

AUSTRIA

ANNUAL POLICY REPORT

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2014

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REPUBLIC OF AUSTRIA
FEDERAL MINISTRY OF THE INTERIOR

AUSTRIA – ANNUAL POLICY REPORT 2014

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International Organization for Migration (IOM)

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EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2003 by the European Commission (EC) by order of the European Council in order to satisfy the need of 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 for Austria is located in the Research and Migration Law Department of the Country Office Austria of the International Organization for Migration (IOM) in Vienna, which 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 annual work programme of the EMN including the drafting of the annual policy report and topic-specific focussed and main studies, answering Ad-Hoc Queries launched by other NCPs, 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. Exceptions might occur when existing data and information is not sufficient. EMN studies are elaborated in accordance with uniform specifications valid for all EU Member States plus Norway in order to achieve comparable EU-wide results. Since the comparability of the results is frequently challenging, the EMN has produced a Glossary, which assures the application of similar definitions and terminology in all national reports.

Upon completion of national reports, the EC 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 and compare selected topics in a concise manner. All national studies, synthesis reports, informs and the Glossary are available on the website of the [EC DG Migration and Home Affairs](#).

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EXECUTIVE SUMMARY

The Annual Policy Report 2014 has been produced within the framework of the annual reporting of the National Contact Points (NCPs) in the European Migration Network (EMN). The report outlines the most significant political and legislative developments in the field of asylum and migration in Austria in 2014 and provides related information on policy and public debates.

In 2014, the establishment of the Federal Office for Immigration and Asylum and the Federal Administrative Court were important topics as they are part of a major institutional and administrative reform. As a body subordinate to the Federal Ministry of the Interior, the Federal Office for Immigration and Asylum is responsible for asylum, the issuance of “residence titles for exceptional circumstances” and some aliens police matters. The new Federal Administrative Court decides upon appeals against decisions of the Federal Office for Immigration and Asylum.

One of the policy developments in 2014 worth highlighting is the new initiative “Integration at the regional level”. The initiative was launched by the Federal Minister for Europe, Integration and Foreign Affairs together with the Austrian Integration Fund in order to support integration at the local level and strengthen the integration competence of local authorities. Through several measures – such as manuals and integration centres – local integration authority was strengthened and improved information provided to migrants.

Among the various legislative developments in 2014, one area was of particular interest to the public and in politics. This area comprised two legislative amendments – one to the Border Control Act and the other to the Citizenship Law – that aimed at tackling the issue of so-called foreign fighters. According to the Federal Minister of the Interior, the exit and re-entry of foreign fighters is a challenge. The amendments prevent, for example, minors who do not have the consent of their legal guardian (and who intend to take part in combat operations abroad) from exiting the country. At the same time, citizenship is withdrawn from those who voluntarily participate in an organized armed group fighting abroad, provided that they do not become stateless. This topic started attracting attention when the terrorist organization Islamic State of Iraq and Syria (ISIS) expanded its activities and persons started to leave Austria to join them as foreign fighters, which was also covered in the media.

The lack of available reception facilities for asylum-seekers in the provinces and the overcrowding of the main initial reception centre, the federal reception facility East in Traiskirchen (Lower Austria), was the issue most intensively covered in the Austrian media. As a consequence of the overcrowding, concerns were raised about degrading conditions in the federal reception facility. It followed a media debate about emergency plans and proposed durable solutions such as the completion of the admission procedure in the provinces through the regional offices of the Federal Office for Immigration and Asylum directly, rather than in the federal reception facilities.

1. INTRODUCTION

1.1 Purpose

The Annual Policy Report 2014 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 policy making on the European Union (EU) and national level, as well disseminating this information among the general public.

This is the eleventh Annual Policy Report³ compiled by the National Contact Point (NCP) Austria in the EMN, covering the period from 1 January to 31 December 2014. 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 review of the political and public debates in the area of asylum and migration. A specific emphasis has been placed on interrelations with developments at EU level.

The national reports of the EMN NCPs will form the basis for topic-based EMN Informs. The EMN Informs will summarize and compare the main developments of selected topics, thereby providing a topic-based overview of policies and legislation in the Member States. Furthermore, based on the Annual Policy Report 2014, EMN Country Factsheets will be produced, presenting up-to-date information on policy developments in migration and asylum, including relevant statistics.⁴

1.2 Methodology and Definitions

The Annual Policy Report 2014 was produced by the Austrian NCP in the EMN following common study specifications developed by the EMN in order to facilitate comparability between the findings from all Member States. At the same time, the format is flexible to a certain degree, so as to allow the production of an output that targets the respective national audience.

In order to allow concise reporting, and to facilitate comparability, the Annual Policy Report 2014 only reflects on significant developments and debates, which have been defined on the basis of the criteria provided for 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.

Based on the methodology of conducting previous Annual Policy Reports, the referenced sources of information include: press releases and magazines from relevant ministries, professional journals, legislative proposals, jurisdiction, parliamentary debates, as well as press and online articles from the main daily and weekly newspapers and news websites in Austria. With regards to the latter, press

¹ More information on the EMN is available at www.emn.at/en (accessed on 30 January 2015).

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

³ Previous versions from 2004 to 2013 are available at www.emn.at/en/publikationen/jahrespoltikberichte (accessed on 30 January 2015).

⁴ The EMN Informs and the Country Factsheet will be available at www.emn.at/en in the Annual Policy Reports section.

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 debates. Also, the Federal Ministry of the Interior, 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 provided input.

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2. OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

2.1 Institutional Developments

2.1.1 Federal Office for Immigration and Asylum

In the context of the restructuring of the asylum and aliens authorities in Austria, the Federal Office for Immigration and Asylum⁵ was established on 1 January 2014. The Federal Office is directly subordinate to the Federal Ministry of the Interior.

The Act Establishing the Federal Office for Immigration and Asylum⁶ regulates the setup of the Federal Office for Immigration and Asylum. The Federal Office's headquarter is located in Vienna; further, there are nine regional offices, one in each province and one branch office in St. Pölten, Lower Austria (Art. 2 para 2). Other organizational entities include – according to Art. 1 Regulation Implementing the Act Establishing the Federal Office for Immigration and Asylum⁷ – the Initial Reception Centres.⁸

The Federal Office's competencies are stipulated in Art. 3 Act Establishing the Federal Office for Immigration and Asylum and Art. 3 Federal Office for Immigration and Asylum Procedures Act:⁹

Firstly, the Federal Office for Immigration and Asylum (hereafter: Federal Office) is responsible for first instance asylum procedures, thereby replacing the former Federal Asylum Office. Secondly, as a first instance authority, the Federal Office it is also competent for the implementation of the Federal Basic Welfare Support Act.¹⁰

Furthermore, the Federal Office is in charge of the procedures relating to and the issuance of “residence titles for exceptional circumstances,” according to chapter seven Asylum Act.¹¹ Prior to 2014, similar residence titles were stipulated in the Settlement and Residence Act¹² and issued by the settlement and residence authorities.

In addition, some competencies in relation to the Aliens Police Act were transferred to the Federal Office. This includes competencies with regard to the seventh chapter (removal, tolerated stay and implementation of return decisions for citizens of the European Economic Area), the eighth chapter (procedures terminating residence including detention pending removal and alternatives to detention) and the eleventh chapter (issuance of documents for foreigners) of the Aliens Police Act.¹³ Other aliens police affairs such as, for example, the prevention of irregular entry and the monitoring of foreign national's residence on Austrian territory, are the responsibility of the police administrations of the federal provinces.

⁵ Federal Office for Immigration and Asylum (2014), *Federal Office for Immigration and Asylum*, available at www.bfa.gv.at/files/broschueren/BFA-Folder-en-V23052014-web.pdf (accessed on 30 January 2015).

⁶ FLG I No. 87/2012, in the version of FLG I No. 68/2013.

⁷ FLG II No. 453/2013.

⁸ Federal Office for Immigration and Asylum, *Das Bundesamt – Organigramm*, available at www.bfa.gv.at/bundesamt/organigramm/start.aspx (accessed on 2 February 2015).

⁹ FLG I No. 87/2012, in the version of FLG I No. 40/2014.

¹⁰ FLG I No. 405/1991, in the version of FLG I No. 68/2013.

¹¹ FLG I No. 100/2005, in the version of FLG I No. 144/2013.

¹² FLG I No. 100/2005, in the version of FLG I No. 40/2014.

