Employers' Sanctions Directive (2009/52/EC) was also implemented in the course of the amendments to the Aliens' Law in 2011.

On the institutional level, the main debates concentrated on the introduction of the new State Secretariat for Integration within the Federal Ministry of the Interior. Furthermore, proposals for a reform of the general administrative procedures were reiterated.

## **1. INTRODUCTION**

### **1.1 Purpose**

The Annual Policy Report 2011 has been produced within the framework of the European Migration Network (EMN),<sup>1</sup> which was established by Council Decision 2008/381/EC in May 2008.<sup>2</sup> The EMN provides up-to-date, objective, reliable and comparable information on migration and asylum matters with the aim of supporting policy making on the EU and national level as well as making this information available to the general public.

This is the eighth Annual Policy Report<sup>3</sup> compiled by the National Contact Point Austria in the EMN and covers the period from 1 January to 31 December 2011. The purpose of the EMN Annual Policy Report is to provide an overview of the most significant political and legislative developments in Austria, as well as of public debates in the area of asylum and migration.

These national reports of the EMN NCPs will form the basis for a synthesis report,<sup>4</sup> which will be produced by GHK-COWI, the service provider of the European Commission for the EMN. The aim of the synthesis report is to summarise and compare the findings in the national reports in order to provide an overview of policies in the EU Member States to policymakers and to the general public.

The Annex to the Annual Policy Report contributes to the European Commission Staff Working Paper, a factual report which summarises the main actions taken and the most significant developments planned at the EU and Member State level for each of the commitments made in the European Pact on Immigration and Asylum and the Stockholm Programme. The European Commission Staff Working Paper forms part of the Third Annual Report on Immigration and Asylum of the European Commission. The Annual Report also includes a Communication highlighting the main political developments over the reporting period at both the EU and Member State level.

### **1.2 Methodology**

The national report was produced following common study specifications developed by the EMN in order to facilitate comparability between the findings from all Member States.

To prepare the Annual Report on Immigration and Asylum of the European Commission, the Annual Policy Reports follow the *méthode de suivi* as defined in the Communication of the European Commission (COM (2009) 266)<sup>5</sup>. The tracking method stipulates which and how

<sup>1</sup> More information on the EMN is available at: <http://www.emn.europa.eu> (accessed on 10 January 2011).

<sup>2</sup> Council Decision 2008/381/EC of 14 May 2008 on establishing a European Migration Network, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:131:0007:0012:EN:PDF> (accessed on 7 May 2012).

<sup>3</sup> Previous versions ranging from 2004 onwards are available at: <http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?entryTitle=1.%20Annual%20Policy%20Reports>

<sup>4</sup> The synthesis report will be available in mid 2011 at <http://www.emn.europa.eu/> in the reports section.

<sup>5</sup> Communication from the Commission to the Council and the European Parliament on Tracking method for monitoring the implementation of the European Pact on Immigration and Asylum, COM (2009) 266 final, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0266:FIN:EN:PDF> (accessed on 7 May 2012).

different sources including the EMN Annual Policy Reports are used for the preparation of the report. Hence, the format of the Annual Policy Report aims to enable reporting on general EU and national developments in the Member States in the main body of the report, and reporting on the specific commitments of both the European Pact on Immigration and Asylum<sup>6</sup> and the Stockholm Programme<sup>7</sup> in a separate Annex. However as national and EU policies are strongly interrelated, a distinction between general EU developments and national developments was not made.

Various sources of information were used for the illustration of the most important national political debates and legal developments, such as legislative proposals and expert opinions of various actors on these as well as articles from the most significant newspapers in Austria.<sup>8</sup> Articles dealing with migration and asylum issues were collected throughout the year in order to create an overview of the most important public debates. Information provided in the Annex is prevailingly based on official sources and information provided by the Federal Ministry of the Interior. All sources are explicitly mentioned in the footnotes and the bibliography.

This report was drafted by *Adel-Naim Reyhani* (Legal Assistant). *Mária Temesvári* (Legal Advisor) supervised and coordinated the compiling of the report. Thanks go to *Judith Corcoran* (Project Assistant) for proofreading the text.

## **2. GENERAL STRUCTURE OF POLITICAL AND LEGAL SYSTEM IN AUSTRIA**

### **2.1 General structure of the political system and institutional context**

Asylum and immigration policies generally fall within the area of competence of the Federal Ministry of the Interior<sup>9</sup>. The Federal Ministry for Labour, Social Affairs and Consumer Protection<sup>10</sup> is responsible for labour market policies, also with respect to non-nationals. The Federal Ministry for European and International Affairs is competent regarding visa issuing procedures and Austrian development policies.

Austria's federal structure is reflected in its immigration policy: within the framework of the Settlement and Residence Act, the provincial governments are for example involved in setting the annual quotas for specific residence titles to be issued in the respective year for each province. The governors of the provinces are responsible as first instance in the proceedings of the Settlement and Residence Act.<sup>11</sup>

Asylum issues belong to the competence of the Federal State. The Federal Asylum Agency under the responsibility of the Federal Ministry of the Interior is the first instance in the asylum

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<sup>6</sup> Council of the European Union on the European Pact on Immigration and Asylum, 13440/08, available at: <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf> (accessed on 22 December 2010).

<sup>7</sup> Council of the European Union on the Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens (2010/C 115/01), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF> (accessed on 22 December 2010).

<sup>8</sup> Der Standard, Die Presse, Kleine Zeitung, Kronen Zeitung, Kurier, Österreich, Salzburger Nachrichten and Wiener Zeitung.

<sup>9</sup> Federal Ministry of the Interior, [www.bmi.gv.at](http://www.bmi.gv.at)

<sup>10</sup> Federal Ministry for Labour, Social Affairs and Consumer Protection, [www.bmask.gv.at](http://www.bmask.gv.at)

<sup>11</sup> These (governors) typically delegate their competence to the regional administrative authorities.

proceedings.<sup>12</sup> The Asylum Court is an independent court and decides on appeals against decisions of the Federal Asylum Agency as the second and last orderly instance.<sup>13</sup>

Previous policy reports already provided a detailed overview on the structure of the political system of Austria concerning migration and asylum. Thus, apart from the brief overview above, the report at hand will not elaborate further on this topic. For more information please consult the EMN Study “Organisation of Asylum and Migration Policies in the European Union Member States”.<sup>14</sup>

## **2.2 General structure of the legal system**

The relevant legislation in the area of migration and asylum, which is strongly interwoven and complex, is covered by the Aliens’ Police Act, the Settlement and Residence Act, the Aliens’ Employment Act, the Citizenship Act and the Asylum Act. The Aliens’ Police Act mainly regulates entry conditions to Austrian territory<sup>15</sup> and termination of legal as well as illegal stays on Austrian territory; the Settlement and Residence Act provides regulations on immigration to Austria (including family reunification) and on the status of immigrants. Provisions concerning access to the labour market can be found in the Aliens’ Employment Act in conjunction with the Settlement and Residence Act. The Asylum Act regulates proceedings following an application for international protection in Austria and the Citizenship Act sets the conditions for obtaining Austrian citizenship.

These laws have been re-codified and amended in 2005 in the framework of the Aliens’ Law Package 2005. After the introduction of major changes in 2009<sup>16</sup>, the Austrian aliens’ law was again significantly amended in July and December 2011 as described in the chapters below.

## **3. GENERAL DEVELOPMENTS RELEVANT TO ASYLUM AND MIGRATION**

### **3.1 General political developments**

Following the resignation of Vice Chancellor and Austrian People’s Party’s (ÖVP) party chairman Josef Pröll from all political functions, a reshuffle in the cabinet of Chancellor Faymann took place. Michael Spindelegger from the Austrian People’s Party (ÖVP), Austria’s Foreign Minister since 2008, took over the post of Vice Chancellor from Josef Pröll in April 2011 and in May 2011 was elected as Chairman of the ÖVP.<sup>17</sup> In April 2011, Spindelegger announced Johanna Mikl-Leitner as Federal Minister of the Interior. Furthermore, Wolfgang Waldner was appointed as the State

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<sup>12</sup> Art. 58 Asylum Act.

<sup>13</sup> Art. 61 para 1 Asylum Act.

<sup>14</sup> International Organization for Migration (IOM) in Vienna, *Organisation of Asylum and Migration Policies in the European Member States - National Report Austria*, National EMN Report, Vienna 2009, p.26ff, available at: [www.emn.at/en/studies](http://www.emn.at/en/studies) in the reports section (accessed on 11 March 2011).

<sup>15</sup> The Schengen Borders Code is directly applicable in Austria.

<sup>16</sup> Please consult the EMN Annual Policy Report 2010.

<sup>17</sup> Tirol.orf.at, *Spindelegger mit 95,5 Prozent neuer ÖVP-Chef (Spindelegger as new head of ÖVP with 95,5 percent)*, 20 May 2011, available at: <http://tirv1.orf.at/stories/516794> (accessed on 11 April 2012).

Secretary within the Federal Ministry for European and International Affairs.<sup>18</sup> The establishment of the new State Secretariat for Integration within the Federal Ministry of the Interior and the appointment of Sebastian Kurz as State Secretary, as discussed in detail below, was seen as a major development in Austria.

### 3.2 Main policy and/or legislative debates

In 2011, debates focused on the amendments to the aliens' law<sup>19</sup>, which came into effect mainly from 1 July 2011 and partly from 1 December 2011. These amendments primarily concerned the reform of the immigration system for (highly) qualified workers as well as their family members, integration through the acquisition of German language skills prior to immigration, new regulations for minors in detention pending deportation, the introduction of a system of legal aid in the aliens' police and asylum proceedings and the stipulation of compulsory attendance for asylum seekers in the first reception centres during their admission proceedings ("duty to collaborate"); the Directives 2009/50/EC (Blue Card Directive), 2008/115/EC (Return Directive) and 2009/52/EC (Employers' Sanctions Directive) were also transposed in the course of these amendments.

Austrian print media mainly reported<sup>20</sup> on the topic of minors in detention pending deportation, the "duty to collaborate"<sup>21</sup>, the consequences of immigration movements after the "Arab Spring" for Austria<sup>22</sup> and the tightening of immigration requirements in the framework of integration measures, such as the requirement of acquiring German language skills before immigrating to Austria<sup>23</sup>.

In the course of the legislative procedures concerning the amendments to aliens' law experts and civil society voiced concerns and criticism. The debate on the topic of minors in detention pending deportation was dominated by the argument that the legal situation in Austria would not respect the rights of children as outlined in the Convention on the Rights of the Child.<sup>24</sup> Furthermore, UNHCR, among others, pointed out that the amendments would lead to an even more stringent situation than before, as the precedence of more lenient measures<sup>25</sup> in cases of minors aged 16 to 18 would be suspended.<sup>26</sup> There were also extensive debates about the asylum seekers' "duty to collaborate". According to this provision, asylum seekers have to remain in the First Reception Centres during

<sup>18</sup> DiePresse.com, Martin Fritzl, *Das Team: Drei "besondere Frauen" und ein Junger* (The Team: three „special women“ and a young man), 19 April 2011, available at: [http://diepresse.com/home/politik/innenpolitik/651817/Das-Team\\_Drei-besondere-Frauen-und-ein-Junger](http://diepresse.com/home/politik/innenpolitik/651817/Das-Team_Drei-besondere-Frauen-und-ein-Junger) (accessed on 11 April 2012).

<sup>19</sup> The Aliens' Police Act, the Settlement and Residence Act, the Asylum Act, the Citizenship Act and the Aliens' Employment Act.

<sup>20</sup> This analysis is based on the monitoring of 12 Austrian newspapers.

<sup>21</sup> See for example: Österreich, *SPÖ-Aufstand gegen das Fremdenrecht* (SPÖ revolt against the aliens' law), 28 April 2011, p. 12.

<sup>22</sup> See for example: Der Falter, Stefan Apfl, *Europas Flüchtlingspolitik: Crisis Management by Hysteria* (Europe's refugee policy : crisis management by hysteria) 13 April 2011, p. 6.

<sup>23</sup> See for example: Kurier, *Fremdenrecht: Die neuen Regeln für die Zuwanderer* (Aliens' law: the new rules for immigrants), 28 April 2011, p. 1.

<sup>24</sup> Salzburger Nachrichten, *Fremdenrecht: Massive Kritik an "Mogelpackung"* (Aliens' law: massive criticism against bluff package), 5 March 2011, p. 2.

<sup>25</sup> A more lenient measure may be e.g., permission to take up accommodation in premises specified by the authority, to report at regular intervals to the police command specified to the non-national and/or to provide financial security.

<sup>26</sup> For more information please refer to <http://www.unhcr.at/presse/pressemittelungen/artikel/05f45d5577e22f5f527eee677298db17/unhcr-positionspapier-zu-den-geplanten-gesetzesnovellen.html> or [http://www.parlament.gv.at/PAKT/PR/JAHR\\_2011/PK0350/](http://www.parlament.gv.at/PAKT/PR/JAHR_2011/PK0350/) (accessed on 8 May 2012). For a more comprehensive overview of the Austrian situation concerning minors in detention pending deportation, please consult the report of the Austrian Human Rights Advisory Board (Menschenrechtsbeirat), Bericht des Menschenrechtsbeirats zu Kindern und Jugendlichen im fremdenrechtlichen Verfahren (*Children and Youth in the Aliens' Police Procedure 2011*), available at: [http://www.menschenrechtsbeirat.at/cms15/mrb\\_pdf/thematische\\_berichte/2011\\_Bericht\\_Minderjaehrige\\_Endversion15\\_09\\_2011.pdf](http://www.menschenrechtsbeirat.at/cms15/mrb_pdf/thematische_berichte/2011_Bericht_Minderjaehrige_Endversion15_09_2011.pdf) (accessed on 8 May 2012).

the admission procedures, at the longest for 7 days. Some stakeholders argued it is a form of deprivation of liberty<sup>27</sup>, whilst the Austrian Federal Ministry of the Interior stated that it cannot be defined as a deprivation of liberty as meant by the Constitutional Act on the Protection of Individual Liberty, because the provision is applied without any use of coercive power.<sup>28</sup> In the context of the amendments in 2011, also the general criticism of NGOs and lawyers that aliens' law is becoming increasingly complicated was reiterated.<sup>29</sup>

The opposition parties FPÖ (Freedom Party of Austria), Die Grünen (The Green Party) and BZÖ (Alliance for the Future of Austria) criticised the amendments to the aliens' law. While the FPÖ and the BZÖ *inter alia* stated their concern that the new immigration system makes an unregulated influx of labour migrants to Austria possible, Die Grünen criticised many aspects of the amendments as being inhumane and too severe.<sup>30</sup> However, criticism was also voiced from within the Social Democratic Party of Austria (SPÖ) as a coalition party. Among others, Michael Häupl, the current mayor of Vienna, stated that the SPÖ should not have agreed to the amendments, mainly criticising the regulation requiring the acquisition of German language skills prior to immigration.<sup>31</sup>

### 3.3 Institutional developments

The proposal for a reform of the general administrative procedures has remained unchanged in the essential aspects since 2010 (see Policy Report 2010). Thus, a two-tier system of nine administrative courts, one in each province, and two administrative courts on the federal level, which will replace the roughly 120 administrative bodies and senates currently in use is still envisioned. The new courts will begin work from January 2014. These reforms are, in general, broadly welcomed. The president of the Administrative High Court stated that they will lead to the "best European standards" in regard to the system of legal protection.<sup>32</sup> The introduction of the "Federal Office for Aliens Affairs and Asylum"<sup>33</sup>, which will replace the 194 offices which are currently responsible for aliens' law, is also planned for 2014. Appeals against decisions of this office will be possible to the new administrative courts.<sup>34</sup>

In April 2011, the State Secretariat for Integration within the Federal Ministry of the Interior was established. The tasks of the State Secretariat are to actively address the opportunities and

<sup>27</sup> UNHCR, *UNHCR appelliert: Keine weiteren Härten in die Asyl- und Fremdenrechtsnovelle einbauen!* (*UNHCR appeals: do not include further restrictions in the amendments to the asylum and aliens' law!*), 19 February 2011, available at: <http://www.unhcr.at/presse/pressemittelungen/artikel/5f2d554edbe1e6ad20b92c8efbb8d29a/unhcr-appelliert-keine-weiteren-haerten-in-die-asyl-und-fremde.html> (accessed on 14 March 2012).

