The European Migration Network (EMN) is coordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway. The National Contact Point Austria in the EMN is financially supported by the European Commission and the Austrian Federal Ministry of the Interior.
National Contact Point Austria

in the European Migration Network

AUSTRIA – ANNUAL POLICY REPORT 2016
The opinions expressed in the report are those of the author and do not necessarily reflect the views of the Austrian Federal Ministry of the Interior, the European Commission and/or the International Organization for Migration (IOM). The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to assist in meeting the operational challenges of migration, to advance understanding of migration issues, to encourage social and economic development through migration and to uphold the human dignity and well-being of migrants.
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.
CONTENTS

EXECUTIVE SUMMARY ........................................................................................................... 1

1. INTRODUCTION .................................................................................................................... 2
   1.1. Purpose ............................................................................................................................... 2
   1.2. Methodology and Definitions ........................................................................................... 2

2. CONTEXT OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS ....................... 4
   2.1. General Political Developments ......................................................................................... 4
   2.2. Broader Policy Changes ..................................................................................................... 4
   2.3. Main Legislative Developments ......................................................................................... 5
       2.3.1. Legislative Developments in 2016 ............................................................................. 5
       2.3.2. Planned Legislative Developments ............................................................................ 6

3. LEGAL MIGRATION AND MOBILITY ................................................................................. 9
   3.1. Economic Migration ........................................................................................................... 9
       3.1.1. Instruments for Managing Labour Migration .......................................................... 9
       3.1.2. Skills Recognition ....................................................................................................... 9
       3.1.3. Efforts to Prevent Social Dumping ............................................................................ 10
   3.2. Family Reunification ......................................................................................................... 10
   3.3. Managing Migration and Mobility ..................................................................................... 11
       3.3.1. Schengen Governance and Temporary Suspension of Schengen ............................ 11
       3.3.2. International Cooperation on Border Management and Control ............................ 13

4. INTERNATIONAL PROTECTION ......................................................................................... 16
   4.1. Asylum Trends .................................................................................................................. 16
   4.2. Humanitarian Admission .................................................................................................. 16
   4.3. The National Asylum System ........................................................................................... 17
       4.3.1. Challenges .................................................................................................................. 17
       4.3.2. Institutional Changes .................................................................................................. 18
       4.3.3. Efficiency and Quality ............................................................................................... 18
   4.4. International Protection Procedure ................................................................................. 19
       4.4.1. Access to the Procedure ............................................................................................. 19
       4.4.2. Information Provision ............................................................................................... 20
       4.4.3. Specific Aspects of the Procedure .............................................................................. 20
   4.5. Reception of Applicants for International Protection ...................................................... 23
4.6. Cooperation with the European Asylum Support Office (EASO) and Support to Member States and Third-Countries of First Asylum and Origin................................................. 23

5. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS............. 25
5.1. Trends in Asylum Applications Lodged by Unaccompanied Minors............... 25
5.2. Asylum-seeking Unaccompanied Minors...................................................... 25
5.3. Other Vulnerable Groups in the Asylum Reception System............................ 26

6. INTEGRATION........................................................................................................ 27
6.1. Integration Report............................................................................................ 27
6.2. Language Skills and Education....................................................................... 28
6.3. Promoting Integration of Specific Groups: Asylum Seekers and Beneficiaries of International Protection ................................................................. 28
6.4. Non-discrimination......................................................................................... 32
6.5. Other Aspects of Integration.......................................................................... 33

7. RETURN.................................................................................................................. 34
7.1. Voluntary Return and Reintegration ............................................................... 34
7.2. Forced Return.................................................................................................. 36

8. IRREGULAR MIGRATION INCLUDING SMUGGLING...................................... 37
8.1. Prevention of Unsafe Migration ...................................................................... 37
8.2. International Cooperation to Prevent Irregular Migration from Specific Regions..... 37
8.3. International Cooperation to Combat Migrant Smuggling.............................. 38

9. COUNTERING TRAFFICKING IN HUMAN BEINGS....................................... 40
9.1. National Initiatives .......................................................................................... 40
   9.1.1. National Action Plan and Reporting .......................................................... 40
   9.1.2. Awareness Raising ................................................................................... 40
   9.1.3. Identification of Potential Victims .............................................................. 40
   9.1.4. Provision of Information .......................................................................... 41
9.2. International Cooperation ................................................................................ 43

10. MIGRATION AND DEVELOPMENT ................................................................. 44

ANNEXES................................................................................................................... 45
Annex A: List of Translations and Abbreviations ............................................... 45
Annex B: Bibliography............................................................................................. 49
LIST OF FIGURES

Figure 1: Asylum Applications in Austria (2000–2016) ......................................................... 16
Figure 2: Persons Admitted to Austria under the Humanitarian Admission Programme (2013–2016) .................................................................................................................... 17
Figure 3: Asylum Applications Lodged by Unaccompanied Minors in Austria, Total and Share (2006–2016) ........................................................................................................ 25
Figure 4: Common Language Support Strategy ......................................................................... 31
Figure 5: Places in Reintegration Programmes by Country of Return (June 2016–June 2017) ................................................................................................................................. 35
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).
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. 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. 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. The election campaigns, the re-vote and the close run were intensively covered by the Austrian media.