¹³ FLG I No. 100/2005, in the version of FLG I No. 144/2013.

The reason for the establishment of the Federal Office for Immigration and Asylum was to enable faster, more efficient and less cost-intensive procedures. Furthermore, as one officer is now responsible for all the procedures concerning one case, time efficiency shall also be improved.¹⁴

The NGO *Asylkoordination Österreich*, however, reported start-up difficulties at the beginning of the year. Data processing failures were a hindrance, asylum procedures were delayed, requests for residence title extensions of persons with subsidiary protection status were not processed, case workers were unavailable, and so on (Knapp, 2014). This critique was also picked up by the Austrian media: while technical problems were admitted by the Federal Ministry of the Interior, the Minister, however, rejected the accusation that the Federal Office for Immigration and Asylum was handling cases too slowly.¹⁵

Unfortunately, the data necessary to measure the performance of the Federal Office for Immigration and Asylum is very scarce. By the end of the first quarter 2015, the annual asylum, residence and settlement and aliens police statistics had not yet been published. Hence, only partial information was available but no detailed statistics, for example, on the positive and negative asylum decisions or the number and kind of residence titled issued on humanitarian grounds (Knapp, 2015). According to the Federal Ministry of the Interior, the delay in publishing statistics was caused by technical difficulties during the migration of the former data system, the Asylum Information System and Alien Information System, to a new register-based database called the Integrated Alien Application as of 1 January 2014.¹⁶

2.1.2 Administrative Reform

Further to the Federal Office for Immigration and Asylum, as of 1 January 2014 the Federal Administrative Court was established, which is responsible for appeals against decisions of the Federal Office for Immigration and Asylum (therewith replacing the former Asylum Court). Against decisions of the Federal Administrative Court (extraordinary) appeals to the Administrative High Court and to the Constitutional Court are possible.¹⁷

This change is part of the broader restructuring stipulated by the Amendments to the Administrative Jurisdiction,¹⁸ which entered into force on 1 January 2014. In the framework of the restructuring, a two-tier system of nine administrative courts, one in each federal province and one on federal level, and one finance court at the federal level was established. They replace the former approximate 120 administrative bodies and senates that were, until now, in charge (Eberhard, 2013: 163).

¹⁴ Federal Ministry of the Interior, *Bundesamt für Fremdenwesen und Asyl nimmt am 1. Jänner 2014 Arbeit auf*, Press Release, 27 December 2013, available at www.ots.at/presseaussendung/OTS_20131227_OT0092/bundesamt-fuer-fremdenwesen-und-asyl-nimmt-am-1-jaenner-2014-arbeit-auf (accessed on 6 March 2015).

¹⁵ Der Standard, *Innenministerium weist Kritik am neuen Bundesamt zurück*, 6 August 2014, available at <http://derstandard.at/2000004066901/Innenministerium-weist-Kritik-am-neuen-Bundesamt-zurueck> (accessed on 26 March 2015); Der Standard, *Neues Asylamt kämpft mit massiven EDV-Problemen*, 19 February 2014, p. 9.

¹⁶ Federal Ministry of the Interior, Reply to parliamentary request from 12 December 2014 (BMI.LR2220/0808-III/5/2014), available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_02642/imfname_378956.pdf (accessed on 18 March 2015).

¹⁷ Aliens Authorities Restructuring Act, FLG I No. 87/2012; Act Amending the Aliens Authorities Restructuring Act, FLG I No. 68/2013.

¹⁸ FLG I No. 51/2012.

2.2 Legislative developments

As a consequence of the restructuring of the asylum and aliens authorities the following acts apply in the area of asylum and migration (Szymanski, 2013):

- Act Establishing the Federal Office for Immigration and Asylum: this new act regulates the setup of the Federal Office for Immigration and Asylum and stipulates its competencies;
- Federal Office for Immigration and Asylum Procedures Act: this new act regulates procedures before the Federal Office for Immigration and Asylum and appeal procedures before the Federal Administrative Court;
- Asylum Act: this act is from 2005 and was amended. It still contains substantive law regarding asylum and newly regulates the issuance of “residence titles for exceptional circumstances”;
- Federal Government Basic Welfare Support Act: this act is from 2005 continues to regulate basic welfare support provided to asylum-seekers by the federal government;
- Aliens Police Act: this act is from 2005 and remains – in large parts – unchanged. Only the area of Union rules on visa was removed, as this is now regulated by the Visa Codex;
- Settlement and Residence Act: this act is from 2005. The regulations regarding “residence titles for exceptional circumstances” were removed and are now stipulated in the Asylum Act.

2.3 Other relevant developments

In April 2014, the Federal Minister of the Interior presented the new “Migration Council for Austria”. The Council consists of renowned experts from scientific and public life that are tasked with building the foundation of a comprehensive migration strategy. The Council is split into ten working areas: (i) economy, finance, environment and infrastructure; (ii) labour, pensions and social affairs; (iii) education and research; (iv) health and care; (v) demography and societal change; (vi) public security and government institutions; (vii) political system and media; (viii) diversity; (ix) impact of migration in the regions of origin; and (x) organization of the migration system in Austria. The Migration Council is independent and not bound by instructions.¹⁹

The development of a nationwide migration strategy is considered necessary according to the current work programme of the Austrian federal government, in order to meet the challenges in the field of migration (Federal Ministry of the Interior, 2014a).

¹⁹ Federal Ministry of the Interior, “*Migrationsrat für Österreich*” vorgestellt, News, 3 April 2014, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=5458593070466150436C303D&page=42&view=1 (accessed on 8 December 2014).

3. LEGAL MIGRATION AND MOBILITY

3.1 Economic Migration

3.1.1 *Qualified and Highly Qualified Migration*

In mid-2011 a new criteria-led point-based immigration system was established in Austria, which introduced the combined residence and work permits “Red-White-Red Card” and “Red-White-Red Card Plus”. These permits are intended for the following groups of qualified and highly qualified third-country nationals: very highly qualified workers, skilled workers in shortage occupations, other key workers, graduates of Austrian universities and self-employed key workers.²⁰ This major reform of the Austrian legal framework for labour migration was intended to facilitate the admission of skilled and highly skilled labour migrants (OECD, 2014:25).

As a consequence of the Act Amending the Aliens Authorities Restructuring Act entering into force on 1 January 2014 there has been a change in the application procedure for the “Red-White-Red Card”. Very highly qualified workers can now also submit an application for a “Red-White-Red Card” at Austrian representations (embassies or consulates) abroad, in case of a pre-existing employment offer from a domestic employer.²¹

With regards to the immigration of so-called skilled workers in shortage occupations through the “Red-White-Red Card”, each year a new list is published that defines which occupations will fall under the title “shortage occupations”. Hence, in October 2013, the Federal Minister of Labour, Social Affairs and Consumer Protection issued – in agreement with the Federal Minister of Science, Research and Economy – the new Regulation for Skilled Workers for 2014.²² The regulation lists sixteen shortage occupations in which third-country nationals can obtain a “Red-White-Red Card” as skilled workers in 2014. The listed shortage occupations are as follows: agricultural machine manufacturer, concrete worker, cutter, electrician, engineer in data processing, engineer in heavy current engineering, engineer in mechanical engineering, graduate engineer in heavy current engineering, graduate engineer in mechanical engineering, graduate nurse, lathe operator, plumber, plumber (other), roofer, technician in heavy current engineering, and welding operator. In November 2014 the list of shortage occupations for 2015²³ was released. The list includes mostly the same occupations but includes only 11 occupations in total.

Since the reform of the immigration system in mid-2011 and the introduction of the “Red-White-Red Card”, the success of the reform in terms of the increased immigration of (highly) qualified migrants has been much discussed. Several evaluations were published (see, for example, Bittmann, 2013:40ff; Koppenberg, 2014a:16–17).

Most recently, in December 2014, the Organization for Economic Co-operation and Development (OECD) published a review of Austria’s labour migration policy. The study comes to the conclusion that “the existing framework for labour migration in Austria has been improved by the recent reform, but needs further adjustments to serve its purpose as intended” (OECD, 2014:15); e.g. despite the reform, permanent labour migration entries remained low, administrative procedures were complex, rejection rates were high, migrants and employers appeared ill-informed about the

²⁰ For further information see Bittmann, 2013.

²¹ Federal Ministry of the Interior, November 2013.