<sup>28</sup> Amendments to the Aliens' Law 2011, Government Proposal, Explanatory Notes, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I\\_01078/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/index.shtml) (accessed on 14 March 2012).

<sup>29</sup> Correspondence of Parliament, No. 350, *Hearing im Innenausschuss zum Fremdenrechtspaket* (*Hearing in the Committee for the Interior on the Aliens' Law Package*), 5 April 2011, available at: [http://www.parlament.gv.at/PAKT/PR/JAHR\\_2011/PK0350/](http://www.parlament.gv.at/PAKT/PR/JAHR_2011/PK0350/) (accessed on 14 March 2012).

<sup>30</sup> Wiener Zeitung, *Torpedos auf das Fremdengesetz* (*Torpedos on the aliens' law*), 27 April 2011, p. 4.

<sup>31</sup> Krone.at, *Häupl "bedauert" das Ja der SPÖ zum Fremdenpaket* (*Häupl regrets the SPÖ's approval to the aliens' package*), 22 February 2011, available at: [http://www.krone.at/Oberoesterreich/Haeupl\\_bedauert\\_das\\_Ja\\_der\\_SPOe\\_zum\\_Fremdenpaket-Aerger\\_ueber\\_Fekter-Story-247415](http://www.krone.at/Oberoesterreich/Haeupl_bedauert_das_Ja_der_SPOe_zum_Fremdenpaket-Aerger_ueber_Fekter-Story-247415) (accessed on 12 April 2012).

<sup>32</sup> Der Standard, *Verwaltungsreform: Elf Gerichte statt 120 Behörden* (*Administrative Reform: eleven courts instead of 120 administrative bodies*), 14 December 2011, p. 7.

<sup>33</sup> This agency was named Federal Office for Migration and Asylum according to prior reports.

<sup>34</sup> Wiener Zeitung, *Bundesamt für Asyl ersetzt 194 Fremdenrechtsbehörden* (*Federal Office for Asylum replaces 194 aliens' law offices*), 14 December 2011, p. 11.

challenges of integration and to contribute to the concretization of this topic.<sup>35</sup> The implementation of the new State Secretariat and the appointment of Sebastian Kurz, a young politician from the ÖVP, as State Secretary were mostly well received by relevant actors. However, some expressed criticism that the State Secretariat should not have been implemented within the Federal Ministry of the Interior or that Kurz would not be able to contribute the necessary experience.<sup>36</sup>

## **4. LEGAL IMMIGRATION AND INTEGRATION**

### **4.1 Economic migration**

Within the framework of the amendments to the Aliens' Law in 2011, major changes concerning possibilities for the immigration of highly qualified workers, skilled workers in shortage occupations, other key workers and graduates of Austrian universities as well as their family members, as already indicated in the Annual Policy Report 2010, were made.<sup>37</sup>

Through the implementation of the new residence titles "Red-White-Red Card" (entitles the holder to residence and employment with a specific employer) and "Red-White-Red Card plus" (entitles the holder to residence and unlimited access to the labour market) as well as the "Visa for the Purpose of Job Search", an immigration system was created that allows entry into Austria and access to the labour market for the above-mentioned group of workers without quota regulations. The issuance of these titles is based on a fixed points system, taking into account specific criteria such as: education, work experience, language skills, age, effect on the labour market, capability of the national economy, anticipated integration ability and security aspects. After the third country national has submitted an application<sup>38</sup>, the settlement and residence authority will forward the documents (if documents are complete and general requirements are met) to the Austrian Labour Market Service, which will whether the granting requirements are fulfilled according to the Aliens' Employment Act and inform the settlement and residence authority of the results. If requirements are met the residence title is issued by the settlement and residence authority.<sup>39</sup> A labour market test by the Labour Market Service is only applied in relation to the group of key workers.<sup>40</sup> The group of skilled workers in shortage occupations will presumably be admitted starting in May 2012, as the list of shortage occupations will be regulated by decree at this date after the effects of the opening of the labour market have been assessed.<sup>41</sup>

Highly qualified third country nationals have the opportunity to legally enter Austria with a visa – all requirements for the issuance of a visa according to the Aliens' Police Act except the criteria of

<sup>35</sup> State Secretariat for Integration, *Sebastian Kurz – Staatssekretär für Integration*, available at: [http://www.integration.at/wir\\_ueber\\_uns/staatssekretariat/](http://www.integration.at/wir_ueber_uns/staatssekretariat/) (accessed on 11 November 2011).

<sup>36</sup> Verkehrsinfo.at, *Caritas begrüßt neues Staatssekretariat* (*Caritas appreciates the new State Secretariat*), 20 April 2011, available at: <http://www.verkehrsinfo.at/artikel/25.296.132> (accessed on 12 April 2012).

<sup>37</sup> Amendments to the Aliens' Police Act 2011, Government Proposal, Explanatory Notes, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I\\_01078/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/index.shtml) (accessed on 8 November 2011).

<sup>38</sup> In general, applications for residence titles must be filed at the competent representation authority abroad.

<sup>39</sup> Ibid.

<sup>40</sup> Art. 12b Aliens' Employment Act.

<sup>41</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Kriteriengeleitete Zuwanderung nach Österreich*, available at: [http://www.bmfsfj.gv.at/cms/site/attachments/5/0/4/CH0020/CMS1306164706818/2011-07-22\\_de\\_info\\_rwr-karte.pdf](http://www.bmfsfj.gv.at/cms/site/attachments/5/0/4/CH0020/CMS1306164706818/2011-07-22_de_info_rwr-karte.pdf) (accessed on 29 December 2011).

ensured return must be fulfilled – and to stay for six months for the purpose of seeking a job. If the visa is issued – depending on the achievement of the required points – and the third country national finds a job, an application for the residence title “Red-White-Red Card” can be filed from within Austria. If the competent authority does not decide whether to issue the residence title within the six month validity period of the visa, the third country national concerned must leave Austria to wait for a decision.<sup>42</sup>

Through the implementation of the Directive 2009/50/EC and the introduction of the residence title *sui generis* “EU Blue Card”, conditions for employees from third countries who wish to gain particularly highly qualified employment in the EU Member States according to the Directive are set out. The applicant must prove that his/her yearly gross salary is not less than one and a half times the average Austrian gross salary per year. The “EU Blue Card” is issued with a validity period of two years and entitles the holder to settlement in Austria and employment with a specific employer.<sup>43</sup>

Third country nationals who have completed a university degree in Austria are given a one-time opportunity to stay in Austria for a further six months following the completion of their studies for the purpose of seeking a job. Subsequently, if the job search is successful, a “Red-White-Red Card” can be issued to this group, irrespective of the earning of points. Third country national students looking for gainful employment require an employment permit, which is preceded by a labour market test. For employment consisting of less than 10 hours per week after the completion of the first study phase and 20 hours per week after the completion of a bachelor degree, a labour market test is not necessary.<sup>44</sup>

## 4.2 Family reunification

With regards to family reunification, changes and adaptations were made due to the implementation of new residence titles as mentioned above and of regulations concerning the acquisition of German language skills prior to immigration. Access to labour market was facilitated especially for family members of third country nationals with a residence title “Red-White-Red Card” or “EU Blue Card” in order to promote immigration of highly qualified workers.

In the framework of the amendments in 2011, stricter standards concerning the acquisition of language skills were introduced, affecting the Austrian family reunification regime. For details of these provisions please see 4.4.

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<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Amendments to the Aliens’ Police Act 2011, Explanatory Notes, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I\\_01078/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/index.shtml) (accessed on 8 November 2011). See also: Amendments to the Aliens’ Employment Act 2011, Government Proposal, Explanatory Notes, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME\\_00250/fnameorig\\_202076.html](http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME_00250/fnameorig_202076.html) (accessed on 20 November 2011).

## 4.3 Integration

In 2011, major changes in the field of integration policy in Austria occurred due to the establishment of the new State Secretariat for Integration as well as the amendments introduced to the aliens' law.

The State Secretariat for Integration within the Federal Ministry of the Interior was established in April 2011. The tasks of the State Secretariat are "to actively address the opportunities and challenges of integration and contribute to the reification of this topic".<sup>45</sup> According to the State Secretariat, a better integration process is possible through accomplishments by migrants.<sup>46</sup> In this respect, the focus in 2011 was on the seven action fields of the National Action Plan for Integration.<sup>47</sup>

As part of the amendments to the Aliens' Law in 2011, regulations on the acquisition of language skills were tightened. Accordingly, third country nationals must, in general, prove basic German language knowledge at A1 level of the Common European Framework of Reference when applying for residence titles, while family members of highly qualified workers and holders of "EU Blue Card" among others are exempt.<sup>48</sup> Additionally, the language requirements of the Integration Agreement were raised from level A1 to A2. Moreover, this level must be reached within two years instead of five years, as was previously the case. German language knowledge for independent use – which conforms to level B1 – is henceforth *inter alia* necessary to acquire a long-term residence permit in Austria as well as to acquire Austrian citizenship.<sup>49</sup>

Furthermore, access to the labour market for family members was redefined. As of July 2011, third country nationals who are part of the nuclear family<sup>50</sup> of a third country national sponsor holding the residence title "Red-White-Red Card plus", "Red-White-Red Card"<sup>51</sup>, "EU Blue Card", a long-term residence title or granted asylum<sup>52</sup>, can obtain the residence title "Red-White-Red Card plus" which entitles the holder to unlimited labour market access immediately after entering Austria.<sup>53</sup>

In Austria, integration is seen as an interdisciplinary field which – as a task relevant for society as a whole – affects all levels of the state and of civil society. As already mentioned in the Policy Report

<sup>45</sup> State Secretariat for Integration, *Sebastian Kurz – Staatssekretär für Integration (Sebastian Kurz – State Secretary for Integration)*, available at: [http://www.integration.at/wir\\_ueber\\_uns/staatssekretae/](http://www.integration.at/wir_ueber_uns/staatssekretae/) (accessed on 11 November 2011).

<sup>46</sup> Federal Ministry of the Interior, *Staatssekretär Kurz und Caritas-Präsident Küblerl eröffnen Österreichs Lerncafés (State Secretary Kurz and Caritas president Küblerl launch Austrian Study Cafés)*, 22 September 2011, available at: [http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=62677A4D2B7A796D6254453D&page=7&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=62677A4D2B7A796D6254453D&page=7&view=1) (accessed on 11 November 2011).

<sup>47</sup> Federal Ministry of the Interior, *Kurz zu Integrationsbericht: Integration durch Leistung*, 6 July 2011, available at: [http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=63794B65706953677250733D&page=13&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=63794B65706953677250733D&page=13&view=1) (accessed on 8 November 2011).

<sup>48</sup> Federal Ministry of the Interior, *Fekter: Deutsch vor Zuwanderung ist wesentliche Maßnahme zur Integration (Fekter : German prior to immigration is an essential measure for integration)*, 22 February 2011, available at: [http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/aussendungen.aspx?id=2B4836576A484464332F733D&page=6&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/aussendungen.aspx?id=2B4836576A484464332F733D&page=6&view=1) (accessed on 8 November 2011).

<sup>49</sup> Amendments to the Aliens' Police Act 2011, Government Proposal, Explanatory Notes, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I\\_01078/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/index.shtml) (accessed on 8 November 2011).

<sup>50</sup> Including the spouse or registered partner and minor unmarried children (also adopted children, stepchildren and adopted stepchildren).

<sup>51</sup> This title can be obtained by highly qualified workers, skilled workers and key workers without quota regulations.

<sup>52</sup> This applies to persons under the scope of the Settlement and Residence Act. Regarding family reunification within the asylum procedure, please see below.

<sup>53</sup> Art. 46 Settlement and Residence Act.

2010, the National Action Plan for Integration structures the Austrian-wide cooperation among different actors.

In July 2011, the Integration Report 2011<sup>54</sup> of the State Secretariat for Integration was published. Therein, the Expert Council for Integration<sup>55</sup> suggested twenty specific measures concerning the implementation of the National Action Plan:<sup>56</sup> language and education (German prior to immigration, German for long-term residents with a migration background, strengthening participation in the education system), work and employment (recognition/validation of qualifications, ensuring a formal school graduation through additional education measures, promoting employment of female migrants) constitutionality and values (compilation of a “Red-White-Red” reader, increasing interest in acquiring citizenship), health and social issues (promoting health consciousness within disadvantaged groups, promoting consciousness of diversity within the health care system), intercultural dialogue (forum Islam, examples of successful migrants in Austria, glossaries and media commitments, media prizes, promoting young journalists), sports and recreation (recreation at school, integration perspectives for Federal Sport Funding), housing and the regional dimension of integration (improvement of settlement management in residential areas, promoting integration through housing management, promoting integration capacities on the local level). The implementation of these measures is recommended for the coming years.

#### 4.4 Citizenship and naturalisation

Developments occurred *inter alia* because of the amendments to the Aliens’ Law as mentioned above. To acquire citizenship, German language knowledge at B1 level of the Common European Framework of Reference must be proven.

