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REPUBLIC OF AUSTRIA  
FEDERAL MINISTRY OF THE INTERIOR



# **ANNUAL REPORT 2015 ON ASYLUM AND MIGRATION POLICY IN AUSTRIA**

**Contribution to Commission and to EASO Annual Reports**

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## **Explanatory Note**

This report has been produced within the framework of the annual reporting of the National Contact Points (NCPs) in the European Migration Network (EMN). The report outlines the most significant legislative, political and practical developments in the field of asylum and migration in Austria in 2015. The report provides input to the European Commission's Annual Report on Immigration and Asylum in 2015 as well as to the European Asylum Support Office's (EASO) Annual Report on the Situation of Asylum in the European Union (EU).

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

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

## 1. LEGAL MIGRATION AND MOBILITY

### 1.1 Economic Migration

#### 1.1.1 Satisfying Labour Market Needs - Admission Policies

Please describe any *new or planned* labour migration admission policies, measures or changes to the existing legislation regarding labour market and skill needs/shortages in relation to the employment of third-country nationals.

As a result of the amendment to aliens law that entered into effect on 20 July 2015,<sup>1</sup> two additional categories of individuals now have the option of applying within Austria for a residence permit. On the one hand, those third-country nationals who are exempt from the scope of the Act Governing the Employment of Foreigners as a result of their scientific activity in research and teaching or as part of their education, are now entitled to file an application during their legal stay in Austria. The option of applying within the country is also open to third-country nationals who have a certificate, issued by a school in Austria or another country, which shows that they have passed the Austrian secondary education examinations.<sup>2</sup>

Based on the Act Amending the Aliens Law 2015, third-country nationals holding a residence title from another Schengen country will in future no longer require a visa in order to work temporarily in Austria.<sup>3</sup> But they still may need a work permit, a posting permit or an EU posting confirmation.<sup>4</sup>

Draft legislation aimed at simplifying procedures for the recognition of occupational qualifications and education completed in other countries was sent out by the Austrian Federal Government for review in late 2015. The planned Federal Act on the Simplification of Procedures for the Recognition and Evaluation of Foreign Education and Occupational Qualifications (Recognition Act)<sup>5</sup> is intended to help individuals who provide evidence of having completed education or acquired occupational skills in another country to find employment matching their qualifications in the Austrian job market and to promote their integration in the labour market.<sup>6</sup>

#### 1.1.2 Efforts to Avoid 'Social Dumping'

*Social dumping* refers to the practice where workers from third countries are exploited as "cheap labour" in order to increase profit margins of companies.<sup>7</sup> This would entail

<sup>1</sup> Act Amending the Aliens Law 2015, FLG I No. 70/2015.

<sup>2</sup> Art. 21 para 2 subpara 9 and subpara 10 Settlement and Residence Act, FLG I No. 100/2005, in the version of FLG I No.122/2015.

<sup>3</sup> Art. 24 para 3 Aliens Police Act, FLG I No. 100/2005, in the version of FLG I No. 121/2015.

<sup>4</sup> Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, 5 April 2016.

<sup>5</sup> Federal Act Establishing the Federal Act on the Simplification of Procedures for the Recognition and Evaluation of Foreign Education and Occupational Qualifications (Recognition Act) and Amending the Education Documentation Act, Ministerial Proposal, Legal Text, available at [www.parlament.gv.at/PAKT/VHG/XXV/ME/ME\\_00176/imfname\\_495272.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00176/imfname_495272.pdf) (accessed on 6 January 2016).

<sup>6</sup> Federal Act Establishing the Federal Act on the Simplification of the Procedures for the Recognition and Valuation of Foreign Educational and Professional Qualifications (Recognition Act) and Amending the Education Documentation Act, Ministerial Proposal, Explanatory Notes, p. 1, available at [www.parlament.gv.at/PAKT/VHG/XXV/ME/ME\\_00176/imfname\\_495274.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00176/imfname_495274.pdf) (accessed on 6 January 2016).

<sup>7</sup> Eurofound, *Social dumping*, available at [www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/social-dumping](http://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/social-dumping) (accessed on 29 February 2016).

measures aimed at ensuring recruitment on the domestic labour market, if it is able to meet demand. It would also entail ensuring equal treatment of third country workers to nationals and EU citizens as regards working conditions, including pay.

Please describe any *new or planned* measures to prevent and/or detect social dumping

An amendment to the Employment Contract Law Adaptation Act<sup>8</sup> entered into effect as of 1 January 2015 and introduced changed provisions on the verification of pay levels. It was specified that any failure to pay the minimum level of remuneration as defined in a law, regulation or collective agreement is subject to an administrative penalty. The previous provision applied only to cases of not meeting the minimum level of base pay.<sup>9</sup>

In January 2015 the Economic Chamber of the province of Burgenland set up a “Moonlighting Hotline” under the number 05-90907-1234, which individuals can call to report illegal employment. The reported information is subsequently passed on to the finance police.<sup>10</sup>

### ***1.1.3 Facilitating Admission***

Please describe any *new or planned* policies / measures to facilitate admission and access of the following categories of migrants. Please concentrate on any additional incentive mechanisms, besides those introduced through the transposition and implementation of EU legislation.

#### **A) Highly qualified workers**

In November 2015 the Federal Minister of Labour, Social Affairs and Consumer Protection issued the new version of the Regulation for Skilled Workers in shortage occupations for 2016. The regulation lists eight shortage occupations in which third-country nationals are able to obtain a Red-White-Red Card for skilled workers in shortage occupations in 2016.<sup>11</sup>

#### **B) Intra-Corporate Transferees (ICTs)**

The work required in Austria in order to transpose the ICT Directive (2014/66/EU)<sup>12</sup> into national law (evaluations, etc.) began in 2015.<sup>13</sup>

<sup>8</sup> Federal Act Amending the Employment Contract Law Adaptation Act, the Workers Relinquishment Act, the Workers Protection Act, the Working Time Act, the Construction Workers’ Annual Leave and Severance Pay Act and the Unemployment Insurance Act 1977 (Act Amending the Labour and Social Law 2014), FLG I No. 94/2014.

<sup>9</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Lohnkontrolle*, available at [www.sozialministerium.at/site/Arbeit\\_Behinderung/Arbeitsrecht/Entlohnung\\_und\\_Entgelt/Lohnkontrolle/Lohnkontrolle](http://www.sozialministerium.at/site/Arbeit_Behinderung/Arbeitsrecht/Entlohnung_und_Entgelt/Lohnkontrolle/Lohnkontrolle) (accessed on 10 December 2015).

<sup>10</sup> Federal Ministry of the Interior, *Maßnahmenpaket gegen Schwarzarbeit und Lohndumping*. News, 20 February 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=3632763365626430762B633D&page=83&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=3632763365626430762B633D&page=83&view=1) (accessed on 8 December 2015).

<sup>11</sup> Regulation for Skilled Workers 2016, FLG II No. 329/2015.

<sup>12</sup> Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.

<sup>13</sup> Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, 5 April 2016; Written input by the Federal Ministry of the Interior, Department III/4 (Residence, Civil Status and Citizenship Affairs), 1 April 2016.

### C) Seasonal Workers

The Regulation of the Federal Government defining the number of residence titles subject to quota and the maximum numbers of work permits for temporarily employed aliens and harvest workers for the year 2016 was issued on 21 December 2015.<sup>14</sup> The 2016 Settlement Regulation limits the numbers of such permits that may be issued in 2016: a maximum of 5,656 residence titles subject to quota, up to 4,500 work permits for temporarily employed foreigners and up to 700 work permits for harvest workers.

The work required in Austria in order to transpose the Seasonal Workers Directive<sup>15</sup> into national law (evaluations, etc.) began in 2015.<sup>16</sup>

### D) Migrants entrepreneurs

Nothing to report.

### E) Au pairs

Nothing to report.

### F) Other

The Administrative High Court ruled that the legal opinion maintaining that an entry ban always had to be issued along with a return decision did not conform with European Union law; subsequently, the related grounds for refusing a residence title as specified in Art. 11 Settlement and Residence Act<sup>17</sup> were correspondingly adapted through the Act Amending the Aliens Law 2015,<sup>18</sup> which entered into force on 20 July 2015. Whereas Art. 11 para 1 subpara 1 of the Settlement and Residence Act previously specified an enforceable return decision and a valid exclusion order as being absolute grounds for refusing to issue a residence title, now a valid entry ban and a valid exclusion order are the only absolute grounds for refusal. Where only a return decision has been issued, pursuant to the amended version of Art. 11 para 1 subpara 3 Settlement and Residence Act, no grounds for refusing a residence title apply to the foreigner, if either since departure from Austria the 18-month period of prohibited entry has expired or the foreigner has voluntarily complied with the return decision and applied for a residence title from outside Austria. Furthermore, an enforceable return decision is specified in Art. 11 para 3 Settlement and Residence Act as only being a relative reason for refusal; in other words, consideration will be given to maintaining the individual's private and family life where applicable.<sup>19</sup>

#### ***1.1.4 Guaranteeing Certain Rights for Third-Country Nationals who are Already Legally Resident on the Territory***

Please describe any *new or planned* policies / measures or practices to facilitate access to

<sup>14</sup> Settlement Regulation 2016, FLG II No. 445/2015.

<sup>15</sup> Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, 28 March 2014, OJ L 94/375.

<sup>16</sup> Written input by the Federal Ministry of the Interior, Unit II/3/b (Passport and Visa Affairs of Aliens), 27 January 2016.

<sup>17</sup> FLG I No. 100/2005, in the version of FLG I No. 122/2015.

<sup>18</sup> FLG I No. 70/2015.

<sup>19</sup> Art. 5 subpara 9 and subpara 10 Act Amending the Aliens Law 2015, FLG I No. 70/2015; Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 27–28, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 14 January 2016); Art. 11 para 1 subpara 1 and subpara 3, Art. 11 subpara 3 Settlement and Residence Act, FLG I No. 100/2005, in the version of FLG I No. 122/2015.

the following:

A) Long-term residence

Under the Settlement and Residence Act<sup>20</sup> third-country nationals must have previously been entitled to settlement for five consecutive years to be eligible for a Permanent Residence – EU residence title (Art. 45 para 1 Settlement and Residence Act). If this period is interrupted for a total of more than ten months or for six months in succession, the eligibility period begins anew (Art. 45 para 4 Settlement and Residence Act). Now spouses, registered partners and children of Austrian citizens who are employed with a public entity, and whose place of employment is in another country, can have the period prior to the interruption recognized towards eligibility, provided that the authorities are informed in advance of the planned discontinuation of settlement status; this has been in effect since 20 July 2015 with the Act Amending the Aliens Law 2015.<sup>21</sup>

B) Equal treatment

Nothing to report.

C) Intra-EU mobility of third-country nationals between Member States

Nothing to report.

D) Other

Nothing to report.

## 1.2 Students and Researchers

Please describe any *new or planned* policies / measures or practices to facilitate greater mobility of students and researchers and towards meeting labour market needs. Please specify any incentive mechanisms for students and researchers, besides those introduced through the transposition and implementation of EU legislation.

The Act Amending the Aliens Law,<sup>22</sup> which became effective as of 20 July 2015, requires individuals applying for a Temporary Residence Permit – Researcher to present an employment agreement with the research institution.<sup>23</sup> The previously required declaration of liability is no longer necessary.<sup>24</sup> Due to the requirement to accept liability towards all regional authorities for the applicant's residence and return expenses, in the past research institutions were frequently unwilling to sign an employment agreement with such individuals. By dropping the requirement for the employment agreement to contain a declaration of liability, it is expected that the Temporary Residence Permit – Researcher will become more attractive for all research institutions.<sup>25</sup>

Since the Act Amending the Aliens Law 2015, foreign graduates from an Austrian university may obtain a written confirmation of the legality of their stay for further six months for any category of the Red-White-Red Card (i.e. very highly qualified workers,

<sup>20</sup> FLG I No. 100/2005, in the version of FLG I No. 122/2015.

<sup>21</sup> Art. 45 para 4a Settlement and Residence Act, FLG I No. 100/2005, in the version of FLG I No. 122/2015. This regulation transposes Art. 4 para 3 subpara 2 of the Directive concerning the status of third-country nationals who are long-term residents (2003/109/EC).

<sup>22</sup> FLG I No. 70/2015.

<sup>23</sup> Art. 67 para 1 subpara 3 Settlement and Residence Act, FLG I No. 100/2005, in the version of FLG I No. 122/2015.

<sup>24</sup> Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 30 f., available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 14 January 2016).

<sup>25</sup> Written input by the Federal Ministry of the Interior, Department III/4 (Residence, Civil Status and Citizenship Affairs), 10 February 2016.

skilled workers in shortage occupations, other key workers, university graduates or self-employed key workers). Before, this was only possible for the category of university graduates. Accordingly, foreign graduates holding such a confirmation now may apply in Austria for any category of the Red-White-Red Card, and not only for the category of university graduates.<sup>26</sup>

### 1.3 Family Reunification

Please describe any *new or planned* policies/measures or practices to regulate family reunification, specifically those to further promote the integration of third-country nationals coming for the purpose of family reunification

In late 2015 the Federal Ministry of the Interior presented a draft federal act to amend the Asylum Act 2005.<sup>27</sup> In line with transposing two EU Directives into national law (the Family Reunification Directive<sup>28</sup> and the Qualification Directive<sup>29</sup>), the draft sent out for review specifically sets forth additional requirements for family reunification involving beneficiaries of subsidiary protection and introduces a residence title for beneficiaries of asylum that is initially limited to a three-year period.<sup>30</sup>

### 1.4 Managing Migration and Mobility

The 12th annual General Directors' Immigration Services Conference (GDISC) was held in Vienna on 25 and 26 June 2015 on the topic of the "Driving force for practical cooperation". The objective was firstly to exchange practical experience on issues specifically related to procedures and secondly to discuss the development of asylum and migration policy in the light of future needs. In addition to the directors of the asylum authorities of the relevant Member States, the conference was also attended by representatives of the European Commission and the European Asylum Support Office (EASO) as well as of international organizations.<sup>31</sup>

#### 1.4.1 Visa Policy

Please describe any *new or planned* policies/measures or practices in relation to the implementation of the Visa Code and the Visa Information System (VIS). Specifically describe new developments in relation to biometric visas (share of visas issued which are biometric, regions covered, pilot measures and testing, cooperation between (Member) States' consulates and the set up joint consular services for visas).

<sup>26</sup> Art. 5 para 23 Act Amending the Aliens Law 2015, FLG I No. 70/2015.

<sup>27</sup> Consultation draft: Act Amending the Asylum Act 2005, Text Comparison, available at [www.parlament.gv.at/PAKT/VHG/XXV/ME/ME\\_00166/imfname\\_480072.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00166/imfname_480072.pdf) (accessed on 14 January 2016).

<sup>28</sup> Directive 2003/86/EC of 22 September 2003 on the right to family reunification, 3 October 2003, OJ L 251/12.

<sup>29</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), 20 December 2011, OJ L 337/9.

<sup>30</sup> Written input by the Federal Ministry of the Interior, Unit III/1/c (Legislative Affairs Concerning Aliens), 9 February 2016.

<sup>31</sup> Federal Office for Immigration and Asylum, *Konferenz der europäischen Asyl- und Migrationsbehörden*. News, 26 June 2015, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=6D5153622F4745384D57733D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=1](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=6D5153622F4745384D57733D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=1) (accessed on 30 November 2015).