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.

---


TheMigrationCouncilforAustriawasestablishedundertheFederalMinistryoftheInteriorinApril2014asanindependentbodynotboundbyinstructions,withitsmembershipconsistingseveralprominentindividualsfrompubliclifeandtheacademicworld.TheCouncilwasfoundedtocover10workareasthatfocusonthemainsystemsandroleswithinthestateandsociety,ineachcaseinconnectionwithmigration.Itsmandatewastoleratea
substantialbasisfordevelopingacomprehensivemigrationstrategyforAustria,andalthismandatewascompletedthroughthereport.\(^9\)Theoverallobjectivereadsasfollows:Austriaistoremainasafeandstablecountrywherepeoplecanliveinprosperityandliberty.Thereport
describesthecomtributionthatmigrationcanandshouldmaketosociety,especiallyintheareasofbusiness,thelabourmarket,education,researchandinthesectorsofhealth,nursing
andsocialservices.Thisissupplementedbyadescriptionoftheoverallconditionsunder
whichpoliticalandstateinstitutionsact,whilepresentingproposalsforsteeringfuture
migration—notleastinlinewiththegoalofenhancingsocietalcohesionandsocialpeace.
AccordingtotheFederalMinistryoftheInterior,thecurrentMigrationCouncilreport
representsa detailedbasisforanationwidemigrationstrategymeetingcontemporaryneeds
andconsistentlytakesintoaccountboththeEuropeanperspectiveandtheinterestsof
migrants’regionsoforigin.Thereportlivesuptotheclaimofexplainingthehighlycomplex
issueofmigrationinsuchawaythatitprovidesobjectivitythroughrevealingandillustrating
interrelationshipsandinterdependencieswithinallareasofthestateandsociety.\(^10\)

DirectlyfollowingthepresentationofthereportbytheMigrationCouncil,aMigration
CommissionwasestablishedundertheFederalMinistryoftheInterior.TheCommissionwill
playamajorroleindrawingupanationwidemigrationstrategy.\(^11\)

2.3. Main Legislative Developments

2.3.1. Legislative Developments in 2016

In 2016 the Austrian asylum and migration legislation underwent a change through
amendmentstotheAsylumAct, theAliensPoliceActandtheFederalOfficeforImmigration
andAsylumProceduresAct,\(^12\)mostofwhichenteredintoforceon1June2016andsomeon
1October2016. Themainchangesinclude: i) “temporary asylum”,i.e. an initially
time-limitedresidencestatusforpersonsgivenasylum, ii) stricterprovisionsonfamily
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
legislativechangesaredescribedinmoredetailinthen thematic chapters of this report.

Anotheractthatwasnewlyintroducedin2016andthatisofrelevance totheAustrianasylum
andmigration systemistheAustrianRecognitionandAssessmentAct,\(^13\)whichenteredinto
forceas of 12 July 2016. The act facilitates the labour market integration of individuals who

(accessedon 21 April 2017).

\(^10\) Writteninput by the FederalMinistryoftheInterior, Department III/4 (Residence, Civil Status and

\(^11\) Writteninput by the FederalMinistryoftheInterior, 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.
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).\textsuperscript{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.\textsuperscript{19}

\textit{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.\textsuperscript{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)\textsuperscript{21} and in the ICT Directive (2014/66/EU).\textsuperscript{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,\textsuperscript{23} under which seasonal workers are granted visas.\textsuperscript{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).\textsuperscript{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

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


\textsuperscript{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.


\textsuperscript{23} FLG I No. 100/2005, in the version of FLG I No. 24/2016.

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

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

The review procedure started on 22 December 2016 and was planned to last until 18 January 2017. The Austrian media particularly reported about the legislative changes that aim to introduce tougher action against third-country nationals without a legal residence status. Such actions were proposed in the context of ongoing debates regarding the number of rejected asylum seekers returning to their countries of origin.

---


27 Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 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.
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.
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).\textsuperscript{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’ integration\textsuperscript{44} 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.\textsuperscript{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 Code\textsuperscript{46} 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

---


\textsuperscript{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).