Furthermore, the Austrian Constitutional Court’s ruling led to relevant changes. In its decision of 14 December 2011, B 13/11, the Court stated that the possibility to acquire citizenship by descent must also be provided in case of a non-national surrogate mother who carries the embryo of an Austrian citizen. In a further decision<sup>57</sup> the Court ruled that the regulation on the reasons leading to the cancellation of assured citizenship status must be differentiated. Consequently the relevant article in the Citizenship Act which contradicted this rule – as an example treating criminal convictions and emergency situations as equal – was repealed.<sup>58</sup>

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<sup>54</sup> Federal Ministry of the Interior, *Integrationsbericht*, available at:

[http://www.bmi.gv.at/cms/bmi\\_service/start.aspx#t\\_Integrationsbericht](http://www.bmi.gv.at/cms/bmi_service/start.aspx#t_Integrationsbericht) (accessed on 8 November 2011).

<sup>55</sup> Federal Ministry of the Interior, *Innenministerin präsentiert Expertenrat für Integration und dessen Arbeitsprogramm* (*Minister of the Interior presents Experts Council for Integration and its agenda*), 12 January 2011, available at:

[http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=64435667763554697A72733D&page=29&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=64435667763554697A72733D&page=29&view=1) (accessed on 7 November 2011).

<sup>56</sup> Federal Ministry of the Interior, *Integrationsstaatssekretariat Expertenrat präsentiert Integrationsbericht 2011* (*State Secretariat for Integration: Experts Council presents Integration Report 2011*), 5 July 2011, available at:

[http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=4F523463633879445372633D&page=14&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=4F523463633879445372633D&page=14&view=1) (accessed on 7 November 2011)

<sup>57</sup> Constitutional Court, 29 September 2011, G 154/10.

<sup>58</sup> Art. 20 para 2 of the Austrian Citizenship Act.

## **5. IRREGULAR IMMIGRATION AND RETURN**

### **5.1 Irregular immigration**

The prevention of irregular migration was one of the priorities of Austria's migration and asylum policy in 2011 and was thus also emphasised by Austrian policy makers at the European level.

As a consequence, the tasks of the Aliens' Police were restructured. A focus was put on strengthening border area controls, controls on shipping on the Danube, controls on long-distance trains, international airports and the red-light district. So-called compensatory measures were established and in every provincial police command additional sections for border and aliens' police matters were created. Within this framework, the new special inspections aliens' police, the six border police inspections at the international airports, the departments for compensatory measures<sup>59</sup> and the police detention centres were brought together.<sup>60</sup>

The Employers' Sanctions Directive (2009/52/EC) was implemented in the course of the amendments to the Aliens' Law and the Aliens' Employment Act<sup>61</sup> in 2011. As one of the main concomitant changes in Austria's legislation, the following regulation is provided: if a return decision, return ban or exclusion order is issued against a third country national because of irregular employment, the person who employed the third country national against the provisions of the Aliens' Employment Act has to pay the costs which occur in executing the decision.

The Return Directive (2008/115/EC) was implemented in the course of the amendments to the Aliens' Police Act in 2011. For the details of its transposition please see section 5.2 below.

In the framework of cooperation between Austria, Hungary and Serbia against human smuggling, analyses of migration routes on the Balkan were carried out.<sup>62</sup> These analyses led to the conclusion that the main routes of irregular migrants, beginning with the countries of origin, lead across Turkey and Greece towards Western Europe. One route leads from Greece across the sea to Italy and another over land through the Former Yugoslav Republic of Macedonia (FYROM), Serbia and Hungary to Austria. For the purpose of preventing irregular migration via the previously mentioned routes, international cooperation was intensified and Europol was involved in the route analyses. Since November 2011, operations have been conducted under the coordination of FRONTEX.

Currently, Austrian liaison officers are stationed in: Albania, Bosnia and Herzegovina, Bulgaria, Georgia (also covering Syria and Lebanon), Croatia, Kosovo, Morocco, FYROM, Moldova, Poland,

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<sup>59</sup> Federal Ministry of the Interior, *Effektiverer Einsatz der Polizei in den Grenzbezirken - Stärkung der AGM-Maßnahmen*, 13 January 2011, available at:

[http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/aussendungen.aspx?id=42372F772B4E723761364D3D&page=7&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/aussendungen.aspx?id=42372F772B4E723761364D3D&page=7&view=1) (accessed on 16 November 2011).

<sup>60</sup> Federal Ministry of the Interior, *Innenministerin präsentiert neues Grenz- und Fremdenpolizeimodell* (*Minister of the Interior presents new border- and aliens' police model*), 15 July 2011, available at:

[http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/aussendungen.aspx?id=36654D73366A5A557256733D&page=1&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/aussendungen.aspx?id=36654D73366A5A557256733D&page=1&view=1) (accessed on 16 November 2011).

<sup>61</sup> Amendments to the Aliens' Employment Act 2011, Government Proposal, Explanatory Notes, available at:

[http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME\\_00250/fnameorig\\_202076.html](http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME_00250/fnameorig_202076.html) (accessed on 20 November 2011).

<sup>62</sup> Wiener Zeitung, *Kampf gegen Schlepper gemeinsam mit Ungarn* (*Fight against traffickers together with Hungary*), 6 September 2011, available at: [http://www.wienerzeitung.at/nachrichten/politik/oesterreich/394688\\_Kampf-gegen-Schlepper-gemeinsam-mit-Ungarn.html](http://www.wienerzeitung.at/nachrichten/politik/oesterreich/394688_Kampf-gegen-Schlepper-gemeinsam-mit-Ungarn.html) (accessed on 17 November 2011).

Rumania, the Russian Federation, Serbia (also covering Montenegro), Slovakia (also planned to cover Ukraine as of February 2012), Slovenia, Spain, Thailand, the Czech Republic, Turkey and Hungary.<sup>63</sup>

Since July 2011, all third country nationals applying for residence titles in Austria must undergo fingerprinting. Thereafter a chip is inserted in the residence title card on which two fingerprints and a picture of the holder are saved.<sup>64</sup>

Amnesties for irregular migrants are considered problematic by Austria's policy makers and consequently in 2011 no general regularisations took place.

## 5.2 Return

The Return Directive (2008/115/EC) was implemented in the course of the amendments to the Aliens' Police Act in 2011. Since July 2011, it is stipulated that return decisions *must* be issued to irregularly resident third country nationals – always in conjunction with entry bans, which have a minimum duration of 18 months.<sup>65</sup> However, in December 2011 the Austrian Administrative High Court ruled that this regulation contradicts the relevant provisions of the Return Directive as it does not provide for the possibility of entry bans for a period of less than 18 months.<sup>66</sup> Moreover, return decisions should provide for a period of voluntary departure of 14 days; if special circumstances are given, the period may be prolonged.<sup>67</sup> Where irregularly resident third country nationals are concerned, legally binding and enforceable return decisions of other Member States of the EEA equal, in specific cases, an enforceable Austrian return decision.

In order to implement relevant articles of the Return Directive, a comprehensive system of free legal aid in the aliens' police was also established. Third-country nationals, in general, are provided with a legal advisor with expertise in aliens' law in aliens' law proceedings.<sup>68</sup>

In 2011, 21 Frontex operations and four bilateral operations (with Poland) including Austrian participation took place. Austria was one of the most active Member States to participate in Joint Return Operations; these constituted a focus of Austria's return policy. However, voluntary return was further promoted as a preferred alternative to deportation.

In the framework of the European Return Fund nine projects were selected for funding in the programme year 2011, as outlined in Annex B.<sup>69</sup>

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<sup>63</sup> Response of the presiding officer of the Austrian parliament to a parliamentary query, 21 February 2011, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/AB/AB\\_07139/fnameorig\\_207059.html](http://www.parlament.gv.at/PAKT/VHG/XXIV/AB/AB_07139/fnameorig_207059.html) (accessed on 13 November 2011).

<sup>64</sup> Federal Ministry of the Interior, *Biometrische Aufenthaltssttelkarte (Biometric residence title card)*, 30 June 2011, available at: [http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=537A61764D7931586376303D&page=15&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=537A61764D7931586376303D&page=15&view=1) (accessed on 18 November 2011).

<sup>65</sup> Prior to July 2011, the relevant provision in the Aliens' Police Act stated that expulsion orders *can* be issued against irregularly resident third country nationals.

<sup>66</sup> Administrative High Court, 15 December 2011, 2011/21/0237.

<sup>67</sup> Such as, *inter alia*, the (long) duration of the previous stay in Austria or the completion of the running school term.

<sup>68</sup> Art. 84 and 85 Aliens' Police Act. In the asylum proceedings, legal aid is provided during the admission proceedings and the appeal procedure before the Asylum Court according to Art. 64 et.seq. Asylum Act.

<sup>69</sup> Federal Ministry of the Interior, *Europäischer Rückkehrfonds Förderprojekte Programm 2011*, available at: [http://www.bmi.gv.at/cms/BMI\\_Fonds/rueckkehrf/projekte/files/Liste\\_der\\_ausgewahlten\\_Foerderprojekte\\_zum\\_Programm\\_2011.p](http://www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/projekte/files/Liste_der_ausgewahlten_Foerderprojekte_zum_Programm_2011.p)

The provisions contained in the framework of bilateral and EU readmission agreements provide the ability to quickly process requests regarding the readmission of irregularly resident third country nationals and to obtain the necessary certificates/travel documents for return. Quality and speed depend on the willingness of the country of destination to cooperate, which varies widely. According to policy makers, it is not the conclusion of readmission agreements alone which is vital; rather it is essential that the agreement is rapidly and effectively implemented in practice to allow for a prompt return after the issuance of the return decision.

In 2011, Austria concluded several bilateral readmission agreements and implementation protocols to EU readmission agreements: A bilateral readmission agreement was concluded with Kosovo<sup>70</sup>, mainly entailing provisions concerning the readmission of citizens, specific procedure for the assessment of citizenship and return, readmission of third country nationals, transit, transfer modalities and the issuance of possible travel document substitutes/laissez passer. Implementation protocols to EU readmission agreements were concluded with Bosnia and Herzegovina (signed)<sup>71</sup>, FYROM<sup>72</sup>, Montenegro<sup>73</sup>, Serbia<sup>74</sup> and the Russian Federation<sup>75</sup>. These entail regulations on responsible authorities, communication channels, border crossing points, preconditions for assisted removal and transit and modalities of removal.

### 5.3 Actions against human trafficking

Austria considered human trafficking to be a global challenge which can only be combated at the international level. The Austrian catalogue of anti-trafficking measures focused on prevention, victim protection, prosecution and regional, national and international cooperation and coordination. The main goals in 2011 included increasing victim protection, especially regarding women and children, as well as apprehending offenders and combating the structures of organised crime. Combating child trafficking is another priority in the context of Austrian membership in the UN's Human Rights Council. Together with other countries, Austria aims to set initiatives to

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<sup>70</sup> df (accessed on 17 November 2011). For general information regarding the structures of the support of voluntary return, please see Annual Policy Report 2009.

<sup>71</sup> Federal Ministry of the Interior, *Fekter unterzeichnet Rückübernahmevertrag mit dem Kosovo* (*Fekter signs readmission agreement with Kosovo*), 30 September 2010, available at:

[http://www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=31786C3375384F6C584E383D&page=0&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=31786C3375384F6C584E383D&page=0&view=1) (accessed on 16 November 2011).

<sup>72</sup> Federal Police Authority, *Fekter: Rückübernahmevertrag mit Bosnien und Herzegowina unterzeichnet* (*Fekter : readmission agreement with Bosnia and Herzegovina signed*), 22 February 2011, available at:

[http://www.bmi.gv.at/cms/BPD\\_Wien/\\_news/Aktuelles\\_BMI.aspx?id=74554A76737739457434383D&page=0&view=1](http://www.bmi.gv.at/cms/BPD_Wien/_news/Aktuelles_BMI.aspx?id=74554A76737739457434383D&page=0&view=1) (accessed on 17 November 2011).

<sup>73</sup> For the text of the agreement see:

[https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA\\_2011\\_III\\_146/COO\\_2026\\_100\\_2\\_703605.html](https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA_2011_III_146/COO_2026_100_2_703605.html) (accessed on 17 November 2011).

<sup>74</sup> For the text of the agreement see:

[https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA\\_2011\\_III\\_60/COO\\_2026\\_100\\_2\\_667475.html](https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA_2011_III_60/COO_2026_100_2_667475.html) (accessed on 17 November 2011).

<sup>75</sup> For the text of the agreement see:

[https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA\\_2011\\_III\\_55/COO\\_2026\\_100\\_2\\_660202.html](https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA_2011_III_55/COO_2026_100_2_660202.html) (accessed on 17 November 2011).

<sup>76</sup> For the text of the agreement see:

[https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA\\_2011\\_III\\_140/COO\\_2026\\_100\\_2\\_701446.html](https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA_2011_III_140/COO_2026_100_2_701446.html) (accessed on 17 November 2011).

protect children from exploitation and slavery.<sup>76</sup> The implementation of the second National Action Plan against Trafficking in Human Beings (2009-2011) was continued (see Policy Report 2009). A National Action Plan for 2012-2014 was in the process of being elaborated.<sup>77</sup>

The Austrian Federal Ministry of the Interior cooperated with Bosnia and Herzegovina in several projects, *inter alia* in combating human trafficking and human smuggling. The aim of the project “DET-ILECUs II” is to intensify operative cooperation between the EU and the Western Balkan countries. Under this umbrella, national and regional opportunities for joint law enforcement action and cooperation in combating organised crime in the Western Balkans, Kosovo and Turkey are to be elaborated and implemented. Furthermore, Austria participated as a junior partner in the EU project SECI/SELEC (Southeast European Cooperative Initiative/Southeast European Law Enforcement Centre) in supporting the implementation of the SEC Centre/SELEC Convention. With this project, the construction of a modern and effective SELEC as an important partner of Europol and the EU Member States is to be promoted. The projects, which are designed for 24 months, support SECI/SELEC capacities in preventing and combating organised crime in the Western Balkans and Turkey. The SECI Centre/SELEC will establish the SEE OCTA along the lines of EU OCTA (Organised Crime Threat Assessment for South Eastern Europe). There, data concerning organised crime are collected and future trends assessed with the aid of analytical methods.<sup>78</sup>

## **6. BORDER CONTROL**

### **6.1 Control and surveillance at external borders**

Since the entry of Liechtenstein into the Schengen Area in December 2011, systematic border control, encompassing verification of identity according to Art. 7 of the Schengen Borders Code, was only carried out at Austrian international airports.

In conjunction with the implementation of the VIS at representation authorities on 11 October 2011, border control at external borders at international airports was further developed with the introduction of e-pass-readers and a user interface with wider possibilities of tracing and information query.

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<sup>76</sup> Federal Ministry for European and International Affairs, *Waldner: "Shared success in the battle against human trafficking"*, 17 October 2011, available at: <http://www.bmeia.gv.at/en/foreign-ministry/news/press-releases/2011/waldner-shared-success-in-the-battle-against-human-trafficking.html> (accessed on 16 November 2011).