With regard to the “visa package” proposed by the European Commission on 1 April 2014, Austria participated in the ongoing negotiations with the responsible Council bodies. Here the aim is to identify a common position to be taken later in negotiations with the European Parliament as part of the co-decision procedure.<sup>32</sup>

The Visa Information System (VIS), in operation since 2011 in Austria, is functioning well. The roll-out to the consulates was carried out in phases and completed on 20 November 2015. The joint EU roll-out to the external Schengen borders, which is the final VIS roll-out region worldwide, is scheduled for 29 February 2016.<sup>33</sup>

- a) Please report on any relevant *2015 progress* in relation to cooperation between (Member) State consular services and the set-up of *new* joint consular services for visas by listing the visa representation agreements signed and the (Member) States involved in the Table below.

(Member) State with which the visa representation agreement exists	Country acting as representative
	Austria has signed representation agreements with numerous Member States. We refer in this context to Annex 28 of the Visa Code Handbook, which is updated regularly and contains the relevant information. <sup>34</sup>

#### 1.4.2 Schengen Governance

Please describe any *new or planned* developments in relation to Schengen Governance. Where relevant, please include any (planned) actions in relation to the new Schengen acquis, temporary suspension of Schengen, developments in relation to Regulation (EU) No 1342/2011 facilitating border crossing for Kaliningrad area, etc.

An evaluation team appointed by the European Commission inspected the sites at the Vienna-Schwechat airport and at the Wiener Neustadt Ost airfield in February 2015. The objective was to review compliance with the Schengen acquis applying to external borders. As part of this inspection, the air borders were evaluated in terms of staff and level of training, checks and procedures, accommodation of persons rejected at the border, and with regard to the processing of criminal acts in connection with persons apprehended at the border or within the framework of compensatory measures (cases related to the smuggling of migrants or drug offences).<sup>35</sup> The evaluation team, active under the leadership of the European Commission within the framework of the Schengen evaluation mechanism, also reviewed the Federal Ministry of the Interior to verify implementation of EU legal principles in the area of return policy. Another area was the national coordination centre for EUROSUR. Based on the results of this evaluation, the “Schengen Committee” at European level defined options for improving procedures and

<sup>32</sup> Written input by the Federal Ministry of the Interior, Unit II/3/b (Passport and Visa Affairs of Aliens), 27 January 2016.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Police Administration of the Federal Province of Lower Austria, *Schengen Evaluierung. Prüfbesuche im Bereich der LPD Niederösterreich*. Reports, 6 March 2015, available at [www.polizei.gv.at/noe/start.aspx?nwid=7A6841342F4F7475546A493D&ctrl=3734335266674D385951343D&nwo=16](http://www.polizei.gv.at/noe/start.aspx?nwid=7A6841342F4F7475546A493D&ctrl=3734335266674D385951343D&nwo=16) (accessed on 10 December 2015).

identifying good practices, which were subsequently placed before the Council of the European Union for adoption.<sup>36</sup>

Schengen was an issue discussed on several occasions during the year, both in a bilateral and a multilateral context (e.g. during the Salzburg Forum Ministerial Conference held in St. Pölten on 4 and 5 May 2015; refer to Section 4.1.3). Border control measures was one of the topics discussed during a working meeting between the Austrian Federal Minister of the Interior and the Interior Minister of France on 30 April 2015. It was agreed to more extensively utilize the Schengen Information System and to define risk indicators to be used in identifying persons during border controls.<sup>37</sup>

In the face of continually strong migration flows, Austria introduced temporary border controls on 16 September 2015.<sup>38</sup> As a result, border controls are possible at any time in response to the situation at all land and air border crossing points. Crossing of the border is permitted only at border crossing points.<sup>39</sup>

### ***1.4.3 Ensuring that all Member States have Efficient Migration Management Systems in Place in Order to be Prepared for Fluctuating Migration Pressures***

1. Please describe any specific measures undertaken to address unexpected movements of third country citizens to your own country (including contingency planning in the field of asylum)
2. Please provide any evidence of the effectiveness of these measures, where available.
3. Please describe any challenges faced by your Member State while implementing such measures – particularly during the migrants and refugees influx experienced in 2015.

Refer here to the details provided in Section 1.4.2.

<sup>36</sup> Police Administration of the Federal Provinces of Vienna, *Prüfbesuch in Österreich*. Press, 18 February 2015, available at

[www.polizei.gv.at/wien/presse/eu/eu.aspx?nwid=6967705369524B564755413D&ctrl=3734335266674D385951343D&nwo=5](http://www.polizei.gv.at/wien/presse/eu/eu.aspx?nwid=6967705369524B564755413D&ctrl=3734335266674D385951343D&nwo=5) (accessed on 10 December 2015); Written input from the Federal Office for Immigration and Asylum, Public Affairs Directorate, 24 February 2016.

<sup>37</sup> Police Administration of the Federal Provinces of Vienna, *Arbeitstreffen mit Frankreich*. Press, 30 April 2015, available at

[www.polizei.gv.at/wien/presse/eu/eu.aspx?nwid=546F766F664152426F77303D&ctrl=3734335266674D385951343D&nwo=2](http://www.polizei.gv.at/wien/presse/eu/eu.aspx?nwid=546F766F664152426F77303D&ctrl=3734335266674D385951343D&nwo=2) (accessed on 10 December 2015).

<sup>38</sup> Federal Ministry of the Interior, *Grenzkontrollen bis Februar 2016 verlängert*. News, 16 November 2015, available at

[www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=2F3757665868792B5832513D&page=0&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=2F3757665868792B5832513D&page=0&view=1) (accessed on 9 December 2015).

<sup>39</sup> Written input by the Federal Office for Immigration and Asylum, Public Affairs Directorate, 24 February 2016.

## 2. INTEGRATION

General developments:

### A) Integration report

The integration report for 2015 was presented jointly by the Federal Ministry for Europe, Integration and Foreign Affairs, the independent Expert Council for Integration, and Statistics Austria on 16 July 2015.<sup>40</sup> The report consists of three parts: The first part represents a report by the Expert Council for Integration, which explains in detail the concept of “integration” as well as providing a review of the integration policy measures implemented within the previous five years and setting forth guidelines for future policies. The second part is the statistical yearbook entitled “migration & integration”, published by Statistics Austria.<sup>41</sup> It provides insight into data relating to migrants and to the areas of population, work and occupation, education, health, security, housing, and naturalization; subjective impressions are presented at the end. The third part consists of material from the database of integration projects in Austria,<sup>42</sup> featuring good practices followed by member organizations of the Advisory Board on Integration.<sup>43</sup>

### B) Plan for the integration of refugees

Against the background of rapidly increasing numbers of asylum-seekers, in particular originating from countries for which a high recognition rate exists, a 50-Point Plan<sup>44</sup> targeted specifically at integrating beneficiaries of asylum or subsidiary protection was presented jointly by the Federal Ministry for Europe, Integration and Foreign Affairs and the Expert Council for Integration on 19 November 2015.<sup>45</sup> The plan was acknowledged and agreed to by the Austrian Council of Ministers on 26 January 2016.<sup>46</sup>

### C) Islam Act

The Federal Act on the External Legal Relationships of Islamic Religious Societies (Islam Act 2015)<sup>47</sup> entered into effect on 31 March 2015. The law introduced changes in areas such as the capacity of religious societies to maintain themselves and funding provided from outside Austria. Other matters addressed by the law are rules governing

<sup>40</sup> Expert Council for Integration, *Integration Report 2015*, available at [www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Integration/Integrationsbericht\\_2015/Integrationreport\\_2015\\_EN.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2015/Integrationreport_2015_EN.pdf) (accessed on 17 March 2016).

<sup>41</sup> Federal Ministry for Europe, Integration and Foreign Affairs/Statistics Austria, *Migration & Integration 2015 – Zahlen, Daten, Indikatoren*, available at [www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Integration/Integrationsbericht\\_2015/20150709\\_migration\\_integration2015-EU.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2015/20150709_migration_integration2015-EU.pdf) (accessed on 8 January 2016).

<sup>42</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Datenbank "Integrationsprojekte in Österreich"*, available at [www.bmeia.gv.at/integration/datenbank-integrationsprojekte/](http://www.bmeia.gv.at/integration/datenbank-integrationsprojekte/) (accessed on 8 January 2016).

<sup>43</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsbericht 2015*, Press, 16 July 2015, available at [www.bmeia.gv.at/das-ministerium/presse/aktuelles/integrationsbericht-2015/](http://www.bmeia.gv.at/das-ministerium/presse/aktuelles/integrationsbericht-2015/) (accessed on 4 December 2015).

<sup>44</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *50 Punkte – Plan zur Integration von Asylberechtigten und subsidiär Schutzberechtigten in Österreich*, available at [www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Integration/Publikationen/Integrationsplan\\_final.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Publikationen/Integrationsplan_final.pdf) (accessed on 8 January 2016).

<sup>45</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *50 Punkte zur erfolgreichen Integration*. Press, 19 November 2015, available at [www.bmeia.gv.at/das-ministerium/presse/aktuelles/integrationsbericht-2015/](http://www.bmeia.gv.at/das-ministerium/presse/aktuelles/integrationsbericht-2015/) (accessed on 4 December 2015).

<sup>46</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 17 February 2016.

<sup>47</sup> FLG I No. 39/2015.

religious counselling in state institutions, protection of religious holidays, and dietary rules.<sup>48</sup>

## 2.1 Promoting Integration through Socioeconomic Participation

Please describe any *new or planned* policies/measures or practices to facilitate integration of migrants (including vulnerable migrants, refugees and beneficiaries of subsidiary protection) through socioeconomic participation including:

### A) Measures to enhance migrants' language skills to improve attainment in the education system

On 27 January 2015 the Federal Ministry of Education and Women's Affairs presented significant measures in the field of education, adopted following an expert summit under the heading of "Countering extremism with education". The activities include 300 free workshops on de-radicalization, to be offered at schools.<sup>49</sup> The Federal Ministry of Education and Women's Affairs has also earmarked EUR 25 million in additional funds for language learning courses. The stated goal of this measure is to improve – especially the language – integration of children and young refugees as well as other late school-entrants.<sup>50</sup> In early 2015 the Federal Government also announced the creation of additional space in German courses especially to accommodate 7,300 persons granted asylum, mainly for recognized refugees from Syria.<sup>51</sup> In the summer of 2015 the Federal Ministry for Europe, Integration and Foreign Affairs disclosed that German courses would be expanded to accommodate an additional 10,000 participants.<sup>52</sup> This programme received further support through an integration funding pool,<sup>53</sup> which was adopted during closed government consultations on 11 September 2015. This makes available EUR 75 million in funding to be used for purposes such as the language integration of refugees.<sup>54</sup>

In February 2015 the Federal Ministry for Europe, Integration and Foreign Affairs renewed for another three years the Agreement Pursuant to Art. 15a of the Federal Constitutional Act Governing Early Childhood Language Training,<sup>55</sup> while increasing the budget from the previous EUR 30 million to EUR 90 million. As a result, all children between the ages of three and six who have language deficiencies as based on

<sup>48</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Islamgesetz*, available at [www.bmeia.gv.at/integration/islamgesetz/](http://www.bmeia.gv.at/integration/islamgesetz/) (accessed on 10 December 2015).

<sup>49</sup> Federal Ministry of Education and Women's Affairs, *Heinisch-Hosek: Selbstbewusste Jugendliche brauchen keine destruktiven Ideologien*. Press Release, 26 January 2015, available at [www.bmbf.gv.at/ministerium/vp/2015/20150126.html](http://www.bmbf.gv.at/ministerium/vp/2015/20150126.html) (accessed on 20 January 2016).

<sup>50</sup> Federal Ministry of Education and Women's Affairs, *Heinisch-Hosek: Integrationsbericht 2015 bestätigt den eingeschlagenen Weg des österreichischen Schulsystems!* Press Release, 16 July 2015, available at [www.bmbf.gv.at/ministerium/vp/2015/20150716.html](http://www.bmbf.gv.at/ministerium/vp/2015/20150716.html) (accessed on 4 December 2015).

<sup>51</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *7.300 neue Deutschkursplätze für syrische Flüchtlinge*. Press Release, 16 April 2015, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/04/7300-neue-deutschkursplaetze-fuer-syrische-fluechtlinge/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/04/7300-neue-deutschkursplaetze-fuer-syrische-fluechtlinge/) (accessed on 6 October 2015).

<sup>52</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsbericht 2015*. Press, 16 July 2015, available at [www.bmeia.gv.at/das-ministerium/presse/aktuelles/integrationsbericht-2015/](http://www.bmeia.gv.at/das-ministerium/presse/aktuelles/integrationsbericht-2015/) (accessed on 9 October 2015).

<sup>53</sup> Republic of Austria, *Klausur der Bundesregierung, 11. September 2015, Wien*. available at [www.bka.gv.at/DocView.axd?CobId=60471](http://www.bka.gv.at/DocView.axd?CobId=60471) (accessed on 8 January 2016).

<sup>54</sup> Federal Chancellery of Austria, *Werner Faymann: "Wir sorgen in Österreich für faire Chancen auf Asyl"*. Press Release, 11 September 2015, available at [www.bka.gv.at/site/cob\\_\\_60475/currentpage\\_\\_4/8169/default.aspx](http://www.bka.gv.at/site/cob__60475/currentpage__4/8169/default.aspx) (accessed on 30 November 2015).

<sup>55</sup> Agreement Pursuant to Article 15a of the Federal Constitutional Act Governing Early Childhood Language Training in Institutional Childcare for the School Years 2015/16 to 2017/18, FLG II No. 234/2015.

standardized assessments will receive intensive language training, allowing them the best possible proficiency in German, the language of instruction, upon entering elementary school.<sup>56</sup>

In July 2015 the Austrian Integration Fund and the *Österreich Institute* presented enhancements to the web portal [www.sprachportal.at](http://www.sprachportal.at), including new learning materials, interactive videos and educational podcasts. The website now also provides information in the Arabic language to improve accessibility for Syrian refugees.<sup>57</sup>

As part of preparations for the expected increase in refugees, the Federal Ministry of Education and Women's Affairs launched several campaigns in mid-August 2015 to provide information on the legal, educational and organization aspects of enrolling refugee children in schools. Art. 1 of the 1985 Compulsory Schooling Act<sup>58</sup> specifies the requirement for all children residing in Austria, regardless of citizenship, to attend school. The Federal Ministry of Education and Women's Affairs held compulsorily attended information events at all school supervisor conferences, school director meetings and at university colleges of teacher education, alongside cooperative programmes with the Federal Ministry of the Interior, the teacher education colleges and extra-scholastic initiatives and youth organizations. An accompanying circular was issued in September 2015.<sup>59</sup>

Austria's universities recorded a marked increase in new admissions of third-country nationals during the 2015/2016 winter semester, especially among those enrolled as exceptional students, who attend only certain lectures. One of the major reasons is seen in the MORE initiative launched by the Austrian University Conference. The initiative supports refugees in attending courses and lectures at Austrian universities.<sup>60</sup>

#### B) Migrant access to social security, healthcare and housing

Nothing to report.