\textsuperscript{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


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.


authorities. Such compensatory measures include joint bilateral and trilateral patrols with officers from Italy and Germany.\textsuperscript{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.\textsuperscript{57}

\subsection*{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 plans\textsuperscript{58} 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.\textsuperscript{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.\textsuperscript{60}

On 31 March 2016 representatives of the Salzburg Forum\textsuperscript{61} member countries as well as of Albania, Greece, UNSC resolution 1244-administered Kosovo,\textsuperscript{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.\textsuperscript{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.\textsuperscript{64}

\begin{itemize}
\item \textsuperscript{56} Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.
\item \textsuperscript{57} Police administration of the province of Upper Austria, Bayern und Oberösterreich, available at www.polizei.gv.at/ooe/start.aspx?wid=45343776487975345350513D&ctrl=3734335266674D385951343D &nwo=0 (accessed on 30 December 2016).
\item \textsuperscript{60} Written input by Federal Ministry of the Interior, Department I/4 (International Affairs), 23 January 2017.
\item \textsuperscript{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)).
\item \textsuperscript{62} Hereinafter referred to as Kosovo/UNSC 1244.
\end{itemize}
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)).


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.pccsee-secretariat.si/ (accessed on 29 December 2016)).


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)).

Flows 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. According to the Federal Ministry of the Interior, the Western Balkan route was de facto closed as an effect of the Joint Declaration.

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. 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.

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. The summit meeting was widely covered by the Austrian media. 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.

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.

74 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)

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

---

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. 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.

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. 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)


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

---

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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{87} While in 2015 around 50 staff members worked at the Care Department, the number quadrupled to more than 200 in June 2016.\textsuperscript{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.\textsuperscript{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.\textsuperscript{90}


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

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


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

\textsuperscript{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 Act\(^{95}\) (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 regulation\(^{97}\) 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.


\(^{94}\) 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.


4.4.2. Information Provision

In January 2016 the Federal Ministry of the Interior presented a leaflet 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).

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”. The booklet targets unaccompanied minor asylum seekers and provides key items of information concerning asylum and subsidiary protection along with important contact details. A more detailed version of the booklet has been published as a website.

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 Act 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, 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

105 FLG I No. 87/2012, in the version of FLG I No. 25/2016.
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 Origin\(^\text{108}\) 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.\(^\text{109}\) 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.\(^\text{110}\)

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.\(^\text{111}\)

Appeal: After a ruling by the Constitutional Court,\(^\text{112}\) 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.\(^\text{113}\)

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.\(^\text{114}\) Regular coordination meetings were held between ministries to discuss possible measures with regard to selected countries of origin.\(^\text{115}\) 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).

\(^\text{109}\) 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.
\(^\text{110}\) Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.
\(^\text{111}\) Written input by the Federal Ministry of the Interior, Department I/7 (EU Affairs), 25 January 2017.
\(^\text{112}\) Constitutional Court, 23 February 2016, G 589/2015.
\(^\text{113}\) Written input by the Federal Office for Immigration and Asylum, 25 January 2017.
\(^\text{114}\) Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 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).

**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.

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.

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. 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.
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

---

121 Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.
123 Ibid.
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.\textsuperscript{126}

Furthermore, representatives from Austria participated in various train-the-trainer courses and actively participated in drafting the \textit{Country Guidance Afghanistan} report. Austria also participated in the workshop on reasons for exclusion with particular focus on the Syrian Arab Republic.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{132}

\begin{itemize}
  \item \textsuperscript{126} Ibid.
  \item \textsuperscript{127} Ibid.
  \item \textsuperscript{128} Written input by the Federal Ministry of the Interior, 23 January 2017.
  \item \textsuperscript{130} Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.
  \item \textsuperscript{132} Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 25 January 2017.
\end{itemize}
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)

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.\textsuperscript{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 Act\textsuperscript{134} 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 Act\textsuperscript{135}). 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 Groups\textsuperscript{136} 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).\textsuperscript{137}

\textsuperscript{133} Written input by the Federal Ministry of the Interior, Department III/9 (Asylum Care), 20 January 2017.
\textsuperscript{134} FLG I No. 24/2016.
\textsuperscript{135} FLG I No. 100/2005, in the version of FLG I No. 24/2016.
\textsuperscript{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)).
\textsuperscript{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)).
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,

¹⁴² FLG I No. 56/2016.
¹⁴⁴ FLG I No. 62/2016.
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.\textsuperscript{148}

Furthermore, the \textit{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.\textsuperscript{149} Since late 2015, and based on the 50 action points, the Austrian Integration Fund has been holding \textbf{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.\textsuperscript{150} In 2016 participation was not (yet)\textsuperscript{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).\textsuperscript{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.\textsuperscript{153} To deepen participants’ understanding of the topics covered in the

\begin{itemize}


\item \textsuperscript{152}Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, 23 May 2017.