²² FLG II No. 328/2013.

²³ FLG II No. 278/2014.

requirements and the admission criteria did not always seem well balanced and targeted. Furthermore, the study found that the current statistical infrastructure on permit issuances was inadequate for monitoring labour migration (OECD, 2014:25ff). The OECD provides a set of recommendations to overcome these shortcomings and to improve the management of labour migration flows to Austria (see OECD, 2014:16–17). With regard to numbers, the study found that permanent labour migration from non-EU/EFTA countries was still low in spite of a significant increase since the introduction of the “Red-White-Red Card” (OECD, 2014:13–14).

The Austria media also discussed the low number of “Red-White-Red Cards” issued. The Austrian People’s Party, NEOS and migration expert Heinz Fassmann called for an easing of the admission requirements.²⁴ Special attempts should be made to use the potential of foreign students and to keep more graduates in Austria after completing their studies. Thus, in November 2014, the Federal Minister of Science, Research and Economy (ÖVP), the Federal Minister for Europe, Integration and Foreign Affairs (ÖVP), the president of the Austrian Federal Economic Chamber and the president of Universities Austria presented a set of possible measures. These recommendations include, for instance, the expansion of the “Red-White-Red Card” to Bachelor graduates, the extension of the job-seeking period granted to graduates from six to 12 months, increased legal counselling and support during the procedure for the issuance of a residence permit, as well as the development of a so-called welcoming culture. In the context of a high-level event entitled “Brain drain – brain gain?” organized by the Austrian Federal Economic Chamber, this topic was discussed further.²⁵

3.1.2 Skills Recognition

In Austria the formal recognition of qualifications acquired abroad is not uniformly regulated. Instead, different institutions are competent and the recognition procedures vary depending on the purpose of skills recognition (to attend further education or to seek employment) and on the nature of the employment perused (regulated vs. non-regulated occupations). A further distinction is made between qualifications acquired in another country of the European Economic Area or in third countries (Bichl, 2015).

Therefore, the current government programme lays down the necessity for an Austrian act concerning the recognition of qualifications acquired abroad (Republic of Austria, 2013:28). In February 2014, the Federal Minister for Europe, Integration and Foreign Affairs announced the start of negotiations. The mobilization of migrants’ resources shall be enhanced by applying simpler, faster and more transparent recognition procedures. This would be an advantage for both migrants and society as a whole.²⁶ In 2012 the “Recognition Network” was established, which consists of

²⁴ Der Standard, *Rot-Weiß-Rot-Karte: ÖVP will Zugang noch heuer erleichtern*, 5 November 2014, available at <http://derstandard.at/2000007765959/OeVP-will-rasche-Einigung-bei-Rot-Weiss-Rot-Karte> (accessed on 30 March 2015); Format, *Ungewollte Hilfe für Kurz*, 19 February 2014, available at www.format.at/politik/oesterreich/ungewollte-hilfe-kurz-372734 (accessed on 30 March 2015); Wiener Zeitung, *Hochqualifizierte verlassen das Land*, 19 March 2014, available at www.wienerzeitung.at/nachrichten/oesterreich/politik/616115_Hochqualifizierte-verlassen-das-Land.html (accessed on 30 March 2015).

²⁵ Federal Ministry of Science, Research and Economics, *Brain drain - Brain gain? - Potenziale ausländischer Studienabsolventen für Standort Österreich nutzen*, Press Release, 5 November 2014, available at www.bmwf.gv.at/Presse/Archiv/Archiv2014/Seiten/Brain-Drain-Potentiale-ausl%C3%A4ndischer-Studienabsolventen-nutzen.aspx (accessed on 30 March 2015).

²⁶ Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Neue Initiative für Anerkennungsgesetz*, Press Release, 5 February 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/02/neue-initiative-fuer-erkennungsgesetz/ (accessed on 8 December 2014).

institutions and organizations concerned with skills recognitions issues. Since February 2014, the network has engaged in a discussion to elaborate on the potential contents and measures of an Austrian act concerning the recognition of qualifications acquired abroad.²⁷ A first draft of the act has not yet been published.

To date, several measures are in place to facilitate skills recognition. Comprehensive information for applicants is provided in form of a handbook²⁸ and a website (www.berufsanerkennung.at); contact points providing services to people with qualifications acquired abroad are available in Vienna (Vienna), Linz (Upper Austria), Graz (Styria) and Innsbruck (Tyrol);²⁹ and the National Academic Recognition Information Centre (ENIC-NARIC Austria) provides support with regard to the recognition of academic degrees.³⁰

3.1.3 Social Dumping

Social dumping refers to the practice by which workers from third countries are exploited as “cheap labour” in order to increase profit margins of companies.³¹ In order to better identify social dumping, the Federal Ministry of Labour, Social Affairs and Consumer Protection presented a draft of the amendment of the Act on Combatting Wage and Social Dumping at the end of September 2014.³² The amendment provides – inter alia – for an extension of official wage controls. Besides the basic wage, all other remuneration components required by law, decree or collective agreement are also to be inspected. In addition, the administrative penalties for missing payment records shall be raised to the degree of penalty for underpayment. Furthermore, the statutory limitation in case of wage dumping shall be extended to three years.³³ The amendment was adopted as Act Amending the Labour and Social Law – 2014³⁴ by the Austrian parliament in December.

In order to provide support to workers who suffer exploitation the contact point for union support for undocumented workers (UNDOK)³⁵ was opened in June 2014. UNDOK is a cooperation of trade unions, the Chamber of Labour Vienna, the National Board of the Austrian Students' Union and Non-Governmental organizations (NGOs), as well as self-organized migrant organizations and anti-racist activists and is funded by the Federal Ministry of Labour, Social Affairs and Consumer

²⁷ Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

²⁸ Federal Ministry for Europe, Integration and Foreign Affairs and Austrian Integration Fund (2014), *Anerkennungs-ABC*. Available at www.integrationsfonds.at/nc/aner kennungs_abc/?cid=17416&did=16088&sechash=59ae67b2 (accessed on 23 February 2015).

²⁹ Federal Ministry for Europe, Integration and Foreign Affairs and Austrian Integration Fund, *AST - Anlaufstellen für Personen mit im Ausland erworbenen Qualifikationen*, available at www.berufsanerkennung.at/no_cache/beratung/ (accessed on 8 December 2014).

³⁰ Federal Ministry of Science, Research and Economy, *ENIC NARIC AUSTRIA - Anerkennung von Hochschulabschlüssen*, available at <http://wissenschaft.bmwf.gv.at/bmwf/studium/academic-mobility/enic-naric-austria/> (accessed on 8 December 2014).

³¹ European Industrial Relations Dictionary, *Social Dumping*, available at <http://eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/social-dumping> (accessed on 8 December 2014).

³² Act amending the labour contract law amendment act, the personnel leasing act and the occupational health and safety act, Draft, available at www.ris.bka.gv.at/Dokumente/Begut/BEGUT_COO_2026_100_2_1016737/BEGUT_COO_2026_100_2_1016737.html (accessed on 8 December 2014).

³³ Federal Ministry of Labour, Social Affairs and Consumer Protection, *Hundstorfer: Lohn- und Sozialdumpinggesetz im Ministerrat*, Press Release, 30 September 2014, available at www.ots.at/presseaussendung/OTS_20140930_OTS0084/hundstorfer-lohn-und-sozialdumpinggesetz-im-ministerrat (accessed on 8 December 2014).

³⁴ FLG I No. 94/2014.

³⁵ UNDOK - Anlaufstelle zur gewerkschaftlichen Unterstützung UNDOKumentiert Arbeitender, <http://undok.at/> (accessed on 8 December 2014).