#### C) Migrant integration into the labour market

In the face of rising numbers of refugees, the Austrian Federal Government held closed consultations on 11 September 2015. During the meeting an Integration Package was adopted that would provide funds from the federal budget to finance measures, by all of the ministries, aimed at the integration of persons granted asylum and of beneficiaries of subsidiary protection. In addition to creating an integration funding pool (see above under A) the package also earmarks EUR 70 million for measures aligned with labour market integration.<sup>61</sup> Various measures are already being implemented. An example is the Competency Check programme, run on behalf of the Federal Ministry of Labour,

<sup>56</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *5a-Vereinbarung zur sprachlichen Frühförderung für drei Jahre verlängert, Budget verdreifacht*. Press Release, 25 February 2015, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/02/15a-vereinbarung-zur-sprachlichen-fruehfoerderung-fuer-drei-jahre-verlaengert-budget-verdreifacht/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/02/15a-vereinbarung-zur-sprachlichen-fruehfoerderung-fuer-drei-jahre-verlaengert-budget-verdreifacht/) (accessed on 23 December 2015).

<sup>57</sup> Austrian Integration Fund, *www.sprachportal.at mit zahlreichen neuen Features*. News, 15 July 2015, available at [www.integrationsfonds.at/news/detail/article/wwwsprachportalat-mit-zahlreichen-neuen-features/](http://www.integrationsfonds.at/news/detail/article/wwwsprachportalat-mit-zahlreichen-neuen-features/) (accessed on 16 December 2015).

<sup>58</sup> FLG No. 76/1985, in the version of FLG I No. 104/2015.

<sup>59</sup> Federal Ministry of Education and Women's Affairs, *Flüchtlingskinder und -jugendliche an österreichischen Schulen*. Press Release, 26 August 2015, available at [www.bmbf.gv.at/ministerium/vp/2015/20150825.html](http://www.bmbf.gv.at/ministerium/vp/2015/20150825.html) (accessed on 4 December 2015).

<sup>60</sup> Federal Ministry of Science, Research and Economy, *Mitterlehner: 357.000 Studierende zeigen Attraktivität des Hochschulsektors*. Press Release, 29 December 2015, available at [www.bmwf.gv.at/Presse/AktuellePresseMeldungen/Seiten/Mitterlehner-357.000-Studierende-zeigen-Attraktivitaet-des-Hochschulsektors.aspx](http://www.bmwf.gv.at/Presse/AktuellePresseMeldungen/Seiten/Mitterlehner-357.000-Studierende-zeigen-Attraktivitaet-des-Hochschulsektors.aspx) (accessed on 5 January 2016).

<sup>61</sup> Republic of Austria, *Klausur der Bundesregierung, 11. September 2015, Wien*. Available at [www.bka.gv.at/DocView.axd?CobId=60471](http://www.bka.gv.at/DocView.axd?CobId=60471) (accessed on 8 January 2016).



Social Affairs and Consumer Protection by the Public Employment Service since late August 2015; the aim is to identify the qualifications individuals in Vienna bring with them.<sup>62</sup> Another measure is the voluntary integration year in which persons granted asylum and beneficiaries of subsidiary protection may participate beginning in 2016, as announced by the Federal Ministry of Labour, Social Affairs and Consumer Protection in October 2015. This is designed to provide refugees with employment, while at the same time giving them opportunities for improving both language proficiency and better integration.<sup>63</sup>

## 2.2 Promoting Integration through Participation: Rights and Obligations, Achieving Equal Treatment and Belonging

Please describe any *new or planned* policies/measures or practices to facilitate integration of migrants (including vulnerable migrants) through improving rights and obligations, achieving equal treatment and belonging. For instance, consider measures to increase the participation of migrant representatives (including women) in the design and implementation of integration policies; outreach programmes and work placements to build capacity within migrant organisations and encourage support at local level; and measures to enhance democratic participation, for example, training mentors, etc.

As a means of encouraging refugees to take advantage of public space and to enhance their safety in street traffic, bicycle safety courses were held jointly by the Federal Ministry of the Interior and the Diakonie Refugee Service in June 2015. The courses, targeting asylum-seekers, were aimed at fostering social cooperation and at overcoming fears of police contact.<sup>64</sup>

A further event was held for young asylum-seekers in the political district of Deutschlandsberg in August 2015. At a workshop with police officers, the youth were provided with insights into the Austrian system of rule of law. The event was aimed at building trust and at encouraging positive social cooperation.<sup>65</sup>

## 2.3 Promoting Integration of Specific Groups

Please describe any *new or planned* policies/measures or practices to facilitate integration of specific groups of migrants, such as beneficiaries of international protection, labour migrants (both highly-skilled and low-skilled if there are measures in place), UAM, family migrants, etc.

Nothing to report.

<sup>62</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Hundstorfer: Asylberechtigte rasch in den Arbeitsmarkt eingliedern*. News, 11 September 2015, available at [www.bmask.gv.at/site/Startseite/News/Hundstorfer\\_Asyloberechtigte\\_rasch\\_in\\_den\\_Arbeitsmarkt\\_eingliedern](http://www.bmask.gv.at/site/Startseite/News/Hundstorfer_Asyloberechtigte_rasch_in_den_Arbeitsmarkt_eingliedern) (accessed on 30 September 2015).

<sup>63</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Freiwilliges Integrationsjahr soll Jobchancen für Asylberechtigte verbessern*. News, 22 October 2015, available at [www.sozialministerium.at/site/Soziales/News/Freiwilliges\\_Integrationsjahr\\_soll\\_Jobchancen\\_fuer\\_Asyloberechtigte\\_verbessern](http://www.sozialministerium.at/site/Soziales/News/Freiwilliges_Integrationsjahr_soll_Jobchancen_fuer_Asyloberechtigte_verbessern) (accessed on 16 December 2015).

<sup>64</sup> Federal Ministry of the Interior, *Radfahrtsicherheitstraining für Asylwerber*. News, 17 June 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=4E613031534968464E76773D&page=51&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=4E613031534968464E76773D&page=51&view=1) (accessed on 8 December 2015).

<sup>65</sup> Federal Ministry of the Interior, *Vertrauen schaffen*. News, 12 August 2011, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=53555276426830743476673D&page=31&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=53555276426830743476673D&page=31&view=1) (accessed on 9 December 2015).

## 2.4 Non-Discrimination

Please describe any *new or planned* relevant activity, legal or policy development and related actors that concerned promotion, implementation and monitoring of non-discrimination policies, in particular on grounds of ethnicity, race or others that would be particularly relevant for third-country nationals. Specifically mention any measure beyond those introduced through the transposition and implementation of EU legislation.

An “Anti-discrimination and Anti-intolerance Hotline” under the number 050 11 50 – 4242 was put into operation at the Federal Ministry for Europe, Integration and Foreign Affairs in January 2015. The service is provided for individuals who are the subject of discrimination due to ethnic group membership, origin or religion.<sup>66</sup>

## 2.5 Cooperation, Consultation and Coordination of Stakeholders and Promoting Action at Local Level

Please describe *new or planned* relevant activities on the integration of migrants involving the active participation of local authorities and/or civil society. Measures might include activities addressing integration challenges in disadvantaged urban areas; improving multi-level cooperation between different levels of governance (e.g. national, regional, local government); granting voting rights in local elections.

Please describe any *new or planned* additional information on the processes for cooperation, consultation and coordination of national, regional and local authorities, including civil society, countries of origin and with EU level institutions and actors.

In 2015 the Austrian Integration Fund opened an integration centre in the Lower Austrian city of St. Pölten where the “Welcome Desk” is offering migrants extensive counselling since January 2016.<sup>67</sup> This brings the number of such Welcome Desks to 22 in all of Austria,<sup>68</sup> seven of which are permanently established within integration centres and 15 are so-called mobile Welcome Desks.<sup>69</sup>

## 2.6 Involvement of Countries of Origin

Countries of origin may play a role in the integration of migrants before departure, during stay in the EU, and on return. Please describe any *new or planned* policies/measures or practices to support integration involving countries of origin at any / all of these stages. For example, pre-departure measures may include provision of information on visas and work permits, language training, vocational training, recognition of qualifications and skills; measures during stay may include support to diaspora communities, promotion of transnational entrepreneurship, increasing trade between countries of origin and stay; measures to support return may include developing a rights-based framework for re-integration and for temporary and circular migration.

Nothing to report.

<sup>66</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Hotline gegen Diskriminierung und Intoleranz*, available at [www.bmeia.gv.at/integration/hotline-gegen-diskriminierung/](http://www.bmeia.gv.at/integration/hotline-gegen-diskriminierung/) (accessed on 23 December 2015).

<sup>67</sup> Austrian Integration Fund, *Willkommen im Integrationszentrum Niederösterreich!*, available at [www.integrationsfonds.at/niederoesterreich/](http://www.integrationsfonds.at/niederoesterreich/) (accessed on 18 January 2016).

<sup>68</sup> Austrian Integration Fund, *Die ÖIF-Standorte und Welcome Desks auf einen Blick*, available at [www.integrationsfonds.at/oeif-standorte/](http://www.integrationsfonds.at/oeif-standorte/) (accessed on 25 November 2015).

<sup>69</sup> Austrian Integration Fund, *Mobile Welcome Desks in Österreich*, available at [www.integrationsfonds.at/themen/integrationszentren/mobile-welcome-desks](http://www.integrationsfonds.at/themen/integrationszentren/mobile-welcome-desks) (accessed on 21 October 2015).

### 3. PROMOTION, INFORMATION AND AWARENESS RAISING

#### 3.1 Routes to and Conditions of Legal Migration

Please describe any *new or planned* policies/measures or practices to improve the provision of information on the routes to and conditions of legal migration for third-country nationals (information campaigns, websites, specific centres, etc.), referring to any approaches that combine information with pre-departure measures.

The website [www.migration.gv.at](http://www.migration.gv.at) was updated regularly. The portal is sponsored by the federal ministries responsible for Labour, Social Affairs and Consumer Protection and for the Interior. This provides information in German and English on options for immigration, particularly aimed at highly qualified workers. It also provides a contact form allowing interested individuals and migrants to get in touch with the particular ministry responsible in their case, before or during their stay in Austria.<sup>70</sup>

#### 3.2 Prevention of Unsafe Migration

Please describe any *new or planned* policies/measures or practices responding to the objective of prevention of unsafe migration from third countries of origin and transit (information campaigns, websites, projects with grass-roots NGOs or involving the diaspora, etc.).

Nothing to report.

#### 3.3 Awareness Raising in the Host Society

Please describe any *new or planned* policies/measures or practices aimed at raising awareness on the phenomenon of migration in the host societies / countries of destination (information campaigns, websites, etc.).

In view of the unusually high number of applications for asylum filed in late 2014 and early 2015 by persons from UNSC resolution 1244-administered Kosovo,<sup>71</sup> the Federal Ministry of the Interior started an information campaign in the two largest newspapers in Kosovo/UNSC 1244 in late February 2015. The campaign informed readers of the poor prospects of receiving asylum in Austria, since Kosovo/UNSC 1244 is considered a safe country of origin.<sup>72</sup>

Within the framework of the "Together: Austria" programme, the Minister for Europe, Integration and Foreign Affairs visited numerous schools in 2015 and spoke with students and pupils on the topic of migration and integration in Austria, aiming to disarm prejudices through open dialogue.<sup>73</sup>

<sup>70</sup> Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, 3 February 2016.

<sup>71</sup> Hereinafter referred to as Kosovo/UNSC 1244.

<sup>72</sup> Federal Ministry of the Interior, *Mikl-Leitner plädiert für Schaffung einer "Task-Force Westbalkan"*. News, 13 March 2015, available at [www.bmi.gv.at/cms/bmi/\\_news/bmi.aspx?id=7A66397A71647461774D4D3D&page=0&view=1](http://www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=7A66397A71647461774D4D3D&page=0&view=1) (accessed on 5 February 2016).

<sup>73</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *ZUSAMMEN: ÖSTERREICH in Vorarlberg*. Press Release, 6 November 2015, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/11/zusammenoesterreich-in-vorarlberg/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/11/zusammenoesterreich-in-vorarlberg/) (accessed on 7 December 2015).



## 4. IRREGULAR MIGRATION AND RETURN

### 4.1 Enhanced Border Management at the External Borders

In responding to each of the questions below, please wherever possible state what type of border the measure specifically affects.

#### 4.1.1 *Border Control Measures: Technology, Equipment and Infrastructure, Including Systems Linked to EU Instruments and Actions to Coordinate Different Types of Border Checks (e.g. such as the Introduction of New IT Systems, Advanced Passenger Information Systems, Surveillance Equipment, Automated Border Controls and Fast Track Lanes, etc.)*

Additional airlines were included in the current API project (to record secure flight data), while the system was expanded to take in regional airports as well.<sup>74</sup>

#### 4.1.2 *Border Control Measures: Other Activities to Improve the Effectiveness of Controls at External Borders (e.g. Training and Policy)*

Please describe any relevant (planned) developments to ensure more effective control of the external borders, such as reinforcing border control staff, providing training, increasing overall resources, introducing action plans or protocols, etc.

As part of the operations of EU border management agency Frontex, Austrian police officers participated in the Joint Operations listed below in 2015:

- “Focal Points Land 2015”: seven officers were deployed to assist in border security in Bulgaria, Greece, Hungary and Poland.
- “Flexible Operation at Land Border Western Balkan 2016”: two officers were deployed in Hungary to assist in border security at the Hungarian–Serbian land border.
- “Triton 2016”: one officer was deployed to screen documents in Sicily.
- “RABIT Greek Islands (Rapid Border Intervention Teams)” und “Hotspot Greek Islands”: a total of 21 police officers were deployed to assist in border security and in registering migrants in Greece.<sup>75</sup>

Austria additionally provided operational assistance for establishing reception centres, referred to as “hotspots”, at Europe’s external borders. In October 2015 two police officers from the national pool were posted to Italy for Frontex deployment. Preparations were made for other postings.<sup>76</sup>

In addition, three Austrian police officers were posted to Warsaw to be deployed as border management experts in these Frontex units: Situation Center (analysis of migratory movements and routes), Return Support (removal of rejected asylum-seekers

<sup>74</sup> Written input by the Federal Ministry of the Interior, Unit II/3/c (Coercive Measures of Immigration Police), 9 February 2016.

<sup>75</sup> Written input by the Federal Office for Immigration and Asylum, Public Affairs Directorate, 24 February 2016.

<sup>76</sup> Federal Ministry of the Interior, *Elf Aufnahmезentren in Italien und Griechenland*. News, 15 October 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=374339504232634F3839343D&page=8&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=374339504232634F3839343D&page=8&view=1) (accessed on 9 December 2015).

by chartered aircraft) and Pooled Resources (management and training of European Border Guard Teams).<sup>77</sup>

Ten Austrian document advisors were deployed at the following nine sites overall in 2015: Abu Dhabi/Dubai, Amman, Ankara, Athens, Bangkok, Beirut, Istanbul, Moscow and New Delhi. Their responsibilities included advising and training two groups to identify document fraud, specifically consulate staff when granting visas and airline personnel at airport check-in counters.<sup>78</sup>

Beginning in June 2015 the Federal Ministry of the Interior posted alternating groups of 40 police officers to the Serbian–Hungarian border to assist in activities aimed at reinforced security of the external EU border.<sup>79</sup> This personnel pool was increased to 80 police officers as of July 2015.<sup>80</sup>

To better manage the migration flows, it was decided to deploy the Austrian armed forces to assist in security police duties.<sup>81</sup> The Federal Ministry of the Interior additionally presented the plans of a six-month training programme for border control officers in October 2015. As of 1 January 2016, 200 police officers can commence with the programme.<sup>82</sup>

In response to increased use of the migration routes across the Mediterranean Sea and through the Balkan states, the Federal Ministry for Europe, Integration and Foreign Affairs proposed five measures on 22 August 2015. They specifically entail 1) combating the causes; 2) local security; 3) protection of the external EU border; 4) cooperation and monitoring along the West Balkans transit route; and 5) refugee management within the EU.<sup>83</sup>

On 16 November 2015, the Federal Ministry of the Interior disclosed its plans for police security measures to be implemented on the Slovenian border in two stages. The first stage entails structural modification of the Spielfeld border crossing point, more frequent patrols, partial erection of a border fence along a distance of four kilometres and preparations for a 25-kilometre border fence. A second phase includes the capability of erecting the 25-kilometre border fence in sections within 48 hours.<sup>84</sup>

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<sup>77</sup> Written input by Federal Office for Immigration and Asylum, Public Affairs Directorate, 24 February 2016.