<sup>77</sup> Österreichische Entwicklungszusammenarbeit, *Nationaler Aktionsplan zur Bekämpfung des Menschenhandels*, available at: [http://www.entwicklung.at/aktuelles/nationaler\\_aktionsplan\\_zur\\_bekaempfung\\_des\\_menschenhandels/](http://www.entwicklung.at/aktuelles/nationaler_aktionsplan_zur_bekaempfung_des_menschenhandels/) (accessed on 17 November 2011).

<sup>78</sup> Federal Ministry of the Interior, *Fekter: Rückübernahmevereinbarungen mit Bosnien und Herzegowina unterzeichnet (Fekter : readmission agreement with Bosnia and Herzegovina signed)*, 22 February 2011, available at: [http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/aussendungen.aspx?id=3839755259613664637A303D&page=5&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/aussendungen.aspx?id=3839755259613664637A303D&page=5&view=1) (accessed on 17 November 2011).

## **6.2 Cooperation with respect to border control**

In 2011, Austria agreed on further joint consular services with other Schengen partners. For example, an agreement was made with Switzerland concerning the representation of Austria in visa procedures in Tbilisi.

Austria was very active in cooperating with Frontex, especially concerning the provision of personnel and technology. In 2011, Austria participated in the following Frontex operations: Minerva, Poseidon Sea, Hermes, Focal Point Air, Hubble, Mizar, Hammer, Focal Points Land, Jupiter, Neptune, Coordination Points, Poseidon Land, Attica, RABIT deployment.

In September 2011, Austria and Hungary agreed on a 5-point-programme of cooperation against human smuggling, which entails joint border patrols, intensified controls in the interior, daily information exchange, an analysis and investigation group and cooperation on the EU level.<sup>79</sup> Since October 2011, Serbia also participates in the joint operations against human smuggling. Serbian officials take part in the analysis and investigation group and support the daily exchange of information.<sup>80</sup> Since November 2011, operations have been conducted under the coordination of FRONTEX.

On 1 February 2011, the agreement between Austria and Moldova concerning cooperation in combating crime entered into force. The aim of this convention is to combat cross-border organised crime, *inter alia* in the area of irregular migration and trafficking in human beings.<sup>81</sup>

## **7. INTERNATIONAL PROTECTION, INCLUDING ASYLUM**

As a result of the amendments to aliens' law, including the Asylum Act, in July 2011, asylum seekers are not allowed to leave the first reception centres for a period of up to 7 days maximum after filing the application for international protection, as part of the so called "duty to collaborate". The aim of this measure, according to policy makers, is to prevent individuals from absconding and to clarify whether Austria is responsible for the respective application for international protection. A system of free legal aid was also introduced to Austria's asylum legislation as a consequence of similar provisions regarding legal aid in the aliens' law procedure after the implementation of the Return Directive, and following judiciary of Austria's Constitutional Court.

Austrian policy makers regarded Austria as one of the Member States of the EU particularly affected by a disproportionately large number of asylum applications.<sup>82</sup> As a consequence, Austria has refused to participate in the Relocation Programme of the EU as of yet.

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<sup>79</sup> Wiener Zeitung, *Kampf gegen Schlepperei gemeinsam mit Ungarn* (Fight against trafficking together with Hungary), 6 September 2011, available at:

[http://www.wienerzeitung.at/nachrichten/politik/oesterreich/394688\\_Kampf-gegen-Schlepper-gemeinsam-mit-Ungarn.html](http://www.wienerzeitung.at/nachrichten/politik/oesterreich/394688_Kampf-gegen-Schlepper-gemeinsam-mit-Ungarn.html) (accessed on 17 November 2011).

<sup>80</sup> Ibid.

<sup>81</sup> For the text of the agreement see:

[https://www.ris.bka.gv.at/Dokumente/BgbIAuth/BGBLA\\_2011\\_III\\_99/COO\\_2026\\_100\\_2\\_675062.html](https://www.ris.bka.gv.at/Dokumente/BgbIAuth/BGBLA_2011_III_99/COO_2026_100_2_675062.html) (22 November 2011).

<sup>82</sup> Among the EU-27 plus Norway, Iceland, Liechtenstein and Switzerland, Austria is, according to data provided by Eurostat ([http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-SF-11-048/EN/KS-SF-11-048-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-11-048/EN/KS-SF-11-048-EN.PDF)) on the 8th rank concerning asylum applications *per capita* in the first half of the year 2011.

Austria supported the establishment of the Greek asylum system in the framework of the Action Plan for Asylum and Migration by sending experts and participating in the “Operating Plan Team”.<sup>83</sup> Additionally, Austria participated in the work of the European Asylum Support Office through the participation of a seconded national expert as well as of the deputy chair of the management board.

## **8. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS**

In the course of the amendments to the Aliens’ Police Act in 2011 it was stipulated that the competent authority must ensure in advance that, in the case of deportation of an unaccompanied minor, the minor can be committed to the care of a family member, an official guardian or an adequate reception facility in the destination country.<sup>84</sup> Further changes concerned minors in detention pending deportation: in the case of minors aged 14 to 16, the aliens’ police must use more lenient measures unless certain facts justify the assumption that the purpose of detention pending deportation cannot then be achieved. If detention pending deportation is imposed on minors from the age of 14 to 18, its duration must not exceed two months. Minors under the age of 14, as a rule, must not be kept in detention pending deportation.

Special assessment methods for unaccompanied minor asylum seekers in different procedures were being developed in the framework of the project UBAUM I (Assisting Authorities in Asylum Procedures of Unaccompanied Minors). Also as part of the UBAUM I project, the quality of interrogations/interviews/hearings and decisions in the asylum proceedings were evaluated by means of observing “samples”. Furthermore, proceedings concerning unaccompanied minor asylum seekers were standardised. In 2012 UBAUM II will be implemented. In this context, information brochures for minors as well as best practice guidelines for family tracing will be developed, the latter based on a desk review of the procedures of selected EU Member States. The further goals of the project are: promotion and training of legal advisers, workshops with the competent youth welfare authorities and development of quality standards for interpreters. The UBAUM projects received co-funding from the European Refugee Fund and the Austrian Ministry of the Interior.

## **9. GLOBAL APPROACH TO MIGRATION**

Cooperation in the framework of the security partnership Forum Salzburg was further strengthened in 2011. The 18-month working programme (see Policy report 2010) was initiated during the Austrian presidency of the Forum Salzburg Group, especially concerning the fields of combating cross-border trafficking offences as well as witness protection. Additionally, initiating the “Police-Equal-Performance-Project” contributed to attaining a new level of law enforcement cooperation in Southeast Europe.

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<sup>83</sup> Federal Ministry of the Interior, *Asylangelegenheiten: Vorbereitung von EASO-Einsätzen*, Öffentliche Sicherheit Nr. 5-6/2011, available at: [http://www.bmi.gv.at/cms/BMI\\_OeffentlicheSicherheit/2011/05\\_06/files/ASYLANGELENHEITEN.pdf](http://www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2011/05_06/files/ASYLANGELENHEITEN.pdf) (accessed on 18 November 2011).

<sup>84</sup> Amendments to the Aliens’ Police Act 2011, Government Proposal, Explanatory Notes, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I\\_01078/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/index.shtml) (accessed on 24 November 2011).

In July 2011, Austria joined the Convention on Police Cooperation in Southeast Europe.<sup>85</sup> The aim of the Convention is to improve cooperation in combating threats to public security and to prevent, expose and investigate criminal offences. It additionally aims at the facilitation of cross-border administrative assistance between law enforcement and judicial authorities and the creation of new capacities for cross-border intervention of security police and criminal investigations.

Please see sections 5.1, 5.3 and 6.2 regarding cooperation with Hungary and Serbia, the convention with the Republic of Moldova and cooperation with Bosnia and Herzegovina in combating human smuggling.

The Austrian Development Agency (ADA) developed a specific “image branding” project for the African Diaspora community named “Ke nako Africa” in the broader context of the Soccer World Cup. This project was well received and thus it was also continued in 2011.

The Migration for Development in the Western Balkans (MIDWEB) project, which, *inter alia*, was being implemented by Austria (International Organization for Migration, supported by the Federal Ministry of Labour, Social Affairs and Consumer Protection and the Federal Ministry for European and International Affairs) in cooperation with Diaspora communities of the Western Balkans, aimed to provide information about opportunities for legal immigration for potential labour migrants from the Western Balkans and to promote the socio-economic development of Western Balkan countries.<sup>86</sup>

## **10. IMPLEMENTATION OF EU LEGISLATION**

### **10.1 Transposition of EU legislation 2011**

Austria’s aliens’ law on irregular migration was significantly amended *inter alia* as a consequence of the obligation to implement the Return Directive (2008/115/EC) which, according to policy makers, should decisively contribute to harmonised return systems among the EU’s Member States. Accordingly, Austrian legislation implemented the instrument of “return decisions” (in conjunction with entry bans and a period for voluntary departure) as described above to address irregular migration. Also as a consequence of implementing the relevant provisions of the Return Directive in the course of the amendments to aliens’ law mentioned, the Aliens’ Police Act provides for an encompassing system of free legal aid.

As outlined above, the Employers Sanctions Directive (2009/52/EC) was transposed in Austria. As one of the main concomitant changes, the Aliens’ Police Act defines that a person employing a third-country national under violation of the provisions of the Aliens’ Employment Act must cover the resulting costs where a return decision, a return ban or an exclusion order due to illegal employment is issued. Furthermore, the following changes to Austrian legislation were made in the course of implementing the directive: irregularly employed non-nationals must be systematically

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<sup>85</sup> For more information, please refer to <http://www.pccseesecretariat.si/index.php?item=9&page=static> (accessed on 8 May 2012).

<sup>86</sup> Migration for Development in the Western Balkans (MIDWEB) Project, available at: <http://www.tvrmidweb.org> (accessed on 18 November 2011).

informed about their rights as employees before the execution of return measures; duty to register the employment of non-nationals without permanent residence permission; rebuttable legal presumption that irregular employment has lasted three months; liability of the contractee regarding unpaid wages and for breaches committed by his/her immediate contractor regarding his/her duties of care; liability for unpaid wages and breaches of all further sub-contractors who knowingly tolerate irregular employment; exclusion from public benefits, including EU-Funds and refunding of paid benefits in cases of repeated breaches of the Aliens' Employment Act as well as the creation of criminal offences for severe forms of irregular employment.

As mentioned above, the Directive 2009/50/EC was implemented through the introduction of the residence title *sui generis* "EU Blue Card".

## **10.2 Experiences and debates in the (non-) implementation of EU legislation**

The implementation of EU legislation was not discussed in Austrian media. In June 2011, an article in Austrian media reported on the ruling of the Austrian Administrative High Court concerning the inappropriate transposition of the Return Directive in Austrian aliens' law.<sup>87</sup> According to the court, all measures terminating residency of a third country national must be understood as falling under the scope of the Return Directive (Eberwein/ Pfleger 2011: 38). Consequently, the Independent Administrative Senates must be the competent second instance in these procedures. The wording of the relevant article in the Aliens' Act foresees the competency of the Security Headquarters under the Federal Ministry of the Interior as second instance in most of these proceedings.

As mentioned above, the Administrative High Court further ruled that the regulations in the Aliens' Police Act on return decisions in conjunction with entry bans contradict the respective provisions in the Return Directive as the wording of the relevant article does not foresee the possibility of a return ban for a period of less than 18 months.

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<sup>87</sup> Derstandard.at, *Fremdenrecht: Österreich bei Umsetzung von EU-Richtlinie säumig* (Aliens' law: Austria too late in transposing EU Directive), 29 June 2011, available at: <http://derstandard.at/1308679974900/Abschiebungen-Fremdenrecht-Oesterreich-bei-Umsetzung-von-EU-Richtlinie-saeumig> (accessed on 12 April 2012).

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UNHCR, *UNHCR appelliert: Keine weiteren Härten in die Asyl- und Fremdenrechtsnovelle einbauen! (UNHCR appeals: do not include further restrictions in the amendments to the asylum and aliens' law!)*, 19 February 2011, available at: <http://www.unhcr.at/presse/pressemitteilungen/artikel/5f2d554edbe1e6ad20b92c8efbb8d29a/unhcr-appelliert-keine-weiteren-haerten-in-die-asyl-und-fremde.html> (accessed on 11 April 2012).

## Websites

Austrian Integration Fund, <http://www.integrationsfonds.at/>

European Migration Network, <http://www.emn.europa.eu>

Eurostat, <http://epp.eurostat.ec.europa.eu>

Federal Ministry of the Interior, <http://ww.bmi.gv.at>

Federal Ministry for Labour, Social Affairs and Consumer Protection, <http://www.bmask.gv.at>

Information website on migration to Austria, <http://www.migration.gv.at>

Migration for Development in the Western Balkans (MIDWEB) Project, <http://www.tvrmidweb.org>

Police Cooperation Convention for Southeast Europe, <http://www.pccseesecretariat.si/>

Zusammen Österreich, <http://www.zusammen-oesterreich.at>

## List of Translations and Abbreviations

The terminology used in the context of this report is predominantly based on the terms and definitions elaborated by the EMN in the framework of the EMN Glossary<sup>88</sup> and the terms used in the European Pact on Immigration and Asylum. In cases where national terms and definitions are used, explanatory information is provided in footnotes.

English term	English Abbreviation	German term	German Abbreviation
Administrative High Court	-	Verwaltungsgerichtshof	VwGH
Aliens' Police Act	-	Fremdenpolizeigesetz	FPG
Asylum Act	-	Asylgesetz	AsylG
Asylum Court	-	Asylgerichtshof	AsylGH
Austrian Development Agency	ADA	Agentur der Österreichischen Entwicklungszusammenarbeit	OEZA
Austrian Federal Economic Chamber	-	Wirtschaftskammer Österreich	WKO
Austrian People's Party's	-	Österreichische Volkspartei	ÖVP
Blue Card Directive	-	Blue Card Richtlinie	
Common European Framework of Reference for Languages	CEFR	Gemeinsamer Europäischer Referenzrahmen für Sprachen	GER
Constitutional Court	-	Verfassungsgerichtshof	VfGH
Employers Sanctions Directive	-	Sanktionsrichtlinie	-
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Return Fund	RF	Europäischer Rückkehrfonds	RF
European Union	EU	Europäische Union	EU
Federal Asylum Agency	-	Bundesasylamt	BAA
Federal Ministry of European and International Affairs	FMEIA	Bundesministerium für Europäische und Internationale Angelegenheiten	BM.EIA
Federal Ministry of Labour, Social Affairs and Consumer Protection	-	Bundesministerium für Arbeit, Soziales und Konsumentenschutz	BMASK
Federal Ministry of the Interior	FMI	Bundesministerium für Inneres	BM.I
Federal Office for Aliens Affairs and Asylum	-	Bundesamt für Fremdenwesen und Asyl	
First Reception Centre	-	Erstaufnahmestelle	EAST
Independent Administrative Senates	-	Unabhängige Verwaltungssenate	UVS
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
Labour Market Service	-	Arbeitsmarktservice	AMS
Red-White-Red Card	-	Rot-Weiß-Rot Karte	-
Return Directive	-	Rückführungsrichtlinie	-
Schengen Borders Code	-	Schengener Grenzkodex	-

<sup>88</sup> European Migration Network, *EMN Glossary*, Brussels, January 2012, available at: <http://emn.intrasoft-intl.com/Glossary/index.do> (accessed on 11 April 2012).