\end{itemize}
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. 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. 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.

The adoption of the integration package was also reported by the Austrian media in June 2016.

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 remuneration and the definition of “community service.”

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. 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.

---


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.\textsuperscript{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.\textsuperscript{162}

At a legislative level, it has been specified that persons granted asylum or subsidiary protection are required, for the purpose of \textit{integration support}, to appear at one of the Austrian Integration Fund centres immediately after being granted their status (Art. 67 para 1 Asylum Act).\textsuperscript{163} The Austrian Integration Fund runs an integration centre in all of the nine provinces of Austria as well as several mobile counselling facilities.\textsuperscript{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.\textsuperscript{165} It has additionally been specified that the fact of whether an individual has personally participated in integration programmes offered by the Austrian

\begin{figure}
\centering
\includegraphics[width=\textwidth]{Figure4.png}
\caption{Common Language Support Strategy}
\end{figure}

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

\begin{itemize}
\item\textsuperscript{161} Written input by the Federal Ministry for Europe, Integration and Foreign Affairs, Directorate General VIII (Integration), 24 January 2017.
\item\textsuperscript{162} See, for example, Der Standard, \textit{Integration: Mehr Geld für Sprach- und Wertekurse}, 15 April 2016, available at \url{http://derstandard.at/2000034982057/Mehr-Geld-fuer-Sprach-und-Wertekurse} (accessed on 24 March 2017).
\item\textsuperscript{163} FLG I No. 100/2005, in the version of FLG I No. 24/2016.
\item\textsuperscript{164} Austrian Integration Fund, \textit{Die ÖIF-Standorte auf einen Blick}, available at \url{www.integrationsfonds.at/oef-standorte} (accessed on 19 May 2017).
\item\textsuperscript{165} FLG I No. 24/2016.
\end{itemize}
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 Code\(^\text{166}\) 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” (\textit{Hetzen}) previously specified in the Code.\(^\text{167}\)

In its annual report on racism, the non-governmental organization ZARA\(^\text{168}\) 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.\(^\text{169}\) Several counter measures were initiated in 2016. Examples are the initiative \textit{Counter ACT! – Aktiv gegen Hass und Hetze im Netz},\(^\text{170}\) providing knowledge and tools to counteract incidents on the internet (run by ZARA) or the campaign \#GegenHassimNetz\(^\text{171}\) (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”.\(^\text{172}\)

---

\(^\text{166}\) FLG I No. 112/2015.


\(^\text{168}\) 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, \texttt{www.zara.or.at}, (accessed on 21 March 2017)).


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. The first Integration Ambassador Conference was held at the Federal Ministry for Europe, Integration and Foreign Affairs in April 2016. 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.

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 Resources 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. Throughout the year the Austrian media extensively covered the ongoing discussions. 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.

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.
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.\textsuperscript{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.\textsuperscript{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 (VMÖ) 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.\textsuperscript{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.\textsuperscript{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),\textsuperscript{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 (VMÖ) 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).\textsuperscript{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

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

\textsuperscript{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.


\textsuperscript{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.\textsuperscript{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).\textsuperscript{186}

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

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


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


\textsuperscript{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.\(^ {190}\)


\(^{188}\) 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.

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.\textsuperscript{191} Such targeted publicity is intended to help contain irregular immigration by countering 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).\textsuperscript{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

\textit{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.\textsuperscript{193}

\textit{The Eastern Partnership Countries:}

The third Ministerial Conference of the Prague Process\textsuperscript{194} 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.\textsuperscript{195} Preventing and fighting illegal migration is one of the main principles and cooperation areas.

\textit{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

\textsuperscript{192} Written input by the Federal Ministry of the Interior, Department III/5 (Asylum and Alien Matters), 23 January 2017.
\textsuperscript{193} Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 20 January 2017.
\textsuperscript{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, \textit{About}, available at \url{www.pragueprocess.eu/en/about} (accessed on 27 January 2017)).
\textsuperscript{195} Written input by the Federal Ministry of the Interior, 23 January 2017.
The focus was border management and cooperation with third countries. One of the main outcomes of the conference was to provide mutual assistance, specifically by deploying police officers at border sections where irregular migration activity is frequently observed.

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. 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. 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.

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.

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.

---


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


during the operation. 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. 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.

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.

---


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 exhibition\(^{208}\) 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/combatting-trafficking-in-human-beings/ (accessed on 21 April 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), 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.

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).

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, including a definition, indications, and referral.