<sup>78</sup> Ibid.

<sup>79</sup> Federal Ministry of the Interior, *Verstärkte Überwachung der EU-Außengrenze*. News, 10 June 2015, available at

[www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=49555942613255502F34513D&page=53&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=49555942613255502F34513D&page=53&view=1)

(accessed on 9 December 2015).

<sup>80</sup> Federal Ministry of the Interior, *80 österreichische Polizisten an der serbisch-ungarischen Grenze*. News, 1 July 2015, available at

[www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=546F3468456D504B67646B3D&page=46&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=546F3468456D504B67646B3D&page=46&view=1)

(accessed on 9 December 2015)

<sup>81</sup> Written input by the Federal Office for Immigration and Asylum, Public Affairs Directorate, 24 February 2016.

<sup>82</sup> Federal Ministry of the Interior, *200 neue Polizisten für grenz- und fremdenpolizeiliche Aufgaben*. News, 7 October 2015, available at

[www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=6D5A69336350736A4771383D&page=11&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=6D5A69336350736A4771383D&page=11&view=1)

(available at 9 December 2015).

<sup>83</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Fünf Ansätze zur Behandlung der Flüchtlingskrise*. Press Release, 22 August 2015, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/08/fuenf-ansaeetze-zur-behandlung-der-fluechtlingskrise/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/08/fuenf-ansaeetze-zur-behandlung-der-fluechtlingskrise/) (accessed on 7 December 2015).

<sup>84</sup> Federal Ministry of the Interior, *Stärkung der Spezialisten im Kampf gegen den Terror*. News, 16 November 2015, available at

[www.bmi.gv.at/cms/bmi\\_asyl\\_betreuung/\\_news/bmi.aspx?id=31533330424C71626743343D&page=0&view=1](http://www.bmi.gv.at/cms/bmi_asyl_betreuung/_news/bmi.aspx?id=31533330424C71626743343D&page=0&view=1) (accessed on 21 January 2016).

#### 4.1.3 Preventing and Combating Irregular Immigration by Ensuring Reinforced Cooperation with Third Countries in the Area of Border Management.

Please list any new or planned agreements, and other forms of bilateral and multilateral cooperation with third countries with an objective to strengthen the operational capacity in combatting irregular migration and controlling of external borders. Due to its relevance also cooperation with EU Member States is listed.

Title of agreement (where relevant)	Third country (countries) with whom the cooperation exists	Description (e.g. provision of border equipment, training of border guards, etc.)
	Salzburg Forum: Austria, Bulgaria, Croatia, Czech Republic, Hungary, Poland, Romania, Slovakia, Slovenia	<p>As of 1 January 2015 Austria took over the presidency of the Salzburg Forum Central European security partnership for the first half of 2015 (member countries: Austria, Bulgaria, Croatia, Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia). The Salzburg Forum focuses on three levels of cooperation: 1) cooperation at EU level; 2) regional cooperation within the Salzburg Forum; and 3) cooperation with third countries (especially with the West Balkan countries).<sup>85</sup></p> <p>At the ministers' conference of the Salzburg Forum in St. Pölten, Lower Austria on 4 and 5 May 2015, common measures for combating the smuggling of migrants as well as plans for deepening partnerships with several organizations were discussed, specifically with Frontex, the European Asylum Support Office (EASO) and the United Nations High Commissioner for Refugees (UNHCR). The Federal Ministry of the Interior also organized a migration workshop within the framework of the Salzburg Forum in April 2015. The topics covered included irregular migration and asylum as well as cooperation with West Balkan countries.<sup>86</sup></p> <p>Bulgaria presided over the Salzburg Forum in the second half of 2015. The heads of units for combating migrant smuggling from all member countries met in Sofia, Bulgaria in October. While attending the ministers' conference of the Salzburg Forum in Sofia, Bulgaria on 18 and 19 November 2015, the ministers adopted the "Alliance on Current Challenges in the Area of Migration". This document, drawn up at the initiative of Austria, defines a common approach for meeting the migration situation, including measures at three levels: 1) operational cooperation (border management,</p>

<sup>85</sup> Salzburg Forum, available at [www.salzburgforum.org/](http://www.salzburgforum.org/) (accessed on 5 February 2016).

<sup>86</sup> Federal Ministry of the Interior, *Workshop der Asyl- und Migrationsexperten unter österreichischem Vorsitz*. News, 24 April 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=3337465870655A2B6565343D&page=68&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=3337465870655A2B6565343D&page=68&view=1) (accessed on 9 December 2015).

		combating migrant smuggling, etc.); 2) structural cooperation (increased capacities, information exchange, etc.); and 3) EU level cooperation (close cooperation with EASO, Frontex, EUROPOL, broadening the Frontex mandate, etc.). <sup>87</sup>
	Croatia, Slovenia	Austria, Slovenia and Croatia practised regular, in-depth exchange in 2015. Measures involving migration flows were mutually accorded. Austria also posted security officers to assist their counterparts in Slovenia, specifically in monitoring the Slovenian–Croatian border, providing support to the Slovenian police at transit centres and patrolling as part of mixed teams with Slovenian police officers. <sup>88</sup>
	Germany, Liechtenstein, Luxembourg, Switzerland	Regular strategic meetings were held between Austria, Germany, Liechtenstein, Luxembourg and Switzerland in 2015 to exchange information on migration and coordinate efforts in this area, for example within the context of the annual ministers of the interior meeting. <sup>89</sup>
	Kosovo/UNSC 1244	In view of the sharp rise in asylum-seekers from Kosovo/UNSC 1244, the Austrian Federal Minister of the Interior and her Kosovar counterpart agreed in February 2015 to step up joint efforts against irregular migration. <sup>90</sup>
	Croatia, Hungary, Kosovo/UNSC 1244, Montenegro, Serbia	With the aim of strengthening cooperation in the areas of irregular migration and combating terrorism, the Minister of the Interior held talks with high-ranking official representatives and fellow-ministers from Croatia, Hungary, Kosovo/UNSC 1244, Montenegro and Serbia in February 2015. During the visits to these countries, an agreement providing for infrared cameras and Austrian police officers to be sent to the Serbian–Macedonian border was signed by Austria, Hungary and Serbia. <sup>91</sup>
	former Yugoslav Republic of Macedonia,	A trilateral letter of intent was signed by Austria, Hungary and Serbia in June 2015, with the former Yugoslav Republic of Macedonia joining later on 4 September 2015. The letter of intent provides for

<sup>87</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 4 February 2016.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Federal Ministry of the Interior, *Österreichische Unterstützung für verstärkten Schutz der serbisch-mazedonischen Grenze*. News, 20 February 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=7166324C51385A61696D773D&page=83&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=7166324C51385A61696D773D&page=83&view=1) (accessed on 9 December 2015).

	Hungary, Serbia	increased cooperation in combating illegal migrant smuggling along the West Balkan route. <sup>92</sup>
	Czech Republic	At a meeting in July 2015, the Austrian Minister of the Interior and her Czech colleague emphasized the key role played by joint patrols along the Austrian–Czech border and by the common police cooperation centre. They also drew special attention to the importance of the Czech–Austrian analysis and investigation team, which is highly successful in jointly battling the smuggling of migrants. <sup>93</sup>
	Italy	Existing cooperation of police forces in the Austrian province of Carinthia and in Italy was put on a broader base in September 2015. The Federal Ministry of the Interior and the Carinthian Regional Police Directorate stipulated further cross-border police activities with the Police Directorate of the City of Udine: joint targeted campaigns, mixed-team patrols, mutual exchange of police officers during large events and a more extensive exchange of information to improve planning and coordination of police measures in the border region. <sup>94</sup>
	Germany	On 19 November 2015 Germany and Austria signed a bilateral letter of intent on establishing an interim German–Austrian police cooperation centre. The centre was set up in Passau, Germany. The main purpose is joint management of the migration situation. The responsibilities include assisting in evaluating and coordinating the situation involving migrants, refugees and asylum-seekers on both sides of the border, support in implementing measures in the event that border controls are reintroduced temporarily, support in verifying documents, and assistance in the transfer or return of foreigners. <sup>95</sup>

## 4.2 Better Tackling of Misuse of Legal Migration Channels

Please describe any measures introduced to prevent and tackle:

<sup>92</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 4 February 2016.

<sup>93</sup> Police Administration of the Federal Province of Vienna, *Treffen mit Tschechien*. Press, 28 July 2015, available at [www.polizei.gv.at/wien/presse/eu/eu.aspx?nwid=7452666267766F747A41343D&ctrl=3734335266674D385951343D&nwo=1](http://www.polizei.gv.at/wien/presse/eu/eu.aspx?nwid=7452666267766F747A41343D&ctrl=3734335266674D385951343D&nwo=1) (accessed on 10 December 2015); Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 4 February 2016.

<sup>94</sup> Police Administration of the Federal Province of Vienna, *Treffen mit Tschechien*. Press, 28 July 2015, available at [www.polizei.gv.at/wien/presse/eu/eu.aspx?nwid=7452666267766F747A41343D&ctrl=3734335266674D385951343D&nwo=1](http://www.polizei.gv.at/wien/presse/eu/eu.aspx?nwid=7452666267766F747A41343D&ctrl=3734335266674D385951343D&nwo=1) (accessed on 10 December 2015); Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 4 February 2016.

<sup>95</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 4 February 2016.

#### **4.2.1 Irregular Migration Caused by Visa Liberalisation**

- a) Please describe any measures introduced to monitor the effects of visa free regimes in your Member State.
- b) What have been the results of these monitoring activities? Describe here any key findings – especially in relation to impact on the number unfounded asylum applications registered in your Member State.
- c) Please describe measures taken to ensure the accelerated and swift return of persons from visa-free third countries found to be making unfounded asylum applications, to be overstaying permissions to stay or otherwise abusing legal migration channels.
- d) Please describe any evidence of the effectiveness of the measures to ensure return.

In the wake of exceptionally high numbers of asylum applications from Kosovo/UNSC 1244 in late 2014 and early 2015, there was a proportionally strong increase in visa-exempt travel flows from other West Balkan countries, specifically from Serbia and the former Yugoslav Republic of Macedonia; this made it necessary to step up cooperation with security authorities in other countries. A sharp increase in the return rate was subsequently recorded for 2015 as a result (individual removal and removal by charter flight).<sup>96</sup>

#### **4.2.2 Irregular Migration Through Misuse of Family Reunification**

Please provide new or planned measures to reduce the number of cases of misuse of family reunification, as well as data and further information on the number of cases of misuse of family reunification identified in your country.

Nothing to report.

#### **4.2.3 Irregular Migration through Misuse of Student Migration**

Please provide new or planned measures to reduce, prevent and identify and/or investigate the misuse of student migration, as well as data and further information on the number of cases of misuse of student migration identified in your country.

Nothing to report.

#### **4.2.4 Irregular Migration Caused by Use of False Travel Documents**

Please provide new or planned measures to prevent and identify and/or investigate fraudulent acquisition and use of false travel documents, as well as any available statistics and further information on the number of cases of use of false travel document identified in your country.

Nothing to report.

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<sup>96</sup> Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters) 9 February 2016.



#### **4.2.5 Irregular Migration Caused by the Abuse of Free Movement Rights by Third country Nationals and Preventing the Fraudulent Acquisition and Use of Free Movement Rights by Third-Country Nationals**

Please describe any *new* activities implemented during 2015 to monitor and analyse information on the fraud and abuse of free movement. For example, measures to ensure common validation standards at borders and domestic controls and improvement of the security of the application and issuance processes for identity/EU documentation.

Nothing to report.

#### **4.3 The fight Against Facilitation of Irregular Migration ('Smuggling')**

Please provide information on any *new developments* that have taken place in 2015 to combat the facilitation of irregular migration (for example, on cooperation measures to combat smuggling).

Austria participated in the "Limax" operation on 24 March 2015. In the course of the operation, investigators in Austria, the Czech Republic, France, Germany, Hungary, Kosovo/UNSC 1244 and Slovakia simultaneously arrested a total of 77 suspected members of an international migrant smuggling network.<sup>97</sup> A further operation, under the name "Mahmoud", directed against an international migrant smuggling network, took place under Europol leadership on 2 December 2015. On this occasion a total of 23 suspected smugglers of persons were taken into custody in Austria, Greece, Sweden and the United Kingdom.<sup>98</sup> Over the whole of 2015, the Federal Ministry of the Interior reported an increase in operations and arrests in cases related to migrant smuggling.<sup>99</sup>

Within the framework of the Salzburg Forum under the presidency of Bulgaria, a meeting of the heads of the anti-migrant smuggling units of all of the member countries was held in Sofia, Bulgaria on 19 and 20 October 2015. These countries are: Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia.<sup>100</sup>

##### **4.3.1 Activities to Monitor Smuggling**

Please describe any challenges faced by your (Member) State in collecting statistics on smuggling? How does your (Member) State (plan to) address these issues?

The Criminal Intelligence Service Austria published the 2014 report on the smuggling of migrants in 2015. The report provides an overview of activities related to the organized

<sup>97</sup> Federal Ministry of the Interior, *Schlepper-Netzwerk ausgeforscht*. News, 25 March 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=633532763353497A6469633D&page=74&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=633532763353497A6469633D&page=74&view=1) (accessed on 9 December 2015).

<sup>98</sup> Criminal Intelligence Service Austria, *Europaweite Operation gegen Schleppernetzwerk mit österreichischer Beteiligung*. News, 2 December 2015, available at [www.bmi.gv.at/cms/bk/\\_news/start.aspx?id=6F4742726E507A666E376B3D&page=0&view=1](http://www.bmi.gv.at/cms/bk/_news/start.aspx?id=6F4742726E507A666E376B3D&page=0&view=1) (accessed on 5 January 2016).

<sup>99</sup> Police Administration of the Federal Provinces of Upper Austria, *Schlepperring ausgehoben*. Reports, 22 September 2015, available at [www.polizei.gv.at/ooe/start.aspx?nwid=376E714B4E7A5863634C633D&ctrl=3734335266674D385951343D&nwo=6](http://www.polizei.gv.at/ooe/start.aspx?nwid=376E714B4E7A5863634C633D&ctrl=3734335266674D385951343D&nwo=6) (accessed on 5 January 2016).