Schengen Information System	SIS	Schengen Informationssystem	SIS
Social Democratic Party of Austria	-	Sozialdemokratische Partei Österreichs	SPÖ
State Secretariat for Integration	-	Staatssekretariat für Integration	-
United Nations High Commissioner for Refugees	UNHCR	Hoher Flüchtlingskommissar der Vereinten Nationen	UNHCR
Visa Code	-	Visa Kodex	-
Visa Information System	VIS	Visa Informationssystem	VIS

**ANNEX B**

**ANNEX TO NATIONAL ANNUAL POLICY REPORT 2011  
ON COMMITMENTS IN THE EUROPEAN PACT AND STOCKHOLM PROGRAMME**

**AUSTRIA**

## LEGAL IMMIGRATION AND INTEGRATION

### 1. Economic Migration

#### 1.1 European Pact on Immigration and Asylum (*1-2 paragraphs in the text box created for each commitment*)

The relevant commitments in the Pact for this sub-section are in particular:

##### ***I(a) Implement policies for labour migration***

Please describe the (planned) introduction of a new labour migration policy or changes to the existing one. Elaborate any new aspects (e.g. introduction of quota, lists of professions, agreement with specific third countries, use of private recruitment services, etc.). Specify whether these address any specific groups of migrants and describe any groups which are not addressed under the subsequent commitments in this sub-section. Also consider the effect of the economic crisis on labour migration (e.g. revision of quota, reduction of professions listed, etc).

Major changes concerning qualified and highly-qualified immigration were made due to the introduction of new forms of legal immigration in the course of the amendments to the Aliens' Law in 2011. For further details, see I (b).

##### ***I(b) increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers:***

Please describe any (planned) measures to facilitate access of highly qualified workers, students and researchers. Refer to the implementation of the Blue Card Directive. Describe any incentive mechanisms for highly qualified workers, students and researchers on top of the transposition and implementation of EU legislation. Also consider the effect of the economic crisis.

Within the framework of the amendments to the Aliens' Law in 2011, the following changes concerning possibilities for the immigration of highly qualified workers, skilled workers in shortage occupations, other key workers and students as well as their family members were made.<sup>89</sup>

Through the implementation of the new residence titles "Red-White-Red Card" (entitles the holder to residence and employment with a specific employer) and "Red-White-Red Card plus" (entitles the holder to residence and unlimited access to the labour market) as well as the "Visa for the Purpose of Job Search", an immigration system was created that allows entry into Austria and labour market access for highly qualified workers, skilled workers and key workers without quota regulations. Issuance of these residence titles is based on a fixed point system, taking into account specific criteria, such as education, work experience, language skills, age, effects on the labour market, capability of the national economy, the expected integration ability and security aspects. Particularly highly qualified third country nationals have the opportunity to legally enter Austria with a visa and stay for six months for the purpose of seeking a job. If the visa is issued and the third country national finds a job, an application for the residence title "Red-White-Red Card" can be filed from Austria.

The group of skilled workers in shortage occupations will presumably be admitted starting in May 2012, as the list of shortage occupations will be regulated by decree at this date.<sup>90</sup>

<sup>89</sup> Amendments to the Aliens' Police Act 2011, Government Proposal, Explanatory Notes, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/I/1\\_01078/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXIV/I/1_01078/index.shtml) (accessed on 8 November 2011).

<sup>90</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Kriteriengeleitete Zuwanderung nach Österreich*, available at: [http://www.bmask.gv.at/cms/site/attachments/5/0/4/CH0020/CMS1306164706818/2011-07-22\\_de\\_info\\_-rwr-karte.pdf](http://www.bmask.gv.at/cms/site/attachments/5/0/4/CH0020/CMS1306164706818/2011-07-22_de_info_-rwr-karte.pdf) (accessed on 29 December 2011).

Through the introduction of the residence title *sui generis* “EU Blue Card”, employees from third countries who would like to gain particularly highly qualified employment in the EU Member States shall be provided more attractive conditions and the Austrian business location shall be strengthened. The “EU Blue Card” facilitates access to the labour market, creates better conditions for family reunification and the acquisition of long-term residence permits and also facilitates mobility within the European Union. These provisions implement the Directive 2009/50/EC.

Third country nationals who have completed a university degree in Austria are provided a one-time opportunity to stay in Austria for a further six months following the completion of their studies for the purpose of seeking a job. Subsequently, if the job search is successful, a “Red-White-Red Card” can be issued to this group, notwithstanding the earning of points. Third country national students looking for gainful employment require an employment permit, which is preceded by a labour market test. For employment consisting of less than 10 hours per week after the completion of the first study phase and 20 hours per week after the completion of a bachelor degree, a labour market test is not necessary.

### **I(c) Do not aggravate the brain drain**

Please describe any (planned) measures to favour circular or temporary migration, as well as other measures taken to avoid brain drain, for example awareness rising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain.

In Austria, programmes for the promotion of circular migration do not exist.

### **1.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

#### **I(b) Improving skills recognition and labour matching**

Describe any (planned) measures to improve the skills recognition of third country nationals and labour matching between your (Member) State and third countries (including online employment, etc). Linked to this, describe whether and how your (Member) State analyses its labour market needs / shortages. Also consider the effect of the economic crisis.

See under 1.1 I(b).

Concerning the former policy/legislation please see Policy Report 2010.

### **1.3 Key statistics**

<b>First residence permits, by reason</b>					
	Total	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
First permits					

<b>Unemployment rates of Member State citizens versus third country nationals residing in the (Member) State</b>	
	Third country nationals
Unemployment rate (%)	9,8

## **2 Family Reunification**

### **2.1 European Pact on Immigration and Asylum** (*1-2 paragraphs in the text box created for each commitment*)

The relevant commitments in the Pact for this sub-section are in particular:

#### ***I(d) To regulate family migration more effectively***

Please describe any new policies / legislation in this regard or changes to existing policies and legislation regulating family migration. Consider also your (Member) State's reception capacity and the extent to which the family member's capacity to integrate is being taken into account in the admission procedure, e.g. their knowledge of the country's language, level of education, professional background, other.

With regards to family reunification, changes and adaptations have been made due to the implementation of new residence titles and the regulations concerning the acquisition of German language skills before immigrating (see 4. I(g)). Especially for family members of third country nationals with a residence title "Red-White-Red-Card" or "EU Blue Card", access to labour market was facilitated to promote immigration of highly qualified workers.

### **2.2 Stockholm Programme** (*1-2 paragraphs in the text box created for each commitment*)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

#### ***2(b) The Directive on family reunification, the importance of integration measures***

Please describe any concrete (planned) measures to further promote the integration of third country nationals coming for the purpose of family reunification.

As in previous years, the integration of family members was a priority in 2011. Respective measures<sup>91</sup> were initiated and implemented across Austria.

In addition to the regulations concerning the acquisition of German language skills prior to immigration (see 4. 1(g)), the integration of family members living in Austria was emphasised through stricter standards of the Integration Agreement (see 4. 1(g)).

## **3 Other Legal Migration**

### **3.1 European Pact on Immigration and Asylum** (*1-2 paragraphs in the text box created for each commitment*)

The relevant commitments in the Pact for this sub-section are in particular:

#### ***I(e) to strengthen mutual information on migration by improving existing instruments where necessary;***

Please describe any (planned) sharing and exchanging of information on migration with other (Member) States, through existing networks and other instruments. Note that the European Migration Portal is to be discussed under the commitment below.

Within the scope of bilateral contacts, on-going exchange and active cooperation with several Member States were in place.

<sup>91</sup> Federal Ministry of the Interior, *Nationaler Aktionsplan für Integration*, available at: <http://www.bmi.gv.at/cms/cs03documentsbmi/817.pdf> (accessed on 8 November 2011).

The regional cooperation and the establishment of an operative network were further strengthened within the scope of Forum Salzburg as an Austrian initiative (see also 12.1 V (c)).

Exchange of information was promoted within the framework of EMN ad hoc queries, which were regularly answered.

**I(f) Improve information on the possibilities and conditions of legal migration**

Please describe any (planned) measures to improve the provision of information on the possibilities and conditions of legal migration. These could include, for example, information campaigns, websites, specific centres, etc. Also refer to the European Migration Portal. Consider the effects of the economic crisis.

In 2011, the Austrian Federal Ministry of Labour, Social Affairs and Consumer Protection and the Federal Ministry of the Interior launched the website [www.migration.gv.at](http://www.migration.gv.at). This website provides information in German and English about opportunities for immigration, especially for highly qualified workers.

The contents of the Austrian section of the European Migration Portal were updated, particularly in regard to the changes in the course of the amendments to the Aliens' Law 2011.

**3.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Stockholm Programme are similar to the Pact objective above, hence no further information required.

**4 Integration**

**4.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Pact for this sub-section are in particular:

**I(g) Promote harmonious integration in line with the common basic principles**

The common basic principles may be found in the JHA Council Conclusions of 19 November 2004, [doc. 14615/05](#),<sup>92</sup> as well as the Commission Communication [COM\(2005\) 389](#).<sup>93</sup>

Please describe (planned) measures for the integration of third country nationals , considering, for example, measures enabling immigrants to acquire a basic knowledge of the host society's language, history, and institutions, "efforts in education" "participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level", access to employment and public and social services, policy development on integration, etc.

In April 2011, the State Secretariat for Integration within the Federal Ministry of the Interior (FMI) was established. The tasks of the State Secretariat are to actively address the opportunities and challenges of integration and contribute to the reification of this topic.<sup>94</sup> According to the State

<sup>92</sup> Council of the European Union, *Justice and Home Affairs Council Conclusions of 19 November 2004*, Press Release, available at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/82745.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/82745.pdf) (accessed on 8 November 2011).

<sup>93</sup> European Commission, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions - A Common Agenda for Integration - Framework for the Integration of Third-Country Nationals in the European Union*, COM(2005) 389 final, 1 September 2005, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0389:EN:NOT> (accessed on 9 November 2011).

<sup>94</sup> State Secretariat for Integration, *Sebastian Kurz – Staatssekretär für Integration*, available at: [http://www.integration.at/wir\\_ueber\\_uns/staatssekretaer/](http://www.integration.at/wir_ueber_uns/staatssekretaer/) (accessed on 11 November 2011).

Secretariat, the goal of integration shall, above all, be reached through accomplishments by migrants.<sup>95</sup>

In this respect, the focus lies on the seven action fields of the National Action Plan for Integration (as stated below).<sup>96</sup>

In July 2011, the Integration Report 2011<sup>97</sup> of the State Secretariat for Integration was published. Therein, the independent Expert Council for Integration suggests 20 specific measures concerning the implementation of the National Action Plan:<sup>98</sup>

1. Language and education:

- German prior to immigration
- German for long-term residents with a migrant background
- Strengthening participation in the education system

2. Work and employment

- Recognition/validation of qualifications
- Ensuring a formal school graduation through additional education measures
- Promoting employment of women migrants

3. Rule of law and values

- Creation of Red-White-Red Reader
- Raising interest for acquiring citizenship

4. Health and social issues

- Promoting of health awareness for health-impaired persons
- Raising awareness of diversity of the health system and nursing care

5. Intercultural dialogue

- Forum.Islam
- Successful stories of migrants in Austria (role models)
- Glossary and self-commitment for the media
- Media award
- Promotion of young journalists

6. Sport and recreation

- Recreation at school
- Integration perspective for Federal Sport Funding

7. Living and the regional dimension of integration

- Improvement of settling-management in the living area
- Integration promoting housing administration

<sup>95</sup> Federal Ministry of the Interior, *Staatssekretär Kurz und Caritas-Präsident Küblerl eröffnen Österreichs Lerncafés*, Press Release, 22 September 2011, available at:

[http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=62677A4D2B7A796D6254453D&page=7&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=62677A4D2B7A796D6254453D&page=7&view=1) (accessed on 11 November 2011).

<sup>96</sup> Federal Ministry of the Interior, *Kurz zu Integrationsbericht: Integration durch Leistung*, 6 July 2011, available at:

[http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=63794B65706953677250733D&page=13&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=63794B65706953677250733D&page=13&view=1) (accessed on 8 November 2011).

<sup>97</sup> Federal Ministry of the Interior, *Integrationsbericht*, available at:

[http://www.bmi.gv.at/cms/bmi\\_service/start.aspx# Integrationsbericht](http://www.bmi.gv.at/cms/bmi_service/start.aspx# Integrationsbericht) (accessed on 8 November 2011).

<sup>98</sup> Federal Ministry of the Interior, *Integrationsstaatssekretariat: Expertenrat präsentiert Integrationsbericht 2011*, 5 July 2011, available at: [http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=4F523463633879445372633D&page=14&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=4F523463633879445372633D&page=14&view=1) (accessed on 7 November 2011)

- Promoting integration skills on municipal level

The implementation of these measures is recommended for the coming years.

The Advisory Board for Integration aims at the exchange of opinions on issues of general importance relevant for integration and the recommendations of the Expert Council for Integration as well as the consultation about the implementation of these recommendations.<sup>99</sup>

The amendments to the Aliens' Law in 2011 provide for a change of the Integration Agreement. According to the amendments of the Settlement and Residence Act, third country nationals must prove basic German language knowledge at A1 level of the Common European Framework of Reference when applying for specific residence titles. Thus, already at this stage, the foundation for successful integration is provided.<sup>100</sup> Additionally, the language requirements of the Integration Agreement were heightened from level A1 to A2. Moreover, this level must thus be reached within two years instead of five years, as was foreseen before the amendment. German language knowledge for independent use – which conforms to level B1 – is henceforth, *inter alia*, necessary to acquire long-term residence permit in Austria as well as to acquire Austrian citizenship.<sup>101</sup>

To improve the integration of immigrants, special objectives for the Public Employment Service were, for the first time, formulated and elaborated. For instance, special offerings for support were developed. The enhanced support shall be possible through better evaluation of data, thus enabling to meet the individual needs.<sup>102</sup>

In 2011, 137 projects were supported in the field of integration, especially concerning language, education and labour market.<sup>103</sup>

As part of the amendments to the Aliens' Law in 2011, the access to labour market for family members was facilitated. Family members of holders of a "Red-White-Red Card" can, from now on, apply for the residence title "Red-White-Red Card plus" which entitles the holder to unlimited labour market access immediately after entering Austria.

For further measures in the course of the National Action Plan for Integration and the activities of the Integration Fund please see Policy Report 2010.