---


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


information, for distribution to institutions and offices with potential contact to victims;\textsuperscript{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”\textsuperscript{215} (National Referral Mechanism) and widely distributed the publication to relevant offices;\textsuperscript{216}

- As part of the working group on prostitution, the Federal Ministry for Education and Women’s Affairs issued an \textit{information booklet for sex workers}\textsuperscript{217} which was translated into seven languages.\textsuperscript{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;\textsuperscript{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 \textit{Information Brochure – Private Domestic Staff (PDS)}\textsuperscript{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).\textsuperscript{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 \textit{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.\textsuperscript{222}

\textsuperscript{214} Written input by the Criminal Intelligence Service Austria, 25 January 2017.
\textsuperscript{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.
\textsuperscript{218} Bulgarian, Chinese, Czech, English, German, Hungarian and Romanian.
\textsuperscript{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.
\textsuperscript{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.
\textsuperscript{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).


\(^{224}\) Written input by the Criminal Intelligence Service Austria, 25 January 2017.

\(^{225}\) Ibid.


\(^{227}\) 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. 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. 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. 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 Ibid.
## Annex A: List of Translations and Abbreviations

<table>
<thead>
<tr>
<th>English term</th>
<th>English abbreviation</th>
<th>German term</th>
<th>German abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>–</td>
<td>–</td>
<td>Verein Menschenrechte Österreich</td>
<td>VMÖ</td>
</tr>
<tr>
<td>2015 Act Amending the Criminal Code</td>
<td>–</td>
<td>Strafrechtsänderungsgesetz 2015</td>
<td>–</td>
</tr>
<tr>
<td>2016 Act Amending the School Act</td>
<td>–</td>
<td>Schulrechtsänderungsgesetz 2016</td>
<td>–</td>
</tr>
<tr>
<td>2017 Act Amending the Aliens Law</td>
<td>–</td>
<td>Fremdenrechtsänderungsgesetz 2017</td>
<td>FrÄG</td>
</tr>
<tr>
<td>Act Governing the Employment of Foreigners</td>
<td>–</td>
<td>Ausländerbeschäftigungsgesetz</td>
<td>AuslBG</td>
</tr>
<tr>
<td>Act to Combat Wage and Social Dumping</td>
<td>–</td>
<td>Lohn- und Sozialdumping-Bekämpfungsgesetz</td>
<td>LSDB–G</td>
</tr>
<tr>
<td>Administrative High Court</td>
<td>–</td>
<td>Verwaltungsgerichtshof</td>
<td>VwGH</td>
</tr>
<tr>
<td>Aliens Police Act</td>
<td>–</td>
<td>Fremdenpolizeigesetz</td>
<td>FPG</td>
</tr>
<tr>
<td>Asylum Act</td>
<td>–</td>
<td>Asylgesetz</td>
<td>AsylG</td>
</tr>
<tr>
<td>Asylum, Migration and Integration Fund</td>
<td>AMIF</td>
<td>Asyl-, Migrations- und Integrationsfonds</td>
<td>AMIF</td>
</tr>
<tr>
<td>Austrian Development Agency</td>
<td>ADA</td>
<td>Agentur der Österreichischen Entwicklungszusammenarbeit</td>
<td>ADA</td>
</tr>
<tr>
<td>Austrian Freedom Party</td>
<td>–</td>
<td>Freiheitliche Partei Österreich</td>
<td>FPÖ</td>
</tr>
<tr>
<td>Austrian Green Party</td>
<td>–</td>
<td>Die Grünen</td>
<td>–</td>
</tr>
<tr>
<td>Austrian Integration Fund</td>
<td>–</td>
<td>Österreichischer Integrationsfonds</td>
<td>ÖIF</td>
</tr>
<tr>
<td>Austrian Ombudsman Board</td>
<td>AOB</td>
<td>Volksanwaltschaft</td>
<td>–</td>
</tr>
<tr>
<td>Austrian People’s Party</td>
<td>–</td>
<td>Österreichische Volkspartei</td>
<td>ÖVP</td>
</tr>
<tr>
<td>Border Control Act</td>
<td>–</td>
<td>Grenzkontrollgesetz</td>
<td>GrekoG</td>
</tr>
<tr>
<td>Border Management Programme in Central Asia</td>
<td>BOMCA</td>
<td>Grenzschutzprogramm für Zentralasien</td>
<td>–</td>
</tr>
<tr>
<td>Central Asia Border Security Initiative</td>
<td>CABS</td>
<td>zentralasiatische Grenzsicherheitsinitiative</td>
<td>–</td>
</tr>
<tr>
<td>Central European Initiative</td>
<td>CEI</td>
<td>Zentraleuropäische Initiative</td>
<td>ZEI</td>
</tr>
<tr>