<sup>100</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 4 February 2016.

smuggling of migrants and irregular migration to Austria in 2014, and serves as an aid in taking strategic decisions.<sup>101</sup>

The Federal Ministry of the Interior and the Federal Ministry of Justice presented a five-point joint plan in July 2015 for targeted action to combat migrant smuggling. The plan includes: 1) blanket inspections of all international trains arriving from Hungary; 2) more extensive controls in near-border regions; 3) increased staff for the Criminal Intelligence Service Austria; 4) stricter administrative penal provisions against migrant smugglers; and 5) the appointment of specialized public prosecutors.<sup>102</sup>

#### 4.3.2 *Monitoring and Identifying Migration Routes*

Please describe any new or planned measures to identify, monitor and aggregate information on migration routes and please explain how is this information used to develop your (Member) State's response to migratory flows?

- Please describe the role of national immigration liaison officers (NLOs) in gathering this data

Refer to the details in Section 4.1.3.

### **QUESTIONS ON RETURN**

#### **4.4 Strengthening Cooperation with Third Countries of Transit and Origin on Migration Management**

##### **4.4.1 *Ensure Implementation of all EU Readmission Agreements to their Full Effect***<sup>103</sup>

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

<b>EU Readmission agreement (country)</b>	<b>National development (i.e. implementing protocol, cooperation)</b>	<b>Date of agreement (if relevant)</b>
Turkey	In 2015 Austria presented Turkey with a proposal for a bilateral protocol implementing the EU readmission agreement. Turkey's response is still pending. <sup>104</sup>	

<sup>101</sup> Criminal Intelligence Service Austria, *Schlepperei 2014: Entwicklung, Maßnahmen und Routen. Ausblick 2015*. Available at [www.bmi.gv.at/cms/BK/presse/files/2042015\\_Schlepperbericht\\_2014\\_Web.pdf](http://www.bmi.gv.at/cms/BK/presse/files/2042015_Schlepperbericht_2014_Web.pdf) (accessed on 30 November 2015).

<sup>102</sup> Criminal Intelligence Service Austria, *5-Punkte-Plan zum verschärften Kampf gegen Schlepperei*. News, 29 July 2015, available at [www.bmi.gv.at/cms/bk/\\_news/start.aspx?id=426633576E62666F4834773D&page=6&view=1](http://www.bmi.gv.at/cms/bk/_news/start.aspx?id=426633576E62666F4834773D&page=6&view=1) (accessed on 30 November 2015).

<sup>103</sup> Norway is invited to report on any national agreements in place.

<sup>104</sup> Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 4 February 2016.



**4.4.2 Prevention of Irregular Migration from Third Countries: A) the Southern Mediterranean Countries; B) the Eastern Partners; C) the Western Balkans; and D) the Western Mediterranean and the African Atlantic Coast**

Please describe any specific cooperation activities *developed in 2015* in your Member State to prevent irregular migration in relation to the specific geographical regions outlined above.

A) the Southern Mediterranean countries

Nothing to report.

B) the Eastern Partners

Refer here to the details provided in Section 4.1.3.

C) the Western Balkans

Refer here to the details provided in Section 4.1.3.

D) the Western Mediterranean and the African Atlantic coast

Nothing to report.

**4.5 Enhancing Migration Management Including Cooperation on Return Practices**

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

**4.5.1 Summary of the EMN REG Return and Reintegration Activities Developed During 2015 (To be drafted by the EMN Service Provider)**

**4.5.2 Summary of the Frontex Joint Return Operations (JTOs) (To be provided by Frontex)**

**4.5.3 Maximising the Potential of a Common EU Approach in the Field of Return, Both Voluntary and Forced in Compliance with Existing EU Acquis (To be drafted by COM)**

**4.5.4 Please Describe Any New or Planned Measures to Develop Swift, Sustainable and Effective Return Using a Common EU Approach and in Particular Actions Relevant to:**

A) Recording entry bans in the SIS and facilitating exchange of information on entry bans<sup>105</sup>

Nothing to report.

B) Operation of national forced return monitoring system (established in accordance with Article 8 (6) of the Return Directive<sup>106</sup>

Nothing to report.

C) Other actions

i) Detention pending removal

As part of the Act Amending the Aliens Law,<sup>107</sup> which entered into effect on 20 July 2015, provisions governing detention pending removal were revised based on

<sup>105</sup> This category of measure relates to the commitments of the Stockholm Programme specifically.

<sup>106</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, 24 December 2008, OJ L 348/98.

<sup>107</sup> FLG I No. 70/2015.

Art. 8 of the recast Reception Directive (2013/33/EU)<sup>108</sup> and on high court rulings. One particular change is that Art. 76 para 2 Aliens Police Act<sup>109</sup> now expressly requires any detention pending removal to be proportionate. Criteria for evaluating whether any risk of absconding exist are now enumerated under Art. 76 para 3 Aliens Police Act.<sup>110</sup>

In compliance with Art. 16 of the Return Directive (2008/115/EC),<sup>111</sup> detention pending removal is in future required to take place at special detention facilities (the Vordernberg detention centre and police detention centres). An exception has been defined in Art. 78 Aliens Police Act where required on account of the alien's health condition. In such instances the individual can be detained in the medical facilities of the Vienna court prison or at a suitable hospital.<sup>112</sup>

#### ii) Return and voluntary departure

In the course of drafting the Act Amending the Aliens Law 2015, it was established that voluntary return always has to be given priority over forced removal. Aliens may now receive return counselling at any point during procedures; the provision is no longer limited to asylum-seekers. When a return decision is issued against an alien or notice is given of a forthcoming negative asylum decision or of the suspension of de facto protection against deportation, that individual is obliged to participate in a return counselling session unless he/she has not already done so during the current procedure.<sup>113</sup>

Where the conditions for an entry ban lasting more than five years exist as specified in Art. 53 para 3 subpara 6, 7 or 8 Aliens Police Act, return decisions can now also be issued against aliens with more permanent residence status.<sup>114</sup> According to established case law, and specifically to rulings by the European Court of Human Rights (ECtHR), termination of residence can be imposed even in such cases if warranted by exceptionally serious circumstances.<sup>115</sup>

#### iii) Reintegration

The twinning project "Strengthening Readmission and Sustainable Reintegration in Kosovo" with the involvement of Austria, Finland and Hungary came to a close in February 2015. The "Handbook on Sustainable Reintegration of Repatriated Persons into Kosovo's Society" was presented following the completion of the project. The EU-funded project was aimed at assisting the Kosovar authorities in putting in place a permanent structure to administer the reintegration support of returnees.<sup>116</sup>

<sup>108</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ L 180/96.

<sup>109</sup> FLG I No. 100/2005, in the version of the FLG I No. 121/2015.

<sup>110</sup> Art. 4 subpara 34 Act Amending the Aliens Law 2015, FLG I No. 70/2015; Art. 76 Aliens Police Act, FLG I No. 100/2005, in the version of FLG I No. 121/2015; Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 21–24, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 25 January 2016).

<sup>111</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, 24 December 2008, OJ L 348/98.

<sup>112</sup> Art. 78 and 79 Aliens Police Act, FLG I No. 100/2005, in the version of FLG I No. 121/2015.

<sup>113</sup> Art. 52a Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>114</sup> Art. 9 para 4 subpara 1 Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>115</sup> Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes p. 4, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 18 January 2016).

<sup>116</sup> Federal Ministry of the Interior, *Projekt für Reintegration von Rückkehrern in den Kosovo*. News, 28 January 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=66424F684F4556374574553D&page=89&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=66424F684F4556374574553D&page=89&view=1) (accessed on 9 December 2015).

On 18 March 2015 the Federal Office for Immigration and Asylum presented a catalogue of criteria for determining the costs to be paid on behalf of foreigners when they return to their country of origin.<sup>117</sup> Institutions commissioned by the European Asylum, Migration and Integration Fund and return counselling organizations commissioned by the Federal Ministry of the Interior can in future settle any expenses that are related to voluntary return directly with the Federal Office for Immigration and Asylum.

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<sup>117</sup> Federal Office for Immigration and Asylum, *Leistungs- und Kriterienkatalog zur Übernahme von Heim-/Rückreisekosten*. 18 March 2015, available at [www.bfa.gv.at/files/formulare/Leistungs-und-Kriterienkatalog.pdf](http://www.bfa.gv.at/files/formulare/Leistungs-und-Kriterienkatalog.pdf) (accessed on 30 November 2015).

## 5. INTERNATIONAL PROTECTION INCLUDING ASYLUM

This Section will also be used to provide information to inform EASO's Annual Report. Please note that questions about combating misuse of the national asylum system are tackled under Section 4.3.1(b).

### 5.1 Common European Asylum System

#### The implementation of the Common European Asylum System

- a) Please provide information on changes in policies and practices relating to:

Austria has a tradition of contributing to international refugee protection in an exceptional way. Austria is at the very forefront among EU countries when it comes to accepting persons seeking protection – both in terms of total asylum applications as well as the per-capita refugee rate.<sup>118</sup>

In 2015 Austria found itself in an exceptional situation without precedent. As the year progressed, the record of the number of persons seeking asylum in Austria was broken time and again. At a total of roughly 90,000 applications for asylum, three times as many applications were filed in 2015 than in the preceding years. In response to this historically exceptional situation, Austria accommodated and cared for more than 82,000 individuals. Thanks to the efforts of all actors involved, capacities within the system of basic welfare support could be increased almost three-fold. An additional factor was the entry, from early September 2015 on, of more than 700,000 individuals seeking protection either in Austria, Germany or Scandinavia.<sup>119</sup>

Apart from managing asylum procedures, in recent years Austria has accepted as many as 1,500 persons directly from their regions of origin as part of an admission programme and is among the EU countries to have pioneered such efforts.<sup>120</sup>

A) Access to territory (including applications from outside the territory, where applicable, and humanitarian visas)

Nothing to report.

B) Access to the asylum procedure (including applications made at the border and in detention)

Nothing to report.

C) Registration of applications for international protection, including subsequent applications

Nothing to report.

D) Access to information and legal counselling / representation (including at the border and during the asylum procedure)

Nothing to report.

E) Provision of interpretation

Nothing to report.

<sup>118</sup> Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 10 February 2016.

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

F) Dublin procedure (incl. transfers)

Nothing to report.

G) Special procedures: border procedures, accelerated procedures (including safe country policies), admissibility procedures, prioritized procedures

Nothing to report.

H) Reception of applicants and vulnerable groups (accommodation, financial and social support, access to labour market, access to medical care)

The Federal Ministry of Labour, Social Affairs and Consumer Protection issued a decree on 6 October 2015, entitling young asylum-seekers up to the age of 25 to also take up an apprenticeship in shortage occupations, and not only in professions that have a shortage of apprentices as was the case before.<sup>121</sup>

I) Detention during the asylum procedure (practices regarding detention, grounds for detention)

Nothing to report.

J) Procedures at first instance (organization of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, training)

Nothing to report.

K) Appeal/Judicial Review (organization of the process, hearings, written procedures, timeframes, timeframes, case management, training)

Nothing to report.

L) Country of Origin Information (organization, methodology, products, databases)

Nothing to report.

M) Vulnerable groups e.g. unaccompanied minors (UAMs), torture and trauma survivors, victims of human trafficking, gender, lesbian, gay, bisexual, transgender and intersex (LGBTI) within the asylum procedure

Nothing to report.

N) Return of rejected asylum applicants (including forced return, voluntary return and assisted voluntary return)

Nothing to report.

O) Resettlement (practices in relation to resettlement and possible participation in the EU joint resettlement programme)

Nothing to report.

P) Cooperation with Third Countries and activities in the external dimension of the CEAS (including participation in capacity-building activities in Third Countries, RDPPs)

Under a mandate by the European Commission, a course in camp management was jointly held by the Federal Ministry of the Interior together with the Federal Ministry of Defence and Sports, the Province of Styria and the International Organization for

<sup>121</sup> Federal Ministry of Labour, Social Affairs and Consumer Protection, *Lehre für jugendliche AsylwerberInnen nun auch in Mangelberufen möglich*. Press Release, 6 October 2015, available at [www.ots.at/presseaussendung/OTS\\_20151006\\_OTS0033/sozialministerium-lehre-fuer-jugendliche-asylwerberinnen-nun-auch-in-mangelberufen-moeglich](http://www.ots.at/presseaussendung/OTS_20151006_OTS0033/sozialministerium-lehre-fuer-jugendliche-asylwerberinnen-nun-auch-in-mangelberufen-moeglich) (accessed on 4 December 2015).

Migration (IOM) from 15 to 20 November 2015. Specialists from 23 European countries attending the training course acquired skills allowing them to most effectively organize the distribution of responsibilities and meet security requirements in (temporary) accommodation facilities.<sup>122</sup>

### 5.1.1 Institutional and Legislative Changes

#### A) Please provide information on institutional changes in the asylum field at ministry/agency/section level (incl. changes in mandate)

An amendment to the Federal Basic Welfare Support Act 2005<sup>123</sup> now provides for new structures within the initial reception system. It became law on 20 July 2015 as part of the Act Amending the Aliens Law 2015.<sup>124</sup> In addition to the initial reception centres at Traiskirchen and Thalham, the Federal Ministry of the Interior established seven other federal distribution centres in order to enable decisions on Austria's responsibility for an asylum application to be taken in the actual province where the application is filed.<sup>125</sup>

To manage the sharp rise in the number of asylum applications, the Federal Office for Immigration and Asylum enlarged its staff in 2015, recruiting an additional 500 employees, and it decided to increase the number of branch offices by seven.<sup>126</sup>

#### B) Please provide information on legislative changes pertaining to asylum implemented, adopted or pending in 2015

The Act Amending the Aliens Law 2015 resulted in a number of changes to asylum laws. Specific mention should be made of three main items: 1) new reception system; 2) implementation of the EU Procedures Directive and Reception Directive; and 3) the constitutional power of the Federal State to bypass the interests of municipalities when accommodating asylum-seekers. Details of these items as well as other new developments are outlined below.

##### 1) New reception system

As of 20 July 2015 applications for asylum can no longer be filed with an initial reception centre but must be submitted to the police or security authorities.<sup>127</sup> To more efficiently collect identification material such as photos and fingerprints, offices specialized in processing asylum cases were set up under the regional police directorates.<sup>128</sup> Foreigners who are entitled to stay in Austria are requested to report to an initial reception centre within 14 days by a Regional Directorate of the Federal Office for Immigration and Asylum. To ensure that actions to terminate residence can be taken,

<sup>122</sup> Federal Ministry of the Interior, *Ausbildung für Camp-Management*. News, 20 November 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=485150514A306133712F553D&page=3&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=485150514A306133712F553D&page=3&view=1) (accessed on 8 December 2015).

<sup>123</sup> FLG No. 405/1991, in the version of FLG I No. 70/2015.

<sup>124</sup> FLG I No. 70/2015.

<sup>125</sup> Federal Ministry of the Interior, *Neues Konzept der Grundversorgung: Verteilerquartiere nehmen Arbeit auf*. News, 17 July 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=4D5967704932436A2B4F453D&page=41&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=4D5967704932436A2B4F453D&page=41&view=1) (accessed on 8 December 2015).

<sup>126</sup> Federal Office for Immigration and Asylum, *Regionaldirektion Kärnten bekommt neue Außenstelle*. News, 23 December 2015, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=4F5A4739736D75797369513D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=4F5A4739736D75797369513D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0) (accessed on 5 January 2016).

<sup>127</sup> Art. 3 subpara 16 Act Amending the Aliens Law 2015, FLG I No. 70/2015.

