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ANNUAL POLICY REPORT

2016

National Contact Point Austria
in the European Migration Network

AUSTRIA – ANNUAL POLICY REPORT 2016



International Organization for Migration (IOM)

The UN Migration Agency

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EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2003 by the European Commission by order of the European Council in order to satisfy the need for a regular exchange of reliable information in the field of migration and asylum at the European level. Since 2008, Council Decision 2008/381/EC has constituted the legal basis of the EMN and National Contact Points (NCPs) have been established in the EU Member States (with the exception of Denmark, which has observer status) plus Norway.

The EMN's role is to meet the information needs of European Union (EU) institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the EU in these areas. The EMN also has a role in providing such information to the wider public.

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

The main task of the NCPs is to implement the work programme of the EMN including the drafting of the annual policy report and topic-specific studies, answering Ad Hoc Queries launched by other NCPs or the European Commission, carrying out visibility activities and networking in several forums. Furthermore, the NCPs in each country set up national networks consisting of organizations, institutions and individuals working in the field of migration and asylum.

In general, the NCPs do not conduct primary research but collect and analyse existing data and information. Exceptions might occur when these are not sufficient. EMN studies are elaborated in accordance with common study templates in order to achieve comparable results within the EU and Norway. Since the comparability of the results is frequently challenging, the EMN has produced a glossary, which ensures the application of similar definitions and terminology in all national reports.

Upon completion of national reports, the European Commission with the support of a service provider drafts a synthesis report, which summarizes the most significant results of the individual national reports. In addition, topic-based policy briefs, so-called EMN Informs, are produced in order to present selected topics and compare national results in a concise manner. All national studies, synthesis reports, informs and the Glossary are available on the website of the European Commission Directorate-General for Migration and Home Affairs.

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EXECUTIVE SUMMARY

The *Annual Policy Report 2016* has been produced within the framework of annual reporting by the National Contact Points (NCPs) in the European Migration Network (EMN). The report outlines the most significant political and legislative developments in the field of asylum and migration in Austria in 2016 and provides related information on policy and public debates. The topics covered are: legal migration and mobility; international protection; unaccompanied minors and other vulnerable groups; integration; return; irregular migration, including smuggling; countering trafficking in human beings; and migration and development.

The most important developments in Austria for 2016 include:

- **Migration Council for Austria:** The Council's report "Understanding Migration – Steering Migration" was presented to the Austrian Federal Minister of the Interior on 7 December 2016. Focusing on ten work areas, the report provides a solid basis for developing further a comprehensive migration strategy for Austria (see 2.2).
- **Recognition and Assessment Act (FLG I No. 55/2016):** The act entered into force as of 12 July 2016. The aim of this act is to promote the labour market integration of individuals who have acquired qualifications in other countries and to support them in obtaining employment appropriate to their education. It also defines special procedures for those persons granted asylum or subsidiary protection who are not able to present documents certifying completed education or training (see 3.1.2).
- **Amendment to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act (FLG I No. 24/2016):** The main parts of this amendment entered into force on 1 June 2016. The main points include a) stricter provisions on family reunification (see 3.2), b) an emergency regulation restricting access to asylum proceedings in Austria in case of risk to public order and internal security (see 4.1.1) and c) "temporary asylum", i.e. an initially time-limited residence status for persons granted asylum (see 4.4.3).
- **50 Action Points for the integration of persons entitled to asylum or subsidiary protection in Austria:** The 50 Action Points were acknowledged and approved by the Council of Ministers in January 2016. Several strategies and measures have been initiated since (see 6.3).
- **Promotion and facilitation of voluntary return:** Various actions have been taken such as the launch of the pilot project "Return Assistance – a new start with perspectives" in April 2016. The project provides varying levels of return assistance to asylum seekers from Afghanistan, Morocco and Nigeria (see 7.1).

1. INTRODUCTION

1.1. Purpose

The *Annual Policy Report 2016* has been produced within the framework of the European Migration Network (EMN),¹ which was established by Council Decision 2008/381/EC in May 2008.² The EMN provides up-to-date, objective, reliable and comparable information on migration and asylum matters, with the aim of supporting policymaking at European Union (EU) and national levels as well as of disseminating this information among the general public.

This is the thirteenth annual policy report³ compiled by the National Contact Point (NCP) Austria in the EMN, covering the period from 1 January to 31 December 2016. The purpose of the annual policy report is to provide an overview of the most significant political and legislative developments on asylum and migration in Austria as well as a review of the political and public debates in the area of asylum and migration. A specific emphasis has been placed on changes related to developments at EU level. The report covers these topics: legal migration and mobility; international protection; unaccompanied minors and other vulnerable groups; integration; return; irregular migration, including smuggling; countering trafficking in human beings, and migration and development.

1.2. Methodology and Definitions

The *Annual Policy Report 2016* was produced by the NCP Austria in the EMN following common specifications developed by the EMN, in order to facilitate comparability between the findings from all Member States. At the same time, the format was flexible to a certain degree, so as to allow the production of output that targets the national audience. The terminology used in the context of this report is based on the terms and definitions given in the EMN Glossary (EMN, 2014).

In order to allow concise reporting and to facilitate comparability, the *Annual Policy Report 2016* only reflects significant developments and debates as have been defined on the basis of the criteria listed in the study specifications. Hence, for the present report, proposals for amended or new legislation or policy changes were considered to be significant developments, while a significant debate was defined as an event that had been discussed in the national parliament, by relevant ministries, political parties or civil society stakeholders and, consequently, had been widely reported in the media. Information (e.g. EMN studies, reports, Ad Hoc Queries) was provided by the NCP Austria in the EMN through its website, newsletter and direct distribution to a network of relevant stakeholders and by informing policymakers has thus contributed towards national policy development.

¹ More information on the EMN is available at www.emn.at/en (accessed on 14 March 2017).

² Council Decision of 14 May 2008 establishing a European Migration Network (2008/381/EC), 21 May 2008, OJ 2008 L 131/7.

³ Previous versions from 2004 to 2015 are available at www.emn.at/en/publications/annual-reports/ (accessed on 14 March 2017).

Based on the methodology of conducting previous annual policy reports, the referenced sources of information include: press releases and websites from relevant ministries, journals, studies, reports, legislative proposals, legislation, court rulings, parliamentary debates, as well as online media articles from the main daily newspapers in Austria. In the latter case, press articles dealing with migration and asylum issues were collected throughout the year, within the framework of continuous media monitoring, in order to gain an overview of the most important public discussions. The *Annual Report 2016 on Immigration and Asylum in Austria – Contribution to Commission and to EASO Annual Reports*, which was developed in cooperation with the Federal Ministry of the Interior as well as the Criminal Intelligence Service Austria, 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, provides the basis for the *Annual Policy Report 2016*.

This report was prepared by Saskia Heilemann (née Koppenberg, Research Associate, IOM Country Office for Austria) under the supervision of Julia Rutz (Head of Research and Migration Law, IOM Country Office for Austria). Thanks go to Maria-Alexandra Bassermann (Intern, IOM Country Office for Austria) for her assistance in preparing the bibliography and list of translations.

2. CONTEXT OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

2.1. General Political Developments

In 2016 several general political developments took place which also touched upon the policy areas of asylum and migration. A first government reshuffle occurred on 21 April 2016 when former Federal Minister of the Interior, Johanna Mikl-Leitner from the Austrian People's Party (ÖVP), resigned after five years of service. She joined the Government of the province of Lower Austria. Her successor became Wolfgang Sobotka, also member of the Austrian People's Party.⁴ The second reshuffle took place on 17 May 2016, following the resignation of Federal Chancellor and leader of the Social Democratic Party of Austria (SPÖ) Werner Faymann after eight years in these capacities. According to media reports the Chancellor lost the support of its party, specifically following the asylum debate of 2015/2016.⁵ Christian Kern from the Social Democratic Party of Austria took over these functions as of 17 May and 25 June 2016.

On 8 July 2016 the tenure of Federal President Heinz Fischer – a former member of the Social Democratic Party of Austria – came to an end after 12 years in office. Presidential elections were held on 24 April 2016, with a second round run-off on 22 May 2016 between Norbert Hofer from the Austrian Freedom Party (FPÖ) and Alexander Van der Bellen, a member of the Austrian Green Party (Die Grünen). The results of the second ballot were annulled, however, by the Constitutional Court and a re-vote took place on 4 December 2016, which Van der Bellen won with 53.8 per cent of the votes.⁶ The election campaigns, the re-vote and the close run were intensively covered by the Austrian media.⁷

2.2. Broader Policy Changes

The publication of the report *Understanding Migration – Steering Migration* (Migration Council for Austria, 2016) prepared by the Migration Council for Austria in 2016 represents a broader policy change which affected multiple themes and topics within asylum and migration policy in Austria. The report was presented to the Austrian Federal Minister of the Interior on 7 December 2016.⁸

⁴ Federal Ministry of the Interior, *Wolfgang Sobotka als neuer Innenminister angelobt*. News, 21 April 2016, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=743647683844642F504D343D&page=90&view=1 (accessed on 21 April 2017).

⁵ See, for example, Salzburger Nachrichten, *Werner Faymann - SPÖ-Chef aus dem Amt gepfiffen*, 11 May 2016, available at www.salzburg.com/nachrichten/dossier/faymannruecktritt/sn/artikel/werner-faymann-spoef-chef-aus-dem-amt-gepfiffen-195772/ (accessed on 21 April 2017).

⁶ Office of the Federal President of Austria, *Bundespräsidentenwahl 2016*, available at www.bundespraesident.at/historisches/wahlergebnisse-seit-1951/bundespraesidentenwahl-2016/ (accessed on 21 April 2017).

⁷ See, for example, Profil, *Van der Bellen wird Bundespräsident*, 4 December 2016, available at www.profil.at/shortlist/oesterreich/van-bellen-bundespraesident-7741046 (accessed on 21 April 2017).

⁸ Federal Ministry of the Interior, *Migration verstehen – Migration steuern*. News, 7 December 2016, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=50503548324579494E54673D&page=0&view=1 (accessed on 29 December 2016).

The Migration Council for Austria was established under the Federal Ministry of the Interior in April 2014 as an independent body not bound by instructions, with its membership consisting of several prominent individuals from public life and the academic world. The Council was founded to cover 10 work areas that focus on the main systems and roles within the state and society, in each case in connection with migration. Its mandate was to elaborate a substantial basis for developing a comprehensive migration strategy for Austria, and this mandate was completed through the report.⁹ The overall objective reads as follows: Austria is to remain a safe and stable country where people can live in prosperity and liberty. The report describes the contribution that migration can and should make to society, especially in the areas of business, the labour market, education, research and in the sectors of health, nursing and social services. This is supplemented by a description of the overall conditions under which political and state institutions act, while presenting proposals for steering future migration – not least in line with the goal of enhancing societal cohesion and social peace. According to the Federal Ministry of the Interior, the current Migration Council report represents a detailed basis for a nationwide migration strategy meeting contemporary needs and consistently takes into account both the European perspective and the interests of migrants’ regions of origin. The report lives up to the claim of explaining the highly complex issue of migration in such a way that it provides objectivity through revealing and illustrating interrelationships and interdependencies within all areas of the state and society.¹⁰

Directly following the presentation of the report by the Migration Council, a Migration Commission was established under the Federal Ministry of the Interior. The Commission will play a major role in drawing up a nationwide migration strategy.¹¹

2.3. Main Legislative Developments

2.3.1. Legislative Developments in 2016

In 2016 the Austrian asylum and migration legislation underwent a change through amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act,¹² most of which entered into force on 1 June 2016 and some on 1 October 2016. The main changes include: i) “temporary asylum”, i.e. an initially time-limited residence status for persons granted asylum, ii) stricter provisions on family reunification, and iii) an emergency regulation restricting access to asylum procedures in Austria in case of risk to public order and internal security. These and other relevant legislative changes are described in more detail in then thematic chapters of this report.

Another act that was newly introduced in 2016 and that is of relevance to the Austrian asylum and migration system is the Austrian Recognition and Assessment Act,¹³ which entered into force as of 12 July 2016. The act facilitates the labour market integration of individuals who

⁹ Federal Ministry of the Interior, *Migration verstehen – Migration steuern*. News, 7 December 2016, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=50503548324579494E54673D&page=32&view=1 (accessed on 21 April 2017).

¹⁰ Written input by the Federal Ministry of the Interior, Department III/4 (Residence, Civil Status and Citizenship Affairs), 24 January 2017.

¹¹ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

¹² FLG I No. 24/2016.

¹³ FLG I No. 55/2016.

have acquired qualifications abroad and specifically defines special procedures for persons granted asylum or subsidiary protection who are not able to provide certificates of completed education or training.

2.3.2. Planned Legislative Developments

Act on Integration:

In August 2016, the Federal Minister for Europe, Integration and Foreign Affairs presented the key points of a planned Act on Integration. The aim of this Federal Act is the expeditious integration into Austrian society of individuals who have permanently settled in the country and involves the systematic provision of integration measures as well as the demand to play an active role in the integration process. In detail, the key points include: measures aimed at supporting individuals who are granted asylum or subsidiary protection as well as other third-country nationals in developing language skills and in orientation; labour market measures; a ban on full-face veiling in public; and laws against controversial groups distributing religious materials.¹⁴ Notably the proposed prohibition of the full-face veil was controversially discussed in the Austrian media.¹⁵ By the end of 2016 draft legislation had yet to be submitted for review.¹⁶

Amendment to the Act Governing the Employment of Foreigners and the Settlement and Residence Act:

In November 2016 the Federal Ministry of Labour, Social Affairs and Consumer Protection submitted a draft law to amend the Act Governing the Employment of Foreigners and the Settlement and Residence Act, with the aim of improving conditions for the admission and labour market integration of qualified third-country workers under the Red-White-Red Card (RWR Card). The plans include i) allowing even bachelor students to be employed for a maximum of 20 hours weekly (previously 10 hours) during their course of studies; ii) extending the period for university graduates to seek employment to 12 months from the previous six; and iii) prolonging the validity period of the RWR Card for other key workers to two years (previously one year).¹⁷ It is furthermore planned to improve the conditions under which founders of start-up companies are admitted to Austria; specifically, start-up founders are to be included as qualified immigrants in the criteria-based immigration system, existing since July 2011, under the RWR Card. Two years after arrival, start-up founders with appropriate prerequisites will be able to change their status to a RWR Card Plus, allowing

¹⁴ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

¹⁵ See, for example, Die Presse, *SPÖ- und ÖVP-Frauen abwartend zu Burka-Verbot*, 23 August 2016, available at <http://diepresse.com/home/innenpolitik/5073497/SPOe-und-OeVPFrauen-abwartend-zu-BurkaVerbot> (accessed on 21 April 2017).

¹⁶ Parliament of the Republic of Austria, *Integrationsgesetz, Anti-Gesichtsverhüllungsgesetz; Niederlassungs- und Aufenthaltsgesetz, Asylgesetz u.a., Änderung (290/ME)*, available at www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00290/index.shtml (accessed on 21 April 2017).

¹⁷ Federal Ministry for Science, Research and Economy, *Mitterlehner: Rot-Weiß-Rot-Karte wird attraktiver*. Press Release, 25 November 2016, available at www.bmwf.gv.at/Presse/AktuellePresseMeldungen/Seiten/Mitterlehner-Rot-Wei%C3%9F-Rot-Karte-wird-attraktiver.aspx (accessed on 29 December 2016).

them unrestricted access to the employment market. These changes are to be implemented in part through the 2017 Act Amending the Aliens Law (see below).¹⁸

The review procedure lasted from 25 November until 22 December 2016. By the end of 2016 the parliament procedures had not yet been concluded and it remained to be seen whether any changes would be made and if so which.¹⁹

2017 Act Amending the Aliens Law:

In December 2016 the Federal Ministry of the Interior submitted for review the 2017 Act Amending the Aliens Law, a piece of draft legislation to amend the Settlement and Residence Act, the Aliens Police Act, the Asylum Act, the Federal Office for Immigration and Asylum Procedures Act, the Federal Basic Welfare Support Act, and the Border Control Act. The new legislation is related to the proposed amendment of the Act Governing the Employment of Foreigners that was put forth earlier, in October 2016.²⁰ This draft legislation is mainly intended to adapt legislation relating to aliens to the specifications laid down in the Seasonal Workers Directive (2014/36/EU)²¹ and in the ICT Directive (2014/66/EU).²² The goal of the Seasonal Workers Directive is to define the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers as well as the related rights of seasonal workers. The specifications laid down in the Seasonal Workers Directive are met by restructuring the system, defined in the Aliens Police Act,²³ under which seasonal workers are granted visas.²⁴ The purpose of the ICT Directive is to define conditions of admission, residence and employment for third-country nationals and the members of their families in the context of an intra-corporate transfer as well as to specify the mobility rights of such individuals within the EU Member States. The Directive is to be implemented at national level by creating two new types of residence permits: the Temporary Residence Permit for Intra-corporate Transferees (ICTs) and the Temporary Residence Permit for Mobile Intra-corporate Transferees (mobile ICTs).²⁵

Other items specified in the draft legislation include: more flexible conditions governing the issuing and the validity period of national category D visas (visas for long-term residence, visas for gainful purposes as well as the newly introduced visas for seasonal workers and for particularly exceptional circumstances), the introduction of residence titles granting

¹⁸ Written input by the Federal Ministry of the Interior, Department III/4 (Residence, Civil Status and Citizenship Affairs), 24 January 2017.