Protection and the Vienna Employment Promotion Fund. UNDOK offers individual counselling free of charge and support in law enforcement for people without residence and/or an employment permit and supports the self-organization of undocumented workers. Different brochures provide information about the contact point and its services, and about employment and social rights.³⁶ Six months after UNDOK was opened, the press reported on an unexpectedly large number of clients. By November, a total of 80 persons suffering from labour exploitation had requested assistance.³⁷

3.1.4 Other Aspects of Economic Migration

New Combined Residence and Work Permit

On 1 January 2014 a combined residence and work permit was created, notably for holders of the “settlement permit” and the “residence permit – artist”, thereby transposing the Single Permit Directive.³⁸ Artists now receive a combined residence and work permit that is similar to the “Red-White-Red Card”, while the admission requirements (no point system) remain unchanged. The permit entitles the holder to employment with a specific employer. If special integration criteria are fulfilled, resident third-country nationals are to receive a “Red-White-Red Card plus,” which grants unrestricted labour market access.³⁹

Free Movement of Workers from Bulgaria and Romania

On 1 January 2014, Austria – according to the Directive on Free Movement⁴⁰ – lifted the restrictions on the free movement of workers from Bulgaria and Romania (which joined the EU in 2007) and enabled them to fully exercise their right to work without a work permit.⁴¹

The topic of the opening of the Austrian labour market to Bulgarian and Romanian citizens was controversially discussed. The media reported – on the one hand – a fear of high numbers of Bulgarian and Romanian immigrants and negative consequences for the Austrian labour market.⁴² On the other hand it was argued that, as the labour market liberalizations for the Member States that joined the EU in 2004 showed, there would be no significant impact.⁴³ On the contrary, it was argued that the Austrian economy profited from the EU-enlargement.⁴⁴ In order to estimate or

³⁶ UNDOK, *Anlaufstelle für undokumentiert Arbeitende eröffnet*, Press Release, 4 June 2014, available at <http://undok.at/2014/06/anlaufstelle-fuer-undokumentiert-arbeitende-eroeffnet/> (accessed on 8 December 2014).

³⁷ Profil, *Wie Zuwanderer ohne Papiere als Arbeitskräfte ausgebeutet werden*, 28 November 2014, available at www.profil.at/oesterreich/wie-zuwanderer-papiere-arbeitskraefte-378569 (accessed on 27 March 2015).

³⁸ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (Single Permit Directive), 23 December 2011, OJ L 343/1.

³⁹ Federal Ministry of the Interior, December 2014.

⁴⁰ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, 30 April 2004, OJ L 158/77.

⁴¹ European Commission, *End of restrictions on free movement of workers from Bulgaria and Romania*, Press Release, 1 January 2014, available at http://europa.eu/rapid/press-release_MEMO-14-1_en.htm (accessed on 21 March 2014).

⁴² Profil, *Europas Armenhäuser*, 13 January 2014, p. 26–27.

⁴³ Wiener Zeitung, *„Sozialsystem gerät ins Wanken“*, 22 January 2014, available at www.wienerzeitung.at/nachrichten/oesterreich/politik/601795_Sozialsystem-geraet-ins-Wanken.html, (accessed on 13 April 2015).

⁴⁴ Salzburger Nachrichten, *Ostöffnung verkleinerte Einkommensklüft*, 24 April 2014, p. 14.

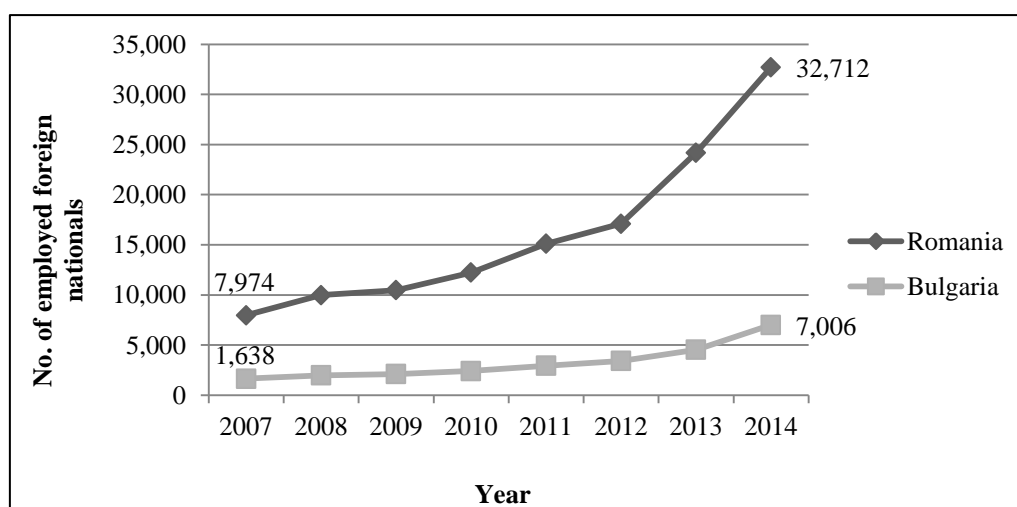
measure the impact of labour immigration from the new Member States on the Austrian labour market and the economy as a whole, several studies were conducted.⁴⁵

An analysis carried out by the Austrian Institute of Economic Research (WIFO) on behalf of the Federal Ministry of Labour, Social Affairs and Consumer Protection found, for example, that the number of labour migrants from the eight Member States that joined the EU in 2004 increased relatively quickly after the labour market liberalization was implemented in 1 May 2011. At the end of that year, however, the increase had already slowed down. According to the study, the increase in employment that was caused by the liberalization had a positive impact on the Austrian economic situation and supported the reduction of the budget deficit (through increased tax income and social security contributions, for example) (WIFO, 2012).

A study commissioned by the Federal Ministry of Labour, Social Affairs and Consumer Protection and the former Federal Ministry for Economy, Family and Youth, which was conducted by the Vienna Institute for International Economic Studies in cooperation with the Institute for Advanced Studies, comes to the conclusion that the impact on the Austrian economy will be minimal, as much of the migration from Bulgaria and Romania took place between 2007 and 2013. It is estimated that an additional yearly immigration of 5,500 persons will take place in 2014 and 2015, three quarters of the migrants coming from Romania and the remaining quarter coming from Bulgaria (WIIW/HIS, 2013).

Current statistics show that the number of Bulgarian and Romanian citizens working in Austria has steadily increased since they joined the EU in 2007. The number of Romanians increased from an annual average of 7,974 employed Romanian citizens in 2007 to 24,284 in 2013. This is an increase of 205 per cent. The number of Bulgarian citizens employed per year on average rose from 1,638 in 2007 to 4,537 in 2013; a 177 per cent increase. In 2014, when Bulgarian and Romanian citizens did no longer require a work permit, the number increased further. On average, 32,712 Romanian citizens (+35.26% compared to the previous year) and 7,006 Bulgarian citizens (+54.42% compared to the previous year) were employed in Austria in 2014.

Figure 1: Number of Bulgarian and Romanian citizens employed in Austria, annual average (2007–2014)



Source: Labour Market Service Austria, special evaluation.

⁴⁵ Federal Ministry of Labour, Social Affairs and Consumer Protection, *Auswirkungen von EU-Erweiterung und Arbeitsmarktöffnung*, available at www.sozialministerium.at/site/Arbeit/Arbeitsmarkt/Arbeitsmarkt_und_EU/Auswirkungen_von_EU_Erweiterung_und_Arbeitsmarktöffnung (accessed on 30 March 2015).

Migration for the Purpose of Begging

In 2014, the topic of so-called “migrant beggars” dominated the media. The term “migrant beggars” refers to the increasingly visible presence of Romanian migrants who then beg on the streets, which is particularly noticeably in Salzburg. Speculations were made about the targeted recruitment of members of the Roma ethnic group from poor regions, who are then brought to Austria in an organized way to beg and whose income is taken from them.⁴⁶

At the beginning of the year, the local elections in Salzburg were dominated by the topic of “migrant beggars.”⁴⁷ While the Austrian Freedom Party demanded a general begging ban, the Austrian People’s Party promoted to ban begging in certain locations. The NEOS called for an end of the “beggar hysteria” and argued that tightening the laws would miss the point. The Social Democratic Party of Austria postulated that the city must assume responsibility and secure humane living conditions. They argued that likewise also the situation in the home countries had to be improved.⁴⁸ To turn words into action, Caritas initiated a support group in Salzburg together with a number of other church-based and social organizations. The group advocates that affected migrants should at least have access to accommodation, sanitary installations and a warm meal.⁴⁹ The topic was also discussed by the public and in politics in the provincial capitals Graz (Styria), Innsbruck (Tyrol), Linz (Upper Austria) and Vienna.⁵⁰

So far there is hardly any data or factual knowledge available about so-called migrant beggars coming to Austria. Some qualitative and social scientific studies, however, have been published in recent years (e.g. Benedik et al., 2013; Schoibl, 2013; Wailzer, 2014). This research shows that migrant beggars are a heterogeneous group coming from central and eastern European countries (especially Romania and Slovakia) that, because of extreme poverty and continuous lack of perspectives in their home countries, temporarily stay in Austria and beg for money. Women, people with disabilities and members of ethnic minorities such as the Roma ethnic group are particularly affected. The latter are often subject to discrimination in their home countries. Begging, by which one usually collects 10 Euros per day, is thereby a survival strategy to create an income. The forced delivery of the money to third persons, organized exploitation by criminal groups, human trafficking or crime associated with begging was not observed in any of the studies.⁵¹

In 2014, Caritas produced an information brochure, which comprehensively deals with topics like poverty migration and begging prohibitions and aims at preventing misconceptions (Caritas Österreich, 2014).