<td>Civil Courage and Anti-Racism Work</td>
<td>ZARA</td>
<td>Zivilcourage und Anti-Rassismus-Arbeit</td>
<td>ZARA</td>
</tr>
<tr>
<td>Common European Asylum System</td>
<td>CEAS</td>
<td>Gemeinsamen Europäischen Asylsystems</td>
<td>GEAS</td>
</tr>
<tr>
<td>English term</td>
<td>English abbreviation</td>
<td>German term</td>
<td>German abbreviation</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>----------------------</td>
<td>---------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Compulsory Education and Training Act</td>
<td>–</td>
<td>Ausbildungspflichtgesetz</td>
<td>APIfG</td>
</tr>
<tr>
<td>Constitutional Court</td>
<td>–</td>
<td>Verfassungsgerichtshof</td>
<td>VfGH</td>
</tr>
<tr>
<td>Country of Origin Information</td>
<td>COI</td>
<td>Herkunftsländer Informationen</td>
<td>–</td>
</tr>
<tr>
<td>Criminal Intelligence Service Austria</td>
<td>–</td>
<td>Bundeskriminalamt</td>
<td>BK</td>
</tr>
<tr>
<td>European Asylum Support Office</td>
<td>EASO</td>
<td>Europäisches Unterstützungsbüro für Asylfragen</td>
<td>EASO</td>
</tr>
<tr>
<td>European Commission</td>
<td>EC</td>
<td>Europäische Kommission</td>
<td>EK</td>
</tr>
<tr>
<td>European Convention on Human Rights</td>
<td>ECHR</td>
<td>Konvention zum Schutz der Menschenrechte und Grundfreiheiten</td>
<td>EMRK</td>
</tr>
<tr>
<td>European Economic Area</td>
<td>EEA</td>
<td>Europäische Wirtschaftsraum</td>
<td>EWR</td>
</tr>
<tr>
<td>European Migration Network</td>
<td>EMN</td>
<td>Europäisches Migrationsnetzwerk</td>
<td>EMN</td>
</tr>
<tr>
<td>European Migration Smuggling Center</td>
<td>EMSC</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>European Multidisciplinary Platform against Criminal Threats – Trafficking in Human Beings</td>
<td>EMPACT THB</td>
<td>Europäischen multidisziplinären Plattform gegen kriminelle Bedrohungen – Menschenhandel</td>
<td>–</td>
</tr>
<tr>
<td>European Reintegration Network</td>
<td>ERIN</td>
<td>europäische Netz zur Wiedereinglieder</td>
<td>ERIN</td>
</tr>
<tr>
<td>European Union</td>
<td>EU</td>
<td>Europäische Union</td>
<td>EU</td>
</tr>
<tr>
<td>Expert Council for Integration</td>
<td></td>
<td>Expertenrat für Integration</td>
<td></td>
</tr>
<tr>
<td>Federal Administrative Court</td>
<td>–</td>
<td>Bundesverwaltungsgericht</td>
<td>BVwG</td>
</tr>
<tr>
<td>Federal Basic Welfare Support Act</td>
<td>–</td>
<td>Grundversorgungsgesetz Bund</td>
<td>GVG-B</td>
</tr>
<tr>
<td>Federal Law Gazette</td>
<td>FLG</td>
<td>Bundesgesetzblatt</td>
<td>BGBl.</td>
</tr>
<tr>
<td>Federal Ministry for Education and Women’s Affairs</td>
<td>–</td>
<td>Bundesministerium für Bildung und Frauen</td>
<td>BMBF</td>
</tr>
<tr>
<td>Federal Ministry for Europe, Integration and Foreign Affairs</td>
<td>–</td>
<td>Bundesministerium für Europa, Integration und Äußeres</td>
<td>BMEIA</td>
</tr>
<tr>
<td>Federal Ministry for Science, Research and Economy</td>
<td>–</td>
<td>Bundesministerium für Wissenschaft, Forschung und Wirtschaft</td>
<td>BMWFW</td>
</tr>
<tr>
<td>Federal Ministry of Agriculture, Forestry, Environment and Water Management</td>
<td>–</td>
<td>Bundesministerium für Land- und Forstwirtschaft, Umwelt und Wasserwirtschaft</td>
<td>BMLFUW</td>
</tr>
<tr>
<td>Federal Ministry of Education</td>
<td>–</td>
<td>Bundesministerium für Bildung</td>
<td>BMB</td>
</tr>
<tr>
<td>Federal Ministry of Labour, Social Affairs and Consumer Protection</td>
<td>–</td>
<td>Bundesministerium für Arbeit, Soziales und Konsumentenschutz</td>
<td>BMASK</td>
</tr>
<tr>
<td>Federal Ministry of the Interior</td>
<td>FMI</td>
<td>Bundesministerium für Inneres</td>
<td>BMI</td>
</tr>
<tr>
<td>Federal Office for Immigration and Asylum</td>
<td>–</td>
<td>Bundesamt für Fremdenwesen und Asyl</td>
<td>BFA</td>
</tr>
<tr>
<td>Federal Office for Immigration</td>
<td>–</td>
<td>BFA-Verfahrensgesetz</td>
<td>BFA-VG</td>
</tr>
<tr>
<td>English term</td>
<td>English abbreviation</td>
<td>German term</td>
<td>German abbreviation</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>and Asylum Procedures Act</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fight against Chinese trafficking in human beings in the EU</td>
<td>CHINESE THB</td>
<td>Allgemeines Verwaltungsverfahrensgesetz</td>
<td>AVG</td>
</tr>
<tr>
<td>General Administrative Procedures Act</td>