<sup>128</sup> Federal Ministry of the Interior, *Schwerpunktdienststellen für Asyl*. News, 17 July 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=2B30326A4E4B456B6979383D&page=41&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=2B30326A4E4B456B6979383D&page=41&view=1) (accessed on 8 December 2015).

foreigners without any right of residence are accommodated at an initial reception centre or are provided with free travelling to a specified federal reception facility.<sup>129</sup>

Repealing the requirement to be present at the initial reception centre as a specific aspect of the obligation to cooperate<sup>130</sup> reflects the shift away from the initial reception centre as the focus of the admission procedure.<sup>131</sup>

## 2) Implementation of the EU Procedures Directive and Reception Directive

Art. 35 of the recast Procedures Directive (2013/32/EU)<sup>132</sup> specifies equal treatment of persons granted asylum and beneficiaries of subsidiary protection with respect to determining the first country of asylum. Austrian law has been modified accordingly, now requiring an application for asylum to also be rejected as inadmissible where the applicant has been granted subsidiary protection in another Member State of the European Economic Area or in Switzerland.<sup>133</sup>

The circumstances under which the Federal Office for Immigration and Asylum can lift the suspensory effect of a complaint were modified to accommodate Art. 46 para 6 of the recast Procedures Directive (2013/32/EU).<sup>134</sup> Two cases were added: firstly, where serious grounds exist for assuming that the asylum-seeker constitutes a danger to national security; and, secondly, where the asylum-seeker refuses to comply with the requirement to allow fingerprints to be taken. On the other hand, the case where the application for asylum is not made at the earliest possible time was eliminated.<sup>135</sup>

In transposition of Art. 27 para 2 (b) of the Dublin III Regulation (No 604/2013),<sup>136</sup> a complaint that is lodged in a Dublin procedure against an order to remove a foreigner from the country will by force of law not have any suspensory effect in future.<sup>137</sup> The period allowed for lodging such a complaint will be one week in future.<sup>138</sup> The Federal Administrative Court rules on whether to recognize a suspensory effect in such cases.<sup>139</sup>

An accelerated procedure has been introduced in compliance with Art. 31 of the recast Procedure Directive (2013/32/EU).<sup>140</sup> Such a procedure is to be initiated in cases where

<sup>129</sup> Art. 43 Federal Office for Immigration and Asylum Procedures Act, FLG I No. 68/2013, in the version of FLG I No. 84/2015.

<sup>130</sup> Art. 3 subpara 15 Act Amending the Aliens Law 2015, FLG I No. 70/2015; Art. 15 para 3a and para 3b Asylum Act, FLG I 100/2005, in the version of FLG I No. 70/2015.

<sup>131</sup> Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 12, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 14 January 2016).

<sup>132</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013, OJ L 180/60.

<sup>133</sup> Art. 3 subpara 9 Act Amending the Aliens Law 2015, FLG I No. 70/2015; Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 11, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 14 January 2016); Art. 4a Asylum Act, FLG I 100/2005, in the version of FLG I No. 70/2015.

<sup>134</sup> Art. 18 para 1 Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>135</sup> Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 6, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 14 January 2016).

<sup>136</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), 29 June 2013, OJ L 180/31.

<sup>137</sup> Art. 16 para 2 Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>138</sup> Art. 61 Aliens Police Act, FLG I No. 100/2005, in the version of FLG I No. 121/2015.

<sup>139</sup> Art. 17 Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>140</sup> Art. 27a Asylum Act, FLG I 100/2005, in the version of FLG I No. 70/2015.



the suspensory effect of a complaint can be lifted<sup>141</sup> and a decision must be taken within a maximum of five months; the period can nonetheless be exceeded if necessary for completing an appropriate, full examination of the case. Since applicants are not legally entitled to a decision within five months, no complaint may be filed on grounds of delay.<sup>142</sup>

In accordance with Art. 3 para 1 of the recast Reception Directive (2013/33/EU), foreigners lose their right of residence and consequently also their entitlement to basic welfare support when the suspensory effect of a complaint is lifted.<sup>143</sup> Nevertheless, it can be granted e.g. in case of a voluntary return.<sup>144</sup> Even when they lose entitlement to such support, until their departure foreigners must be assured an access to healthcare and a dignified standard of living, however, as specified in Art. 20 para 5 of the recast Reception Directive (2013/33/EU).

In implementation of Art. 20 para 5 of the recast Reception Directive (2013/33/EU), provision has been made to ensure that individuals excluded from basic welfare support have access to legal remedies.<sup>145</sup> Individuals who have adequate means of subsistence at the time of receiving support can be excluded from basic welfare support (previously they had been charged the costs later).<sup>146</sup> This implements Art. 17 para 4 of the recast Reception Directive (2013/33/EU).

### 3) Constitutional power of the Federal State to bypass municipalities

The Federal Constitutional Act Concerning the Accommodation and Allocation of Foreigners in Need of Aid and Protection<sup>147</sup> entered into effect on 1 October 2015. Through the powers specified in the act, the Federal State can establish accommodation facilities for foreigners in need of aid and protection even in municipalities that express opposition to such plans. The conditions for this extraordinary procedure are: 1) the existence of an urgent need for accommodation in the province, the district and the municipality; where the defined statutory target numbers of persons to be accommodated have not yet been reached; 2) the Federal State is entitled to dispose of the property in question; 3) and public interests in terms of safety and security, health and the environment remain safeguarded.<sup>148</sup> Against this background, the selection of eight military facilities was disclosed on 22 December 2015, which based on the bypass powers can be opened for use as short-term care facilities for asylum-seekers.<sup>149</sup>

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<sup>141</sup> Art. 18 para 1 Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>142</sup> Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 13, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 18 January 2016).

<sup>143</sup> Art. 2 para 7 Federal Basic Welfare Support Act 2005, FLG No. 405/1991, in the version of FLG I No. 70/2015.

<sup>144</sup> Art. 3 para 6 Federal Basic Welfare Support Act 2005, FLG. No. 405/1991, in the version of FLG I No. 70/2015.

<sup>145</sup> Art. 3 para 1 Federal Basic Welfare Support Act 2005, FLG No. 405/1991, in the version of FLG I No. 70/2015.

<sup>146</sup> Ibid.

<sup>147</sup> FLG I 120/2015.

<sup>148</sup> Federal Ministry of the Interior, *Durchgriffsrecht des Bundes tritt in Kraft*. News, 1 October 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=4A436E364242646D4A52553D&page=13&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=4A436E364242646D4A52553D&page=13&view=1) (accessed on 9 December 2015).

<sup>149</sup> Federal Ministry of the Interior, *Verordnung sieht acht Kasernen-Standorte als Betreuungsstellen vor*. News, 22 December 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=7A2F4C64636A2F554E2F513D&page=1&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=7A2F4C64636A2F554E2F513D&page=1&view=1) (accessed on 5 January 2016).



In addition, through a resolution passed by the National Council on 9 December 2015, selected maximum amounts paid out for basic welfare support were increased by retroactive effect from 1 August or 1 October 2015.<sup>150</sup>

#### 4) Other changes

When foreigners depart voluntarily for their country of origin during a procedure before the Federal Administrative Court, the proceedings are to be discontinued. This is to avoid having to file the case as devoid of purpose upon voluntary departure and subsequently having to start a new procedure when the individual re-enters Austria. Instead, the discontinued procedure is continued if the person re-enters or re-applies for asylum within two years.<sup>151</sup>

A ruling on a complaint filed against the withdrawal of asylum status or subsidiary protection status has to be handed down within a now abbreviated three-month period.<sup>152</sup> In view of the international and European legal framework underlying the issue, withdrawal of such status is considered only in serious cases, for instance when an individual is convicted of a grave criminal offence or when a war crime or a crime against humanity is involved.<sup>153</sup>

Under the Federal Basic Welfare Support Act 2005, basic welfare support can now also be reduced or withdrawn where the individual in question has with intent seriously threatened the life, health or freedom of another person within the care facility, and where certain facts justify the assumption that the individual will repeat such an act.<sup>154</sup>

#### 5) Currently in preparation

A draft amendment to the Asylum Act<sup>155</sup> was also introduced in 2015. The amendment specifies that the status of a person granted asylum includes a right of entry and residence that would initially be for a limited period and later become permanent. The residence permit would be valid for three years and subsequently renewed for an indefinite period of validity if there are no conditions that require the initiation of a procedure to withdraw the asylum status.<sup>156</sup>

Where a family procedure (Art. 34 para 1 subpara 1 Asylum Act) is involved, the amendment specifies that the family member's temporary residence permit would expire on the same date as the permit of the family member from whom the residence status is derived. In future certain conditions would have to be met in cases where application is made for the entry of a family member more than three months after effective asylum status is finally granted to the eligible individual (Art. 60 para 2 subpara 1–3 Asylum

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<sup>150</sup> Agreement between the Federal Government and the Provinces Pursuant to Article 15a of the Federal Constitutional Act, Concerning an Increase of Selected Maximum Amounts Laid Down in Art. 9 of the Basis Welfare Support Agreement, Resolution of the National Council, available at [www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR\\_00279/fname\\_493137.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR_00279/fname_493137.pdf) (accessed on 12 January 2016).

<sup>151</sup> Art. 24 para 2a Asylum Act, FLG I 100/2005, in the version of FLG I No. 70/2015.

<sup>152</sup> Art. 21 para 2a Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>153</sup> Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 7, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 18 January 2016).

<sup>154</sup> Art. 2 para 4 subpara 3 Federal Basic Welfare Support Act 2005, FLG No. 405/1991, in the version of FLG I No. 70/2015.

<sup>155</sup> Draft – Federal Act Amending the Asylum Act 2005, Ministerial Proposal, Legal Text, available at [www.parlament.gv.at/PAKT/VHG/XXV/ME/ME\\_00166/fname\\_480069.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00166/fname_480069.pdf) (accessed on 21 January 2016).

<sup>156</sup> Art. 2 para 1 (15) and Art. 3 para 4 Draft – Federal Act Amending the Asylum Act 2005, Ministerial Proposal, Legal Text, available at [www.parlament.gv.at/PAKT/VHG/XXV/ME/ME\\_00166/fname\\_480069.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00166/fname_480069.pdf) (accessed on 21 January 2016).

Act). Another proposal refers to issuing a special card to persons granted asylum. The draft legislation is currently still under review.<sup>157</sup>

### 5.1.2 Jurisprudence

- a) Please provide information on important new national jurisprudence relating to asylum (with policy implications)
- b) Please provide information on the impact of CJEU judgments on national jurisprudence and policy

In a ruling issued on 19 February 2015,<sup>158</sup> the Administrative High Court determined that, based on legally undefined criteria indicating a “risk of absconding”, it had been unlawful to impose detention pending removal on an Eritrean citizen.<sup>159</sup> Consequently, criteria indicating a risk of absconding were specified in Art. 76 para 3 of the Aliens Police Act 2005, as amended by the Act Amending the Aliens Law 2015.<sup>160</sup>

The Constitutional Court ruled on 12 March 2015<sup>161</sup> that the uniform complaint against detention pending removal, as set forth in the former version of Art. 22a of the Federal Office for Immigration and Asylum Procedures Act,<sup>162</sup> was unconstitutional. Such a complaint could be lodged against the decision ordering detention pending removal, the apprehension as well as the detention itself. The court saw the reason for the unconstitutionality in the lack of a uniform procedural law applying to complaints against detention pending removal. Based on this ruling, para 1a was added to Art. 22a Federal Office for Immigration and Asylum Procedures Act<sup>163</sup> through the Act Amending the Aliens Law 2015. The new paragraph specifies that the procedural rules which govern complaints against acts based on administrative powers to directly issue orders and take coercive measures also apply to complaints against detention pending removal.<sup>164</sup>

### 5.1.3 Efficiency and Quality

Please provide information on measures undertaken to safeguard or improve A) Quality and B) Efficiency. Please include information on effectiveness of above listed measures (where evidence exists and stating how this is measured).

A) Quality of the national asylum system (combatting unfounded applications, credibility assessment, age assessment, establishing identity) including information on tools and mechanisms (stating how this is measured)

To ensure the quality of the interpretation provided in asylum procedures, the United Nations High Commissioner for Refugees (UNHCR) and the Association of Austrian Adult Education Centres launched a course to train interpreters for asylum procedures in

<sup>157</sup> Asylum Act 2005, Amendment (166/ME), available at [www.parlament.gv.at/PAKT/VHG/XXV/ME/ME\\_00166/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00166/index.shtml) (accessed on 4 January 2016).

<sup>158</sup> Ro 2014/21/0075.

<sup>159</sup> Austrian Administrative High Court, *Schubhaft gegen Asylwerber zur Überstellung in einen anderen „Dublin-Staat“ derzeit nicht zulässig*. Press Release, 18 March 2015, available at [www.vwgh.gv.at/medien/03-1-schubhaft.html](http://www.vwgh.gv.at/medien/03-1-schubhaft.html) (accessed on 23 December 2015).

<sup>160</sup> Art. 4 subpara 34 Act Amending the Aliens Law 2015, FLG I No. 70/2015; Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes, p. 22–23, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 14 January 2016).

<sup>161</sup> G 151/2014, G 172/2014, G 184-185/2014.

<sup>162</sup> FLG I No. 87/2012, in the version of FLG I No. 40/2014.

<sup>163</sup> FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>164</sup> Art. 2 subpara 25 Act Amending the Aliens Law 2015, FLG I No. 70/2015; Act Amending the Aliens Law 2015, Government Proposal, Explanatory Notes p. 2, 7–8, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 15 January 2016).

late 2015. The course curriculum is based on the training manual prepared in consultation with the Federal Office for Immigration and Asylum during the QUADA (Quality Interpreting in Asylum Procedures) project.<sup>165</sup>

B) Efficiency of the processing of (first) applications and appeals (increasing speed, reducing costs, use of new technology) of the national asylum system

The scope of legal assistance provided before the Federal Administrative Court was expanded in 2015 to include participation in hearings involving complaints against an order of removal from the country or against withdrawal or reduction of basic welfare support, as well as representation in procedures concerning complaints against a decision on an application for international protection;<sup>166</sup> all of these additions are based on provisions of EU law. Pursuant to Art. 27 para 5 of the Dublin III Regulation (No 604/2013),<sup>167</sup> foreigners who do not apply for international protection are also entitled to legal assistance, while Art. 20 para 1 of the recast Procedures Directive (2013/32/EU)<sup>168</sup> specifies that legal assistance provided before a court also includes participation in the hearing. The legal assistance provided in cases involving reduction or withdrawal of basic welfare support benefits is based on Art. 26 of the recast Reception Directive (2013/33/EU).<sup>169</sup>

On 16 March 2015 the regional directorate of the Federal Office for Immigration and Asylum in Vienna opened a new passport centre for issuing alien and convention passports. Set up as a one-stop shop, the administration of applications, fees and issuing has been concentrated here to allow more efficient issuing of alien and convention passports.<sup>170</sup>

#### **5.1.4 Challenges in the Asylum Field**

Please only provide information additional to that presented in 5.1.2

A) Please indicate which aspects of the national asylum system have (i) proven to be particularly challenging or (ii) have been subject to criticism from third parties. Please differentiate between the different aspects in your asylum and reception system

The drastic increase in applications for asylum, reaching an historic level in 2015,<sup>171</sup> led to a shortage of capacities within Austria's asylum and reception system.