⁴⁶ Kronen Zeitung, *Mit Bettlergeld Villen finanziert*, 19 January 2014, p. 22; Kronen Zeitung, *Bettlerunwesen so arg wie nie*, 21 January 2014, p. 14.

⁴⁷ Der Standard, *Bettlerwahlkampf führt zu Solidaritätsaktion*, 20 February 2014, available at <http://derstandard.at/1392685793394/Bettlerwahlkampf-fuehrt-zu-Solidaritaetsaktion> (accessed on 30 March 2015).

⁴⁸ Die Presse, *Salzburg: Bettler als Wahlkampfschlager*, 25 February 2014, available at http://diepresse.com/home/panorama/oesterreich/1567411/Salzburg_Bettler-als-Wahlkampfschlager (accessed on 30 March 2015).

⁴⁹ Der Standard, *Bettlerwahlkampf führt zu Solidaritätsaktion*, 20 February 2014, available at <http://derstandard.at/1392685793394/Bettlerwahlkampf-fuehrt-zu-Solidaritaetsaktion> (accessed on 30 March 2015).

⁵⁰ Wiener Zeitung, *Planloser Umgang der Städte mit dem Betteln*, 10 June 2014, p. 1.

⁵¹ Medien-Serviceestelle Neue Österreicher/innen, *Betteln in Österreich – eine Notstrategie*, available at http://medienserviceestelle.at/migration_bewegt/2014/12/10/betteln-in-oesterreich-eine-notstrategie/ (accessed on 25 March 2015).

3.2 Integration, Citizenship and Naturalization

3.2.1 Integration Report

The fourth annual Integration Report was presented at the end of July 2014. As in previous years, it consists of three parts.

The first part is called “Integration Report 2014 – Integration Issues in Focus.”⁵² In this report the Expert Council for Integration⁵³ presents four measures from the government programme of the legislative period 2013–2018 and provides recommendations for their realization. The selected measures are: (i) integration from the beginning, (ii) recognition of qualifications acquired abroad, (iii) attracting international students, and (iv) language training. Moreover, measures to facilitate the integration of mobile EU citizens are presented for the first time. As the report recognizes, “around two-thirds of immigrants came from EU countries in 2013. Despite this development, the discussion on integration is still focused to a great extent on immigrants from third countries” (Federal Ministry for Europe, Integration and Foreign Affairs, 2014:38).

The second part of the Integration Report is the statistical yearbook “migration & integration,”⁵⁴ compiled by Statistics Austria and the Commission for Migration and Integration Research of the Austrian Academy of Sciences. The yearbook presents the latest statistics and indicators on migration and integration in Austria. For example, the different dimensions of the integration process are measured in the context of annual monitoring based on 25 indicators. As the indicators for the subjectively perceived integration climate in Austria demonstrate, the share of the population which thinks that integration is working “well“ or “very well” has risen from 31 per cent in 2010 to around 48.6 per cent in 2014. At the same time, those who stated that the integration of migrants was going “badly” or “very badly” decreased from 69 per cent in 2010 to 51.5 per cent in 2014 (Federal Ministry for Europe, Integration and Foreign Affairs, 2014:3; Statistics Austria et al., 2014:86).

The third part of the Integration Report consists of the database “Integration Projects in Austria,”⁵⁵ which presents good practices selected by the members of the Advisory Board on Integration.⁵⁶

⁵² Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Integration Report 2014 – Integration Issues in Focus*, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2014/Integrationsbericht_2014_EN.pdf (accessed on 4 March 2015).

⁵³ The independent Expert Council for Integration is affiliated to the Ministry for Europe, Integration and International Affairs and acts as the competence centre and central engine of the integration process in Austria. It consists of experienced and respected public figures under the chairmanship of Heinz Fassmann, University of Vienna (Federal Ministry for Europe, Integration and Foreign Affairs, *Expert Council*, available at www.bmeia.gv.at/en/integration/expert-council/, accessed on 4 March 2015).

⁵⁴ Statistics Austria et al. (2014), *migration & integration. zahlen.daten.indikatoren 2014*, available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2014/migration_integrationsbericht2014-web.pdf (accessed on 8 December 2014).

⁵⁵ Federal Ministry for Europe, Integration and Foreign Affairs, *Datenbank "Integrationsprojekte in Österreich"*. Available at www.bmeia.gv.at/integration/datenbank-integrationsprojekte/ (accessed on 8 December 2014).

⁵⁶ The Advisory Board on Integration consists of representatives from the federal government, the provinces, the association of local authorities and cities, the social partners, the Federation of Austrian Industries and NGOs. Under the chairmanship of Franz Wolf, General Manager of the Austrian Integration Fund, the Advisory Board on Integration facilitates networking, cooperation, coordination and knowledge transfer between all stakeholders in order to implement the National Action Plan for Integration (Federal Ministry for Europe, Integration and Foreign Affairs, *Advisory Board on Integration*, available at www.bmeia.gv.at/en/integration/advisory-board-on-integration/, accessed on 4 March 2015).

3.2.2 Supporting Integration at Different Levels and Stages

Local level

In June 2014 the Federal Minister for Europe, Integration and Foreign Affairs together with the Austrian Integration Fund presented the new initiative “Integration at the Regional Level”. The Austrian Integration Fund offers municipalities that want to improve coexistence in their region, customized counselling and regionally adapted information materials for migrants. The so-called welcome manuals offer information on topics such as the labour market, education system, health, housing, administrative offices, etc., and are tailored to the municipality in question.⁵⁷ In order to improve the local integration competence a practice-oriented manual was compiled on these topics within the framework of the network “Integration in rural areas.”⁵⁸

Furthermore, the Federal Minister for Europe, Integration and Foreign Affairs and the governor of the province of Carinthia agreed to open an integration centre of the Austrian Integration Fund in the province’s capital Klagenfurt in autumn 2014. Apart from German classes and integration projects, the integration centre offers, through its “welcome desk”, comprehensive advice to migrants who have recently arrived in Carinthia. Additionally, the Austrian Integration Fund offers mobile integration counselling throughout the province of Carinthia. The first “welcome desks” were established in 2013 in Vienna (Vienna), Linz (Upper Austria), Graz (Styria), Salzburg (Salzburg) and Innsbruck (Tyrol).⁵⁹

Supporting integration at the local level and strengthening the integration competence of local authorities is, according to the Austrian Integration Fund, crucial because integration support is mainly provided in cities even though out of the 2,354 municipalities in Austria, only five have more than 100,000 inhabitants.⁶⁰

Countries of origin

Austrian integration policies follow the concept of “integration from the beginning”. Thereby, pre-departure integration at Austrian representations (embassies or consulates) abroad plays a crucial role. In October 2014, an integration commissioner was deployed to the Austrian embassy in Belgrade (Serbia). The officer’s tasks are to provide first-hand advice and orientation to potential migrants who want to come to Austria, thereby displaying Austria’s welcome culture. Therewith, Austria has two integration commissioners in total. The first integration commissioner was deployed to Ankara (Turkey) in 2013 (Koppenberg, 2014a:18–19).⁶¹

⁵⁷ Federal Ministry for Europe, Integration and Foreign Affairs, *Integration fängt in der Gemeinde an*, Press Release, 18 June 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/06/integration-faengt-in-der-gemeinde-an/ (accessed on 8 December 2014).

⁵⁸ Federal Ministry for Europe, Integration and Foreign Affairs, *Gemeinden*, available at www.bmeia.gv.at/integration/projektfoerderung/foerderschwerpunkte/gemeinden/ (accessed on 19 December 2014).