#### **I(h) Promote information exchange on best practices in terms of reception and integration**

Please describe any relevant activity, e.g. the development of a national website and/or forum on integration, development of information exchanges between institutions and other stakeholders within your (Member) State, etc. Also consider possible contributions to the European Integration Forum and the European website on Integration.

The website [www.integration.gv.at](http://www.integration.gv.at) was re-designed and was regularly updated concerning publications and developments in the field of integration.

<sup>99</sup> Art. 18 para 1 Settlement and Residence Act.

<sup>100</sup> Federal Ministry of the Interior, *Fekter: Deutsch vor Zuwanderung ist wesentliche Maßnahme zur Integration*, Press Release, 22 February 2011, available at:

[http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/aussendungen.aspx?id=2B4836576A484464332F733D&page=6&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/aussendungen.aspx?id=2B4836576A484464332F733D&page=6&view=1) (accessed on 8 November 2011).

<sup>101</sup> Amendments to the Aliens' Police Act 2011, Government Proposal, Explanatory Notes, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/I/1\\_01078/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXIV/I/1_01078/index.shtml) (accessed on 8 November 2011).

<sup>102</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Rund zwei Drittel der Zuwanderer in Wien sind erwerbstätig*, Press Release, 31 October 2011, available at:

[http://www.bmask.gv.at/site/Presse/Presseaussendungen/BMASK\\_Rund\\_zwei\\_Drittel\\_der\\_Zuwanderer\\_in\\_Wien\\_sind\\_erwerbstaeiti\\_g](http://www.bmask.gv.at/site/Presse/Presseaussendungen/BMASK_Rund_zwei_Drittel_der_Zuwanderer_in_Wien_sind_erwerbstaeiti_g) (accessed on 8 November 2011).

<sup>103</sup> State Secretariat for Integration, Förderungen 2012, available at: [http://www.integration.at/projektfoerderung/foerderungen\\_2012/](http://www.integration.at/projektfoerderung/foerderungen_2012/) (accessed on 15 November 2011).

The European Website for Integration<sup>104</sup> was regularly updated concerning information on Austria.

#### **4.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

##### ***3(b) to incorporate integration issues in a comprehensive way in all relevant policy areas***

Please elaborate whether and how integration issues are integrated on other national policies.

Please see 4. I(g) for details on the establishment of the State Secretariat for Integration.

Integration is seen as an interdisciplinary field which – as a task relevant for society as a whole – affects all state levels and levels of civil society. As already mentioned in the Policy Report 2010, the National Action Plan for Integration structures the Austrian-wide cooperation of different players, so that the implementation of integration measures in the various fields is successfully managed.

##### ***3(e) improved consultation with and involvement of civil society***

Please describe consultation processes with civil society and their involvement in integration policymaking and measures.

In October 2011, the first meeting of the Advisory Board for Integration took place since the entry-into-force of its legal base. The Advisory Board for Integration aims at the exchange of opinions of all active players – ministries, provinces, representatives of the Association of Austrian Cities and Towns, social partners and the Federation of Austrian Industries as well as large NGOs – on issues of general importance relevant for integration and consults the recommendations of the Expert Council for Integration.

Some initiatives of the State Secretariat in cooperation with civil society were:

- More than 100 “Integration Ambassadors” are presented on the website [www.zusammen-oesterreich.at](http://www.zusammen-oesterreich.at). By showing examples of successful integration, the State Secretariat aims to generate motivation for integration and reduce prejudices.
- In cooperation with the NGO Caritas, the State Secretariat for Integration has established Study Cafés Austrian-wide. There, children and youth, especially with a migration background, can get support in studying through full-time professionals and volunteers.<sup>105</sup>
- Following an initiative of the State Secretariat for Integration, migrants can become volunteer fire fighters in all of Austria.<sup>106</sup>

An intense exchange with representatives of main countries of origin and diaspora communities (especially with Germany, Bosnia and Herzegovina, Kosovo, Serbia and Turkey) took place.

##### ***3(f) to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts***

<sup>104</sup> European Commission, *European Website for Integration*, available at: <http://ec.europa.eu/ewsi/de/> (accessed on 15 November 2011).

<sup>105</sup> Federal Ministry of the Interior, *Staatssekretär Kurz und Caritas-Präsident Küblerl eröffnen Österreichs Lerncafés*, 22 September 2011, available at: [http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=62677A4D2B7A796D6254453D&page=7&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=62677A4D2B7A796D6254453D&page=7&view=1) (accessed on 15 November 2011).

<sup>106</sup> Federal Ministry of the Interior, *Kurz: Migrantinnen und Migranten dürfen in ganz Österreich zur Feuerwehr*, 15 September 2011, available at:

[http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=4B6F454F3543732F7452673D&page=8&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=4B6F454F3543732F7452673D&page=8&view=1) (accessed on 16 November 2011).

Please describe any measures taken in this regard. For example, indicate whether these are included in integration courses and programmes, whether specific activities, e.g. events, have been organised, etc.

Intercultural dialogue has a long tradition in Austria.

The National Action Plan for Integration devotes an entire chapter to the intercultural dialogue and underlines its importance in all action fields of integration policy. Moreover, several suggestions of the Expert Council in the Integration Report 2011 aimed at the promotion of the intercultural dialogue. (see 4.1 I(g))

Religion is seen as an important aspect of the integration process in Austria. Thus, talks with different religious communities are taking place.<sup>107</sup>

## ILLEGAL IMMIGRATION AND RETURN

### 5 Illegal Immigration

#### 5.1 European Pact on Immigration and Asylum (*1-2 paragraphs in the text box created for each commitment*)

The relevant commitments in the Pact for this sub-section are in particular:

##### ***II(a) only case-by-case regularisation***

Please indicate whether any regularisation took place and how in your (Member) State legal status was given to illegally staying third country nationals. Also provide information on trends with respect to the number of persons regularised.

In 2011, no general regularisations took place and such measures were not planned.

##### ***II(c) ensure that risks of irregular migration are prevented***

Please describe your (Member) State's policy concerning preventing irregular migration. Note that information on other relevant measures, such as border control, are to be provided in the later sections of this report (see Sections 9 and 10).

The prevention of irregular migration was one of the priorities of Austria's migration and asylum policy and was also emphasised by Austria at the European level.

The tasks of the Aliens' Police were restructured. A focus was laid on strengthening border area controls, controls of shipping on the Danube, controls of long-distance trains, international airports and the red-light scene. So-called compensatory measures were established. In every Provincial Police Command, additional sections for border and aliens' police matters were created. Within this framework, the new special inspections aliens' police, the six border police inspections at the international airports, the departments for compensatory measures<sup>108</sup> and the police detention centres have been united. These compile aliens' police analyses and overviews of the situation,

<sup>107</sup> Federal Ministry of the Interior, *Staatssekretär Kurz sieht Religion als "Teil der Lösung"*, 28 July 2011, available at: [http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/BMI.aspx?id=6D542B57743857366D536F3D&page=11&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=6D542B57743857366D536F3D&page=11&view=1) (accessed on 16 November 2011).

<sup>108</sup> Federal Ministry of the Interior, *Effektiverer Einsatz der Polizei in den Grenzbezirken - Stärkung der AGM-Maßnahmen*, Press Release, 13 January 2011, available at: [http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/aussendungen.aspx?id=42372F772B4E723761364D3D&page=7&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/aussendungen.aspx?id=42372F772B4E723761364D3D&page=7&view=1) (accessed on 16 November 2011).

which provide a basis for carrying out Austrian-wide controls, operations, investigations, tracings and prevention measures.<sup>109</sup>

***II(d) to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants***

Please describe cooperation with other (Member) States, with regard to the expulsion of persons found to be staying illegally on the territory, including biometric identification of illegal entrants, joint expulsion measures (e.g. flights), etc.

Austria was one of the most active Member States to participate in Joint Return Operations.

In 2011, 21 Frontex operations and 4 bilateral operations (with Poland) took place.

***II(g) take rigorous actions and penalties against those who exploit illegal immigrants***

Please describe the transposition and operational execution (e.g. prosecution of employers hiring persons illegally staying in your (Member) State) of the “Employer Sanctions Directive,” as well as other relevant actions and developments.

The Sanctions Directive (2009/52/EC) was implemented in the course of the amendments to the Aliens’ Law in 2011 and the Aliens’ Employment Act<sup>110</sup>:

- If a return decision, return ban or exclusion order is issued against a third country national because of irregular employment, the person who employed the third country national against the provisions of the Aliens’ Employment Act has to pay the costs which occur in executing the decision;
- Irregularly employed non-nationals must be systematically informed about their rights as employees before the execution of return measures;
- Duty to register concerning the employment of non-nationals without permanent residence permission;
- Rebuttable legal presumption that irregular employment has lasted three months;
- Liability of the contractee regarding unpaid wages and for breaches committed by his/her immediate contractor regarding his/her duties of care;
- Liability for unpaid wages and breaches of all further sub-contractors who knowingly tolerate irregular employment;
- Exclusion from public benefits, including EU-Funds and refunding of paid benefits in case of repeated breaches of the Aliens’ Employment Act;
- Creation of criminal offences for severe forms of irregular employment.

***II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS obliging other MSs to prevent the person concerned from entering or residing***

Please describe any relevant developments with regard to expulsion decisions and the principle of mutual recognition of these decisions.

The Return Directive (2008/115/EC) was implemented in the course of the amendments to the Aliens’ Police Act in 2011. It is now stipulated that return decisions must be issued to irregularly resident third country nationals – always in conjunction with entry bans. Entry bans can vary in duration, according to the individual case.<sup>111</sup>

<sup>109</sup> Federal Ministry of the Interior, *Innenministerin präsentiert neues Grenz- und Fremdenpolizeimodell*, Press Release, 15 July 2011, available at:

[http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/aussendungen.aspx?id=36654D73366A5A557256733D&page=1&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/aussendungen.aspx?id=36654D73366A5A557256733D&page=1&view=1) (accessed on 16 November 2011).

<sup>110</sup> Amendments to the Aliens’ Employment Act 2011, Government Proposal, Explanatory Notes, available at:

[http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME\\_00250/fnameorig\\_202076.html](http://www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME_00250/fnameorig_202076.html) (accessed on 20 November 2011).

<sup>111</sup> Amendments to the Aliens’ Police Act 2011, Government Proposal, Explanatory Notes, available at:

[http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I\\_01078/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/index.shtml) (accessed on 20 November 2011).

In case of irregularly resident third country nationals, legally binding and enforceable return decisions of other Member States of the EEA equal, in specific cases, an enforceable Austrian return decision.<sup>112</sup>

Legally binding and enforceable return decisions along with entry, residence as well as return bans respectively were entered into the SIS, according to the Schengen Implementing Convention.

## **5.2 Stockholm Programme (*1-2 paragraphs in the text box created for each commitment*)**

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

### ***4(j) more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate and comprehensive information which improves our understanding of and response to migratory flows***

Please describe information collection activities undertaken in your (Member) State to identify migration routes, patterns and other relevant factors relevant to illegal immigration.

In the framework of the cooperation between Austria and Hungary against human smuggling, analyses of migration routes on the Balkan have been carried out.<sup>113</sup> See also 9.1 III(f).

These analyses led to the conclusion that the main routes of irregular migrants, beginning with the countries of origin, lead across Turkey and Greece towards Western Europe. One route leads from Greece across the sea to Italy and another on land over Formal Yugoslav Republic of Macedonia (FYROM), Serbia and Hungary to Austria.

For the purpose of preventing irregular migration over the previously mentioned route, the cooperation between Austria and Hungary was intensified and Europol was involved in the analyses.

### ***4(k) increased targeted training and equipment support***

Please describe any training measures and equipment support to combat irregular immigration which are not linked to border control (which is discussed in section 9 below).

In the course of the amendments to the Aliens' Police Act in 2011 and the implementation of the Return Directive (2008/115/EC), comprehensive trainings of authorities and officers in all fields were carried out more extensively. See also Policy Report 2009 and 2010.

### ***4(l) a coordinated approach by Member States by developing the network of liaison officers in countries of origin and transit.***

Please describe recent or planned developments with regard to your (Member) State's liaison officers in countries of origin and transit.

The police attachés of the Federal Ministry of the Interior met on 11 October 2011 for the yearly conference of liaison officers in Austria. The aim of this conference was to exchange experiences

<sup>112</sup> Art. 46b Aliens' Police Act 2005.

<sup>113</sup> Wiener Zeitung, *Kampf gegen Schlepper gemeinsam mit Ungarn*, 6 September 2011, available at:

[http://www.wienerzeitung.at/nachrichten/politik/oesterreich/394688\\_Kampf-gegen-Schlepper-gemeinsam-mit-Ungarn.html](http://www.wienerzeitung.at/nachrichten/politik/oesterreich/394688_Kampf-gegen-Schlepper-gemeinsam-mit-Ungarn.html) (accessed on 17 November 2011).

and inform liaison officers about security policy developments as well as organisational procedures.  
<sup>114</sup>

Currently, Austrian liaison officers are stationed in: Albania, Bosnia and Herzegovina, Bulgaria, Georgia (also covering Syria and Lebanon), Croatia, Kosovo, Morocco, FYROM, Moldova, Poland, Rumania, the Russian Federation, Serbia (also covering Montenegro), Slovakia (also planned to cover Ukraine as of February 2012), Slovenia, Spain, Thailand, the Czech Republic, Turkey and Hungary.<sup>115</sup>

On 8 April 2011, a conference for the liaison officers accredited to Austria took place in the Federal Office for the Prevention and Combating of Corruption. This conference's aims were to facilitate the liaison of the officers with the Office as well as networking.<sup>116</sup>

### 5.3 Key statistics

<b><i>Third country nationals regularised</i></b>
Third country nationals regularised

## 6 Return

### 6.1 European Pact on Immigration and Asylum (*1-2 paragraphs in the text box created for each commitment*)

The relevant commitments in the Pact for this sub-section are in particular:

#### ***II(b) To conclude readmission agreements at EU or bilateral level***

Please list the number of bilateral agreements negotiated and achieved during the reference period, specifying their purpose and with which third country. Also list the EU readmission agreements in which your (Member) State took part during the reference period. You could use the following table:

Type of readmission agreement	Third countries involved	Main purpose of the agreement
Bilateral	Kosovo <sup>117</sup>	- Readmission of own citizens - Specific procedure for the assessment of citizenship and return - Readmission of third country nationals - Transit - Transfer modalities

<sup>114</sup> Federal Ministry of the Interior, *Jahreskonferenz der Verbindungsbeamten des Innenministeriums*, 11 October 2011, available at: [http://www.bmi.gv.at/cms/bmi/\\_news/bmi.aspx?id=6F6E484C59345678766A553D&page=0&view=1](http://www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=6F6E484C59345678766A553D&page=0&view=1) (accessed on 15 November 2011).

<sup>115</sup> Response of the presiding officer of the Austrian parliament to a parliamentary query, 21 February 2011, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/AB/AB\\_07139/frameorig\\_207059.html](http://www.parlament.gv.at/PAKT/VHG/XXIV/AB/AB_07139/frameorig_207059.html) (accessed on 13 November 2011).