¹⁹ Parliament of the Republic of Austria, *Ausländerbeschäftigungsgesetz, Niederlassungs- und Aufenthaltsgesetz, Änderung* (275/ME), available at www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00275/index.shtml (accessed on 4 January 2017).

²⁰ Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, Division V/A/1 (EU Policy Matters and Coordination), 25 January 2017.

²¹ 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 2014 L 94/375.

²² 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, 27 May 2014, OJ 2014 L 157/1.

²³ FLG I No. 100/2005, in the version of FLG I No. 24/2016.

²⁴ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

²⁵ Act Amending the Aliens Law 2017, Ministerial proposal – explanatory notes, p. 2, available at www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00279/imfname_582633.pdf (accessed on 18 January 2016).

settlement status to artists and researchers as well as to certain special categories of persons pursuing dependent employment,²⁶ and the definitions of two specific forms of illegal residence and of illegal entry by foreigners as more heavily punishable criminal acts.²⁷

The review procedure started on 22 December 2016 and was planned to last until 18 January 2017.²⁸ The Austrian media particularly reported about the legislative changes that aim to introduce tougher action against third-country nationals without a legal residence status.²⁹ Such actions were proposed in the context of ongoing debates regarding the number of rejected asylum seekers returning to their countries of origin.³⁰

²⁶ Act Amending the Aliens Law 2017, Ministerial proposal – preamble and impact analysis, p. 1, available at www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00279/imfname_582632.pdf (accessed on 10 January 2017).

²⁷ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

²⁸ Parliament of the Republic of Austria, *Fremdenrechtsänderungsgesetz 2017 – FrÄG 2017 (279/ME)*, available at www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00279/index.shtml (accessed on 4 January 2017).

²⁹ See, for example, Die Presse, *Sobotka macht bei Fremdenpaket Druck auf Doskozil*, 20 October 2016, available at <http://diepresse.com/home/innenpolitik/5104851/Sobotka-macht-bei-Fremdenpaket-Druck-auf-Doskozil> (accessed on 19 May 2017).

³⁰ See, for example, Salzburger Nachrichten, *3175 Flüchtlinge mit Negativ-Bescheid im Land*, 25 October 2016, available at www.salzburg.com/nachrichten/amp/sn/artikel/3175-fluechtlinge-mit-negativ-bescheid-im-land-219483/ (accessed on 21 April 2017).

3. LEGAL MIGRATION AND MOBILITY

3.1. Economic Migration

3.1.1. Instruments for Managing Labour Migration

With regard to the immigration of individuals in the category of “skilled workers in shortage occupations” under the Red-White-Red Card (RWR Card), each year a new list is published that defines the occupations falling under the category of “shortage occupations”. Hence, in November 2015 the Federal Ministry of Labour, Social Affairs and Consumer Protection published – in consultation with the Federal Minister of Science, Research and Economy – the new Regulation for Skilled Workers for 2016.³¹ The regulation lists eight shortage occupations in which third-country nationals can obtain a RWR Card as skilled workers in 2016. The listed shortage occupations are as follows: milling machinists, metal turners, mechanical engineering technicians, roofers, graduate mechanical engineers, high-voltage electrical technicians (engineer), graduate high-voltage electrical engineers and nursing professionals who are currently in the process of having their professional qualifications recognized and started the additional training required before the end of 2015. In December 2016, the 2017 version of the Regulation for Skilled Workers³² was issued; this regulation lists 11 occupations: in addition to the occupations listed in the Regulation for Skilled Workers for 2016 (except for graduate high-voltage electrical engineers) the new regulation lists asphalt roofers, data processing technicians (engineer), (other) high-voltage electrical technicians, and graduate engineers for data processing.

The Settlement Regulation of the Federal Government defines the number of residence titles subject to quota and the maximum numbers of work permits for temporarily employed aliens and harvest workers. The regulation for the year 2016 was issued in December 2015. The Settlement Regulation 2016³³ limits the numbers of such permits that may be issued that year to a maximum of 5,656 residence titles subject to quota, up to 4,500 work permits for temporarily employed foreigners (i.e. seasonal workers) and up to 700 work permits for harvest workers. The 2017 Settlement Regulation³⁴ was issued in December 2016 and specifies a maximum of 5,853 residence titles subject to quota (+197 compared to 2016), a maximum of 4,000 work permits for temporarily employed foreigners (-500 compared to 2016) and up to 600 work permits for harvest workers (-100 compared to 2016).

3.1.2. Skills Recognition

Following the need for Austrian legislation governing the recognition of qualifications acquired abroad as stipulated in the current government programme (Republic of Austria, 2013:28) and the need for facilitated procedures for persons granted asylum or subsidiary protection,³⁵ the Austrian Recognition and Assessment Act³⁶ was drafted in the course of

³¹ FLG II No. 329/2015.

³² FLG II No. 423/2016.

³³ FLG II No. 445/2015.

³⁴ FLG II No. 389/2016.

³⁵ Austrian Recognition and Assessment Act, Government proposal – preamble and impact analysis, p. 1, available at www.parlament.gv.at/PAKT/VHG/XXV/II/II_01084/fname_524423.pdf (accessed on 30 March 2017).

2015 and entered into force as of 12 July 2016. The aim of this act is to promote the labour market integration of individuals who have acquired qualifications in other countries and to support them in obtaining employment appropriate to their education. The act establishes two service institutions and specifies the assessment procedure, leads to greater equality between EU citizens and third-country nationals and, for the first time, introduces consistent statistical monitoring. It also defines special procedures for those persons granted asylum or subsidiary protection who are no longer able to present documents certifying completed education or training as a result of their flight.³⁷

3.1.3. Efforts to Prevent Social Dumping

A new Act to Combat Wage and Social Dumping³⁸ was adopted in June 2016 and subsequently entered into effect on 1 January 2017. The result was a formally independent statute that brings together provisions previously contained in other laws. The changes are aimed at more effectively combating wage and social dumping particularly in the case of workers posted or hired out on a cross-border basis; the amendments also entail simplifications of previous regulations and were necessary for the implementation of the Enforcement Directive (2014/67/EU).³⁹

3.2. Family Reunification

Following the draft and discussion of the Amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act⁴⁰ that took place in 2015 (see AT EMN NCP, 2016: 12–13), modified provisions in the area of family reunification specified in the Asylum Act⁴¹ became effective as at 1 June 2016. The amendment took place against the background of a significant increase, registered in 2015, in the number of applications for family reunification with persons granted asylum or subsidiary protection. While in 2014 1,970 applications under the Asylum Act were made, the number increased almost four-fold to 7,803 in 2015.⁴²

Family members requesting **family reunification with a person granted asylum** are now required to submit evidence of (i) suitable accommodation; (ii) health insurance providing benefits in Austria; and of (iii) regular, fixed-level income, where the family members do not apply for family reunification within three months of the legally granted asylum status

³⁶ FLG I No. 55/2016.

³⁷ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

³⁸ FLG I No. 44/2016.

³⁹ Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') Text with EEA relevance, 28 May 2014, OJ 2014 L 159/11; Written input by the Federal Ministry of Labour, Social Affairs and Consumer Protection, Division V/A/1 (EU Policy Matters and Coordination), 25 January 2017; For more information please see www.parlament.gv.at/PAKT/VHG/XXV/I/I_01111/index.shtml (accessed on 4 January 2017).

⁴⁰ FLG I No. 24/2016.

⁴¹ FLG I No. 100/2005, in the version of FLG I No. 24/2016.

⁴² Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 29 May 2017. Data from 2015 based on Federal Office for Immigration and Asylum.

(Art. 35 para 1 Asylum Act). This amendment makes use of the legal possibilities provided in Art. 12 para 1 of the Family Reunification Directive (2003/86/EC).⁴³ The modified provisions furthermore define that an application for **family reunification with a beneficiary of subsidiary protection** can be made at the earliest three years after the individual received that status with final legal effect. In such cases, regardless of when application is made, evidence also has to be provided of meeting the requirements i–iii listed above (Art. 35 para 2 Asylum Act). Where the family member is a parent of an **unaccompanied minor**, the requirements are considered as having been met (Art. 35 para 2a Asylum Act in conjunction with Art. 60 para 2 subpara 1 to 3; see 5.2 for more detail). The debate surrounding the amendment was widely reported by the media. Concerns were raised regarding possible negative impacts on the beneficiaries' integration⁴⁴ and regarding the unintended incentive for families to send unaccompanied young children who would still be minors when applying for family reunification three years later.⁴⁵

In order to tackle misuse of family reunification, Austrian legislation has defined forced marriage as a criminal offence since 1 January 2016. The Criminal Code⁴⁶ provides for prison sentences of between six months and five years in particular where individuals, by force or by threatening another person with harm or with the loss of family ties, force or coerce that person to enter into a marriage (Art. 106a Criminal Code). Forced marriage is punishable under certain circumstances even if committed outside Austria, namely if a) the perpetrator or victim are Austrian citizens or have their habitual residence in Austria; b) the criminal act harmed other Austrian interests; or c) at the time of the criminal act the perpetrator was an alien residing in Austria and could not be extradited (Art. 64 para 1 subpara 4a Criminal Code).

3.3. Managing Migration and Mobility

3.3.1. Schengen Governance and Temporary Suspension of Schengen

On 29 February 2016, the Visa Information System (VIS) went into operation at the external Schengen borders, completing the worldwide roll-out of the system. Stored in a central database, the VIS data simplifies verification procedures and supports efforts to counteract fraudulence and falsification. To ensure that the new technology-based visa application can be

⁴³ Amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act, Government Proposal – explanatory notes, p. 1–2 and 4, available at www.parlament.gv.at/PAKT/VHG/XXV/I/I_00996/fname_498908.pdf (accessed on 30 March 2017); Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, 3 October 2003, OJ 2003 L 251/12.

⁴⁴ See, for example, Der Standard, *Expertin: Härte bei Familiennachzug verhindert Integration*, 4 April 2016, available at <http://derstandard.at/2000034102692/Expertin-Haerte-bei-Familiennachzug-verhindert-Integration> (accessed on 20 March 2017).

⁴⁵ See, for example, Die Presse, *Unbegleitet, minderjährig: Allein auf dem Weg nach Europa*, 23 December 2015, available at <http://diepresse.com/home/ausland/aussenpolitik/4893561/Unbegleitet-minderjaehrig-Allein-auf-dem-Weg-nach-Europa> (accessed on 20 March 2017).

⁴⁶ FLG No. 60/1974, in the version of FLG I No. 154/2015.

introduced without difficulty, courses were held at the police administrations of the provinces to instruct trainers who would in turn train end-users in using the application.⁴⁷

In 2016 Austria extended for two periods the border controls introduced in 2015 in response to the large-scale arrival of migrants and asylum seekers, once for six months and once for three months. This was done in legal compliance with Art. 23 of the Schengen Borders Code,⁴⁸ which provides Member States with the option of temporarily reintroducing border controls at the internal borders in the event that a serious threat to public policy or internal security has been established and in line with the corresponding regulations issued by the Austrian Federal Minister in accordance with Art. 10 para 2 of the Border Control Act.⁴⁹ Based on a recommendation of the Council of 12 May 2016,⁵⁰ the Member States of Austria, Denmark, Germany, Norway and Sweden prolonged their border controls along specified border sections. As regard Austria, a temporary infrastructure was built as part of reinstating controls along the land borders with Hungary (e.g. at Nickelsdorf) and with Slovenia (e.g. at Spielfeld). This infrastructure includes a system for recording data on individuals who are not eligible to enter Austria and must consequently be rejected at the border.⁵¹ The reintroduction of border controls was widely covered by the Austrian media.⁵² According to the Austrian Federal Government, the number of asylum seekers arriving in Austria was to be curbed through border controls in combination with a maximum target number of asylum seekers to be admitted to the asylum procedure (see 4.4.1) and a strict application of asylum law.⁵³

In 2016 Austria also considered the set-up of temporary border controls along Austria's border with Italy. However, following criticism by Italy⁵⁴ the Austrian media reported in May 2016 that closing the border at the Brenner Pass would not be necessary due to the controls carried out by Italy and the good cooperation between the two countries.⁵⁵ While no border controls were introduced, preparations were merely made on the Brenner Pass to enable implementation of such controls as soon as possible at short notice. Enhanced compensatory measures were taken in the vicinity of the Italian border in close consultation with the Italian

⁴⁷ Federal Ministry of the Interior, *Meilenstein gegen Asylbetrug*. Press Release, 9 February 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=2B6C537A317A375A4A2B633D&page=17&view=1 (accessed on 29 December 2016).

⁴⁸ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), 23 March 2016, OJ 2016 L 77/1.

⁴⁹ FLG No. 435/1996, in the version of FLG I No. 25/2016.

⁵⁰ Council Implementing Decision setting out a Recommendation for temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk, Brussels, 12 May 2016 (8835/16).

⁵¹ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

⁵² See, for example, Salzburger Nachrichten, *Probe für neues Grenz-Management in Spielfeld gestartet*, 20 January 2016, available at www.salzburg.com/nachrichten/oesterreich/politik/sn/artikel/probe-fuer-neues-grenz-management-in-spielfeld-gestartet-181145/ (accessed on 24 March 2017).

⁵³ See, for example, Wiener Zeitung, *Nationale statt europäischer Lösung*, 16 February 2016, available at www.wienerzeitung.at/nachrichten/oesterreich/politik/801325_Nationale-statt-europaeischer-Loesung.html (accessed on 24 March 2017).

⁵⁴ See, for example, oe24, *Brenner: Italien schaltet EU-Kommission ein*, 13 April 2016, available at www.oe24.at/oesterreich/politik/Brenner-Italien-schaltet-EU-Kommission-ein/231635960 (accessed on 24 March 2017).

⁵⁵ See, for example, Der Standard, *Nach Innenministertreffen: Vorerst keine Grenzkontrollen auf dem Brenner*, 13 May 2016, available at <http://derstandard.at/2000036932170/Grenzkontrollen-am-Brenner-bis-auf-weiteres-obsolete> (accessed on 24 March 2017).

authorities. Such compensatory measures include joint bilateral and trilateral patrols with officers from Italy and Germany.⁵⁶ Also, a new common police cooperation centre at Passau, in the German state of Bavaria on the border with Austria, simplifies and enhances communication and joint border management.⁵⁷

3.3.2. International Cooperation on Border Management and Control

In February 2016 the Austrian Foreign Minister visited the **Western Balkan states** to discuss key issues surrounding the refugee situation. In the course of the visits, Austria stipulated bilateral action plans⁵⁸ containing detailed support measures. One example is the agreement with the former Yugoslav Republic of Macedonia, which provides for the deployment of Austrian forces and vehicles to assist in guarding its border.⁵⁹ The Minister of the Interior and senior officials of the Ministry also had numerous talks with their counterparts in Western Balkan states on the subject of intensifying bilateral cooperation in border protection. One instance was the Minister of the Interior's visit to Serbia in December 2016.⁶⁰

On 31 March 2016 representatives of the **Salzburg Forum**⁶¹ member countries as well as of Albania, Greece, UNSC resolution 1244-administered Kosovo,⁶² the former Yugoslav Republic of Macedonia, and Serbia met. During the meeting, the participants came out in favour of supporting Greece and other countries along the external EU border if necessary through the deployment of additional police officers to serve in Frontex and EASO operations.⁶³ At the ministers' conference of the Salzburg Forum in Prague, Czech Republic on 4 November 2016, discussion focused on the necessity of providing effective protection to the external EU border and to the borders of Western Balkan countries. A commitment was made to deploy 20 Austrian police officers to support Hungary's management of its border with Serbia.⁶⁴

⁵⁶ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

⁵⁷ Police administration of the province of Upper Austria, *Bayern und Oberösterreich*, available at www.polizei.gv.at/ooe/start.aspx?nwid=45343776487975345350513D&ctrl=3734335266674D385951343D&nwo=0 (accessed on 30 December 2016).

⁵⁸ Federal Ministry for Europe, Integration and Foreign Affairs, *Westbalkan-Österreich: 6 Aktionspläne in 6 Tagen*. Press Release, 12 February 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/02/westbalkan-oesterreich-6-aktionsplaene-in-6-tagen/ (accessed on 28 December 2016).

⁵⁹ Federal Ministry for Europe, Integration and Foreign Affairs, *Außenminister Sebastian Kurz am Westbalkan*. Press Release, 8 February 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/02/aussenminister-sebastian-kurz-am-westbalkan/ (accessed on 28 December 2016).

⁶⁰ Written input by Federal Ministry of the Interior, Department I/4 (International Affairs), 23 January 2017.

⁶¹ The Salzburg Forum is a Central European security partnership based on an initiative of the Austrian Federal Ministry of the Interior. Salzburg Forum Member States are Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia (Salzburg Forum, www.salzburgforum.org/ (accessed on 6 January 2017)).

⁶² Hereinafter referred to as Kosovo/UNSC 1244.

⁶³ Federal Ministry of the Interior, *Polizeichefs besprechen Migrationslage*. News, 6 April 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=616F386B3471616B336C453D&page=11&view=1 (accessed on 3 January 2017).