⁵⁹ Federal Ministry for Europe, Integration and Foreign Affairs, *Integrationsminister Kurz und LH Kaiser kündigen Integrationszentrum für MigrantInnen in Klagenfurt an*, Press Release, 4 April 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/04/integrationsminister-kurz-und-lh-kaiser-kuendigen-integrationszentrum-fuer-migrantinnen-in-klagenfurt-an/ (accessed on 8 December 2014).

⁶⁰ Austrian Integration Fund, *Expertengespräch zu „Integration auf regionaler Ebene“*, available at www.integrationsfonds.at/news/aktuelle_news/expertengespraech_zur_oeif_initiative_integration_auf_regionaler_ebene/ (accessed on 4 March 2015).

⁶¹ Federal Ministry for Europe, Integration and Foreign Affairs, *Willkommen in Österreich – Erfolgreich integrieren von Anfang an*, Press Release, 8 October 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/10/willkommen-in-oesterreich-erfolgreich-integrieren-von-anfang-an/ (accessed on 8 December 2014); for further information see Koppenberg, 2014a:19.

3.2.3 Language Skills and Education

The Austrian Integration Fund⁶² provides integration measures in the area of language, employment and participation in the society with a maximum financial support of 3,500 EUR per person. Those eligible to apply are foreigners who have asylum status, a subsidiary protection status or a long-term residence title.⁶³ German language skills build the basis for successful integration; consequently the Austrian Integration Fund has continuously increased their funding for language support. In 2014 more than one million euros were spent in this area (i.e. three times as much as in 2011), which is 95 per cent of the total budget. At the same time, the number of applications for individual support has increased by 33 per cent since 2011, reaching 4,000 applications in 2014.⁶⁴

In October 2014, the Federal Ministry for Europe, Integration and Foreign Affairs presented a draft of an additional agreement⁶⁵ to the Agreement Pursuant to Article 15a of the Federal Constitutional Act Concerning Early Childhood Language Training in Institutional Childcare.⁶⁶ It is planned that the federal government funds for the coming three-year period from 2015/16 to 2017/18 are to be quadrupled from five to 20 million euros per school year. The provinces provide another 10 million euros per school year. Among other things, the agreement aims to support children between the ages of three and six, whose mother tongue is not German, so that their language skills are as good as possible when entering primary education.⁶⁷ According to the Federal Ministry for Europe, Integration and Foreign Affairs, the language support was successful in the past. Out of 27,463 children that needed language training, 22,285 (about 81%) did not need further language support lessons after one year and were ready to enrol in school.⁶⁸

3.2.4 Non-discrimination

In their yearly Racism Report the NGO ZARA⁶⁹ reports on racist assaults and incidents in Austria and thus, is an important qualitative data source. The presented statistics are not representative but

⁶² The Austrian Integration Fund (ÖIF) is a fund of the Republic of Austria. The Fund provides individual support to refugees and migrants and provides relevant information to a variety of stakeholders. On behalf of the Federal Ministry for Europe, Integration and Foreign Affairs is the Austrian Integration Fund jointly responsible for the implementation of the Integration Agreement (Federal Ministry for Europe, Integration and Foreign Affairs, *The Austrian Integration Fund*, available at www.bmeia.gv.at/en/integration/the-austrian-integration-fund/, accessed on 5 March 2015).

⁶³ Austrian Integration Fund, *Service & Unterstützung: Sprache, Beruf und Gesellschaft*, available at www.integrationsfonds.at/individualfoerderung/ (accessed on 5 March 2015).

⁶⁴ Austrian Integration Fund, *Mittel zur Sprachförderung für Migrant/innen innerhalb von drei Jahren mehr als verdoppelt*, Press Release, 27 December 2014, available at www.ots.at/presseaussendung/OTS_20141227_OTS0004/mittel-zur-sprachfoerderung-fuer-migrantinnen-innerhalb-von-drei-jahren-mehr-als-verdoppelt (accessed on 5 March 2015).

⁶⁵ Additional Agreement to the Agreement Pursuant to Article 15a of the Federal Constitutional Act Concerning Early Childhood Language Training in Institutional Childcare, Preamble and Impact Assessment, Ministerial Draft, available at www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00095/imfname_386886.pdf (accessed on 5 March 2015).

⁶⁶ FLG II No. 258/2012.

⁶⁷ Federal Ministry for Europe, Integration and Foreign Affairs, *Kinderbetreuung: Entwurf für Sprachförderung an Länder übermittelt*, Press Release, 24 October 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/10/kinderbetreuung-entwurf-fuer-sprachfoerderung-an-laender-uebermittelt/ (accessed on 8 December 2014).

⁶⁸ Federal Ministry for Europe, Integration and Foreign Affairs, *Frühkindliche Sprachförderung für weitere drei Jahre fixiert*, Press Release, 4 April 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/04/fruehkindliche-sprachfoerderung-fuer-weitere-drei-jahre-fixiert/ (accessed on 8 December 2014).

⁶⁹ ZARA – Civil Courage and Anti-Racism Work was founded in 1999 with the goal of promoting civil courage in Austria and combating racism. Their anti-racism work comprises counselling, prevention and public awareness raising. (ZARA – Zivilcourage und Anti-Rassismus-Arbeit, www.zara.or.at/, accessed on 25 March 2015).

reflect the cases that have been reported to the NGO. According to the current Racism Report (see ZARA, 2015) Muslims were particularly affected by racism in 2014. The number of racist incidents towards persons perceived as Muslims has almost doubled since August 2014. The incidents ranged from verbal attacks in parks and public transport, through physical assaults, vandalism against institutions, to hate speech and death threats on the internet. Thereby, ZARA has observed a clear correlation between current media coverage, political reactions and racist attacks. Altogether 794 racist incidents were reported to and documented by ZARA in the year 2014 the majority of incidents happened in public space (20%), in the area of goods and services such as housing or restaurants (19%) and on the internet (17%).⁷⁰

In 2014 the Federal Ministry for Europe, Integration and Foreign Affairs set up a hotline against discrimination and intolerance, as a measure to facilitate the reporting of racist incidents in Austria. The hotline provides help to those affected by discrimination based on ethnicity, national background or religion. The purpose of the hotline is to act as a central clearinghouse for victims, referring them to the corresponding contact points, to raise visibility and increase awareness. Partnering organizations are the Ombudsman for Equal Treatment and ZARA.⁷¹

In July, the Federal Minister of the Interior, the head of the Austrian Football Association and the head of the Austrian Football Bundesliga presented concepts and measures for the prevention of extremism, racism and discrimination during football events. The measures are based on three pillars: (i) basic principles and cooperation; (ii) qualification and information; and (iii) prevention and further development.⁷² In this regard the amendment to the Security Police Act,⁷³ which came into force on 1 July 2014, is also of importance. The amendments expanded the competence of the security authorities to now include the offense of incitement and the prohibition law. The security authorities can now enact prohibition orders to enter a certain place or enforce removals from the security area in case of offences related to racism or extremism, for example during major football events. This competence was previously limited to violent crimes. Furthermore, the amendment includes an authorization to transmit data to the Austrian Football Association and the Austrian Football Bundesliga. They can thus impose stadium bans for offenses under the prohibition act or in case of incitement (Federal Ministry of the Interior, 2014e).

3.2.5 Citizenship and Naturalization

According to Statistics Austria⁷⁴, 7,693 persons received Austrian citizenship in 2014. This is an increase of 3.7 per cent compared to the previous year. Since 2003, when the number of naturalizations reached its peak at 45,112, the number has continually decreased, reaching a low of 6,190 in 2010. The numbers have only slightly increased again in recent years with 7,693 naturalizations in 2014.

⁷⁰ ZARA – Zivilcourage und Anti-Rassismus-Arbeit, *Rassismus Report 2014: Gruppenspezifischer Rassismus auf dem Vormarsch – Politik leistet Vorschub*, Press Release, 20 March 2015, available at www.zara.or.at/index.php/archiv/8790#more-8790 (accessed on 25 March 2015).