<sup>116</sup> Federal Office against Corruption (BAK), *Konferenz der internationalen Verbindungsbeamten im BAK*, 15 April 2011, available at: [http://www.bak.gv.at/cms/BIA/\\_news/Internat\\_Events.aspx?id=67725254773647354973343D&page=2&view=1](http://www.bak.gv.at/cms/BIA/_news/Internat_Events.aspx?id=67725254773647354973343D&page=2&view=1) (accessed on 15 November 2011).

<sup>117</sup> Federal Ministry of the Interior, *Fekter unterzeichnet Rückübernahmevertrag mit dem Kosovo*, 30 September 2010, available at: [http://www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=31786C3375384F6C584E383D&page=0&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=31786C3375384F6C584E383D&page=0&view=1) (accessed on 16 November 2011).

		- Issuance of possible travel document substitutes/laissez passer
Implementation protocols to EU readmission agreements	Bosnia and Herzegovina (signed) <sup>118</sup> FYROM <sup>119</sup> Montenegro <sup>120</sup> Russian Federation <sup>121</sup> Serbia <sup>122</sup>	- Responsible authorities, communication channels and border crossing points - Precondition for assisted removal and transit - Modalities of removal.

Please only provide information on readmission agreements. Information on other agreements with third countries will need to be added in other sections of the report (e.g. Sections 8 and 13).

#### ***II(f) To devise incentive systems to assist voluntary return and to keep each other informed***

Please describe (planned) measures to promote voluntary return, assistance provided in voluntary return, provision of information to other (Member) States on person returned.

Voluntary Return was further promoted as a preferential alternative to deportation. The general and target-group-specific programmes were enlarged and developed.  In the framework of the European Return Fund, the following projects were selected for funding in the programme year 2011 <sup>123</sup> : - 2 projects: return counselling and support for family members of the target group of the Return Fund in detention pending deportation with focus on the counselling for voluntary return and/or preparation for forced return; - 2 projects: counselling for voluntary return and organisation of return for the target group of the Return Fund (except those in detention pending deportation and imprisonment, falling under Art. 133a of the Prison Administration Act); - 1 project: pilot project for the development of organisational structures for supporting the voluntary return of female victims of trafficking in human beings; - 1 project: coordination of return and reintegration assistance for voluntary returnees to Nigeria; - 1 project: project for the return and reintegration assistance for voluntary returnees to Georgia; - 1 project: support of voluntary return and reintegration of returnees to the Russian Federation/the Chechen Republic; - 1 project: reintegration in Kosovo – cooperation with micro credit institutes and economy (ReKoKo).
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<sup>118</sup> Federal Police Authority, *Fekter: Rückübernahmevereinbarungen mit Bosnien und Herzegowina unterzeichnet*, 22 February 2011, available at: [http://www.bmi.gv.at/cms/BPD\\_Wien/\\_news/Aktuelles\\_BMI.aspx?id=74554A76737739457434383D&page=0&view=1](http://www.bmi.gv.at/cms/BPD_Wien/_news/Aktuelles_BMI.aspx?id=74554A76737739457434383D&page=0&view=1) (accessed on 17 November 2011).

<sup>119</sup> For the text of the agreement see: [https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA\\_2011\\_III\\_146/COO\\_2026\\_100\\_2\\_703605.html](https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA_2011_III_146/COO_2026_100_2_703605.html) (accessed on 17 November 2011).

<sup>120</sup> For the text of the agreement see: [https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA\\_2011\\_III\\_60/COO\\_2026\\_100\\_2\\_667475.html](https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA_2011_III_60/COO_2026_100_2_667475.html) (accessed on 17 November 2011).

<sup>121</sup> For the text of the agreement see: [https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA\\_2011\\_III\\_140/COO\\_2026\\_100\\_2\\_701446.html](https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA_2011_III_140/COO_2026_100_2_701446.html) (accessed on 17 November 2011).

<sup>122</sup> For the text of the agreement see: [https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA\\_2011\\_III\\_55/COO\\_2026\\_100\\_2\\_660202.html](https://www.ris.bka.gv.at/Dokumente/BgbLAuth/BGBLA_2011_III_55/COO_2026_100_2_660202.html) (accessed on 17 November 2011).

<sup>123</sup> Federal Ministry of the Interior, *Europäischer Rückkehrfonds Förderprojekte Programm 2011*, available at: [http://www.bmi.gv.at/cms/BMI\\_Fonds/rueckkehrf/projekte/files/Liste\\_der\\_ausgewahlten\\_Foerderprojekte\\_zum\\_Programm\\_2011.pdf](http://www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/projekte/files/Liste_der_ausgewahlten_Foerderprojekte_zum_Programm_2011.pdf) (accessed on 17 November 2011).

For general information regarding the structures of the support of voluntary return see Policy Report 2009.

In the course of the amendments to the Aliens' Law in Austria, a comprehensive system of free legal aid, both in the aliens' police and the asylum proceedings, was established.

## **6.2 Stockholm Programme** (*1-2 paragraphs in the text box created for each commitment*)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

### **4(c) ensuring that the objective of the EU's efforts on readmission should add value and increase the efficiency of return policies, including existing bilateral agreements and practices**

Please describe how the bilateral and EU readmission agreements are contributing to the implementation of your (Member) State's return policy.

Concerning Austria's return policy the provisions in the framework of bilateral and EU readmission agreements provide for the possibility to quickly process requests regarding the readmission of irregularly resident third country nationals and to obtain the necessary certificates/travel documents for return. Quality and speed depend on the willingness of the country of destination to cooperate, which strongly varies. Thus, the conclusion of readmission agreements alone is not vital. It is essential that the agreement is rapidly and effectively implemented in practice to allow for a prompt return after the issuance of the return decision.

### **4(e) assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures, in order to ensure the effectiveness of their return policies towards certain third states**

Please describe whether your (Member) State has benefited from / has provided any return support in case of specific and disproportionate pressures in your / in another (Member) State. Note that joint return flights are to be discussed under the following commitment.

From Austria's point of view, the Commission bears the main responsibility in supporting other Member States and to coordinate measures. Austria supported Greece continuously in the fields of asylum and border surveillance.

### **4(f) increased practical cooperation between Member States, for instance by regular chartering of joint return flights**

Please describe practical cooperation with other (Member) States in the area of return, such as the organisation of joint return flights, the preparation of travel documents, etc.

Austria was one of the most active participants in Joint Return Operations.

In 2011, 21 Frontex operations and 4 bilateral operations (with Poland) took place.

## **6.3 Key statistics**

<b><i>Third country nationals ordered to leave and returned</i></b>			
	Returned as part of forced return measures	Returned voluntarily	Within the third country nationals returned voluntarily, number of third country nationals returned as part of an assisted return programme
Third country	2,190	3,040	195

## **7 Actions against Human Trafficking**

### **7.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Pact for this sub-section are in particular:

***II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat***

Please describe any (planned) actions at national level to fight human trafficking and incorporation of third countries within them, awareness raising actions in third countries addressing communities at risk, etc. Please only refer to cooperation with regard to combating human trafficking. Information on other types of cooperation will need to be provided in other sections of the report (e.g. Sections 10 and 13).

Austria considers human trafficking to be a global challenge which can only be combated at the international level. Austria is especially affected by human trafficking because of its location in the centre of Europe as a country of transit and destination. Austria deploys a complex catalogue of measures in combating trafficking in human beings. The focus is on prevention, victim protection, prosecution and regional, national and international cooperation and coordination. The main goals are to increase victim protection, especially regarding women and children, as well as to apprehend offenders and combat the structures of organised crime. Combating child trafficking is another priority in the framework of the Austrian membership in the UN's Human Rights Council. Together with other countries, Austria aims to set initiatives to protect children from exploitation and slavery.<sup>124</sup>

The implementation of the second National Action Plan against Trafficking in Human Beings (2009-2011) was continued (see Policy Report 2009). A National Action Plan for 2012-2014 is being elaborated.<sup>125</sup>

The Austrian Federal Ministry of the Interior cooperated with Bosnia and Herzegovina in several projects, *inter alia* in combating human trafficking and human smuggling. The aim of the project "DET-ILECUs II" is to intensify operative cooperation between the EU and the Western Balkan countries. Under this umbrella, national and regional opportunities shall be elaborated and implemented for joint law enforcement action and cooperation in combating organised crime in the Western Balkans, Kosovo and Turkey. Furthermore, Austria was engaged as a junior partner in the EU project SECI/SELEC (Southeast European Cooperative Initiative/Southeast European Law Enforcement Centre) in the support of the implementation of the SEC Centre/SELEC Convention. With this project, the construction of a modern and effective SELEC as an important partner of Europol and the EU Member States shall be promoted. The projects, which are designed for 24 months, support SECI/SELEC capacities in preventing and combating organised crime in the Western Balkans and Turkey. The SECI Centre/SELEC for the first time builds the SEE OCTA along the lines of EU OCTA (Organised Crime Threat Assessment for South Eastern Europe). There, data concerning organised crime are collected and future trends assessed with the aid of

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<sup>124</sup> Federal Ministry for European and International Affairs, *Waldner*: "Shared success in the battle against human trafficking", Press Release, 17 October 2011, available at: <http://www.bmeia.gv.at/en/foreign-ministry/news/press-releases/2011/waldner-shared-success-in-the-battle-against-human-trafficking.html> (accessed on 16 November 2011).

<sup>125</sup> Österreichische Entwicklungszusammenarbeit, *Nationaler Aktionsplan zur Bekämpfung des Menschenhandels*, available at: [http://www.entwicklung.at/aktuelles/nationaler\\_aktionsplan\\_zur\\_bekaempfung\\_des\\_menschenhandels/](http://www.entwicklung.at/aktuelles/nationaler_aktionsplan_zur_bekaempfung_des_menschenhandels/) (accessed on 17 November 2011).

analytical methods. The SECI Centre constructs SEE OCTA together with experts of EUROPOL. Existing mechanisms shall be harmonised with EU guidelines and best practice models.<sup>126</sup>

The Austrian government hosted a public event about human trafficking on 17 October 2011 on occasion of the EU's Anti-Trafficking Day. In the course of this event, the exhibition "Human Trafficking – Slavery of the 21<sup>st</sup> Century" was shown to Austrian schools and universities under the aegis of the Federal Ministry for European and International Affairs.<sup>127</sup>

Furthermore, Austria is participating in the project "Enhanced Multistakeholder Cooperation on Human Trafficking from Nigeria to Europe" which aims at an improved partnership and networks between Nigeria and Europe.

In April 2010, a registration office for combating trafficking in human beings and human smuggling was created within the Federal Criminal Police Office aiming to intensify the fight against trafficking in human beings (Central Office for Combating Human Trafficking and Smuggling). Citizens can report relevant information concerning trafficking in human beings via telephone by calling +43 1 24836 85383 or via e-mail to [menschenhandel@bmi.gv.at](mailto:menschenhandel@bmi.gv.at) and [humantrafficking@bmi.gv.at](mailto:humantrafficking@bmi.gv.at). This registration office is opened 24 hours a day. Information can also be reported anonymously.

## **7.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Stockholm are similar to the Pact commitments, hence no further description is required.

### **7. 3 Key statistics**

<b><i>Third country nationals receiving a residence permit as victims of human trafficking</i></b>	
Third country nationals	

<b><i>Traffickers arrested and convicted</i></b>		
	Arrested / otherwise involved in a criminal proceeding	Convicted
Traffickers		

## **BORDER CONTROL**

### **8 Control and Surveillance at External Borders**

<sup>126</sup> Federal Ministry of the Interior, *Fekter: Rückübernahmevereinbarungen mit Bosnien und Herzegowina unterzeichnet*, Press Release, 22 February 2011, available at:

[http://www.bmi.gv.at/cms/BMI\\_Presse/\\_news/aussendungen.aspx?id=3839755259613664637A303D&page=5&view=1](http://www.bmi.gv.at/cms/BMI_Presse/_news/aussendungen.aspx?id=3839755259613664637A303D&page=5&view=1) (accessed on 17 November 2011).

<sup>127</sup> Federal Ministry for European and International Affairs, *Kampf gegen Menschenhandel*, available at:

<http://www.bmeia.gv.at/aussenministerium/aussenpolitik/menschenrechte/schwerpunktthemen/kampf-gegen-menschenhandel.html> (accessed on 18 November 2011).

## **8.1 European Pact on Immigration and Asylum** (*1-2 paragraphs in the text box created for each commitment*)

The relevant commitments in the Pact for this sub-section are in particular:

### ***III(a) more effective control of the external land, sea and air borders:***

Please describe any relevant (planned) developments to ensure more effective control, such as reinforcing border control staff, providing training, increasing overall resources. Note that technological means are to be described under the Pact commitment below.

The comprehensive and constant training of police officials, especially of border control personnel of the Federal Police at airports, was continued in 2011. See also Policy Report 2009-2010.

### ***III(e) deploy modern technological means for border control:***

Please describe any new technological equipment purchased and used during the reference period, including IT systems, surveillance equipment, automated border controls and fast track lanes, etc. If possible, also make reference to any developments relevant to the EU entry / exit system, the EU Registered Traveller Programme, the Schengen Information System (SIS II) and European Border Surveillance System.

In Austria, the Visa Information System (VIS) was implemented timely and successfully. (see 9.2 6(a))

## **8.2 Stockholm Programme** (*1-2 paragraphs in the text box created for each commitment*)

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

### ***7(i) invites the Member States and the Commission to explore how the different types of checks carried out at the external border can be better coordinated, integrated and rationalised with a view to the twin objective of facilitating access and improving security.***

Please describe any relevant (planned) actions taken to better coordinate different types of border checks (e.g. automated and non-automated, fast-track and non fast-track) at the external borders.

## **8.3 Key statistics**

<b><i>Visas issued</i></b>			
	Total Visas	Schengen Visas	National Visas
Visas <sup>128</sup>	291,927	270,727 <sup>129</sup>	20,214

## **9 Cooperation with respect to Border Control**

### **9.1 European Pact on Immigration and Asylum** (*1-2 paragraphs in the text box created for each commitment*)

The relevant commitments in the Pact for this sub-section are in particular:

### ***III(b) generalise the issue of biometric visas, improve cooperation between MSs' consulates and set up joint consular services for visas:***

<sup>128</sup> Including Visa with Limited Territorial Validity (LTV visa).

<sup>129</sup> Without LTV visa, in 2011 968 LTV Visa were issued.

Please describe (planned) developments in relation to biometric visas, for example the share of visas issued which are biometric, regions covered, pilot measures and testing, etc, also referring to the Visa Information System (VIS).

With regard to cooperation between (Member) State consular services and the set up of joint consular services for visas, please describe any relevant progress in this area, for example listing the visa representation agreements signed and the (Member) States involved (please specify whether you (Member) State represents these (Member) States or vice versa.