⁶⁴ Federal Ministry of the Interior, *Ministerkonferenz in Prag: Sobotka mit klaren Ansagen zu Migration und Terror*. News, 4 November 2016, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=59724B366C555764794C733D&page=0&view=1 (accessed on 29 December 2016).

The twelfth **Central Asia Border Security Initiative (CABSI)**⁶⁵ Conference of experts was held in Bishkek, Kyrgyzstan from 27 to 28 April 2016 with Austrian support. Representatives of the five countries of Central Asia as well as of Afghanistan were in attendance. The conference focused on steps towards improving border security in the Central Asian region as well as on deepening cooperation among Central Asian countries, Afghanistan and other partner countries.⁶⁶

Representatives of the **Police Cooperation Convention for South Europe (PCC SEE)**⁶⁷ convened in Vienna on 10 and 11 May 2016 to review progress and decide on future priorities. Within the framework of the PCC SEE, Austrian police officers were, inter alia, deployed to the former Yugoslav Republic of Macedonia to assist in border security in 2016.⁶⁸ Based on the PCC SEE, a Memorandum of Understanding with the aim of counteracting irregular migration was signed with the former Yugoslav Republic of Macedonia in 2016.⁶⁹

On 16 June 2016 a meeting of the **Central European Initiative (CEI)**⁷⁰ member countries was held in Bosnia and Herzegovina, which chaired the organization in 2016, to discuss the refugee situation at the Western Balkan route and potential solutions.⁷¹

On 30 June 2016 the Austrian Federal Ministry of the Interior invited police representatives from Bulgaria, Croatia, the Czech Republic, Greece, Hungary, the former Yugoslav Republic of Macedonia, Poland, Romania, Serbia, Slovakia and Slovenia as well as from Europol and Frontex to a meeting. During the meeting a **Joint Declaration on Managing Migration**

⁶⁵ The Central Asia Border Security Initiative (CABSI) was established in 2003 by the Austrian Federal Ministry for the Interior as a means to increase border security in the Central Asian area and to deepen cooperation between the Central Asian states, Afghanistan and the international partners. Member states are Austria, Estonia, Finland, France, Great Britain, Hungary, Latvia, Lithuania and Poland (The BOMCA-Programme – Europa Blog, *Wer steht hinter dem BOMCA-Programm?*, available at www.bomca.eu/wer-hat-die-inhalte-des-bomca-programmes-entwickelt/ (accessed on 6 January 2017)).

⁶⁶ Federal Ministry of the Interior, *12. Konferenz der zentralasiatischen Grenzsicherheitsinitiative (CABSI) in Kirgisistan*. News, 28 April 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=662B3961694B676353576B3D&page=9&view=1 (accessed on 29 December 2016).

⁶⁷ The Police Cooperation Convention for Southeast Europe (PCC SEE) was signed during the Austrian EU Council Presidency in 2006. Member states are Albania, Austria, Bosnia and Herzegovina, Bulgaria, Hungary, the former Yugoslav Republic of Macedonia, Republic of Moldova, Montenegro, Romania, Serbia and Slovenia. The PCC SEE is the most important multilateral legal basis for operational, police cooperation in the fields of migration, organized crime, terrorism and extremism (PCC SEE Secretariat, www.pccseesecretariat.si/ (accessed on 29 December 2016)).

⁶⁸ Federal Ministry of the Interior, *Sobotka: Polizeikooperation mit Südosteuropa wird weiter vertieft*. News, 11 May 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=7A5277516D527A346749383D&page=8&view=1 (accessed on 29 December 2016).

⁶⁹ Written input by the Federal Ministry of the Interior, 23 January 2017.

⁷⁰ The Central European Initiative (CEI) was established in 1989 by Austria, Hungary, Italy and the former Yugoslavia in order to achieve mutual support in the field of European integration. Member states are Albania, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Italy, the former Yugoslav Republic of Macedonia, Republic of Moldova, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia and Ukraine (Central European Initiative (CEI), www.cei.int/ (accessed on 6 January 2017)).

⁷¹ Federal Ministry for Europe, Integration and Foreign Affairs, *Treffen der Zentraleuropäischen Initiative in Banja Luka*. Press Release, 16 June 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/06/treffen-der-zentraleuropaeischen-initiative-in-banja-luka/ (accessed on 28 December 2016).

Flows⁷² was adopted. The Declaration provides for the management of migration flows and for the deployment of police officers along borders strongly affected by irregular migration.⁷³ According to the Federal Ministry of the Interior, the Western Balkan route was de facto closed as an effect of the Joint Declaration.⁷⁴

At a Council of Ministers meeting on 13 September 2016, it was decided to deploy 85 Austrian soldiers in the **Hungarian–Serbian border zone** for a period of six months to work in logistics and services.⁷⁵ Beforehand, in July 2016, talks had taken place between Austria and Hungary during which Hungary had requested Austria to deploy personnel to the Hungarian–Serbian border zone.⁷⁶

On 24 September 2016 Austria hosted a **summit meeting** on the topic of migration along the Balkan route. This meeting was attended by the heads of government from Albania, Bulgaria, Croatia, Germany, Greece, Hungary, the former Yugoslav Republic of Macedonia, Serbia and Slovenia, as well as by the President of the European Council, the EU Commissioner for Migration and the Romanian Minister of the Interior.⁷⁷ The summit meeting was widely covered by the Austrian media.⁷⁸ According to the Federal Minister of Defence the meeting resulted in a closure of the Balkan route and focused on building additional capacities for the protection of the external border.⁷⁹

To support the **Frontex activities on the external EU border**, the Federal Ministry of the Interior set up a pool of 170 experts in 2016. More than 40 police officers, along with vehicles and suitable equipment, were deployed for border protection, while another 20 police officers supported the Macedonian authorities along the border between Greece and the former Yugoslav Republic of Macedonia.⁸⁰

⁷² *Joint Declaration on Managing Migration Flows*, available at www.bmi.gv.at/cms/cs03documentsbmi/1858.pdf (accessed on 29 December 2016).

⁷³ Federal Ministry of the Interior, *Polizeichefs der Balkanstaaten: Unkontrollierte Migration verhindern*. News, 30 June 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=72304A4E505470545333673D&page=2&view=1 (accessed on 29 December 2016).

⁷⁴ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

⁷⁵ Federal Chancellery, *Soforthilfe für Afritz – Beitrag zur Eindämmung der illegalen Migration – Bekämpfung der Schlepperei*. News, 13 September 2016, available at http://d34.vie.bka.gv.at/site/cob__63699/currentpage__0/5911/default.aspx (accessed on 23 December 2016).

⁷⁶ See, for example, Die Presse, *Wien und Budapest beenden Krieg der Grenzkontrolleure*, 6 July 2016, available at <http://diepresse.com/home/ausland/aussenpolitik/5044868/Wien-und-Budapest-beenden-Krieg-der-Grenzkontrolleure> (accessed on 24 March 2017).

⁷⁷ Federal Chancellery, *Gipfeltreffen Migration entlang der Balkanroute*. News, 24 September 2016, available at www.oesta.gv.at/site/cob__63813/currentpage__0/7194/default.aspx (accessed on 27 December 2016).

⁷⁸ See, for example, Die Presse, *Tusk will Balkanroute "für immer" schließen*, 24 September 2016, available at <http://diepresse.com/home/ausland/aussenpolitik/5090826/Tusk-will-Balkanroute-fuer-immer-schliessen> (accessed on 29 March 2017).

⁷⁹ See, for example, Kurier, *Doskozil verteidigt Ergebnis des Wiener Flüchtlingsgipfels*, 29 September 2016, available at <https://kurier.at/politik/inland/doskozil-verteidigt-ergebnis-des-wiener-fluechtlingsgipfels/223.070.729> (accessed on 29 March 2017).

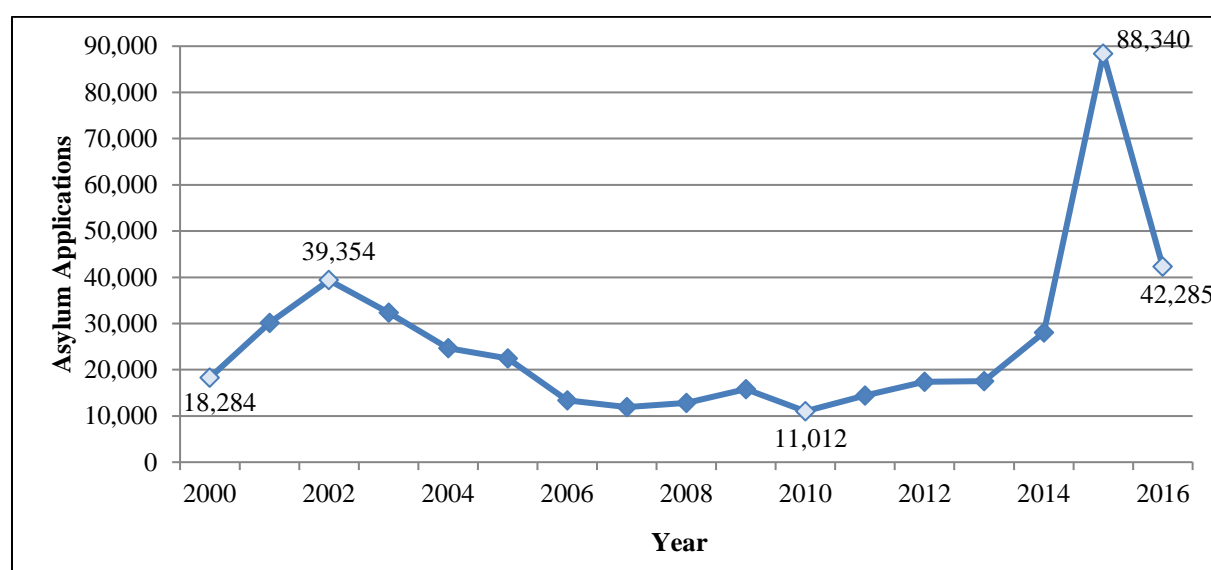
⁸⁰ Police administration of the province of Vienna, *Sobotka zu Arbeitsgesprächen in Polen*. Press Release, 22 November 2016, available at www.polizei.gv.at/wien/presse/eu/eu.aspx?nwid=4A5A4652654D55684848303D&ctrl=3734335266674D385951343D&nwo=0 (accessed on 30 December 2016); Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

4. INTERNATIONAL PROTECTION

4.1. Asylum Trends

After the number of people seeking asylum in Austria reached the historic level of 88,340 applications for international protection in 2015, this trend reversed in 2016. That year 42,285 applications for international protection were lodged, in other words, less than half the number of 2015 (see Figure 1). The main country of origin was – as in the previous year – Afghanistan (28% of all asylum applications) (Federal Ministry of the Interior, 2017a:5).

Figure 1: Asylum Applications in Austria (2000–2016)



Source: Federal Ministry of the Interior, 2017a:8; Statistics Austria, n.d.

As in 2015, Austria was also in 2016 one of the main receiving countries among EU Member States both in terms of total asylum applications as well as the per-capita rate. According to data from Eurostat Austria ranked fifth among the EU-28 in 2016 in relation to the absolute number of first-time asylum applicants and third in relation to first-time asylum applicants per million inhabitants.⁸¹

In 2016 the number of first instance asylum decisions issued by Federal Office for Immigration and Asylum increased by 57 per cent, for a year's total of 57,439. Of all first instance asylum decisions in 2016, 48 per cent were positive decisions granting either asylum, subsidiary protection or a humanitarian residence title (Federal Office for Immigration and Asylum, n.d.).

4.2. Humanitarian Admission

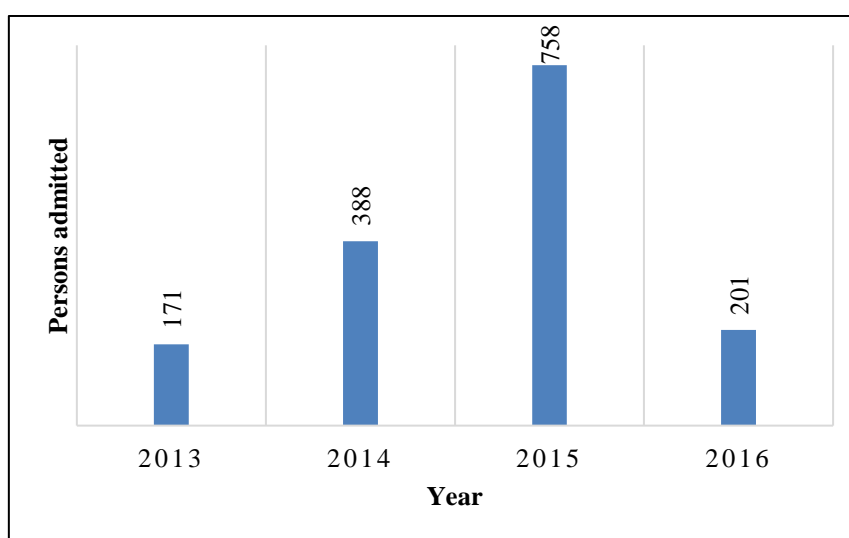
At the end of 2016 the implementation of a third Humanitarian Admission Programme (HAP III) begun, which had been approved the previous year. As a result of this programme, 400 especially vulnerable Syrian refugees are being admitted from the transit countries of

⁸¹ Eurostat, *1.2 million first time asylum seekers registered in 2016*. Newsrelease 46/2017, 16 March 2017, available at <http://ec.europa.eu/eurostat/documents/2995521/7921609/3-16032017-BP-EN.pdf/e5fa98bb-5d9d-4297-9168-d07c67d1c9e1> (accessed on 18 April 2016).

Jordan (200 refugees) and Turkey (200 refugees), in response to the request of the United Nations High Commissioner for Refugees (UNHCR). HAP III is being carried out by the Federal Ministry of the Interior in cooperation with UNHCR and international organizations.⁸² The initial integration measures provided for the Syrian refugees under HAP III are funded by the Federal Ministry for Europe, Integration and Foreign Affairs and administrated in collaboration with ARGE Resettlement.⁸³

On completion of HAP I (decision in 2013 to admit 500 Syrian refugees), HAP II (decision in 2014 to admit 1,000 Syrian refugees) and HAP III (decision in 2015 to admit 400 Syrian refugees), a total of 1,900 refugees will have been resettled in Austria by the end of 2017.⁸⁴ By the end of 2016, 1,518 persons had been admitted to Austria under the Humanitarian Admission Programme (see Figure 2).

Figure 2: Persons Admitted to Austria under the Humanitarian Admission Programme (2013–2016)



Source: Federal Ministry of the Interior, 2017a:31; Kratzmann, 2016:86.

4.3. The National Asylum System

4.3.1. Challenges

About 100 experts met on 18 October 2016 for an “Asylum Day” to discuss various challenges in the area of asylum and possible solutions. The main topics were: persecution on grounds of membership in a social group, the right to family life and Art. 8 of the European Convention on Human Rights (ECHR), administrative decision practice in the case of Afghanistan, and safe countries of origin and information on countries of origin. The conference provided an opportunity for officials involved in decisions at the various levels of the asylum system to engage in an objective discourse on topics related to asylum law, as well as to share experiences with national and international experts and to discuss varying approaches. Initiated by UNHCR, the conference was held in collaboration with the Federal

⁸² Federal Ministry of the Interior, *Resettlement*, available at www.bmi.gv.at/cms/BMI_Asylwesen/resettlement/start.aspx (accessed on 30 December 2016).

⁸³ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

⁸⁴ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 24 January 2017.

Office for Immigration and Asylum, the Federal Administrative Court, the Constitutional Court and the Administrative High Court.⁸⁵

4.3.2. Institutional Changes

The Federal Office for Immigration and Asylum took on 389 new employees in 2016. This means that, including administrative interns, apprentices and individuals in alternative civilian service, the Federal Office for Immigration and Asylum employed a total staff of 1,284 as at the end of 2016. Once the Office has expanded to its final full contingent of 1,426 employees, the staff will have tripled in size since inception in 2014. Alongside the staff growth, seven additional branch offices were set up in the provinces of Austria to handle asylum procedures.⁸⁶

The Asylum Care Department within the Federal Ministry of the Interior was restructured and expanded in 2016. One change has been to set up regional management bodies in the provinces of Austria to act primarily as liaisons with the department units in Vienna as well as to ensure quality standards. A considerable number of new staff members were also recruited following the substantial increase in accommodation capacities to be managed.⁸⁷ While in 2015 around 50 staff members worked at the Care Department, the number quadrupled to more than 200 in June 2016.⁸⁸

4.3.3. Efficiency and Quality

The Federal Office for Immigration and Asylum has its own system of training to ensure that every staff member receives specialist training on an ongoing basis, thereby safeguarding an efficient and uniform application of asylum and immigration laws and maintaining high quality standards. The Office's basic and advanced training programme for administrative officials working in asylum procedures focused on these areas in 2016: interview techniques, investigation methods and administrative law, assessing plausibility, and issuing decisions. An additional focus was training on how to deal with vulnerable individuals. A basic training course, standardized throughout Austria, for new staff working in asylum procedures was also put in place in 2016. In addition to receiving four months of basic theoretical and practical training, newly trained staff are supported by team leaders or tutors.⁸⁹

Moreover, to ensure that asylum procedures are conducted uniformly in compliance with applicable laws, each organizational unit of the Federal Office for Immigration and Asylum has officers responsible for quality assurance.⁹⁰

⁸⁵ Federal Ministry of the Interior, *Asyltag 2016: Asylrechtliche Herausforderungen im Fokus*, News, 20 October 2016, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=69647157655877645534633D&page=0&view=1 (accessed on 3 January 2017).