<td></td>
<td>Humanitäres Aufnahmeprogramm</td>
<td>HAP</td>
</tr>
<tr>
<td>Humanitarian Admission Programme</td>
<td>HAP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Identification of potential trafficked persons in the asylum procedure</td>
<td>IBEMA</td>
<td>Identifizierung von potentiellen Betroffenen des Menschenhandels im österreichischen Asylverfahren</td>
<td>IBEMA</td>
</tr>
<tr>
<td>Internal Market Information System</td>
<td>IMI</td>
<td>Binnenmarkt-Informationssystem</td>
<td>IMI</td>
</tr>
<tr>
<td>International Centre for Migration Policy Development</td>
<td>ICMPD</td>
<td>International Centre for Migration Policy Development</td>
<td>ICMPD</td>
</tr>
<tr>
<td>International Organization for Migration</td>
<td>IOM</td>
<td>Internationale Organisation für Migration</td>
<td>IOM</td>
</tr>
<tr>
<td>LEFÖ Intervention Center for Trafficked Women</td>
<td></td>
<td>LEFÖ Interventionsstelle für Betroffene von Frauenhandel</td>
<td>LEFÖ-IBF</td>
</tr>
<tr>
<td>National Contact Point</td>
<td>NCP</td>
<td>Nationaler Kontaktpunkt</td>
<td>NKP</td>
</tr>
<tr>
<td>Organization for Security and Co-operation in Europe</td>
<td>OSCE</td>
<td>Organisation für Sicherheit und Zusammenarbeit in Europa</td>
<td>OSZE</td>
</tr>
<tr>
<td>Police Cooperation Convention for South Europe</td>
<td>PCC SEE</td>
<td>Polizeikooperations-Konvention für Südosteuropa</td>
<td></td>
</tr>
<tr>
<td>Prevention of and Fight against Crime</td>
<td>ISEC</td>
<td>Kriminalprävention und Kriminalitätsbekämpfung</td>
<td></td>
</tr>
<tr>
<td>private domestic staff</td>
<td>PDS</td>
<td>private Hausangestellte</td>
<td></td>
</tr>
<tr>
<td>Proceedings of Administrative Courts Act</td>
<td></td>
<td>Verwaltungsgerichtsbarkeits-Ausführungsgesetz</td>
<td></td>
</tr>
<tr>
<td>Public Employment Service</td>
<td></td>
<td>Arbeitsmarktservice</td>
<td>AMS</td>
</tr>
<tr>
<td>Recognition and Assessment Act</td>
<td></td>
<td>Anerkennungs- und Bewertungsgesetz</td>
<td>AuBG</td>
</tr>
<tr>
<td>Red-White-Red Card</td>
<td>RWR Card</td>
<td>Rot-Weiß-Rot – Karte</td>
<td>RWR – Karte</td>
</tr>
<tr>
<td>Regulation for Skilled Workers</td>
<td></td>
<td>Fachkräfteverordnung</td>
<td></td>
</tr>
<tr>
<td>Settlement and Residence Act</td>
<td></td>
<td>Niederlassungs- und Aufenthaltsgesetz</td>
<td>NAG</td>
</tr>
<tr>
<td>Settlement Regulation</td>
<td></td>
<td>Niederlassungsverordnung</td>
<td>NLV</td>
</tr>
<tr>
<td>Social Democratic Party of Austria</td>
<td></td>
<td>Sozialdemokratische Partei Österreichs</td>
<td>SPÖ</td>
</tr>
<tr>
<td>Suppression of international trafficking in human beings for the purpose of sexual exploitation to the detriment of Nigerian females</td>
<td>ETUTU</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Temporary Residence Permit for Intra-corporate Transferees</td>
<td>ICTs</td>
<td>Aufenthaltsbewilligung als unternehmensintern transferierter Arbeitnehmer</td>
<td></td>
</tr>
<tr>
<td>Temporary Residence Permit for Mobile Intra-corporate</td>
<td>mobile ICTs</td>
<td>Aufenthaltsbewilligung als mobiler unternehmensintern transferierter</td>
<td></td>
</tr>
<tr>
<td>English term</td>
<td>English abbreviation</td>
<td>German term</td>
<td>German abbreviation</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>-----------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Trafficking along Migration Routes: Identification and Integration of Victims of Trafficking among Vulnerable Groups and Unaccompanied Children</td>
<td>TRAM</td>
<td>Arbeitnehmer</td>
<td>–</td>
</tr>
<tr>
<td>unaccompanied minors</td>
<td>UAM</td>
<td>unbegleitete Minderjährige</td>
<td>UMF</td>
</tr>
<tr>
<td>United Nations High Commissioner for Refugees</td>
<td>UNHCR</td>
<td>Flüchtlingshochkommissariat der Vereinten Nationen</td>
<td>UNHCR</td>
</tr>
<tr>
<td>United Nations Office on Drugs and Crime</td>
<td>UNODC</td>
<td>Büro der Vereinten Nationen für Drogen- und Verbrechensbekämpfung</td>
<td>–</td>
</tr>
<tr>
<td>Vienna Institute for International Dialogue and Cooperation</td>
<td>VIDC</td>
<td>Wiener Institut für Internationalen Dialog und Zusammenarbeit</td>
<td>VIDC</td>
</tr>
<tr>
<td>Visa Information System</td>
<td>VIS</td>
<td>Visa-Informationssystem</td>
<td>VIS</td>
</tr>
</tbody>
</table>
Annex B: Bibliography