<sup>165</sup> Federal Office for Immigration and Asylum, *Lehrgang für Dolmetscherinnen und Dolmetscher im Asylverfahren*. News, 27 May 2015, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=45783761474D327851356F3D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=1](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=45783761474D327851356F3D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=1) (accessed on 11 December 2015).

<sup>166</sup> Art. 52 para 1 Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>167</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), 29 June 2013, OJ L 180/31.

<sup>168</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013, OJ L 180/60.

<sup>169</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ L 180/96.

<sup>170</sup> Federal Office for Immigration and Asylum, *Neues Passcenter der Regionaldirektion Wien eröffnet*. News, 16 March 2015, available at [www.bfa.gv.at/presse/news/detail.aspx?nwid=674D4E6546550685961553D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=1](http://www.bfa.gv.at/presse/news/detail.aspx?nwid=674D4E6546550685961553D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=1) (accessed on 30 November 2015).

<sup>171</sup> In 2015 Austria received 88,151 asylum applications; these are three times as many as in 2014 when 28,064 asylum applications were lodged (Federal Ministry of the Interior, *Vorläufige Asylstatistik – Dezember 2015*, available at

Refer additionally to the details under Section 5.1.

B) Provide information on actions undertaken to counter these challenges

In response to the challenges posed by the initial reception and accommodation of the asylum-seekers, a crisis board under the Federal Ministry of the Interior was set up in May 2015, consisting of representatives of the Ministry of the Interior, the Ministry of Defence, the provinces, firefighters' associations and non-governmental organizations. At the first crisis meeting, held on 15 May 2015, the issue was how to ensure the accommodation of refugees in weather-proof facilities.<sup>172</sup> A board to coordinate the "acute migration situation" was additionally set up under the Federal Ministry of the Interior on 17 August 2015, with the task of accommodating asylum-seekers quickly and effectively within the basic welfare support system. Another coordination board for the "migration situation/security police" became operational as of 27 August 2015. This board acts as an information hub, making information on current migration flows available to decision makers.<sup>173</sup>

The measures taken to ensure proper accommodation of asylum-seekers include:

- establishment of "single points of contact" (SPOC) within the headquarters of the regional police directorates;
- erection of tents on Federal State property;
- container dwellings;<sup>174</sup>
- use of the Vordernberg centre (for detention pending removal) as an initial clearing point for asylum-seekers.<sup>175</sup>

The Federal Ministry of the Interior also launched an appeal to the public to make available housing for asylum-seekers.<sup>176</sup> In addition, the Federal Ministry of the Interior signed a framework agreement with the World Food Programme on 10 November 2015, aimed at taking preventive measures in the face of the need to accommodate refugees in winter. This ensures that large tents and folding containers with heating will be available in the event of an emergency.<sup>177</sup>

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[www.bmi.gv.at/cms/BMI\\_Asywesen/statistik/files/Asylstatistik\\_Dezember\\_2015.pdf](http://www.bmi.gv.at/cms/BMI_Asywesen/statistik/files/Asylstatistik_Dezember_2015.pdf) (accessed on 9 March 2016).

<sup>172</sup> Federal Ministry of the Interior, *Krisensitzung zur Versorgung der Kriegsflüchtlinge*. News, 15 May 2015, available at

[www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=484C6B567A3057624445633D&page=57&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=484C6B567A3057624445633D&page=57&view=1) (accessed on 8 December 2015).

<sup>173</sup> Federal Ministry of the Interior, Informieren, koordinieren, entscheiden. In: *Öffentliche Sicherheit 11–12/2015*, p. 64–65, available at

[www.bmi.gv.at/cms/BMI\\_OeffentlicheSicherheit/2015/11\\_12/files/FLUECHTLINGSWESEN.pdf](http://www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2015/11_12/files/FLUECHTLINGSWESEN.pdf) (accessed on 8 December 2015).

<sup>174</sup> Federal Ministry of the Interior, *Aufnahmestopp Traiskirchen*. News, 4 August 2015, available at [www.bmi.gv.at/cms/bmi/\\_news/bmi.aspx?id=442F6370706A347747536F3D&page=5&view=1](http://www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=442F6370706A347747536F3D&page=5&view=1) (accessed on 8 December 2015).

<sup>175</sup> Federal Ministry of the Interior, *Krisensitzung zur Versorgung der Kriegsflüchtlinge*. News, 15 May 2015, available at

[www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=484C6B567A3057624445633D&page=61&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=484C6B567A3057624445633D&page=61&view=1) (accessed on 8 December 2015).

<sup>176</sup> Federal Ministry of the Interior, *Unterkünfte für Kriegsflüchtlinge*. News, 3 August 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=5937366E4A303765737A6B3D&page=36&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=5937366E4A303765737A6B3D&page=36&view=1) (accessed on 8 December 2015).

<sup>177</sup> Federal Ministry of the Interior, *Innenministerium unterzeichnete Versorgungsvertrag mit "World Food Programme"*. News, 13 November 2015, available at

[www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=2F7437644936316E482F773D&page=1&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=2F7437644936316E482F773D&page=1&view=1) (accessed on 9 December 2015).

## 5.2 Cooperation with the European Asylum Support Office (EASO)

### 5.2.1 Participation in EASO activities

Please provide information on your (Member) State's relevant participation in EASO activities, by type of activity.

#### A) Provision of staff for Asylum Support Teams

Within the framework of the operating plans of the European Asylum Support Office (EASO), Austria has regularly assisted other EU Member States in managing and resolving challenges in the area of asylum since 2010. Assistance was provided through these activities in 2015:

- to Bulgaria in the field of information on countries of origin;
- to Greece in the field of information on countries of origin (in particular Iran and Iraq);
- to Hungary by participating in the "Mapping Mission" Hungary;
- to Italy in the field of Dublin procedures.<sup>178</sup>

Furthermore, Austria participated in various activities related to information on countries of origin. Among these were collaboration in the preparation of country reports on Afghanistan, Eritrea, Pakistan and Somalia.<sup>179</sup>

As a member of the EASO steering group, Austria plays an active role in the external evaluation of EASO. In the context of EASO emergency support, Austria participated in an evaluation project regarding the usefulness of joint processing in Greece.<sup>180</sup>

In the context of the relocation-hotspot approach, Austria deployed experts to the hotspot on the Greek island of Lesbos and to the IT Dublin unit in Italy.<sup>181</sup>

#### B) Deployment of experts to provide training related activities, including regional train-the-training session

Austria held the following train-the-trainer sessions in 2015:

- training on interview techniques in Estonia;
- didactics training in Germany;
- training on exclusion criteria in Malta.<sup>182</sup>

In 2015 Austria also conducted study visits (trainings, information exchange) for staff members of asylum authorities in other countries (e.g. Bulgaria).<sup>183</sup>

#### C) Participation in the development of common practical tools

Nothing to report.

#### D) Participation of staff in training activities organized by EASO

Nothing to report.

<sup>178</sup> Written input by Federal Office for Immigration and Asylum, Public Affairs Directorate, 16 February 2016.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

## 5.2.2 Provision of Support by EASO to the Member States

Please provide information on relevant support provided by EASO to your (Member) State. Please indicate: a) type of support provided (e.g. special support, and/or emergency support) b) type of activities implemented.

Nothing to report.

## 5.3 Intra-EU Solidarity Including Relocation

### 5.3.1 Support to National Asylum Systems Including Relocation<sup>184</sup>

- a) Please provide information on support provided to (Member) States experiencing specific and disproportionate pressures on their national asylum systems. This might include support in the processing of requests for international protection, seconding staff (for the Asylum Intervention Pool / Training Expert Pool), sending resources or equipment. Please specify if such support was provided: 1) on a bilateral basis; 2) or was organized at EU level.
- b) Please specify any action undertaken with regard to *relocation* activities. Please specify if relocation activities were provide provided: 1) on a bilateral basis; 2) or organized at EU level.
- c) Please describe any evidence of the results / outcomes of this support, if available.

In response to the increased number of asylum applications and the shortages in accommodation capacities in 2015, the Federal Minister of the Interior signed an agreement with the Slovakian Minister of the Interior on 21 July 2015 which provided for the accommodation of 500 refugees in Slovakia. Based on the agreement, Slovakia assumed the task of housing and feeding the refugees, while Austria is responsible for care and security on location and for completing asylum procedures. The preliminary term of the agreement is two years.<sup>185</sup>

The governments of Croatia, Serbia and Slovenia requested assistance from the European Commission in October 2015 to help in the care of refugees. Austria responded to the request. In line with the EU emergency assistance mechanism, the Federal Ministry of the Interior organized the transport of relief supplies on 5 November 2015.<sup>186</sup>

<sup>184</sup> Relocation: The transfer of persons having a status defined by the Geneva Convention of 1951 or subsidiary protection within the meaning of Directive 2011/95/EU from the EU Member State which granted them international protection to another EU Member State where they will be granted similar protection (European Migration Network (2014), *Asylum and Migration Glossary 3.0*. European Commission, Brussels, p. 237, available at [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/docs/emn-glossary-en-version.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf), accessed on 1 March 2016).

<sup>185</sup> Federal Ministry of the Interior, *Mikl-Leitner: "Österreichisch-slowakische Asylkooperation beispielgebend für Europa"*. News, 21 July 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=3057395A77426F777524D3D&page=40&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=3057395A77426F777524D3D&page=40&view=1) (accessed on 9 December 2015).

<sup>186</sup> Federal Ministry of the Interior, *Österreich hilft Kroatien, Slowenien und Serbien bei der Bewältigung der Flüchtlingssituation*. News, 5 November 2015, available at [www.bmi.gv.at/cms/BMI/\\_news/BMI.aspx?id=48454E486F6462425777453D&page=4&view=1](http://www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=48454E486F6462425777453D&page=4&view=1) (accessed on 9 December 2015).



## 5.4 Enhancing the External Dimension Including Resettlement

### 5.4.1 Cooperation with Third Countries Including Resettlement<sup>187</sup>

Please describe 2015 *resettlement* activities to your (Member) State, differentiating between the types of programme:

#### A) General resettlement programme (UNHCR)

Nothing to report.

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

In 2015 the humanitarian admission programme for Syrian refugees (HAP II), launched the preceding year, was continued. As part of the admission programme, it is planned to bring 400 Syrian refugees from the transit countries Jordan, Lebanon and Turkey to Austria in the course of family reunification as well as another 600 through a programme run by the United Nations High Commissioner for Refugees (UNHCR). HAP II is being carried out by the Federal Ministry of the Interior in cooperation with UNHCR and the International Organization for Migration (IOM). A total of 1,500 individuals will be admitted to Austria through the humanitarian admission programme for Syrian refugees.<sup>188</sup> In early 2015 the Federal Ministry for Europe, Integration and Foreign Affairs put out a tender for providing integration measures to benefit 600 Syrian refugees arriving in Austria as part of HAP II in collaboration with UCHCR.<sup>189</sup> The contract was awarded to ARGE Resettlement, a working group made up of the non-governmental organizations Caritas, Diakonie and the Red Cross and the Austrian Integration Fund; the group has since been providing a special integration programme to these particularly vulnerable individuals.<sup>190</sup>

### 5.4.2 Enhance the Capacity of Countries of Origin and Transit to Manage Mixed Migration Flows

- a) Please describe any specific developments to equip third-countries of first asylum with the means to guarantee refugee protection and to better manage mixed migration flows including national asylum legislation and asylum policy frameworks (e.g. through Regional Protection Programmes).
- b) If evidence is available, please describe the outcomes of these developments (e.g. increased number of asylum applications processed in countries of first asylum).

<sup>187</sup> Resettlement: the transfer, on a request from the UNHCR and based on their need for international protection, of a third-country national or stateless person, from a third country to a Member State, where they are permitted to reside with one of the following statuses: i. refugee status ii. a status which offers the same rights and benefits under national and EU law as refugee status (European Migration Network (2014), *Asylum and Migration Glossary 3.0*. European Commission, Brussels, p. 243, available at [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/docs/emn-glossary-en-version.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf), accessed on 1 March 2016).

<sup>188</sup> Federal Ministry of the Interior, *Humanitäre Aktion Syrien*, available at [www.bmi.gv.at/cms/BMI\\_Asylwesen/syrien/start.aspx](http://www.bmi.gv.at/cms/BMI_Asylwesen/syrien/start.aspx) (accessed on 12 January 2016).

<sup>189</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *HAP II Projektaufwurf. Humanitäres Aufnahmeprogramm Syrien II - Projektaufwurf 2015*, available at [www.bmeia.gv.at/integration/projektfoerderung/asyl-migrations-und-integrationsfonds/hap-ii-projektaufwurf/](http://www.bmeia.gv.at/integration/projektfoerderung/asyl-migrations-und-integrationsfonds/hap-ii-projektaufwurf/) (accessed on 12 January 2016).

<sup>190</sup> Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 10 February 2016.

The Austrian Federal Government announced on 28 October 2015 the earmarking of EUR 600,000 from the foreign disaster aid fund to be used for Syrian refugees in the region. The funds are to be entrusted to the UNHCR and to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). The financial assistance is intended to already help Syrian refugees in their region to refrain from having to seek protection in Europe. Austria also contributed EUR three million to the EU's MADAD fund for Syria. The fund is used to provide assistance to the countries neighbouring Syria and to other affected countries.<sup>191</sup> In November 2015 the Austrian government approved an additional EUR 26 million in financial assistance for measures to be taken along the external EU borders.<sup>192</sup>

The Federal Ministry for Europe, Integration and Foreign Affairs pledged EUR three million from the budget of the Austrian Development Agency (ADA) in support of the EU Emergency Trust Fund, launched at the Valletta summit on 12 November 2015, with the aim of tackling root causes of irregular and refugee migration in Africa. The purpose is to open up an economic perspective for people in their region so that they are not forced to leave their countries of origin.<sup>193</sup>

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<sup>191</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Bundesminister Kurz: "600.000 € humanitäre Hilfe für Syrien-Flüchtlinge"*. Press Release, 28 October 2015, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/10/bundesminister-kurz-600000-eur-humanitaere-hilfe-fuer-syrien-fluechtlinge/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/10/bundesminister-kurz-600000-eur-humanitaere-hilfe-fuer-syrien-fluechtlinge/) (accessed on 7 December 2015).

<sup>192</sup> Federal Chancellery, *Werner Faymann: "Wirksame Hilfe vor Ort ist der einzige nachhaltige Weg"*. Press Release, 10 November 2015, available at [www.bka.gv.at/site/cob\\_\\_61180/currentpage\\_\\_0/8169/default.aspx](http://www.bka.gv.at/site/cob__61180/currentpage__0/8169/default.aspx) (accessed on 6 January 2016).

<sup>193</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Außenminister Kurz: „Österreich beteiligt sich mit 3 Mio. EUR am neuen EU-Hilfsprogramm für Afrika“*. Press Release, 10 November 2015, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/11/aussenminister-kurz-oesterreich-beteiligt-sich-mit-3-mio-eur-am-neuen-eu-hilfsprogramm-fuer-afrika/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/11/aussenminister-kurz-oesterreich-beteiligt-sich-mit-3-mio-eur-am-neuen-eu-hilfsprogramm-fuer-afrika/) (accessed on 8 December 2015).



## 6. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

### 6.1 Unaccompanied Minors

Please describe any *new policy developments* in relation to unaccompanied minors (UAMs) at national and international levels.