⁸⁶ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

⁸⁷ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

⁸⁸ Federal Ministry of the Interior, *Künftige Herausforderungen in der Grundversorgung*, News, 13 June 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=4C6A69382F634356586B513D&page=5&view=1 (accessed on 23 March 2017).

⁸⁹ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

⁹⁰ Ibid.

4.4. International Protection Procedure

4.4.1. Access to the Procedure

At an asylum summit held on 20 January 2016, the Federal State and the Austrian provinces, cities and municipalities agreed to permanently reduce the flow of refugees to Austria in the interests of maintaining public order and safeguarding internal security.⁹¹ This development dominated the asylum- and migration-related media reporting in January 2016.⁹² In keeping with this objective it was announced that the number of asylum seekers admitted to asylum procedure would be limited to a maximum target level of 1.5 per cent of the population for a planning period of four years. The resultant target number for 2016 was thus 37,500 asylum seekers (Republic of Austria, 2016:2–3). A review of the plan in terms of conformity with constitutional and EU law has been initiated (Funk/Obwexer, 2016). The issue of conformity was the main concern raised by legal experts and widely reported by the media.⁹³

Against this background, special provisions governing border controls and regarding the maintenance of public order and the safeguarding of internal security were added to the Asylum Act,⁹⁴ specifically to Section 5 of Chapter 4; the change was included in the recent amendment of the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act⁹⁵ (in effect since 1 June 2016). Whether or not these special provisions are applied depends on the Federal Government issuing, in consultation with the Main Committee of the National Council, a regulation recognizing a danger to maintaining public order and safeguarding internal security.⁹⁶ The media regularly reported about ongoing discussions among Austrian political parties and civil-society organizations regarding the current state and whether it justified issuing a regulation⁹⁷ as well as regarding a draft regulation which was put out for review in October 2016.⁹⁸ However, eventually no such regulation came into force in 2016 since the target number was not reached.⁹⁹ Only 36,030 asylum seekers had been admitted to the asylum procedure by the end of 2016 (Federal Ministry of the Interior, 2017a:8).

⁹¹ Oral input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 17 January 2017.

⁹² See, for example, Die Presse, *Regierung will heuer nur 37.500 Flüchtlinge aufnehmen*, 20 January 2016, available at http://diepresse.com/home/innenpolitik/4908257/Regierung-will-heuer-nur-37500-Fluechtlinge-aufnehmen?_vl_backlink=/home/index.do (accessed on 24 March 2017).

⁹³ See, for example, Die Presse, *Juristen gegen Asylgesetz*, 21 April 2016, available at http://diepresse.com/home/innenpolitik/4972770/Juristen-gegen-Asylgesetz?_vl_backlink=/home/politik/index.do (accessed on 24 March 2017).

⁹⁴ FLG I No. 100/2005, in the version of FLG I No. 24/2016.

⁹⁵ FLG I No. 24/2016.

⁹⁶ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

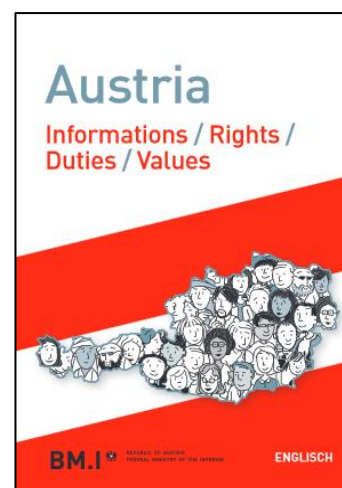
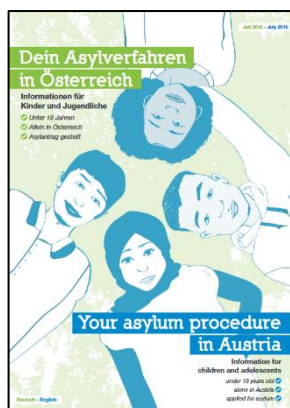
⁹⁷ See, for example, Kurier, *Asyl: Wieder Krach um Notverordnung*, 11 August 2016, available at <https://kurier.at/politik/inland/asyl-wieder-krach-um-notverordnung/214.943.559> (accessed on 20 March 2017); Salzburger Nachrichten, *Flüchtlinge: 15.000 Anträge fehlen auf Asyl-Obergrenze*, 12 July 2016, available at www.salzburg.com/nachrichten/dossier/fluechtlinge/sn/artikel/fluechtlinge-15000-antraege-fehlen-auf-asyl-obergrenze-204635/ (accessed on 29 March 2017).

⁹⁸ See, for example, Salzburger Nachrichten, *Gegner der Flüchtlings-Notverordnung formieren sich*, 4 October 2016, available at www.salzburg.com/nachrichten/amp/sn/artikel/gegner-der-fluechtlings-notverordnung-formieren-sich-216532/ (accessed on 30 March 2017).

⁹⁹ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 25 January 2017; Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

4.4.2. Information Provision

In January 2016 the Federal Ministry of the Interior presented a leaflet¹⁰⁰ to be distributed to asylum seekers when they first contact the authorities. Using simple language and self-explanatory illustrations, the leaflet provides information for individuals who have applied for asylum in Austria. The leaflet not only covers general data on Austria but also the main stages of the asylum procedure as well as fundamental rights, duties and values applying in Austria. The leaflet is available in Arabic, English, Dari/Farsi, German, Russian and Urdu (Poandl/Schratter, 2016:73).¹⁰¹



In early 2016 UNHCR and the Federal Office for Immigration and Asylum cooperated in preparing a revision of the booklet entitled “Your Asylum Procedure in Austria”.¹⁰² The booklet targets unaccompanied minor asylum seekers and provides key items of information concerning asylum and subsidiary protection along with important contact details.¹⁰³ A more detailed version of the booklet has been published as a website.¹⁰⁴

4.4.3. Specific Aspects of the Procedure

Counselling: Amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act (amendment of asylum and aliens legislation) became effective as at 1 June and 1 October 2016 respectively. Art. 52 para 1 and para 2 of the Federal Office for Immigration and Asylum Procedures Act¹⁰⁵ now provides for legal counselling when complaints are lodged against any decision issued by the Federal Office for Immigration and Asylum. However, this excludes decisions concerning costs as specified in Art. 53 of the Federal Office for Immigration and Asylum Procedures Act and Art. 76 to 78 of the General Administrative Procedures Act,¹⁰⁶ or when the Federal Office for Immigration and Asylum is required to submit a file to the Federal Administrative Court as referred to in Art. 16 para 2 of the Proceedings of Administrative Courts Act.¹⁰⁷

¹⁰⁰ Federal Ministry of the Interior, *Refugee Guide*, available at www.refugee-guide.at/en/start.html (accessed on 5 January 2016).

¹⁰¹ Written input by the Federal Ministry of the Interior, Department III/4 (Residence, Civil Status and Citizenship Affairs), 24 January 2017.

¹⁰² UNHCR Austria and the Federal Office for Immigration and Asylum, *Dein Asylverfahren in Österreich*. Fifth edition, available at www.bfa.gv.at/files/broschueren/UMF_Broschuere_D_E_2016_final.pdf (accessed on 6 January 2017).

¹⁰³ Federal Office for Immigration and Asylum, „*Dein Asylverfahren in Österreich*“. News, 8 February 2016, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=67733950614336525765633D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=2 (accessed on 14 December 2016).

¹⁰⁴ UNHCR Austria, <http://deinasylverfahren.at> (accessed on 27 April 2017).

¹⁰⁵ FLG I No. 87/2012, in the version of FLG I No. 25/2016.

¹⁰⁶ FLG No. 51/1991, in the version of FLG I No. 161/2013.

¹⁰⁷ FLG I No. 33/2013, in the version of FLG I No. 24/2017; Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

Interpretation: As part of the 2016 amendment of asylum and aliens legislation, a provision was added that allows technical audio-visual transmission aids to be used as an alternative during interviews or hearings where the use of an interpreter is required but the interpreter does not appear in time (Art. 12a Federal Office for Immigration and Asylum Procedures Act).

Acceleration: The revised Regulation on Countries of Origin¹⁰⁸ was published on 16 February 2016 and subsequently entered into force on 17 February 2016. As a result the following countries are additionally defined as “safe countries of origin” within the meaning of the Asylum Act: Algeria, Georgia, Ghana, Mongolia, Morocco and Tunisia.¹⁰⁹ Accelerated asylum procedures can be conducted for individuals from safe countries of origin, while the suspensory effect of a complaint lodged against a negative asylum decision can be lifted in such cases. In principle, however, primary consideration is always given to the individual case presented by the asylum seeker and to the person’s nationality.¹¹⁰

Decisions: In view of the large number of asylum applications lodged simultaneously in 2015 and the subsequent considerable delays in the procedure, it was specified that an application for international protection must be decided within 15 months (Art. 22 para 1 Asylum Act); the change was introduced as part of the 2016 amendment of asylum and aliens legislation. This provision has been implemented for a limited two-year period.¹¹¹

Appeal: After a ruling by the Constitutional Court,¹¹² Art. 16 para 1 of the Federal Office for Immigration and Asylum Procedures Act was changed to read that the two-week period for lodging a complaint applies only to those decisions relating to the granting, non-granting or withdrawal of international protection that are associated with an action to terminate residence. A period of four weeks for lodging complaints now applies in all other cases.¹¹³

Rejection: During the asylum summit held on 20 January 2016, the Federal State and the provinces, cities and municipalities of Austria agreed to establish common procedures with regard to a more focused effort to remove rejected asylum seekers and return them to their countries of origin or to safe third countries, as well as expanded options for voluntary return. To this end it was decided to develop a strategy based on a nationwide approach. The Federal Ministry of the Interior subsequently prepared a comprehensive package of measures in the area of return and readmission to pursue this nationwide objective.¹¹⁴ Regular coordination meetings were held between ministries to discuss possible measures with regard to selected countries of origin.¹¹⁵ The Federal Office for Immigration and Asylum launched an information campaign in 2016, with the goal of informing asylum seekers about options for voluntary departure. A related information leaflet was prepared (refer to 7.1 for more detail).

¹⁰⁸ FLG II No. 177/2009, in the version of FLG II No. 47/2016.

¹⁰⁹ Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 24 January 2017; Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

¹¹⁰ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹¹¹ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

¹¹² Constitutional Court, 23 February 2016, G 589/2015.

¹¹³ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

¹¹⁴ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹¹⁵ Written input by the Federal Ministry of the Interior, 23 January 2017.

Country of Origin Information (COI): The Federal Office for Immigration and Asylum has a Country of Origin Information (COI) Unit with a staff of 26 in 2016 who cover various countries by region (e.g. Africa, Asia and the Middle East). In 2016 the main focus was to: i) adapt the methods in order to meet COI requirements; ii) intensify exchange at European level regarding these methods; iii) hold a symposium concerning fundamental barriers in COI research; iv) prepare reports with contributions by international experts in order to obtain international expertise to substantiate sensitive topics; v) introduce a new IT system (possibility of conducting safe research on the internet); vi) expand contact with national and international institutions and to deepen existing cooperation; vii) impart tasks, possibilities and barriers for all instances in asylum and immigration procedures in order to achieve consistent COI use; as well as viii) prepare products for country documentation (for example query responses, country information sheets, analyses, information briefs and fact-finding-mission reports).¹¹⁶

Residence status: One of the main changes of the 2016 amendment of asylum and aliens legislation was a set of provisions defining an initially time-limited residence status for persons granted asylum (“temporary asylum”). During the legislative process and before the legislation entered into force, the proposed “temporary asylum” was widely discussed by the political parties and non-governmental organizations and covered by the Austrian media.¹¹⁷

The Asylum Act now provides for a right of residence initially limited to a period of three years which can then be renewed for an unlimited period of validity (Art. 3 para 4 Asylum Act) once that period has expired. The responsibilities of the COI Unit were modified to include support for the Federal Office for Immigration and Asylum when examining whether or not to initiate procedures for the withdrawal of asylum status. Pursuant to Art. 3 para 4a Asylum Act, the latter authority is required to prepare an evaluation at least once every calendar year to determine whether there has been any significant and lasting change in the specific conditions which were the main cause of fear of persecution among those persons granted asylum who originate from the countries accounting for the largest numbers of refugees arriving within the previous five calendar years.¹¹⁸ If such a change has occurred, the authority is required to initiate a procedure to withdraw asylum status from that individual (Art. 7 para 2a Asylum Act). Nevertheless, according to the Federal Ministry of the Interior the primary responsibility for determining the decisive facts of the case, as well as for evaluating whether the individual reasons for flight have ceased to exist, remains with the administrative official entrusted with that case.¹¹⁹ Other changes relate to matters including the introduction of a card for persons granted asylum, which serves as proof of identity and legal residence status (Art. 51a Asylum Act).

¹¹⁶ Ibid.

¹¹⁷ See, for example, Kurier, *Auch SPÖ dafür: Asyl nur auf Zeit und Bremse für Familiennachzug*, 26 January 2016, available at <https://kurier.at/politik/inland/auch-spo-e-dafuer-asyl-nur-auf-zeit-und-bremse-fuer-familiennachzug/177.138.471> (accessed on 24 March 2017).

¹¹⁸ Written input by the Federal Ministry of the Interior, 23 January 2017.

¹¹⁹ Ibid.

4.5. Reception of Applicants for International Protection

The significant increase in asylum applications in 2015 led to a shortage of capacities within Austria's reception system and a tripling of the number of recipients of basic welfare support (see AT EMN NCP, 2016:17–18). Particularly affected was the Initial Reception Centre in Traiskirchen (Lower Austria). Consequently, an examination carried out by the Ombudsman Board found various deficits. By January 2016 the situation improved considerably.¹²⁰ Accommodation capacities were greatly expanded in 2016 both at federal and provincial levels. As at 20 January 2017, there were 31 federal reception facilities in Austria, including two special reception facilities for individuals with special needs (capacity for over 200 people) and eight reception facilities for unaccompanied minors (approx. capacity of 1,000). The Federal State currently maintains roughly 6,650 accommodation places.¹²¹ Also, the number of recipients of basic welfare support in Austria decreased little in 2016 so that roughly 78,500 still required basic support in January 2017.¹²²

With their consent, asylum seekers receiving basic welfare support can be employed at community service jobs. According to the Federal Ministry of the Interior, such work represents an important aspect of the support programme since it enables these individuals to add meaningful structure to their daily schedules. A list of services was drawn up under the leadership of the Federal Ministry of the Interior in October 2016 to enhance legal certainty in this situation and to implement the package of measures for refugee integration adopted by the Council of Ministers on 21 June 2016 (see also 6.3).¹²³

4.6. Cooperation with the European Asylum Support Office (EASO) and Support to Member States and Third-Countries of First Asylum and Origin

On 21 January 2016, Wolfgang Taucher, Director of the Federal Office for Immigration and Asylum, was re-elected as chairman of the EASO Management Board for a further three-year period of office.¹²⁴ Further cooperation with EASO includes deploying asylum experts. In 2016 experts from the Federal Ministry of the Interior or the Federal Office for Immigration and Asylum participated in 11 EASO operations in Greece (based on the EASO Hotspot Operating Plan to Greece) as well as two long-term operations in Italy lasting more than six months (based on the EASO Hotspot-Relocation Operating Plan to Italy). The latter will be continued in 2017.¹²⁵ Staff members of the Federal Office for Immigration and Asylum served furthermore in the following roles in EASO courses: junior trainer for the Interview Techniques module, the Inclusion module, the COI module and the Reception module as well

¹²⁰ Ombudsman Board, *EAST Traiskirchen: Bilanz und Ausblick der Kommission*, available at <http://volksanwaltschaft.gv.at/artikel/east-traiskirchen-bilanz-und-ausblick-der-kommission> (accessed on 23 March 2017).

¹²¹ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

¹²² Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹²³ Ibid.

¹²⁴ Federal Office for Immigration and Asylum, *Wolfgang Taucher erneut zum Verwaltungsratsvorsitzenden von EASO gewählt*, News, 22 January 2016, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=65426638513345734E68453D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=2 (accessed on 14 December 2016).

¹²⁵ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

as didactic trainer for the Inclusion and Common European Asylum System (CEAS) modules and for the upgrade of the Interview Techniques module.¹²⁶

Furthermore, representatives from Austria participated in various train-the-trainer courses and actively participated in drafting the *Country Guidance Afghanistan* report. Austria also participated in the workshop on reasons for exclusion with particular focus on the Syrian Arab Republic.¹²⁷

In terms of bilateral support to Member States, Austria supplied a total of 20 tonnes of shelter material to assist in caring for refugees in Greece in response to Greece's request for assistance submitted to the EU on 29 February 2016. The total cost of the support provided, including shipping costs, is EUR 100,000.¹²⁸

Regarding support to third countries of first asylum and origin, in December 2016 the Federal Ministry for Europe, Integration and Foreign Affairs announced the allocation of an additional budget from the Foreign Disaster Relief Fund to be used for the support of internally displaced persons and refugees in the Syrian Arab Republic and Jordan.¹²⁹ Further funding from the Foreign Disaster Relief Fund was provided in 2016 for Iraq to relieve the humanitarian situation as well as for Syrian refugees in Lebanon and Greece.¹³⁰ Financial support was also pledged in 2016 by the Federal Ministry of Agriculture, Forestry, Environment and Water Management to fund food aid for the Syrian Arab Republic.¹³¹ The Federal Ministry for Europe, Integration and Foreign Affairs also contributed to the EU Facility for Refugees in Turkey and to the EU Regional Trust Fund in Response to the Syrian Crisis.¹³²

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Written input by the Federal Ministry of the Interior, 23 January 2017.