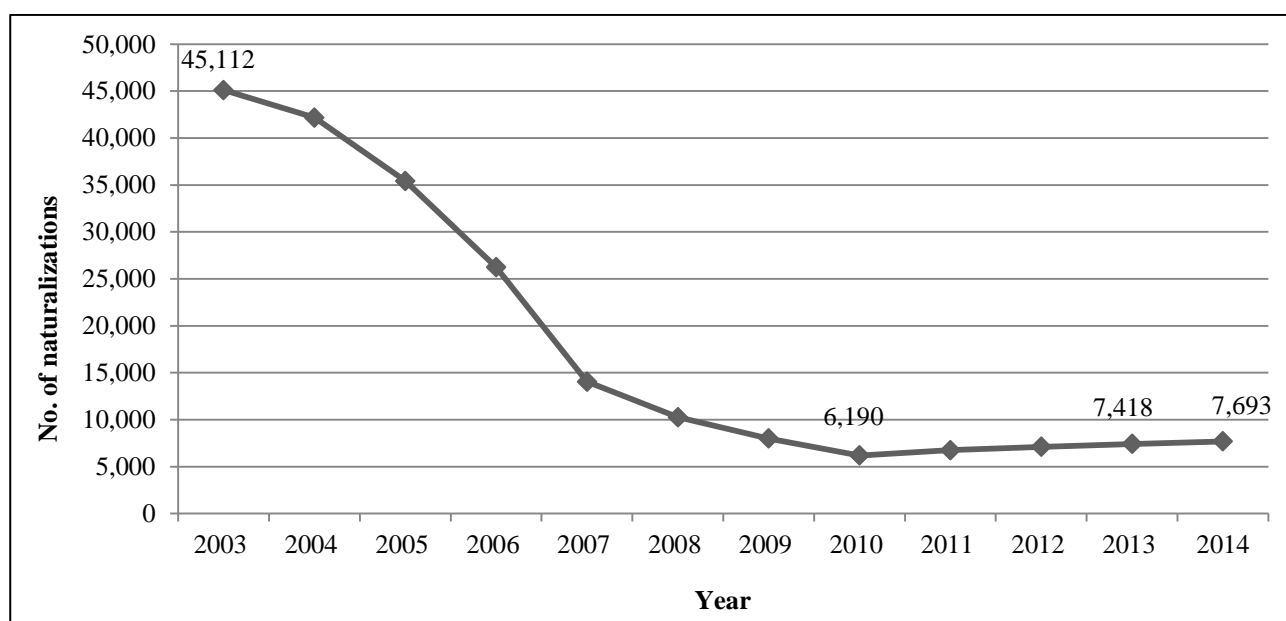
⁷¹ Federal Ministry for Europe, Integration and Foreign Affairs, *Hotline gegen Diskriminierung und Intoleranz*, available at www.bmeia.gv.at/integration/hotline-gegen-diskriminierung/ (accessed on 5 March 2015).

⁷² Federal Ministry of the Interior, *Mikl-Leitner: Extremismus bei Fußballveranstaltungen die Rote Karte zeigen*, News, 11 July 2014, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=67437642783538454B36673D&page=13&view=1 (accessed on 8 December 2014); Federal Ministry of the Interior, *Initiative gegen Extremismus, Rassismus und Diskriminierung bei Fußballveranstaltungen*, Press Release, 11 July 2014, available at www.bmi.gv.at/cms/cs03documentsbmi/1571.pdf (accessed on 8 December 2014).

⁷³ FLG No. 566/1991, in the version of FLG I No. 73/2014.

⁷⁴ Statistics Austria, *Einbürgerungen*, available at www.statistik.at/web_de/statistiken/bevoelkerung/einbuergierungen/index.html (accessed on 5 March 2015).

Figure 2: Number of naturalizations in Austria (2003–2014)



Source: Statistics Austria.

On 1 August 2013, a new reason for granting Austrian citizenship was introduced that allows the naturalization of very well integrated individuals after six years of consecutive legal residency (instead of ten years) (Art. 11a para 6 Citizenship Law 1985⁷⁵).⁷⁶ However, in 2014, only 301 individuals, or 4 per cent of all naturalized persons, received Austrian citizenship based on this new reason (Statistics Austria, n.d.).

On 29 December 2014 the Citizenship Law 1985 was further amended. It now stipulates that citizenship will be withdrawn from a citizen who voluntarily participates and is actively involved in an organized armed group fighting abroad in situations of armed conflict, provided that he/she does not become stateless.⁷⁷ These amendments are part of similar amendments to the Border Control Act⁷⁸ that also tackle the issue of so called foreign fighters⁷⁹ (see 3.3.2). The amendments entered into force on 1 January 2015.

In April 2014 two young women of Bosnian origin absconded from Vienna and assumedly left for the Syrian Arab Republic in order to join the terrorist organization Islamic State of Iraq and Syria (ISIS). The media picked up the story of the two women and the phenomenon of foreign fighters.⁸⁰ In a press conference, the Federal Minister of the Interior stated that around 43 persons from Austria are fighting as jihadists abroad, many of them Russian citizens but some also with Austrian citizenship. Another 87 were fighting abroad but already returned to Austria.⁸¹ A discussion erupted as to why people from Austria join jihadists, how to identify youth at risk and what preventive

⁷⁵ FLG No. 311/1985, in the version of FLG I No. 104/2014.

⁷⁶ For further information see Koppenberg 2014: 22.

⁷⁷ Federal Act Amending the Border Control Act and the Citizenship Act 1985, FLG I No. 104/2014.

⁷⁸ FLG No. 435/1996, in the version of FLG I No. 104/2014.

⁷⁹ Foreign fighters are called those nationals of European countries who fight in the Syrian Arab Republic or in the Republic of Iraq. For further information see Hennessy, 2014.

⁸⁰ Wiener Zeitung, *Die Poster-Girls*, 10 May 2014, p. 18.

⁸¹ Nachrichten.at, *Bereits 130 Jihadisten aus Österreich*, 22 August 2014, available at www.nachrichten.at/nachrichten/politik/innenpolitik/Bereits-130-Jihadisten-aus-Oesterreich;art385,1477857 (accessed on 26 March 2015).

measures should be taken.⁸² In October 2014 the Federal Ministry for Europe, Integration and Foreign Affairs, together with the Federal Ministry of the Interior and the Federal Ministry of Justice organized an expert meeting on the topic of “Hate and Incitement”. The main topic of discussion was how current trends towards radicalization, especially in connection with jihadism, can be effectively counteracted.⁸³ In December, a helpdesk and hotline on extremism was established within the Federal Ministry for Families and Youth. The initiative aims at providing counselling, preventive measures and intervention.⁸⁴

3.2.6 Other Aspects of Integration

In 2014, the legislative basis for Islamic religious communities in Austria was amended. On 10 December 2014, the Council of Ministers passed the Act Concerning the External Legal Relationship of Islamic Religious Communities – Islam Act 2014.⁸⁵ The Islam Act regulates the rights and obligations of Islamic religious communities in Austria. The act stipulates – inter alia – that Islamic religious communities must be economically self-sustaining and that the funds for ongoing activities must be raised in Austria. This passage was particularly criticized by various stakeholders such as experts in constitutional law and religion as well as Muslim organizations that see Islamic religious communities disadvantaged compared to other religious communities.⁸⁶

While the government parties Austrian People’s Party (ÖVP) and Social Democratic Party of Austria (SPÖ) supported the Islam Act, the opposition parties in the National Council did not. The Austrian Green Party and NEOS criticized that Muslims come under general suspicion when they – and no other religious communities – are required to ensure financial transparency. The Austrian Freedom Party (FPÖ) stated that the current draft of the Islam Act was not suitable to counteract radical Islamism in Austria. They therefore asked to send it back to the constitutional committee. The Team Stronach for Austria was, for example, sceptical regarding the proper implementation of the Act. They claimed it would be difficult to carry out controls on all Islamic religious communities.⁸⁷

⁸² Die Presse, *Österreichs Tschetschenen müssen selbst Verantwortung übernehmen*, 23 August 2014, available at <http://diepresse.com/home/meinung/kommentare/leitartikel/3858717/Oesterreichs-Tschetschenen-mussen-selbst-Verantwortung-ubernehmen> (accessed on 26 March 2015); Kronen Zeitung, *Terrorfahnder warnen an Schulen vor Heiligem Krieg*, 2 November 2014, available at www.krone.at/Oesterreich/Terrorfahnder_warnen_an_Schulen_vor_Heiligem_Krieg-Info-Kampagne-Story-426120 (accessed on 26 March 2015); Salzburger Nachrichten, *Dschihadisten träumen nicht vom Reihenhaus*, 24 August 2014, available at www.salzburg.com/nachrichten/meinung/standpunkt/sn/artikel/dschihadisten-traeumen-nicht-vom-reihenhaus-118456/ (accessed on 26 March 2015).