Literature

Austrian Development Agency (ADA)

Migration Council for Austria

European Migration Network (EMN)

Federal Ministry for Education and Women’s Affairs

Federal Ministry for Europe, Integration and Foreign Affairs

Federal Ministry of Families and Youth

Federal Ministry of the Interior

Funk, B.-C. and W. Obwexer


Journal Articles


Poandl, K. and M. Schratter

Political and Policy Documents

Austrian Federal Government

Federal Chancellery

Federal Ministry for Europe, Integration and Foreign Affairs

Police Chiefs Meeting

Republic of Austria

Task Force on Combating Human Trafficking
**European Legislation**


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).


**Austrian Legislation**


Act Amending the Criminal Code, FLG I No. 112/2015.
Act Amending the School Act, FLG I No. 56/2016.

Act to Combat Wage and Social Dumping, FLG I No. 44/2016.


Austrian Recognition and Assessment Act, FLG I No. 55/2016.


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

Federal Office for Immigration and Asylum Procedures Act, FLG I No. 24/2016.

Federal Office for Immigration and Asylum Procedures Act, FLG I No. 87/2012, in the version of FLG I No. 25/2016.


Regulation for Skilled Workers for 2016, FLG II No. 329/2015.

Regulation for Skilled Workers 2017, FLG II No. 423/2016.


**Austrian Case Law**

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

**Statistics**

Eurostat

Federal Office for Immigration and Asylum

Federal Ministry of the Interior


International Organization for Migration Country Office for Austria (IOM CO Austria)

Statistik Austria


**Press Releases**

Austrian Development Agency
Federal Chancellery


Federal Ministry for Europe, Integration and Foreign Affairs,


Federal Ministry of Education


Federal Ministry of the Interior


Federal Ministry of the Interior – Criminal Intelligence Service Austria


Federal Ministry of Labour, Social Affairs and Consumer Protection,

Federal Ministry for Science, Research and Economy

Federal Office for Immigration and Asylum


Parliament of the Republic of Austria

Police administration of the province of Lower Austria

Police administration of the province of Upper Austria

Police administration of the province of Vienna

Public Employment Service

ZARA

Newspaper Articles

Der Standard


Die Presse

Kleine Zeitung

Kurier


eo24


Profil


Salzburger Nachrichten


Wiener Zeitung


**Internet Sources**


International Organization for Migration Country Office for Austria (IOM CO Austria), *IBEMA - Identification of potential trafficked persons in the asylum procedure,*...


ZARA – Zivilcourage und Anti-Rassismus-Arbeit, www.zara.or.at, (accessed on 21 March 2017)).


**Written and Oral Communication**


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

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

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


Written input by the Federal Ministry of the Interior, Department I/4 (International Affairs), 29 May 2017.


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

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