¹²⁹ Federal Ministry for Europe, Integration and Foreign Affairs, *Außenminister Sebastian Kurz bringt Hilfe für Opfer des Syrienkonflikts in Ministerrat ein*. Press Release, 6 December 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/12/aussenminister-sebastian-kurz-bringt-hilfe-fuer-opfer-des-syrienkonflikts-in-ministerrat-ein/ (accessed on 3 January 2017).

¹³⁰ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

¹³¹ Austrian Development Agency, *5 Millionen Euro Ernährungshilfe für Syrien*. News, 21 September 2016, available at www.entwicklung.at/ada/aktuelles/detail/artikel/5-millionen-euro-ernaehrungshilfe-fuer-syrien-1/ (accessed on 3 January 2017).

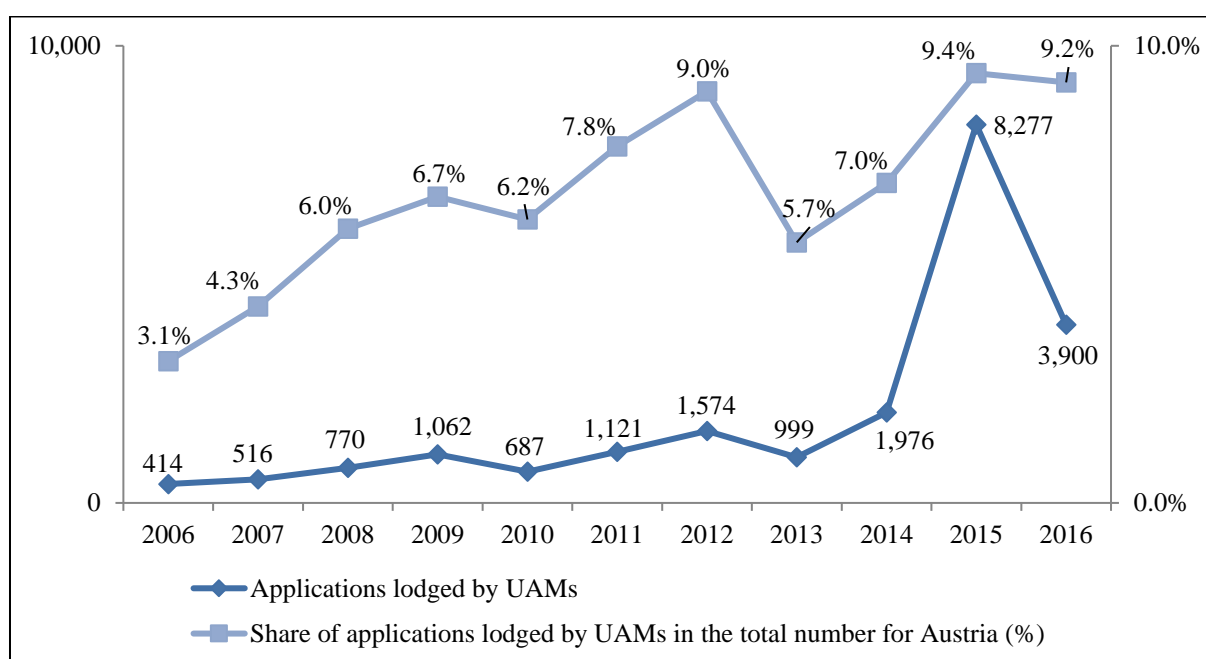
¹³² Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

5.1. Trends in Asylum Applications Lodged by Unaccompanied Minors

After the number of people seeking asylum in Austria reached an historic level in 2015, the trend reversed in 2016, with less than half the number recorded in 2015 (see 4.1). A similar development can be observed with regard to the total number of unaccompanied minors (UAMs) applying for asylum in 2016. While in 2015 8,277 UAMs lodged an asylum application, the number dropped by more than half in 2016, with only 3,900 applications (see Figure 3). The share of asylum applications lodged by UAMs in the total number for Austria decreased slightly from 9.4 per cent in 2015 to 9.2 per cent in 2016.

Figure 3: Asylum Applications Lodged by Unaccompanied Minors in Austria, Total and Share (2006–2016)



Source: Federal Ministry of the Interior, n.d.

Also in 2016, Afghanistan continued to lead by far as the main country of origin of UAMs applying for asylum in Austria: 2,446 applications or 63% of all asylum applications lodged by UAMs (Federal Ministry of the Interior, 2017a:26–30).

5.2. Asylum-seeking Unaccompanied Minors

Within the system of basic welfare support under the competence of the Federal State, special consideration is given to the best interests of asylum-seeking children. According to the Federal Ministry of the Interior, care for asylum-seeking UAMs is a major concern in this context. In 2016 there were eight special reception facilities for UAMs, distributed throughout Austria, with a total capacity to care for more than 1,000 minors. At these special reception facilities the counsellor-to-client ratio is higher than elsewhere and includes a reference-counsellor system: i.e. one main contact person and a substitute counsellor who are available

24/7. The Federal Ministry of the Interior notes in general that in 2016 issues related to asylum-seeking UAMs were constantly discussed at various levels. At policymaker level, for example, a coordinating committee with representatives from the Federal State and the provinces meet regularly to share views. Cooperation and information-sharing with the competent youth welfare authorities at regional level are also promoted. In addition, staff members are provided with internal instructions to help ensure that a uniform procedure is in practice.¹³³

An important legislative development was the entering into effect of the amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act¹³⁴ as at 1 June 2016. These amendments included partly modified provisions governing the reunification of parents with asylum-seeking UAMs. Specifically, if their children are granted with final effect subsidiary protection status instead of asylum, parents cannot submit an application for family reunification earlier than three years after the status is granted (Art. 35 para 2 Asylum Act¹³⁵). In such cases the same provisions apply as to other beneficiaries of subsidiary protection (refer to 3.2). On the other hand, the parents of UAMs granted asylum or subsidiary protection are automatically considered to meet the requirements to provide evidence of suitable accommodation, health insurance cover in Austria and fixed-level, regular income (Art. 35 para 2a Asylum Act in conjunction with Art. 60 para 2 subpara 1 to 3 Asylum Act; refer to 3.2). These amendments were widely debated (see 3.2). In a brochure UNHCR explains the new legal and practical provisions, pointing out that these particularly disadvantage UAMs (UNHCR Austria, 2016).

5.3. Other Vulnerable Groups¹³⁶ in the Asylum Reception System

Should it be recognized during initial clearing or at a later time in the asylum procedure that an individual requires a higher level of care (having e.g. a physical, psychological, intellectual, visual, auditory or speech disability), then this person is accommodated in a special medical reception facility. Within the federal reception system, two medical reception facilities were set up between 2015 and 2016, where certified health care and nursing staff are deployed to care for a total capacity of over 200 persons. Treatment by medical specialists is also provided. The infrastructure of the facilities is furthermore designed to accommodate the special needs of the resident persons (e.g. full accessibility and proximity to hospitals).¹³⁷

¹³³ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

¹³⁴ FLG I No. 24/2016.

¹³⁵ FLG I No. 100/2005, in the version of FLG I No. 24/2016.

¹³⁶ Vulnerable person: Minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation (European Migration Network, *Asylum and Migration Glossary 3.0*. European Commission, Brussels, October 2014, p. 301, available at www.emn.at/wp-content/uploads/2016/11/emn-glossary-en-version.pdf (accessed on 14 March 2017)).

¹³⁷ Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.

6. INTEGRATION

6.1. Integration Report

The 2016 edition of the annually published *Integration Report* was presented jointly by the Federal Minister for Europe, Integration and Foreign Affairs, the chairperson of the independent Expert Council for Integration¹³⁸ and a representative of Statistics Austria on 16 August 2016.¹³⁹ The report consists of three parts:

The **first part** represents a report by the independent Expert Council for Integration, entitled *Previous accomplishments and guidance for the future*. It represents an interim evaluation of the measures enacted as part of the *50 Action Points for the integration of persons entitled to asylum or subsidiary protection in Austria*. The report points out that with the 50 Action Points, which were drafted in November 2015, Austria presented an integration policy to swiftly respond to the large-scale arrival of asylum seekers. The 50 Action Points comprise a variety of measures within the areas of activity defined in the *National Action Plan for Integration*.¹⁴⁰ The Expert Council finds that there has been great progress in many areas. At the same time the Federal Minister stresses that more efforts in many other areas are needed, such as education and employment (Federal Ministry for Europe, Integration and Foreign Affairs, 2016:6, 8). A traffic light system is used to show progress towards the achievement of each of the 50 Action Points (see Federal Ministry for Europe, Integration and Foreign Affairs, 2016:78–81).

The **second part** is the statistical yearbook entitled *migration & integration*, published by Statistics Austria. It presents current facts and figures on population, immigration, education and language, labour market, social issues and health, security, housing, family forms, naturalization as well as on subjective impressions regarding integration. The number of people who stated that the integration of migrants was progressing “well” or “very well” increased from 41 per cent in 2015 to 48 per cent in 2016. Thus, the subjective impression has improved after deteriorating between 2014 and 2015. The scepticism towards the integration process prevails, however, with 52 per cent stating that the integration of migrants was progressing “badly” or “very badly” (Statistics Austria, 2016:93).

¹³⁸ The Expert Council for Integration is affiliated to the Federal Ministry for Europe, Integration and Foreign Affairs and consists of experienced and respected public figures. Headed by Univ-Prof Dr Heinz Fassmann, its task is to foster and monitor the development of the Austrian integration policy, taking into account science and practice (Federal Ministry for Europe, Integration and Foreign Affairs, *Expert Council*, available at www.bmeia.gv.at/en/integration/expert-council/ (accessed on 30 March 2017)).

¹³⁹ Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsbericht 2016*. Press Release, Vienna, 16 August 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/08/integrationsbericht-2016/ (accessed on 27 December 2016).

¹⁴⁰ Austrian Federal Government (2010), *Nationaler Aktionsplan für Integration – Bericht*. Available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/NAP/Bericht_zum_Nationalen_Aktionsplan.pdf (accessed on 30 March 2017).

The **third part** of the integration report consists of an updated version of the online database on integration projects in Austria, which represents a collection of best practices for promoting integration.¹⁴¹

6.2. Language Skills and Education

In 2016 the Act Amending the School Act,¹⁴² which extends the period and scope of language learning support, entered into force. The Federal Minister for Europe, Integration and Foreign Affairs has welcomed the amendment, which is seen to better ensure equal opportunity for children entering school regardless of the child's first language. Children lacking proficiency in German, and particularly those with a refugee or migration background, are primarily intended to benefit. By participating in beginners' language groups and language learning courses, pupils are to achieve a minimum level of language skills that will allow them to follow classroom instruction.¹⁴³

Another major legal development was the adoption of the Compulsory Education and Training Act¹⁴⁴ on 6 July 2016. The Act, which enters into effect on 1 July 2017, specifies an education or training requirement for young persons. The specified requirement applies to individuals 18 years of age and under and is intended to help this group to become better integrated into the labour force by avoiding premature discontinuation of schooling or training. The education and training requirement applies exclusively to young persons not residing only temporarily in Austria, and therewith also to persons granted asylum or subsidiary protection status.¹⁴⁵ Furthermore, a platform¹⁴⁶ was set up on the initiative of the Federal Government as an avenue for providing information about the new education and training requirement and about related programmes.¹⁴⁷

6.3. Promoting Integration of Specific Groups: Asylum Seekers and Beneficiaries of International Protection

Following the large-scale arrival of asylum seekers in 2015 (see 4.1), Austria developed various integration measures specifically targeting persons granted asylum and beneficiaries of subsidiary protection as well as – to some extent – asylum seekers. Many of these measures were continued and expanded in 2016. One example is the **Competency Check** programme,

¹⁴¹ Federal Ministry for Europe, Integration and Foreign Affairs, *Datenbank "Integrationsprojekte in Österreich"*, available at www.bmeia.gv.at/integration/datenbank-integrationsprojekte/ (accessed on 5 January 2017).

¹⁴² FLG I No. 56/2016.

¹⁴³ Federal Ministry for Europe, Integration and Foreign Affairs, *Schnellere sprachliche Integration durch Sprachstartgruppen*. Press Release, 19 May 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/05/schnellere-sprachliche-integration-durch-sprachstartgruppen/ (accessed on 28 December 2016).

¹⁴⁴ FLG I No. 62/2016.

¹⁴⁵ Federal Ministry of Labour, Social Affairs and Consumer Protection, *Nationalrat beschließt Ausbildungspflicht bis 18*. News & Events, 6 July 2016, available at www.sozialministerium.at/site/Service_Medien/News_Veranstaltungen/News/Nationalrat_beschliesst_Ausbildungspflicht_bis_18 (accessed on 21 December 2016).

¹⁴⁶ Ausbildung bis 18, www.ausbildungbis18.at/ (accessed on 27 April 2017).

¹⁴⁷ Federal Ministry of Education, *Bundesregierung startet Informationsoffensive zur AusBildung bis 18*. Press Release, 30 September 2016, available at www.bmb.gv.at/ministerium/vp/2016/20160930.html (accessed on 27 December 2016).

which was introduced in August 2015 by the Public Employment Service and which was expanded in 2016 and increased to 13,500 participants nationwide. The aim of the Competency Check programme is to assess participants' previously acquired qualifications in order to facilitate recognition of these skills, as well as to initiate programmes of further training where required and thus facilitate integration into the labour market.¹⁴⁸

Furthermore, the *50 Action Points for the integration of persons entitled to asylum or subsidiary protection in Austria* (Federal Ministry for Europe, Integration and Foreign Affairs, 2015), which had been presented jointly by the Federal Minister for Europe, Integration and Foreign Affairs and by the chair of the Expert Council for Integration in November 2015, was officially acknowledged and approved by the Council of Ministers in January 2016. The collection of measures comprises 50 action points that address all areas of life. It nonetheless gives special attention to language acquisition, entry into the labour market and an understanding of values.¹⁴⁹ Since late 2015, and based on the 50 action points, the Austrian Integration Fund has been holding **values and orientation courses** throughout the country for persons granted asylum or subsidiary protection. These courses have been expanded in 2016 and cooperation with the Public Employment Service has been in place since March 2016.¹⁵⁰ In 2016 participation was not (yet)¹⁵¹ obligatory except for those registered as job-seeking with the Public Employment Service (Federal Ministry for Europe, Integration and Foreign Affairs, 2016:56). Due to this fact, the Federal Minister for Europe, Integration and Foreign Affairs proposed an Integration Act in August 2016, which defines the rights and obligations (i.e. obligation to participate, contribute and successfully complete the courses offered) of persons entitled to asylum and subsidiary protection and of third-country nationals with legal residence (see 2.3.2 for more detail).¹⁵² Course participants acquire an understanding of the fundamental values of living within a community as well important knowledge for everyday life in Austria. About 14,000 recognized refugees could be reached with such courses in 2016. A collection of supplementary learning materials entitled "My Life in Austria – Opportunities and Rules" was prepared in Arabic, English, Farsi/Dari, Pashto and Russian.¹⁵³ To deepen participants' understanding of the topics covered in the

¹⁴⁸ Public Employment Service, *Pressekonferenz – Asylberechtigte auf Jobsuche*. News, 12 January 2016, available at www.ams.at/ueber-ams/medien/ams-oesterreich-news/asylberechtigte-auf-jobsuche (accessed on 21 March 2017).

¹⁴⁹ Federal Ministry for Europe, Integration and Foreign Affairs, *50-Punkte Plan im Ministerrat angenommen*. Press Release, 9 January 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/01/50-punkte-plan-im-ministerrat-angenommen/ (accessed on 27 December 2016); Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

¹⁵⁰ Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsministerium, AMS und ÖIF präsentieren österreichweite Kooperation bei Wertekursen für Flüchtlinge*. Press Release, 9 March 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/03/integrationsministerium-ams-und-oeif-praesentieren-oesterreichweite-kooperation-bei-wertekursen-fuer-fluechtlinge/ (accessed on 3 January 2017); Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

¹⁵¹ Die Presse, *Kurz: Ausreichend Wertekurse bis Jahresende für alle*, 9 June 2016, available at http://diepresse.com/home/innenpolitik/5011160/Kurz_Ausreichend-Wertekurse-bis-Jahresende-fuer-alle (accessed on 28 March 2017).

¹⁵² Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 23 May 2017.