In 2011, Austria agreed on further joint consular services with other Schengen partners. For example, an agreement was made with Switzerland concerning the representation of Austria in visa procedures in Tbilisi.

Since July 2011, all third country nationals who apply for residence titles in Austria must undergo fingerprinting. Henceforth, a chip is inserted in the residence titles in cheque format, on which two fingerprints and a picture of the holder are saved.<sup>130</sup>

#### ***III(d) solidarity with MS subjected to disproportionate influxes of immigrants***

Please describe whether your (Member) State has benefited from / has provided any support with regard to border control in case of specific and disproportionate pressures in your / in another (Member) State. Also provide information on your (Member) State's relevant participation in FRONTEX, by type of activity (e.g. joint operations). Note that information on other forms of support with respect to disproportionate influxes are to be provided in other sections (e.g. section 7).

Austria was very active in cooperating with Frontex, especially concerning the provision of personnel and technology. This contributed to a good information flow.

In 2011, Austria participated in the following Frontex operations:

Minerva, Poseidon Sea, Hermes, Focal Point Air, Hubble, Mizar, Hammer, Focal Points land, Jupiter, Neptune, Coordination Points, Poseidon Land, Attica, RABIT deployment. This resulted in 310 men months.

#### ***III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control***

Please list any new or planned agreements, and other forms of bilateral and multilateral cooperation with third countries, specifying which countries, specifically in order to strengthen the control of external borders and to combat illegal immigration. This could include the provision of border equipment, training of border guards, etc. Please note that wider / more comprehensive agreements are to be described under section 13 addressing the Global Approach to Migration.

Concerning Austria's joining of the Convention on Police Cooperation in Southeast Europe see 12.1 V(c).

Existing cooperation with neighbouring countries regarding bilateral and trilateral joint patrolling at internal border areas as well as the work at the shared police cooperation centres were continued and intensified in 2011.

In September 2011, Austria and Hungary agreed on a 5-point-programme of cooperation against human smuggling, which entails joint border patrols, intensified controls in the interior, daily

<sup>130</sup> Federal Ministry of the Interior, *Biometrische Aufenthaltstitelkarte*, 30 June 2011, available at: [http://www.bmi.gv.at/cms/BMI\\_Presse\\_news/BMI.aspx?id=537A61764D7931586376303D&page=15&view=1](http://www.bmi.gv.at/cms/BMI_Presse_news/BMI.aspx?id=537A61764D7931586376303D&page=15&view=1) (accessed on 18 November 2011).

information exchange, an analysis and investigation group and cooperation on EU level.<sup>131</sup> Since October 2011, Serbia is also participating in the shared operations against human smuggling. Serbian officials take part in the analysis and investigation group and support the daily exchange of information.<sup>132</sup> Since November 2011, operations have been conducted under the coordination of FRONTEX.

On 1 February 2011, the convention between Austria and Moldova concerning the cooperation in combating crime entered into force. The aim of this convention is to combat cross-border organised crime, *inter alia* in the area of irregular migration and trafficking in human beings.<sup>133</sup>

## **9.2 Stockholm Programme (*1-2 paragraphs in the text box created for each commitment*)**

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

### ***6(a) The European Council encourages the Commission and Member States to take advantage of the entry into force of the Visa Code and the gradual roll-out of the VIS***

Please describe the progress of implementation of the Visa Code and VIS, if not already provided under Pact Commitment III(b) above.

In conjunction with the implementation of the VIS at representation authorities on 11 October 2011, border control at external borders at international airports was further developed regarding the introduction of e-pass-readers and a user interface with widened possibilities of tracing and information query.

## **ASYLUM**

### **10 International Protection**

#### ***10.1 European Pact on Immigration and Asylum (*1-2 paragraphs in the text box created for each commitment*)***

The relevant commitments in the Pact for this sub-section are in particular:

##### ***IV(c) solidarity with MS which are faced with specific and disproportionate pressures on their national asylum systems:***

Please provide information on support provided to (Member) States experiencing specific and disproportionate pressures on their national asylum systems, with regard to the processing of requests for international protection. This could include seconding staff and sending resources or equipment.

Austria processed a disproportionately large number of asylum applications and thus, Austria is one of the particularly effected Member States of the EU.

Austria supported the establishment of the Greek asylum system in the framework of the Action Plan for Asylum and Migration by sending experts and participation in the “Operating Plan Team”.

<sup>131</sup> Wiener Zeitung, *Kampf gegen Schlepperei gemeinsam mit Ungarn*, 6 September 2011, available at: [http://www.wienerzeitung.at/nachrichten/politik/oesterreich/394688\\_Kampf-gegen-Schlepper-gemeinsam-mit-Ungarn.html](http://www.wienerzeitung.at/nachrichten/politik/oesterreich/394688_Kampf-gegen-Schlepper-gemeinsam-mit-Ungarn.html) (accessed on 17 November 2011).

<sup>132</sup> Ibid.

<sup>133</sup> For the text of the agreement see:

[https://www.ris.bka.gv.at/Dokumente/BgbIAuth/BGBLA\\_2011\\_III\\_99/COO\\_2026\\_100\\_2\\_675062.html](https://www.ris.bka.gv.at/Dokumente/BgbIAuth/BGBLA_2011_III_99/COO_2026_100_2_675062.html) (22 November 2011).

Greece, on the one hand, receives practical support in its efficient and humane handling of asylum procedures and, on the other hand, in strengthening and improving its reception capacities.<sup>134</sup>

Additionally, Austria actively participated in the work of the European Asylum Support Office through a seconded national expert as well as the deputy chair of the management board.

Please describe any action undertaken with regard to the reallocation from (Member) States experiencing specific and disproportionate pressures of beneficiaries of international protection to other (Member) States. This relates to intra-EU movements, for example, as part of EU projects.

Austria continued to be one of the most burdened Member States concerning influx of asylum seekers. Because of the high annual rate of asylum applications, and especially due to the very high load of asylum applications *per capita* in European comparison, Austria has not participated in the Relocation Programme of the EU as of yet.

***IV(d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of European Union Member States who request protection, in particular by moving, on a voluntary basis, towards the resettlement within the European Union***

Please describe resettlement activities to your (Member) State of people placed under the protection of the Office of the UNHCR in third countries, specifying from which countries.

Due to the high pressure on the national asylum system, Austria does not participate in resettlement activities.

***IV(e) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection***

Please describe the provision or planning of provision of such training (and in which way, number and percentage of border control staff trained)...)

The comprehensive and constant training of officers, especially of the border control personnel of the Federal Police at the airport, was, also in 2011, continued in essential areas of international protection (see Policy Report 2009).

## 10.2 Key statistics

<b><i>Third country nationals reallocated and resettled to your (Member) States</i></b>			
	Total	Reallocated	Resettled
Third country nationals			

<b><i>Training of border guards on asylum</i></b>		
	Total number of border guards	Border guards who received training
Border guards		

## UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

<sup>134</sup> Federal Ministry of the Interior, *Asylangelegenheiten: Vorbereitung von EASO-Einsätzen*, Öffentliche Sicherheit Nr. 5-6/2011, available at: [http://www.bmi.gv.at/cms/BMI\\_OeffentlicheSicherheit/2011/05\\_06/files/ASYLANGELEGENHEITEN.pdf](http://www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2011/05_06/files/ASYLANGELEGENHEITEN.pdf) (accessed on 18 November 2011).

## **11 Unaccompanied Minors (and other vulnerable groups)**

### **11.1 European Pact on Immigration and Asylum**

No specific commitments are included.

### **11.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

**5(a) develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return**

Please describe any developments in relation to unaccompanied minors at national and international levels.

Special assessment methods for procedures of unaccompanied minor asylum seekers in the different procedure steps were developed in the framework of the project UBAUM I. The quality of interrogations/interviews/hearings and decisions in the asylum proceedings was evaluated by means of observing “samples”. Furthermore, proceedings concerning unaccompanied minor asylum seekers were standardised. Best practice guidelines for family tracing were also developed. The further goals of the project are: promotion and training of legal advisers, workshops with the competent youth welfare authorities, development of quality standards for interpreters. Furthermore, information brochures for minors shall be developed. Additionally, recommendations for the Austrian practices on family tracing shall be developed based on a desk review of the procedures of selected EU Member States.

In the course of the amendments to the Aliens’ Police Act in 2011 it was stipulated that the competent authority must ensure, beforehand, in the framework of the instigation of necessary measures that, in case of deportation of an unaccompanied minor, the minor can be committed to the care of a family member, an official guardian or a adequate reception facility in the destination country.<sup>135</sup>

### **11.3 Key statistics**

<b><u>Unaccompanied minors</u></b>	
Number of unaccompanied minors	1,121

## **GLOBAL APPROACH TO MIGRATION**

### **12 External Cooperation / Global Approach to Migration**

#### **12.1 European Pact on Immigration and Asylum (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Pact for this sub-section are in particular:

**V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development**

Please provide information on any (planned) EU level or bilateral agreements (e.g. Mobility Partnerships), which are in addition to those mentioned under Sections 1.1, Pact commitment I(a)

<sup>135</sup> Amendments to the Aliens’ Police Act 2011, Government Proposal, Explanatory Notes, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I\\_01078/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/index.shtml) (accessed on 24 November 2011).

Implement policies for labour migration; 7.1, Pact commitment II(b) To conclude readmission agreements; and 11, Pact commitment III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control. These could include wider, more comprehensive agreements covering various elements related to legal and illegal migration, as well as return. List them, including the third countries with which they have been concluded and their content. In case of bilateral agreements, also indicate whether the Commission was informed.

An example table is presented below.

Type of agreement	Third countries involved	Main purpose of the agreement
Multilateral	See 12.1 V(c).	See 12.1 V(c).
Bilateral	Republic of Albania, Bosnia and Herzegovina, FYROM, Republic of Moldova, Rumania, Serbia and Montenegro, Kosovo	See 9.1 III(f).

***V(b) offer the nationals of partner countries to the East and South of Europe opportunities for the legal immigration***

Please indicate whether, in relation to the labour migration policy and related developments set out in Section 1.1, whether any of these favour labour and circular migration and specify which third countries from the East and South of Europe.

To avoid discrimination, all third country nationals are treated equally.

***V(c) cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration***

Please describe any cooperation, in addition to the cooperation outlined in Pact commitment V(a) above, Sections 8, Pact commitment II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and section 11, Pact commitment III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control, which has focused on deterring or preventing illegal immigration. This may include concrete cooperation activities, capacity building and agreements.

Please see 9.1 III(f) regarding the cooperation with Hungary and Serbia in combating human smuggling and the convention with the Republic of Moldova. Please see 7.1 III(e) for information on the cooperation with Bosnia and Herzegovina.

The cooperation in the framework of the security partnership Forum Salzburg was further strengthened. The 18-month working programme (see Policy report 2010) was initiated during the Austrian presidency in the Forum Salzburg Group, especially concerning the fields of combating cross-border traffic offences as well as witness protection. Additionally, initiating the “Police-Equal-Performance-Project” contributed to attaining a new level of law enforcement cooperation in Southeast Europe.<sup>136</sup>

<sup>136</sup> Federal Ministry of the Interior, Mikl-Leitner: "Forum Salzburg ist wichtigste regionale Sicherheitspartnerschaft Europas", 28 June 2011, available at: [http://www.bmi.gv.at/cms/bmi/\\_news/bmi.aspx?id=4D53686967746349532B453D&page=0&view=1](http://www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=4D53686967746349532B453D&page=0&view=1) (accessed on 18 November 2011).

In July 2011, Austria joined the Convention on Police Cooperation in Southeast Europe. The Convention was initiated by Austria, was negotiated with Austrian help and was signed in Vienna on 5 May 2006.<sup>137</sup> The aim of the Convention is to improve cooperation in combating threats to public security and to prevent, expose and investigate criminal offences. It additionally aims to facilitate cross-border administrative assistance between law enforcement and judicial authorities and to create new capacities for cross-border interventions of security police and criminal investigation (joint patrolling, cross-border intervention to avert dangers, sting operations, witness protection, checked delivery, speed-up information exchange).<sup>138</sup>

**V(d) More effective integration of migration and development policies**

Please describe any relevant activity, for example studies and development of such approach, solidarity development projects, etc.

The Austrian Development Agency (ADA) developed a specific “image branding” project for the African diaspora community “Ke nako Africa”, in the broader context of the Soccer World Cup. The diaspora was actively involved in the development of the project, which consisted of a combination of events directly linked to the games (public viewing of games, specific information in the press) with cultural projects, thematic workshops, including the Austrian Chamber of Commerce, which hosted specific events on the opportunities of business partnerships in African countries. Among the positive results were:

- A different, more positive image of the African continent, making it more attractive also to the Austrian business community
- For the first time, active cooperation of the African diaspora community
- Higher self-esteem; information of the Austrian public about the members of the community (especially high quota of academics; correction of the negative image of the community)
- As a result, ADA is still promoting the continuation of the active networking of the “Ke Nako Platform”

**V(e) promote co-development actions and support instrument for transferring migrants' remittances**

Please describe any relevant developments and activities in the area of remittances, including financial support to such actions, implementation of an instrument for transferring migrants' remittances, etc.

**12.2 Stockholm Programme (1-2 paragraphs in the text box created for each commitment)**

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

**11(h) how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin**

Please provide information on a possible national policy or actions with regard to supporting diaspora groups in enhancing development in their countries of origin.

The Migration for Development in the Western Balkans (MIDWEB) project, which, inter alia, is being implemented by Austria (International Organization for Migration, supported by the Federal Ministry of Labour, Social Affairs and Consumer Protection and the Federal Ministry for European and International Affairs) in cooperation with diaspora communities of the Western Balkans, aims to provide information about opportunities for legal immigration for potential labour migrants from

<sup>137</sup> For the text of the convention see:

[https://www.ris.bka.gv.at/Dokumente/Bgb1Auth/BGBLA\\_2011\\_III\\_152/BGBLA\\_2011\\_III\\_152.html](https://www.ris.bka.gv.at/Dokumente/Bgb1Auth/BGBLA_2011_III_152/BGBLA_2011_III_152.html) (accessed on 18 November 2011).

<sup>138</sup> Ministry of the Interior, *Verbindungsbeamte: Attaché in Laibach, Öffentliche Sicherheit Nr. 1-2/2009*, available at:

[http://www.bmi.gv.at/cms/BMI\\_OeffentlicheSicherheit/2009/01\\_02/files/Verbindungsbeamte.pdf](http://www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2009/01_02/files/Verbindungsbeamte.pdf) (accessed on 18 November 2011).

the Western Balkans and to promote the socio-economic development of Western Balkan countries.<sup>139</sup>

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<sup>139</sup> Migration for Development in the Western Balkans (MIDWEB) Project, available at: <http://www.tvrmidweb.org> (accessed on 18 November 2011).