The above mentioned Act Amending the Aliens Law 2015<sup>194</sup> (see section 5.1.1) introduced changes for unaccompanied minors who apply for asylum: Unaccompanied minors aged 14 and over are always required to be brought to the initial reception centre after they apply for asylum. Their legal advisor also acts as legal representative as from the time of their arrival<sup>195</sup> and is required to be present during every interview (not only at the initial reception centre).<sup>196</sup> Furthermore, the Federal Office for Immigration and Asylum is generally required to apply alternatives to detention pending removal for minors between 14 and 18 (previously only up to age 16), unless certain facts justify the assumption that such alternatives will not achieve the purpose of detention.<sup>197</sup> This amendment was introduced to comply with the recast Reception Directive (2013/33/EU).<sup>198</sup>

As of 1 August 2015 the daily financial allocations amounts for basic welfare support were increased according to accommodation and care categories.<sup>199</sup>

### 6.2 Other Vulnerable Groups

Please describe any *new or planned* policies, measures or changes in relation to other vulnerable groups at national and international levels.

As part of the Act Amending the Aliens Law 2015<sup>200</sup> and in order to transpose Art. 22 para 1 of the recast Reception Directive (2013/33/EU)<sup>201</sup> into Austrian law, any (possible) special needs are assessed upon admission to basic welfare support and subsequently taken into account to the greatest possible extent.<sup>202</sup> In compliance with Art. 21 of the recast Reception Directive (2013/33/EU), family relationships, ethnic particularities and the special needs of vulnerable persons (formerly: women and

<sup>194</sup> Act Amending the Aliens Law 2015, FLG I No. 70/2015.

<sup>195</sup> Art. 10 para 3 Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>196</sup> Art. 49 para 3 Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 84/2015.

<sup>197</sup> Art. 77 para 1 Aliens Police Act, FLG I No. 100/2005, in the version of FLG I No. 121/2015.

<sup>198</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ L 180/96.

<sup>199</sup> Agreement between the Federal Government and the Provinces Pursuant to Article 15a of the Federal Constitutional Act, Concerning an Increase of Selected Maximum Amounts Laid Down in Art. 9 of the Basis Welfare Support Agreement, Resolution of the National Council, available at [www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR\\_00279/fname\\_493137.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR_00279/fname_493137.pdf) (accessed on 12 January 2016).

<sup>200</sup> FLG I No. 70/2015.

<sup>201</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), 29 June 2013, OJ L 180/96.

<sup>202</sup> Art. 2 para 1 Federal Basic Welfare Support Act 2005, FLG. No. 405/1991, in the version of FLG I Nr. 70/2015.

children) are now required to be taken into account when assigning such individuals to care facilities.<sup>203</sup>

To implement Art. 24 para 3 of the recast Procedure Directive (2013/32/EU), the specifications of a victim of violence are now defined more clearly. Asylum-seekers who have suffered serious forms of emotional, physical or sexual violence are now also included in order to apply special admission procedure rules.<sup>204</sup> No adaptation had to be implemented in practice, since such (similar) cases had already been treated accordingly.<sup>205</sup>

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<sup>203</sup> Art. 2 para 2 Federal Basic Welfare Support Act 2005, FLG No. 405/1991, in the version of FLG I No. 70/2015.

<sup>204</sup> Art. 30 Asylum Act, FLG I 100/2005, in the version of FLG I No. 70/2015.

<sup>205</sup> Act Amending the Aliens Act 2015, Government Proposal, Explanatory Notes, p. 14, available at [www.parlament.gv.at/PAKT/VHG/XXV/I/I\\_00582/fname\\_401629.pdf](http://www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf) (accessed on 18 January 2016).

## 7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

*This Section should be completed in the context of the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)"<sup>206</sup> and you should liaise with your National Rapporteur on Trafficking in Human Beings or Equivalent Mechanism (NREMs).*

*NREMs share information with the Commission (via the informal of EU Network of NREMs) on a biannual basis on developments relevant to their national legal and policy framework. This information can be used for this reporting exercise too. All information is uploaded accordingly to the EU Anti-Trafficking Website under the section of national pages.<sup>207</sup>*

*In section 7.1 below EMN NCPs are invited to add any corresponding information and additional to that available on the EU Anti-trafficking website if necessary/appropriate; the remainder of the questions correspond to the EU Strategy. Please note that the scope of this context refers only to third-country national victims.*

### General developments:

The fourth National Action Plan for Combating Human Trafficking (2015–2017)<sup>208</sup> was adopted by the Austrian Federal Government on 21 April 2015. Based on the previous action plans, the current action plan additionally comprises new aspects that have been assimilated from the practical experience and recommendations submitted by working groups as well as from evaluations by international stakeholders, including the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA). At the same time the Federal Government formally accepted the third Austrian Report on Combating Human Trafficking (2012–2014).<sup>209</sup> The report describes how the National Action Plan for that period was implemented.<sup>210</sup>

Within the framework of five meetings and in its three working groups, the Task Force on Combating Human Trafficking continued its work programme in 2015, focusing on trafficking of children, prostitution and exploitation of workers.<sup>211</sup>

The Criminal Intelligence Service Austria published the status report on Human Trafficking 2014 on 30 July 2015. The report presents current statistics and information for 2014 and describes related activities of the Criminal Intelligence Service.<sup>212</sup>

<sup>206</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Strategy towards the Eradication of Trafficking in Human Beings (2012–2016), Brussels, 19 June 2012, COM(2012) 286 final, available at [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/the\\_eu\\_strategy\\_towards\\_the\\_eradication\\_of\\_trafficking\\_in\\_human\\_beings\\_2012-2016\\_1.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf) (accessed on 1 March 2016).

<sup>207</sup> European Commission, *Together Against Trafficking in Human Beings – Member States*, available at [http://ec.europa.eu/anti-trafficking/member-states\\_en](http://ec.europa.eu/anti-trafficking/member-states_en) (accessed on 1 March 2016).

<sup>208</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *National Action Plan on Combating Human Trafficking for the Period 2015–2017*. Available at [www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Menschenrechte/Dokument\\_1\\_NAP\\_EN\\_2015-2017.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Dokument_1_NAP_EN_2015-2017.pdf) (accessed on 8 January 2016).

<sup>209</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Executive Summary of the Third Austrian Report on Combating Human Trafficking 2012–2014*. Available at [www.bmeia.gv.at/fileadmin/user\\_upload/Zentrale/Aussenpolitik/Menschenrechte/Dokument\\_2\\_Umsetzungsbericht\\_2012\\_bis\\_2014\\_kurz.pdf](http://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Dokument_2_Umsetzungsbericht_2012_bis_2014_kurz.pdf) (accessed on 12 January 2016).

<sup>210</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Combating Trafficking in Human Beings*, available at [www.bmeia.gv.at/en/european-foreign-policy/human-rights/priorities-of-austrian-human-rights-policy/combating-trafficking-in-human-beings/](http://www.bmeia.gv.at/en/european-foreign-policy/human-rights/priorities-of-austrian-human-rights-policy/combating-trafficking-in-human-beings/) (accessed on 12 January 2016).

<sup>211</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs and by the Federal Ministry of the Interior, 4 February 2016.

The GRETA country report on Austria was published on 12 October 2015 and presented at the conference “Together against human trafficking”, which took place in the Diplomatic Academy of Vienna on 14 October 2015.<sup>213</sup>

## 7.1 Improving the Identification of and Provision of Information to Victims

Please describe any *new or planned* policies, measures or changes, including:

### A) Information on assistance and support to victims, including child victims

As for other areas such as police, justice officers and the finance police, workshops have been held regularly for labour inspectorate staff since 2015 with the aim of raising awareness of human trafficking and of labour exploitation and to facilitate identification of victims of human trafficking.<sup>214</sup>

Victims of human trafficking and labour exploitation can obtain a Residence Permit for Individual Protection as specified in Art. 57 Asylum Act,<sup>215</sup> which allows them to apply for a work permit without a prior labour market test. Integrating such individuals into the labour market is nonetheless challenging, since they are frequently faced with difficult social situations and are hardly able to find suitable employment. A meeting of the Federal Ministry of Labour, Social Affairs and Consumer Protection and the Vienna Public Employment Service with representatives of LEFÖ-IBF (Intervention Center for Trafficked Women) resulted in administrative measures aimed at integrating this special category of individuals into the case management process of the Vienna provincial office of the Public Employment Service and providing them with focused assistance. Women affected by these issues can now participate in training and receive special support in finding employment. This action has improved the situation of the individuals affected.<sup>216</sup>

Established in 2014, the MEN-VIA contact point for male victims of human trafficking was evaluated highly positively in an initial, interim review. The Federal Ministry of Labour, Social Affairs and Consumer Protection raised considerably the amount of project funding. In April 2015 MEN-VIA was therefore able to open a partially supervised shelter for men affected by this issue and to provide more extensive care to men who have become victims of human trafficking.<sup>217</sup>

<sup>212</sup> Criminal Intelligence Service Austria, *Lagebericht „Menschenhandel 2014“: Verstärktes Vorgehen gegen illegale Prostitution und Ausbeutung*. Press Release, available at [www.bmi.gv.at/cms/BK/presse/files/Presstext\\_Menschenhandel2014.pdf](http://www.bmi.gv.at/cms/BK/presse/files/Presstext_Menschenhandel2014.pdf) (accessed on 30 November 2015).

<sup>213</sup> Federal Ministry for Europe, Integration and Foreign Affairs, *Botschafterin Tichy-Fisslberger: „Der Kampf gegen den Menschenhandel braucht gemeinsame europäische Anstrengungen“*. BMEIA-Konferenz „Gemeinsam gegen Menschenhandel“. Press Release, 14 October 2015, available at [www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/10/botschafterin-tichy-fisslberger-der-kampf-gegen-den-menschenhandel-braucht-gemeinsame-europaeische-anstrengungen/](http://www.bmeia.gv.at/das-ministerium/presse/aussendungen/2015/10/botschafterin-tichy-fisslberger-der-kampf-gegen-den-menschenhandel-braucht-gemeinsame-europaeische-anstrengungen/) (accessed on 8 December 2015).

<sup>214</sup> Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, 3 February 2016.

<sup>215</sup> FLG I No. 100/2005, in the version of FLG I No. 70/2015.

<sup>216</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs and by the Federal Ministry of the Interior, 4 February 2016; Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, 3 February 2016.

<sup>217</sup> Ibid.

Following an initial positive evaluation, the funds granted to UNDOK were also increased considerably. UNDOK is a contact point providing trade union support to undocumented workers and victims of labour exploitation.<sup>218</sup>

Work on a national referral mechanism for child victims of trafficking continued in 2015 and should soon be completed.<sup>219</sup>

#### B) If applicable, any evident trends at national level

Austria continues to be affected by trafficking in human beings as a country of transit and of destination. Recently, Chinese prostitutes were not only discovered in massage parlours but also in brothels. The increase in social media recruitment has continued in 2015. Investigations on the suspicion of THB for exploitation of minors (Bosnians) for the purposes of committing punishable acts (especially property crime) continue to be carried out. Moreover, it has been observed that two forms of exploitation occur in combination: Bulgarian victims of human trafficking are exploited both sexually and for begging.<sup>220</sup>

#### C) Cooperation with third countries

In March 2015 Austria participated in an operation coordinated by Europol. The objectives were to identify instances of trafficking in human beings originating primarily in China, to seek out key players in international trafficking networks operating in Europa, and to verify patterns of criminal activity and potential structures of organized crime.<sup>221</sup>

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<sup>218</sup> Written input by the Federal Ministry for Europe, Integration and Foreign Affairs and by the Federal Ministry of the Interior, 4 February 2016.

<sup>219</sup> Ibid.

<sup>220</sup> Ibid.

<sup>221</sup> Criminal Intelligence Service Austria, *Europaweite Aktion gegen den Menschenhandel*. Press, 20 March 2015, available at [www.bmi.gv.at/cms/bk/\\_news/start.aspx?id=38544548573847695035673D&page=16&view=1](http://www.bmi.gv.at/cms/bk/_news/start.aspx?id=38544548573847695035673D&page=16&view=1) (accessed on 30 November 2015).

## 8. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

### 8.1 Progress towards Mainstreaming of Migration in Development Policies

Please describe any *new or planned* relevant activity - e.g. studies, development of approaches to make migration an integral part in sectoral policies (e.g. agriculture, health, education; etc.), solidarity development projects, etc. – to mainstream migration in development policies.

Nothing to report.

#### 8.1.1 Cooperation with Partner / Third Countries for Economic Migration

Please complete the Table below on (planned) EU level or bilateral agreements linked to labour migration (e.g. Mobility Partnerships) planned or implemented:

Type of agreement (EU or bilateral)	Status of agreement (negotiated, signed, ratified, implemented) and the date of the action	Third countries involved including Southern Mediterranean <sup>222</sup> and Eastern Partnership <sup>223</sup> countries	Main purpose and rationale for the agreement (incl. relevant elements of content)	Does the agreement allow for circular migration? YES/NO
Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.	Nothing to report.

In the framework of Mobility partnerships (and Common Agendas) please advise whether Migration and Mobility Resource Centres (MMRCs) have been / will be set up in the partner countries.

Nothing to report.

#### 8.1.2 Efforts to Mitigate 'Brain Drain'

Please describe any *new or planned* measures to mitigate 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. For reference also see the Section 3.6 "Brain Drain and Brain Circulation" in the "EMN Synthesis report - Attracting Highly Qualified and Qualified Third-Country nationals"<sup>224</sup>

Nothing to report.

<sup>222</sup> Morocco, Algeria, Tunisia, Libya and Egypt.

<sup>223</sup> Ukraine, Belarus, Moldova, Georgia, Armenia and Azerbaijan.

<sup>224</sup> European Migration Network (2013), *Attracting Highly Qualified and Qualified Third-Country nationals*. European Commission, Brussels, available at [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/attracting/emnsr\\_attractinghqworkers\\_finalversion\\_23oct2013\\_publication.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/attracting/emnsr_attractinghqworkers_finalversion_23oct2013_publication.pdf) (accessed on 1 March 2016).



## 8.2 Migrants' Remittances

Please describe any *new or planned* relevant activities or developments with regard to remittances. For example measures to facilitate remittance flows or improve access to banking and financial services in developing countries.

Nothing to report.

## 8.3 Working with Diasporas

Please provide information on *new or planned* national policies or actions for involving diaspora groups in development initiatives and supporting diaspora groups in their efforts to enhance development in their countries of origin.

The Austrian Development Cooperation funded the European networking conference "African Diaspora Youth Forum in Europe" in 2015 from the budget of the Austrian Development Agency (ADA). The event was organized by the Association of African Students in Austria (*VAS Österreich*). The goal of the forum, targeted especially at African students in Austria, was to provide support in building potential, developing leadership skills and weaving networks as a basis of information exchange and cooperation. The students were assisted in the activities by experts from Austria and African countries as well as by trainers' trainers from development organizations.<sup>225</sup>

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<sup>225</sup> Austrian Development Cooperation, *Projektliste*, available at [www.entwicklung.at/zahlen-daten-und-fakten/projektliste/?tx\\_sysfirecdlist\\_pi1\[showUid\]=1185&cHash=458b2e731ecdc36582a44f0e3ab718b7](http://www.entwicklung.at/zahlen-daten-und-fakten/projektliste/?tx_sysfirecdlist_pi1[showUid]=1185&cHash=458b2e731ecdc36582a44f0e3ab718b7) (accessed on 12 January 2016).