¹⁵³ Federal Ministry for Europe, Integration and Foreign Affairs, *Integration von Asylberechtigten und subsidiär Schutzberechtigten*, available at www.bmeia.gv.at/integration/integration-von-asylberechtigten-und-subsidiaer-schutzberechtigten/ (accessed on 31 May 2017).

value and orientation courses, the Austrian Integration Fund has been offering in-depth integration modules covering the focal topics of health, work and occupations, the environment and the neighbourhood, women's affairs, and culture and society since May 2016.¹⁵⁴ To implement additional measures of the 50 action points the Council of Ministers adopted a **package of measures for refugee integration** on 21 June 2016. The package focuses on language and education, conveying values, promoting the employment of asylum seekers in community service, and targeted support of volunteers working in language instruction.¹⁵⁵ A list of services was drawn up to determine the activities that are considered as community service work and are consequently allowed to be pursued. It includes services in the areas of administration, language, landscape maintenance, social affairs, kindergartens and school, health, environment, culture, recreational activities, and miscellaneous matters.¹⁵⁶ The adoption of the integration package was also reported by the Austrian media in June 2016.¹⁵⁷ During the following months a discussion between the Federal Government, ministries, provinces and social partners evolved mainly around the community service work for asylum seekers, focusing on issues such as the amount of remuneration¹⁵⁸ and the definition of "community service".¹⁵⁹

In April 2016 the Federal Ministry for Europe, Integration and Foreign Affairs, the Federal Ministry of the Interior and the Federal Ministry of Labour, Social Affairs and Consumer Protection in conjunction with the Public Employment Service agreed on a **common language support strategy**, financed by the Integration Package which was adopted by the Austrian Federal Government in September 2015. The strategy entails an allocation of responsibilities and closer coordination of language support activities and targets recognized refugees and beneficiaries of subsidiary protection as well as asylum seekers very likely to remain in Austria.¹⁶⁰ As part of the strategy, each stakeholder provides literacy and/or language courses at a different level to the target groups as illustrated in Figure 4 below.

¹⁵⁴ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

¹⁵⁵ Federal Ministry for Europe, Integration and Foreign Affairs, *Maßnahmenpaket zur Integration von Flüchtlingen*. Press Release, 21 June 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/06/massnahmenpaket-zur-integration-von-fluechtligen/ (accessed on 28 December 2016).

¹⁵⁶ Federal Ministry of the Interior, *Sobotka: Leistungskatalog für Hilfstätigkeiten von Asylwerbern erstellt*. News, 28 October 2016, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=4C62436A587450676C49513D&page=0&view=1 (accessed on 29 December 2016).

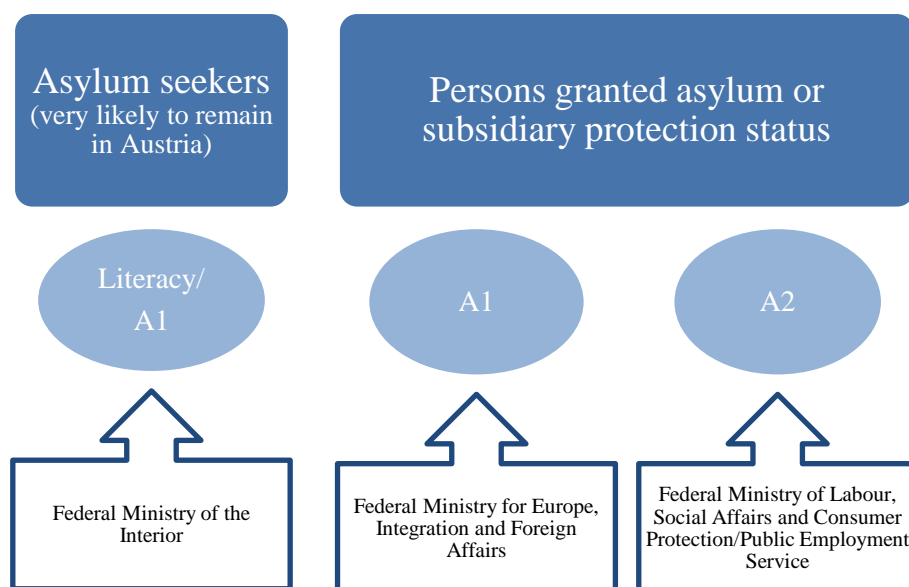
¹⁵⁷ See, for example, *Kleine Zeitung*, *Regierung fördert gemeinnützige Arbeit für Asylwerber*, 21 June 2016, available at www.kleinezeitung.at/politik/innenpolitik/5031210/Migrationspaket_Regierung-fuerdert-gemeinnuetzige-Arbeit-fuer (accessed on 24 March 2017).

¹⁵⁸ See, for example, *Der Standard*, *Sobotka gegen Zuverdienst für Asylwerber*, 1 October 2016, available at <http://derstandard.at/2000045228801/Sobotka-gegen-Zuverdienst-fuer-Asylwerber> (accessed on 30 March 2017).

¹⁵⁹ See, for example, *Salzburger Nachrichten*, *Sobotka besteht auf Liste für gemeinnützige Tätigkeiten*, 30 September 2016, available at www.salzburg.com/nachrichten/dossier/fluechtlinge/sn/artikel/sobotka-besteht-auf-liste-fuer-gemeinnuetzige-taetigkeiten-216151/ (accessed on 30 March 2017).

¹⁶⁰ Federal Ministry for Europe, Integration and Foreign Affairs, *2016 - Meilensteine in Sachen Integration*. Press Release, 27 December 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/12/2016-meilensteine-in-sachen-integration/ (accessed on 3 January 2017).

Figure 4: Common Language Support Strategy



Source: Own illustration based on Federal Ministry for Europe, Integration and Foreign Affairs, 2016:48.

In a first step the Federal Ministry for Europe, Integration and Foreign Affairs together with the Austrian Integration Fund made a public call for proposals to provide level A1 German language courses. In the course of this call EUR 12 million or 25 projects were assigned all over Austria. The German language course projects, which provide 20,000 course placements for persons granted asylum or subsidiary protection, started on 1 September 2016 and will run until 30 June 2017.¹⁶¹ The Austrian media also took an interest in the funding provided for language courses. They reported about a significant budget increase for the Federal Ministry for Europe, Integration and Foreign Affairs in 2016 and 2017 to be spent mainly on language training and values and orientation courses for refugees.¹⁶²

At a legislative level, it has been specified that persons granted asylum or subsidiary protection are required, for the purpose of **integration support**, to appear at one of the Austrian Integration Fund centres immediately after being granted their status (Art. 67 para 1 Asylum Act¹⁶³). The Austrian Integration Fund runs an integration centre in all of the nine provinces of Austria as well as several mobile counselling facilities.¹⁶⁴ The offerings include initial counselling in various languages. Information is mainly provided on available language courses, how to register for values and orientation courses as well as how to search for employment. The changes became effective as of 1 June 2016 in the framework of the amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act.¹⁶⁵ It has additionally been specified that the fact of whether an individual has personally participated in integration programmes offered by the Austrian

¹⁶¹ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

¹⁶² See, for example, Der Standard, *Integration: Mehr Geld für Sprach- und Wertekurse*, 15 April 2016, available at <http://derstandard.at/2000034982057/Mehr-Geld-fuer-Sprach-und-Wertekurse> (accessed on 24 March 2017).

¹⁶³ FLG I No. 100/2005, in the version of FLG I No. 24/2016.

¹⁶⁴ Austrian Integration Fund, *Die ÖIF-Standorte auf einen Blick*, available at www.integrationsfonds.at/oeif-standorte/ (accessed on 19 May 2017).

¹⁶⁵ FLG I No. 24/2016.

Integration Fund can be taken into account when the individual's level of integration is reviewed during a procedure for issuing a return decision (Art. 67 para 2 Asylum Act). Depending on the availability of resources, such integration support is also to be provided to asylum seekers to whom in all likelihood protection status will be granted (Art. 68 para 1 Asylum Act).

6.4. Non-discrimination

The 2015 Act Amending the Criminal Code¹⁶⁶ entered into force as of 1 January 2016. Among the changes were additions to the elements constituting the act of incitement as defined in Art. 283 of the Criminal Code. These now also include “calling on others to commit violence” as well as “incitement to hatred”. Here the phrase “incitement to hatred” is considered to better meet international specifications than the criminal offence of “agitation” (*Hetzen*) previously specified in the Code.¹⁶⁷

In its annual report on racism, the non-governmental organization ZARA¹⁶⁸ reports on racist assaults and incidents in Austria; the report is therefore an important qualitative source of data. The presented statistics are not representative but reflect the cases that have been reported to the organization. The current racism report (see ZARA, 2017) documents a further increase in the number of racist incidents. In 2016 a total of 1,107 incidents were reported, which is an increase by 19 per cent compared with 2015. At 31 per cent, the majority of incidents occurred on the internet. According to ZARA, the racist postings and hate speeches that were spread through the internet contributed to construct a concept of refugees as “the enemy”, which resulted in a general mistrust and hostility.¹⁶⁹ Several counter measures were initiated in 2016. Examples are the initiative *Counter ACT! – Aktiv gegen Hass und Hetze im Netz*,¹⁷⁰ providing knowledge and tools to counteract incidents on the internet (run by ZARA) or the campaign *#GegenHassimNetz*¹⁷¹ (launched by the magazine Profil and the newspaper Kurier), raising awareness and exposing cases of hate postings and discrimination on the web. The Federal Ministry of Education is supporting the campaigns with a manual for teachers entitled “BOOKMARKS – counteracting hate speech on the web through human rights education”.¹⁷²

¹⁶⁶ FLG I No. 112/2015.

¹⁶⁷ 2015 Act Amending the Criminal Code, Ministerial proposal – explanatory notes, p. 29, available at www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00098/fname_389872.pdf (accessed on 5 January 2017).

¹⁶⁸ ZARA – Civil Courage and Anti-Racism Work was founded in 1999 with the goal of promoting civil courage in Austria and combating racism. Their anti-racism work comprises counselling, prevention and public awareness raising. (ZARA – Zivilcourage und Anti-Rassismus-Arbeit, www.zara.or.at, (accessed on 21 March 2017)).

¹⁶⁹ ZARA, *Rassismus Report 2016: Zügellose Online-Hetze facht Hass gegen Geflüchtete und Muslim*innen weiter an*. Press Release, 21 March 2017, available at www.zara.or.at/index.php/archiv/10051 (accessed on 21 March 2017).

¹⁷⁰ ZARA, *Counter ACT! – Aktiv gegen Hass und Hetze im Netz*, available at www.counteract.or.at/ (accessed on 21 March 2017).

¹⁷¹ Federal Chancellery, *Muna Duzdar begrüßt Initiativen gegen Hasspostings*. News, 17 June 2016, available at www.bundeskanzleramt.at/-/muna-duzdar-begru-t-initiativen-gegen-hasspostings (accessed on 21 December 2016).

¹⁷² Federal Ministry of Education, *Hammerschmid: Demokratie lernen und leben ist ein zentrales Bildungsanliegen*. Press Release, 22 September 2016, available at www.bmb.gv.at/ministerium/vp/2016/20160915.html (accessed on 27 December 2016).

6.5. Other Aspects of Integration

Awareness raising on migration in the host society:

As part of the initiative *TOGETHER:AUSTRIA*, visits were made to 67 schools in 2016, familiarizing more than 6,000 pupils and students with topics relating to integration and migration. “Integration Ambassadors” serve as examples of successful integration who point out ways of getting along well with one another, respond to prejudice in open discussions, and motivate pupils and students with or without a migration background to make the best of their school and job opportunities.¹⁷³ The first Integration Ambassador Conference was held at the Federal Ministry for Europe, Integration and Foreign Affairs in April 2016.¹⁷⁴ As an extension of the *TOGETHER:AUSTRIA* programme for students and teachers, a learning platform was launched in November 2016, offering 100 ready-to-use sets of instruction materials that make it easier for the teachers to take up the subject of integration at their schools. The materials can be downloaded from the site free of charge.¹⁷⁵

Migrant access to social security:

The Agreement Pursuant to Art. 15a of the Federal Constitutional Act between the Federal State and the Provinces Stipulating a Nationwide System of Needs-based Guaranteed Minimum Resources¹⁷⁶ of 2010 came to an end on 31 December 2016. With the aim of concluding a subsequent agreement ensuring that common minimum standards continue to be defined and applicable throughout the country in future, intensive discussions between the Federal State and the provinces took place in 2016. However, substantial differences in opinion prevailed. Notably the amount of needs-based guaranteed minimum resources paid to persons granted asylum and subsidiary protection and the possible reduction of such aid was controversially discussed.¹⁷⁷ Throughout the year the Austrian media extensively covered the ongoing discussions.¹⁷⁸ By the end of the year no agreement had been able to be reached. Hence, as of 1 January 2017 the provinces can define their own laws on needs-based guaranteed minimum resources without consideration for common standards.

¹⁷³ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

¹⁷⁴ Federal Ministry for Europe, Integration and Foreign Affairs, *Erste Integrationsbotschafterkonferenz von Zusammen:Österreich*. Press Release, 22 April 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/04/erste-integrationsbotschafterkonferenz-von-zusammenoesterreich/ (accessed on 28 December 2016).

¹⁷⁵ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.

¹⁷⁶ FLG I No. 96/2010.

¹⁷⁷ Parliament of the Republic of Austria, *Stöger ruft bei Mindestsicherung zu einheitlicher Linie auf*. Parliament Correspondence No. 504, 12 May 2016, available at www.parlament.gv.at/PAKT/PR/JAHR_2016/PK0504/ (accessed on 30 March 2017).

¹⁷⁸ See, for example, *Die Presse*, *Sozialgeld: Letzte Frist für Stöger*, 30 September 2016, available at http://diepresse.com/home/innenpolitik/5094526/Sozialgeld_Letzte-Frist-fuer-Stoeger?_vl_backlink=/home/politik/innenpolitik/index.do (accessed on 30 March 2017); *Wiener Zeitung*, *Ein Deckel für das Mindeste*, 14 June 2016, available at www.wienerzeitung.at/nachrichten/top_news/824931_Ein-Deckel-fuer-das-Mindeste.html (accessed on 30 March 2017).

7. RETURN

The topic of return was one of the focus areas of activities by the Federal Ministry of the Interior and the Federal Office for Immigration and Asylum in 2016. Emphasis was put on an approach involving all state actors, to improve the level of cooperation required for returning migrants by generating incentives.¹⁷⁹

In 2016 Austria registered 10,805 departures, 29 per cent more than in the previous year. Accounting for 55 per cent, the majority were voluntary returns.¹⁸⁰ The biggest group of returnees in 2016 were Iraqi nationals (Federal Office for Immigration and Asylum, n.d.). According to the Verein Menschenrechte Österreich (VMO) the return of Iraqis was mainly caused by disappointed expectations regarding social care and the duration of asylum procedures and the resulting extended waiting periods for family reunification.¹⁸¹ The increase in returns was also picked up by the Austria media in July 2016 after the statistics for the first half of 2016 were published.¹⁸²

7.1. Voluntary Return and Reintegration

In line with an effective return policy, and in compliance with the EU Return Directive (2008/115/EC),¹⁸³ voluntary return is a fundamental pillar of Austria's national strategy in this area; consequently, return counselling as well as return assistance and reintegration programmes were expanded in 2016. Under the European Asylum, Migration and Integration Fund (AMIF) and through co-funding by the Federal Ministry of the Interior, the system of return counselling provided by Caritas Austria and Verein Menschenrechte Österreich (VMO) could be expanded throughout Austria. Austria co-funds various programmes and projects in the field of return by drawing on the Asylum, Migration and Integration Fund (AMIF).¹⁸⁴

In addition to the existing system of return assistance, the Federal Office for Immigration and Asylum launched a pilot project in 2016 designed to provide varying levels of return assistance specifically to asylum seekers from Afghanistan, Morocco and Nigeria. The project known as "Return Assistance – a new start with perspectives" includes individual types of support such as procuring travel documents, organizing travel, paying travel expenses and medical care during transfer. The amount paid out as start-up assistance depends on when the application for return is submitted, with more being paid out the sooner the decision for

¹⁷⁹ Written input by the Federal Office for Immigration and Asylum, 25 January 2017.

¹⁸⁰ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 29 May 2017. Data based on Federal Office for Immigration and Asylum.

¹⁸¹ *Kurier*, *Immer mehr Flüchtlinge kehren freiwillig zurück*, 15 December 2015, available at <https://kurier.at/chronik/oesterreich/immer-mehr-fluechtlinge-kehren-freiwillig-zurueck/169.662.735> (accessed on 23 March 2017).

¹⁸² See, for example, *Salzburger Nachrichten*, *Mehr zwangsweise Abschiebungen im ersten Halbjahr*, 20 July 2016, available at www.salzburg.com/nachrichten/dossier/fluechtlinge/sn/artikel/mehr-zwangsweise-abschiebungen-im-ersten-halbjahr-205728/ (accessed on 24 March 2017).

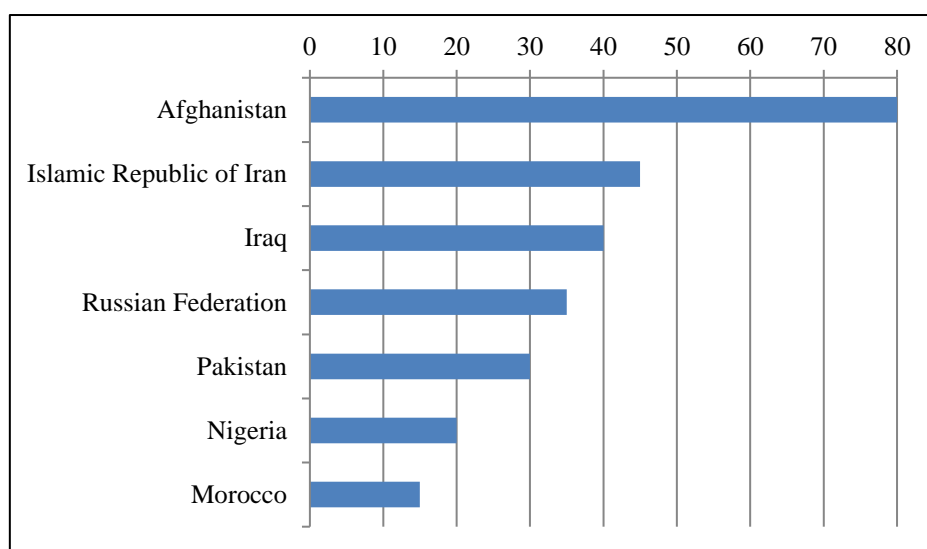
¹⁸³ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, 24 December 2008, OJ 2008 L 348/98.

¹⁸⁴ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

voluntary return is taken (Federal Ministry of the Interior, 2016c:12). A leaflet entitled “Voluntary Departure and Return Assistance” is available in Arabic, Dari, English, German, Pashto and Russian to inform about voluntary return and available return assistance.¹⁸⁵

With regard to reintegration one of the key developments was Austria joining the European Reintegration Network (ERIN) as an official partner in June 2016, following a test phase which started in March 2016. In this role Austria provides reintegration assistance in the following migrants’ countries of origin: Afghanistan, Islamic Republic of Iran, Iraq, Morocco, Nigeria and Somalia. Pakistan and the Russian Federation were added to this list in November 2016. Whereas Austria originally provided 250 places in reintegration programmes for the period June 2016 to June 2017, the capacity could be increased to 265 in response to the strong demand as shown in Figure 5 below (Federal Ministry of the Interior, 2017b:2).¹⁸⁶

Figure 5: Places in Reintegration Programmes by Country of Return (June 2016–June 2017)



Source: Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

In 2016 the IOM Country Office for Austria placed 174 beneficiaries in reintegration programmes, out of which 88 returned to the Russian Federation (Chechen Republic), 73 to Afghanistan, and 13 to Pakistan. During the same year, the IOM Country Office for Austria provided return assistance to 4,812 voluntary returnees through the General Humanitarian Return Programme, the largest assisted voluntary return programme in Austria. The majority of these returnees were funded by the Federal Office for Immigration and Asylum/Federal Ministry of the Interior. Compared with the previous year, when there were 4,126 assisted voluntary returns, this represents an increase of 17 per cent. The main country of return in

¹⁸⁵ Federal Office for Immigration and Asylum, *Neuer Folder „Freiwillige Ausreise und Rückkehrhilfe“*. News, 2 November 2016, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=314E514C2F383372456E553D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0 (accessed on 14 December 2016); Federal Office for Immigration and Asylum, *Neues Rückkehrhilfeprogramm für Asylweber aus Afghanistan, Marokko und Nigeria*. Press, 13 April 2016, available at www.bfa.gv.at/presse/thema/detail.aspx?nwid=4F717067766351484946513D&ctrl=2B7947437976465443374D3D (accessed on 18 January 2017).

¹⁸⁶ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

2016 was Iraq with 1,396 returns or 29 per cent of all voluntary returns assisted by the IOM Country Office for Austria (IOM CO Austria, 2017).

7.2. Forced Return

According to the Federal Ministry of the Interior (FMI), a functioning and sustainable return system can only be established where there is effective interplay between voluntary departure and forced return. Therefore, amongst projects promoting voluntary return there are various measures adopted to remove in particular foreigners who have no claim to international protection when there is no legal obstacle to deportation. In this regard the removal of delinquent foreigners has the highest priority for the FMI. In addition, cooperation with the most important countries of origin was intensified and special attention was paid to issuing *laissez-passer* certificates. In order to impel measures the FMI and the Federal Office for Immigration and Asylum work together constantly and closely in the framework of the Federal Government, especially with the Federal Ministry for Europe, Integration and Foreign Affairs.¹⁸⁷

In the view of the FMI, a functioning return policy not only requires a nationwide strategy but also an agreed consistent position vis-à-vis migrants' countries of origin as defined by the EU Member States. The Joint Way Forward cooperation agreement between the EU and Afghanistan was signed on 2 October 2016, establishing a substantial basis for Austria for the future return of Afghan nationals and for further steps in the areas of readmission and reintegration. Afghan citizens constituted the largest group of asylum seekers with approximately 12,000 applications for international protection in 2016. About half of the asylum applications submitted by Afghans in 2016 were rejected.¹⁸⁸ With regards to readmission agreements, progress was made in the bilateral negotiations with the Gambia in 2016.¹⁸⁹ Furthermore, consultations were held with Turkey in April 2016 concerning a bilateral implementing protocol to supplement the existing readmission agreement with the EU.¹⁹⁰

¹⁸⁷ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹⁸⁸ Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹⁸⁹ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

¹⁹⁰ Federal Ministry for Europe, Integration and Foreign Affairs, *Reply to the parliamentary request no. 10661/J (XXV.GP) from 3 November 2016 regarding "Rückführungsabkommen" (10213/AB of 3 January 2017)*, available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_10213/imfname_584139.pdf (accessed on 9 January 2017).

8. IRREGULAR MIGRATION INCLUDING SMUGGLING

8.1. Prevention of Unsafe Migration

In early 2016 the Federal Ministry of the Interior launched an information campaign in Afghanistan to prevent unsafe migration. The methods include web advertising, ads in Afghan dailies and monthlies, outdoor advertising on city buses in Kabul, and Facebook and Twitter.¹⁹¹ Such targeted publicity is intended to help contain irregular immigration by counteracting distorted, overly positive conceptions of Austria and Europe and providing a realistic notion instead. Additionally, information related to asylum in Austria is provided on a continuous basis through social media (i.e. Facebook and Twitter).¹⁹²

Later in the year the Federal Ministry of the Interior organized a workshop in Vienna on the topic of “Migration and the role of effective communication and information in countries of origin” aimed at developing communication strategies focused on target groups and migrants’ countries of origin (Federal Ministry of the Interior, 2016a:68).

8.2. International Cooperation to Prevent Irregular Migration from Specific Regions

The Southern Mediterranean Countries:

In 2016 the Austrian Federal Government stepped up efforts towards closer cooperation with Algeria, Morocco and Tunisia on irregular migration, specifically through regular meetings at all levels that were held in the region and in Austria. A special focus in this regard was to coordinate activities among the ministries in Austria.¹⁹³

The Eastern Partnership Countries:

The third Ministerial Conference of the Prague Process¹⁹⁴ was held on 19 and 20 September 2016. At the event the migration ministers of Austria and the other participating countries discussed the future of the Process and cooperation in the field of migration.¹⁹⁵ Preventing and fighting illegal migration is one of the main principles and cooperation areas.

The Western Balkan Countries:

The Federal Ministry for Europe, Integration and Foreign Affairs and the Federal Ministry of the Interior hosted a conference under the motto of “Managing Migration Together” on 24 February 2016; 18 interior and foreign ministers from Western Balkan states attended the

¹⁹¹ Federal Ministry of the Interior, *Innenministerium startet Informations-Offensive in Afghanistan*. Press Release, 1 March 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=477833493269586B2B2F6F3D&page=14&view=1 (accessed on 29 December 2016).

¹⁹² Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.

¹⁹³ Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 20 January 2017.

¹⁹⁴ The Prague Process is a targeted migration dialogue and a policy process promoting migration partnerships among the countries of the EU, Schengen Area, Eastern Partnership, Western Balkans, Central Asia, Russia and Turkey. The Process was initiated during the Czech EU Presidency in 2009 (Prague Process, *About*, available at www.pragueprocess.eu/en/about (accessed on 27 January 2017)).

¹⁹⁵ Written input by the Federal Ministry of the Interior, 23 January 2017.

event. The focus was border management and cooperation with third countries. One of the main outcomes¹⁹⁶ of the conference was to provide mutual assistance, specifically by deploying police officers at border sections where irregular migration activity is frequently observed.¹⁹⁷

The project “Strengthen Kosovo institutions in effective management of migration” was launched on 29 April 2016. This project provides for the Netherlands, Sweden and Austria to assist Kosovar authorities in the area of migration.¹⁹⁸ The following issues will be addressed in the context of four fields of action: migration strategy and legislation, migration management, reintegration of persons returned to Kosovo/UNSC 1244, and public awareness. In the major field of action, migration management, the aim is to define measures enabling regular migration as a means of preventing irregular migration.¹⁹⁹ As part of the project, a Kosovar delegation made a study trip to Austria between 17 and 21 October 2016 to discuss the apprehension and detention of irregular migrants and practices applied to returning migrants.²⁰⁰

8.3. International Cooperation to Combat Migrant Smuggling

To reinforce international cooperation at operational level in counteracting human smuggling and trafficking, the Joint Operational Office was inaugurated on 4 May 2016 upon the initiative of the Criminal Intelligence Service Austria. The network serves as a link at operational level with Europol’s European Migration Smuggling Center (EMSC), thus allowing investigators from other countries to be brought in on cases.²⁰¹

In 2016 Austria cooperated in various international investigations that led to the arrest of suspected members of international migrant smuggling networks. In June 2016, for example, Austria participated in “Sirocco 2”, a common operation against criminal migrant smuggling which was organized by Europol and the Joint Operational Office in Vienna. The goal of the operation was to increase pressure on organized smuggler groups through the close, coordinated observation of routes used by the groups. Several arrests were made in Austria

¹⁹⁶ Federal Ministry for Europe, Integration and Foreign Affairs and Federal Ministry of the Interior, *Managing Migration Together - Die wichtigsten Ergebnisse*. Press Release, 24 February 2016, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussendungen/2016/Politische_Kernelemente_der_Erklaerung.pdf (accessed on 28 December 2016).

¹⁹⁷ Federal Ministry for Europe, Integration and Foreign Affairs, „*Managing Migration together*“. Press Release, 24 February 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/02/managing-migration-together/ (accessed on 28 December 2016).

¹⁹⁸ Federal Ministry of the Interior, *EU-Standards für den Kosovo*. Press Release, 2 May 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=626466664D6D4E733055493D&page=9&view=1 (accessed on 29 December 2016).

¹⁹⁹ Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.

²⁰⁰ Federal Ministry of the Interior, *Twinning-Projekt Kosovo: "Study Visit" in Österreich*. News, 24 October 2016, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=63387461566258725959303D&page=0&view=1 (accessed on 29 December 2016).

²⁰¹ Federal Ministry of the Interior – Criminal Intelligence Service Austria, *Internationales Ermittlungsbüro gegen Schlepperei in Wien nimmt Arbeit auf*. Press Release, 4 May 2016, available at www.bmi.gv.at/cms/BK/_news/pressemeldungen.aspx?id=316545503167796C4B4B773D&page=5&view=1 (accessed on 16 December 2016).

during the operation.²⁰² A joint operation carried out between September 2015 and July 2016 between Austria, Germany, Hungary and Poland resulted in the arrest of 17 individuals suspected of being responsible for facilitation of irregular entry into the EU in about 1,000 cases.²⁰³ In 2016 the Criminal Intelligence Service of Lower Austria was able to identify another organization responsible for smuggling almost 10,000 individuals into Europe within the previous 10 years.²⁰⁴

On 19 September 2016 the Austrian National Council adopted a motion providing for more extensive involvement on the part of Austria in the “Sophia” operation, aimed at counteracting organized migrant smuggling networks and preventing illegal arms trade in the Mediterranean region. Currently nine army officers participate in the operation, with up to 30 soldiers to follow in 2017 (Federal Ministry of the Interior, 2016b:54). Austria also contributed towards the funding of a United Nations Office on Drugs and Crime (UNODC) programme with the objective of combating human smuggling and trafficking in the Middle East.²⁰⁵

²⁰² Federal Ministry of the Interior – Criminal Intelligence Service Austria, *Sirocco II - Bundeskriminalamt (BK) beteiligt sich an Operation gegen organisierte Schlepperbanden*. Press Release, 29 June 2016, available at www.bmi.gv.at/cms/BK/_news/pressemeldungen.aspx?id=4831314969656E754768413D&page=1&view=1 (accessed on 16 December 2016).

²⁰³ Federal Ministry of the Interior, *17 mutmaßliche Schlepper festgenommen*. News, 26 July 2016, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=346A326F47634759744E6F3D&page=13&view=1 (accessed on 29 December 2016).

²⁰⁴ Police administration of the province of Lower Austria, *Schwerer Schlag gegen Schlepperei*, available at www.polizei.gv.at/noe/start.aspx?nwid=6B597639477757383558383D&ctrl=3734335266674D385951343D&nwo=0 (accessed on 30 December 2016).

²⁰⁵ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

9. COUNTERING TRAFFICKING IN HUMAN BEINGS

9.1. National Initiatives

9.1.1. National Action Plan and Reporting

An internal report of the Austrian Task Force on Combating Human Trafficking (the Task Force)²⁰⁶ provides a detailed description of all activities carried out in 2016 to implement the fourth National Action Plan for Combating Human Trafficking for the years 2015–2017. For example, the Task Force set up in February 2016 an ad-hoc working group on the implementation of the principle of non-punishment of trafficking victims (Task Force on Combating Human Trafficking, n.d.:36–37). Further activities are highlighted below.

9.1.2. Awareness Raising

As in previous years, for the ninth time the Federal Ministry for Europe, Integration and Foreign Affairs – as leader of the Task Force – organized the conference “Human Trafficking and its Victims – new Developments” on the occasion of the EU Anti-Trafficking Day 2016. With a view to Austria’s chairmanship of the Organization for Security and Co-operation in Europe (OSCE) in 2017, this conference was organized in cooperation with the OSCE in addition to the Vienna Institute for International Dialogue and Cooperation (VIDC) and IOM. The conference took place in the Hofburg in Vienna on 21 October 2016 and attracted more than 350 participants. That year’s event focused on the topics of human trafficking in the context of crises-driven migration and labour exploitation in various forms.²⁰⁷

In July 2016 a web exhibition²⁰⁸ which provides information and raises awareness on human trafficking went online. The exhibition is based on a poster exhibition for schools entitled “Human Trafficking – Slavery in the Twenty-First Century”, which was developed by the Task Force a few years ago.²⁰⁹

9.1.3. Identification of Potential Victims

The goal of identifying potential victims of trafficking in human beings among asylum seekers was defined as a focus area in the fourth National Action Plan on Combating Human

²⁰⁶ Austria set up the Task Force on Combating Human Trafficking in November 2004 under the leadership of the Federal Ministry for Europe, Integration and Foreign Affairs and chaired by Ambassador Elisabeth Tichy-Fisslberger. Representatives of all competent ministries, government bodies, the provinces, the social partners as well as non-governmental organizations, cooperate closely within the Task Force in order to combat trafficking in human beings in Austria (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/ (accessed on 21 April 2017)).

²⁰⁷ 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/ (accessed on 22 March 2017); OSCE, *Human Trafficking and its Victims – new Developments: Invitation and Programme*, available at www.osce.org/secretariat/271101?download=true (accessed on 22 March 2017).

²⁰⁸ Task Force on Combating Human Trafficking, *Gegen Menschenhandel*, available at www.gegen-menschenhandel.at/ (accessed on 27 April 2017).

²⁰⁹ 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/ (accessed on 22 March 2017).

Trafficking for the period 2015 to 2017 (Federal Ministry of the Interior, 2016d:17). Hence, numerous training sessions were held in 2016 for groups including: judges, public prosecutors, consulate employees and labour inspectors. For example, within the framework of the IOM project “Identification of potential trafficked persons in the asylum procedure” (IBEMA),²¹⁰ training courses aimed at improving skills in identifying victims of human trafficking were held in 2016 for staff members of the Federal Office for Immigration and Asylum as well as for judges with the Federal Administrative Court, care staff of ORS Service GmbH and legal counsellors with Verein Menschenrechte Österreich and ARGE Rechtsberatung. The project is focused on heightening awareness of the issue of human trafficking among authorities and organizations that play a role in asylum procedures in Austria, so as to allow more ready identification of the individuals affected as well as to provide them with support and refer them to institutions providing suitable protection. Another goal is to establish and/or intensify networking between partner authorities and other relevant stakeholders, including non-governmental organizations, in Austria and other countries, and thus lastingly integrate the issue of combating human trafficking within the Austrian asylum procedure. As a result of the training, at least 15 cases of trafficking in human beings have been reported to police or institutions of victim protection since July 2015; specifically: five by the Federal Office for Immigration and Asylum, nine by the legal counselling service of Diakonie and one by Verein Menschenrechte Österreich.²¹¹

Another case in point is the workshop held at the detention centre at Vordernberg, Styria in 2016, with the title “Identification of human trafficking victims – a detention centre issue”. The workshop was attended by 14 police officers at the detention centre as well as individuals working for the cooperation partners. The focus topics included identifying people affected by human trafficking and the related legal framework. The workshop was jointly organized by the Federal Ministry of the Interior, the Criminal Intelligence Service Austria and the Intervention Center for Trafficked Women (LEFÖ IBF).²¹²

9.1.4. Provision of Information

In 2016 various information materials and instructions on how to identify and deal with potential victims of human trafficking were developed and distributed to authorities and offices connected with the issue:

- The efforts of the Task Force included setting up an ad-hoc working group to study how to more effectively reach potential victims of human trafficking. One of the results of this working group was to prepare a compact, 20-page **booklet on trafficking in human beings**,²¹³ including a definition, indications, and referral

²¹⁰ IOM CO Austria, *IBEMA - Identification of potential trafficked persons in the asylum procedure*, available at www.iomvienna.at/en/ibema-identification-potential-trafficked-persons-asylum-procedure (accessed on 23 March 2017).

²¹¹ Written input by the Criminal Intelligence Service Austria, 25 January 2017.

²¹² Federal Ministry of the Interior, *Identifizierung von Opfern des Menschenhandels*. News, 23 June 2016, available at www.bmi.gv.at/cms/BMI_Presse/_news/BMI.aspx?id=6A72302B4E7570307433343D&page=3&view=1 (accessed on 29 December 2016).

²¹³ Task Force on Combating Human Trafficking, *Broschüre zu Menschenhandel*, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Broschuere_zu_Menschenhandel.pdf (accessed on 22 March 2017).

information, for distribution to institutions and offices with potential contact to victims;²¹⁴

- The working group on child trafficking that was established under the Task Force completed the “**Action guidelines for identifying and dealing with potential victims of child trafficking**”²¹⁵ (National Referral Mechanism) and widely distributed the publication to relevant offices;²¹⁶
- As part of the working group on prostitution, the Federal Ministry for Education and Women’s Affairs issued an **information booklet for sex workers**²¹⁷ which was translated into seven languages.²¹⁸ Providing information to sex workers about their rights and obligations, the booklet targets potential victims of human trafficking for the purpose of sexual exploitation. The publication is used at public health offices and counselling centres and made available to sex workers free of charge;²¹⁹
- To prevent the exploitation and trafficking of persons working in diplomats’ households, information programmes aimed at this group of individuals were continued and expanded in 2016. The **Information Brochure – Private Domestic Staff (PDS)**²²⁰ was prepared in 2016 and published in English and Philippine (Tagalog) by the Federal Ministry for Europe, Integration and Foreign Affairs in cooperation with LEFÖ, with funding provided by the Federal Ministry of the Interior. The booklet is handed out to all domestic workers of diplomats accredited in Austria upon issue of the worker’s identity card (*Legitimationskarte*).²²¹ A related information event was organized in November 2016 in Vienna (Task Force on Combating Human Trafficking, n.d.:22);
- Furthermore in 2016, the Task Force was also engaged in preparing a booklet to provide comprehensive **information on victims’ rights**. The booklet is planned to be completed during the first quarter of 2017 and distributed to all offices with potential contact with supposed victims of human trafficking.²²²

²¹⁴ Written input by the Criminal Intelligence Service Austria, 25 January 2017.

²¹⁵ Federal Ministry of Families and Youth, *Handlungsorientierungen zur Identifizierung von und zum Umgang mit potenziellen Opfern von Kinderhandel*, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Handlungsorientierungen_zur_Identifizierung_und_zum_Umgang_mit_potenziel...pdf (accessed on 26 January 2017).

²¹⁶ Written input by the Criminal Intelligence Service Austria, 25 January 2017; Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

²¹⁷ Federal Ministry for Education and Women’s Affairs, *Sexwork Info*, March 2016, available at www.bmgf.gv.at/cms/home/attachments/9/2/0/CH1559/CMS1466681652660/sexwork-info_englisch.pdf (accessed on 26 January 2017).

²¹⁸ Bulgarian, Chinese, Czech, English, German, Hungarian and Romanian.

²¹⁹ Written input by the Criminal Intelligence Service Austria, 25 January 2017; Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

²²⁰ Federal Ministry for Europe, Integration and Foreign Affairs, *Information Brochure – Private Domestic Staff (PDS)*, July 2016, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Ministerium/Folder_Private_Domestic_Staff.pdf (accessed on 31 January 2017).

²²¹ Written input by the Criminal Intelligence Service Austria, 25 January 2017; Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

²²² Ibid.

9.2. International Cooperation

Austria cooperates with third countries as well as Europol to combat trafficking in human beings and is engaged in several multilateral forums.²²³ For example, Austria is a member of the “European Multidisciplinary Platform against Criminal Threats – Trafficking in Human Beings” (EMPACT THB), a Europol project carried out within the framework of the EU Policy Cycle. A representative of the Criminal Intelligence Service Austria attended the quarterly operational meetings at Europol in 2016. Within the context of implementing the annual operational action plan, Austria supported or participated in operational activities at bilateral or multilateral level.²²⁴

The Criminal Intelligence Service Austria is also a co-partner in the CHINESE THB and ETUTU projects (the latter aimed at human trafficking originating in Nigeria) under the Prevention of and Fight against Crime (ISEC) programme. In the context of these projects, the Criminal Intelligence Service Austria attended numerous meetings to plan strategy and operations in 2016 and, at the same time, organized an international work meeting on operations under the CHINESE THB project that was held in Vienna in July 2016.²²⁵

In October 2016 the Joint Operational Office of the Criminal Intelligence Service Austria participated in the international operation “Ciconia Alba”. The operations focused on trafficking in human beings and human smuggling as well as on illicit drug and firearms trafficking and fraud. A total of 529 trafficked persons could be identified internationally, while 16 trafficked individuals and 13 potentially trafficked persons were reported in Austria.²²⁶

In addition in 2016, via the Austrian Development Agency (ADA), Austria supported a number of international projects and programmes related to combating and preventing trafficking in human beings in general and children in particular. These included projects by the Organization for Security and Cooperation in Europe (OSCE), the United Nations Office on Drugs and Crime (UNODC), Terre des Hommes and the Ludwig Boltzmann Institute of Human Rights, in regions including South-Eastern Europe, Western Africa, the Sahara region and in the Middle East.²²⁷ The Federal Ministry for Europe, Integration and Foreign Affairs supports the project entitled *Trafficking along the Migration Routes in Europe: Identification and Integration of Victims of Trafficking among Vulnerable Groups and Unaccompanied Children (TRAM)*, which was granted funding by the Asylum, Migration and Integration Fund (AMIF) in December 2016 and is implemented by the International Centre for Migration Policy Development (ICMPD) (Task Force on Combating Human Trafficking, n.d.:17).

²²³ European Commission, *Together against Trafficking in Human Beings – Austria*, available at http://ec.europa.eu/anti-trafficking/content/nip/austria_en (accessed on 23 March 2017).

²²⁴ Written input by the Criminal Intelligence Service Austria, 25 January 2017.

²²⁵ Ibid.

²²⁶ Federal Ministry of the Interior – Criminal Intelligence Service Austria, *Operation Ciconia Alba führte zu 18 Festnahmen und 84 Anzeigen in Österreich*. News, 19 October 2016, available at www.bmi.gv.at/cms/bk/_news/start.aspx?id=677152386655746A4745593D&page=0&view=1 (accessed on 16 December 2016).

²²⁷ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

10. MIGRATION AND DEVELOPMENT

In December 2015 the new Three-Year-Programme on Austrian Development Policy for the years 2016 to 2018 was released. The programme focuses for the first time on migration as one of the main topics (see AT EMN NCP, 2016:39). In October 2016 the Austrian Development Agency (ADA) published a document outlining the principal positions, strategic areas of work and current project examples based on the Three-Year Programme. Therein ADA states its objective as being “to maximize the potentials of linking migration and development and to minimize related risks” and stresses that “ADA’s engagement is based on the development needs of partner countries” and “is not conditioned by the fact that they are migrant-sending countries or on the assumption that they might curb migration to Europe” (ADA, 2016:15).

On 20 December 2016 an updated version of the Three-Year Programme on Austrian Development Policy 2016–2018 was adopted by the Council of Ministers.²²⁸ The programme contains several new points. One is the requirement to additionally ensure that, when carrying out development cooperation programmes, any readmission agreement with Austria is indeed applied in practice (Federal Chancellery, n.d.:4). Furthermore, Austria has specified as of 2017 an annual increase of EUR 15.5 million from the EUR 77 million available in 2016, to be allocated to bilateral development cooperation. Among other things, the additional funds will be used to support returnees.²²⁹ In the specific case of Iraq, EUR 5.2 million from the Foreign Disaster Relief Fund and from ADA was approved for humanitarian assistance and the resettlement of returning refugees and internally displaced persons.²³⁰ According to ADA the activities supporting reintegration in ADA partner countries “should link up with already existing development programs so that they can benefit from these experiences and foster synergies” (ADA, 2016:18).

To establish a common understanding of migration and development as well as to define the fields of action of ADA, an information event was held in March 2016. The event was attended by representatives of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the International Centre for Migration Policy Development (ICMPD) and of Swiss and German development organizations.²³¹

²²⁸ Federal Chancellery, *Beschlussprotokoll des 26. Ministerrates vom 20. Dezember 2016*, available at www.bka.gv.at/-/beschlussprotokoll-des-26-ministerrates-vom-20-dezember-2016 (accessed on 6 January 2017).

²²⁹ Federal Ministry for Europe, Integration and Foreign Affairs, *Bundesminister Kurz: “Europa ist gefordert, das Sterben im Mittelmeer zu beenden”*. Press Release, 20 June 2016, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2016/06/bundesminister-kurz-europa-ist-gefordert-das-sterben-im-mittelmeer-zu-beenden/ (accessed on 28 December 2016).

²³⁰ Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.

²³¹ Ibid.

ANNEXES

Annex A: List of Translations and Abbreviations

English term	English abbreviation	German term	German abbreviation
–	–	Verein Menschenrechte Österreich	VMÖ
2015 Act Amending the Criminal Code	–	Strafrechtsänderungsgesetz 2015	–
2016 Act Amending the School Act	–	Schulrechtsänderungsgesetz 2016	–
2017 Act Amending the Aliens Law	–	Fremdenrechtsänderungsgesetz 2017	FrÄG
Act Governing the Employment of Foreigners	–	Ausländerbeschäftigungsgesetz	AuslBG
Act to Combat Wage and Social Dumping	–	Lohn- und Sozialdumping-Bekämpfungsgesetz	LSDB-G
Administrative High Court	–	Verwaltungsgerichtshof	VwGH
Agreement Pursuant to Art. 15a of the Federal Constitutional Act Between the Federal State and the Provinces Stipulating a Nationwide System of Needs-based Guaranteed Minimum Resources	–	Vereinbarung zwischen dem Bund und den Ländern gemäß Art. 15a B-VG über eine bundesweite Bedarfsorientierte Mindestsicherung	–
Aliens Police Act	–	Fremdenpolizeigesetz	FPG
Asylum Act	–	Asylgesetz	AsylG
Asylum, Migration and Integration Fund	AMIF	Asyl-, Migrations- und Integrationsfonds	AMIF
Austrian Development Agency	ADA	Agentur der Österreichischen Entwicklungszusammenarbeit	ADA
Austrian Freedom Party	–	Freiheitliche Partei Österreich	FPÖ
Austrian Green Party	–	Die Grünen	–
Austrian Integration Fund	–	Österreichischer Integrationsfond	ÖIF
Austrian Ombudsman Board	AOB	Volksanwaltschaft	–
Austrian People's Party	–	Österreichische Volkspartei	ÖVP
Border Control Act	–	Grenzkontrollgesetz	GrekoG
Border Management Programme in Central Asia	BOMCA	Grenzschutzprogramm für Zentralasien	–
Central Asia Border Security Initiative	CABSI	zentralasiatische Grenzsicherheitsinitiative	–
Central European Initiative	CEI	Zentraleuropäische Initiative	ZEI
Civil Courage and Anti-Racism Work	ZARA	Zivilcourage und Anti-Rassismus-Arbeit	ZARA
Common European Asylum System	CEAS	Gemeinsamen Europäischen Asylsystems	GEAS

English term	English abbreviation	German term	German abbreviation
Compulsory Education and Training Act	–	Ausbildungspflichtgesetz	APfIG
Constitutional Court	–	Verfassungsgerichtshof	VfGH
Country of Origin Information	COI	Herkunftsländer Informationen	–
Criminal Intelligence Service Austria	–	Bundeskriminalamt	BK
European Asylum Support Office	EASO	Europäisches Unterstützungsbüro für Asylfragen	EASO
European Commission	EC	Europäische Kommission	EK
European Convention on Human Rights	ECHR	Konvention zum Schutz der Menschenrechte und Grundfreiheiten	EMRK
European Economic Area	EEA	Europäische Wirtschaftsraum	EWR
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Migration Smuggling Center	EMSC	–	–
European Multidisciplinary Platform against Criminal Threats – Trafficking in Human Beings	EMPACT THB	Europäischen multidisziplinären Plattform gegen kriminelle Bedrohungen – Menschenhandel	–
European Reintegration Network	ERIN	europäische Netz zur Wiedereingliederung	ERIN
European Union	EU	Europäische Union	EU
Expert Council for Integration		Expertenrat für Integration	
Federal Administrative Court	–	Bundesverwaltungsgericht	BVwG
Federal Basic Welfare Support Act	–	Grundversorgungsgesetz Bund	GVG-B
Federal Law Gazette	FLG	Bundesgesetzblatt	BGBL.
Federal Ministry for Education and Women's Affairs	–	Bundesministerium für Bildung und Frauen	BMBF
Federal Ministry for Europe, Integration and Foreign Affairs	–	Bundesministerium für Europa, Integration und Äußeres	BMEIA
Federal Ministry for Science, Research and Economy	–	Bundesministerium für Wissenschaft, Forschung und Wirtschaft	BMFWF
Federal Ministry of Agriculture, Forestry, Environment and Water Management	–	Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft	BMLFUW
Federal Ministry of Education	–	Bundesministerium für Bildung	BMB
Federal Ministry of Labour, Social Affairs and Consumer Protection	–	Bundesministerium für Arbeit, Soziales und Konsumentenschutz	BMASK
Federal Ministry of the Interior	FMI	Bundesministerium für Inneres	BMI
Federal Office for Immigration and Asylum	–	Bundesamt für Fremdenwesen und Asyl	BFA
Federal Office for Immigration	–	BFA-Verfahrensgesetz	BFA-VG

English term	English abbreviation	German term	German abbreviation
and Asylum Procedures Act			
Fight against Chinese trafficking in human beings in the EU	CHINESE THB	–	–
General Administrative Procedures Act	–	Allgemeines Verwaltungsverfahrensgesetz	AVG
Humanitarian Admission Programme	HAP	Humanitäres Aufnahmeprogramm	HAP
Identification of potential trafficked persons in the asylum procedure	IBEMA	Identifizierung von potentiellen Betroffenen des Menschenhandels im österreichischen Asylverfahren	IBEMA
Internal Market Information System	IMI	Binnenmarkt-Informationssystem	IMI
International Centre for Migration Policy Development	ICMPD	International Centre for Migration Policy Development	ICMPD
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
LEFÖ Intervention Center for Trafficked Women	–	LEFÖ Interventionsstelle für Betroffene von Frauenhandel	LEFÖ-IBF
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
Organization for Security and Co-operation in Europe	OSCE	Organisation für Sicherheit und Zusammenarbeit in Europa	OSZE
Police Cooperation Convention for South Europe	PCC SEE	Polizeikooperations-Konvention für Südosteuropa	–
Prevention of and Fight against Crime	ISEC	Kriminalprävention und Kriminalitätsbekämpfung	–
private domestic staff	PDS	private Hausangestellte	–
Proceedings of Administrative Courts Act	–	Verwaltungsgerichtsbarkeits-Ausführungsgesetz	–
Public Employment Service	–	Arbeitsmarktservice	AMS
Recognition and Assessment Act	–	Anerkennungs- und Bewertungsgesetz	AuBG
Red-White-Red Card	RWR Card	Rot-Weiß-Rot – Karte	RWR – Karte
Regulation for Skilled Workers	–	Fachkräfteverordnung	–
Settlement and Residence Act	–	Niederlassungs- und Aufenthaltsgesetz	NAG
Settlement Regulation	–	Niederlassungsverordnung	NLV
Social Democratic Party of Austria	–	Sozialdemokratische Partei Österreichs	SPÖ
Suppression of international trafficking in human beings for the purpose of sexual exploitation to the detriment of Nigerian females	ETUTU	–	–
Temporary Residence Permit for Intra-corporate Transferees	ICTs	Aufenthaltsbewilligung als unternehmensintern transferierter Arbeitnehmer	–
Temporary Residence Permit for Mobile Intra-corporate	mobile ICTs	Aufenthaltsbewilligung als mobiler unternehmensintern transferierter	–

English term	English abbreviation	German term	German abbreviation
Transferees		Arbeitnehmer	
Trafficking along Migration Routes: Identification and Integration of Victims of Trafficking among Vulnerable Groups and Unaccompanied Children	TRAM	—	—
unaccompanied minors	UAM	unbegleitete Minderjährige	UMF
United Nations High Commissioner for Refugees	UNHCR	Flüchtlingshochkommissariat der Vereinten Nationen	UNHCR
United Nations Office on Drugs and Crime	UNODC	Büro der Vereinten Nationen für Drogen- und Verbrechensbekämpfung	—
Vienna Institute for International Dialogue and Cooperation	VIDC	Wiener Institut für Internationalen Dialog und Zusammenarbeit	VIDC
Visa Information System	VIS	Visa-Informationssystem	VIS

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