⁸³ Federal Ministry of the Interior, Federal Ministry of Justice and Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Einladung zum Gipfel gegen Hass und Hetze*. Available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Veranstaltungen/Einladung.pdf (accessed on 8 December 2014).

⁸⁴ Federal Ministry for Families and Youth, *Beratungsstelle Extremismus - Beratung, Prävention, Intervention*, available at www.familienberatung.gv.at/beratungsstelleextremismus (accessed on 26 March 2015).

⁸⁵ Act concerning the external legal relationship of Islamic religious communities – Islam Act 2014, Draft, available at www.parlament.gv.at/PAKT/VHG/XXV/II/00446/fname_377356.pdf (accessed on 17 December 2014).

⁸⁶ Die Presse, *Experten gegen Islamgesetz*, 23 October 2015, available at <http://diepresse.com/home/panorama/religion/4195325/Experten-gegen-Islamgesetz> (accessed on 26 March 2015); Der Standard.at, *Eine Chance für die Beheimatung der Muslime*, 27 October 2014, available at <http://derstandard.at/2000007372692/Eine-Chance-fuer-die-Beheimatung-der-Muslime> (accessed on 26 March 2015).

⁸⁷ Parliament of the Republic of Austria, *Nationalrat beschließt neues Islamgesetz*, Parliament correspondence No. 152 of 25 February 2015, available at www.parlament.gv.at/PAKT/PR/JAHR_2015/PK0152/ (accessed on 6 March 2015).

3.3 Managing migration and mobility

3.3.1 Visa Policy and Schengen Governance

In 2014, the Visa Information System (VIS) was put into operation in additional Austrian representations abroad according to the EU roll-out-plan.⁸⁸ The VIS has been operational in Austria since 2011.

Since 11 October 2014, the border control of VIS visa holders entering the country comprises the verification of the identity of the visa holder and the authenticity of the visa, by consulting the VIS using the number of the visa sticker in combination with the verification of fingerprints of the visa holder.⁸⁹

3.3.2 Border Monitoring and Control

Despite being a Schengen inner state, Austria is strongly engaged in all areas of integrated border management. In 2014 the preparations for Austria's connection to Eurosur⁹⁰ entered the final stage. The server was installed after all the technical details had been clarified and the necessary conditions for the connection had been established. Furthermore, training for administrators and operators took place in November 2014. In accordance with Article 5 of the Eurosur Regulation,⁹¹ Austria officially joined Eurosur on 1 December 2014.⁹²

In 2014, the test operation of an automatic border control system (eGate) at the Vienna International Airport was further developed within the framework of the EU FP7 project called "Fast Pass." The "Fast Pass" project is looking at available opportunities for harmonization between all European automatic border control systems.⁹³

On 29 December 2014 the Border Control Act was amended with the aim to prevent the following groups from crossing the border and leaving Austria: (a) minors who do not have the consent of their legal guardian and who intent to take part in combat operations abroad and (b) persons whose travel documents were confiscated according to the Passport Act or the Aliens Police Act, or when their issuance was not approved.⁹⁴ The amended Border Control Act entered into force on 1 January 2015. These amendments are part of similar amendments to the Citizenship Law 1985 that also tackle the issue of so called foreign fighters⁹⁵ (see 3.2.6). According to the Federal Minister of the Interior, the exit and re-entry of foreign fighters is a weakness of the border control system. In order to identify foreign fighters, controls of passengers at Vienna International Airport coming from specific destinations (e.g. the Syrian Arab Republic) were intensified as of November 2014. To ensure effective controls, the Federal Minister of the Interior would like all EU Member States to

⁸⁸ Federal Ministry of the Interior, December 2014.

⁸⁹ Ibid.

⁹⁰ Eurosur is an information-exchange system between Schengen countries and Frontex designed to improve management of the EU external borders. The system has three main objectives: to reduce the number of irregular migrants entering the EU undetected; to reduce the number of deaths at the maritime borders by saving more lives at sea, and to increase the internal security of the EU as a whole by contributing to the prevention of cross-border crime (Frontex, *EUROSUR*, available at <http://frontex.europa.eu/intelligence/eurosur>, accessed on 4 March 2015). Eurosur was established on 2 December 2014 by Regulation (EU) No 1052/2013.

⁹¹ Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur), 6 November 2013, OJ L 295/11.

⁹² Federal Ministry of the Interior, December 2014.

⁹³ Ibid.

⁹⁴ Federal Act Amending the Border Control Act and the Citizenship Act 1985, FLG I No. 104/2014.

⁹⁵ Foreign fighters are called those nationals of European countries who fight in the Syrian Arab Republic or in the Republic of Iraq. For further information see Hennessy, 2014.

enter the passport details of all returning foreign fighters in the SIS. As a preventive measure, Austrian police and law-enforcement officials received training and close cooperation with non-governmental partners is fostered in order to counteract radicalization.⁹⁶

⁹⁶ Federal Ministry of the Interior, *Innenminister diskutieren Phänomen der "Foreign Fighter"*, News, 27 October 2014, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=576349563338355A564D593D&page=0&view=1 (accessed on 5 March 2015).

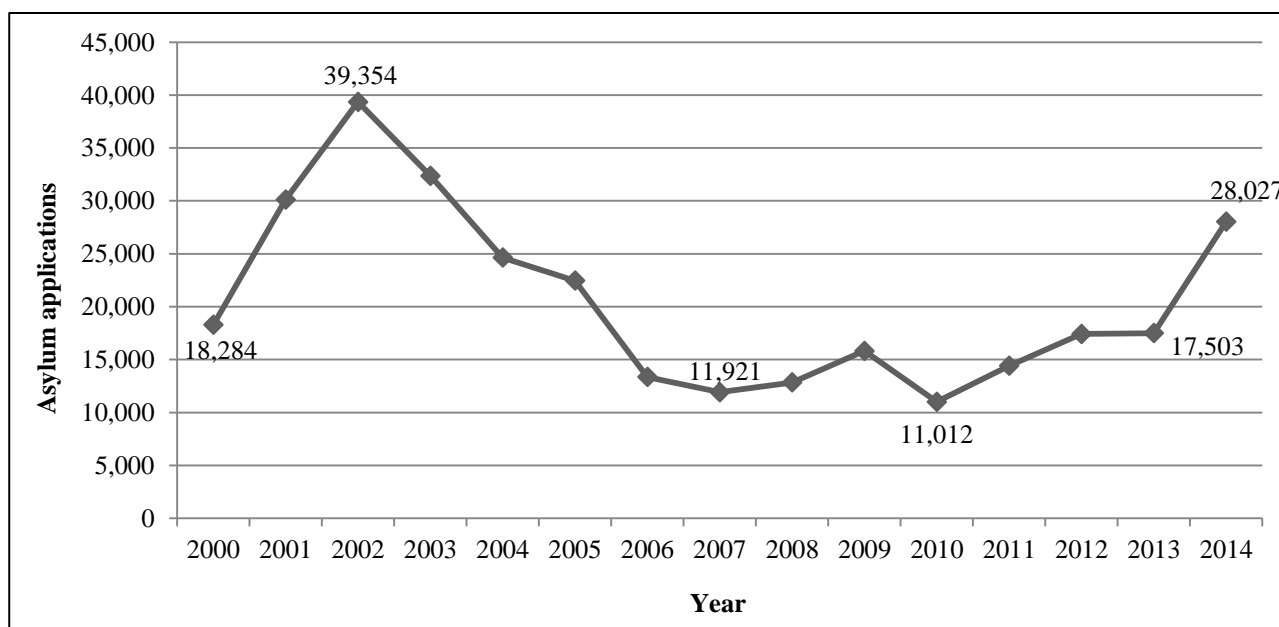
4. INTERNATIONAL PROTECTION INCLUDING ASYLUM

4.1 Trends in Asylum Applications

In 2014, as in previous years, Austria considered itself to be one of the most burdened EU Member States in terms of the total number of asylum applications and, in particular, the number of asylum-seekers per capita.⁹⁷ According to data provided by Eurostat, among the EU-28, Austria ranked seventh in 2014 in relation to the absolute number of asylum applications, and third in relation to asylum applications per million inhabitants (Eurostat, 2015a; Eurostat, 2015b).

In 2014, there were 28,027 asylum applications in Austria, which is an increase of 60 per cent compared to the previous year (2013: 17,503). The increase was mainly caused by applications from Syrian nationals (+5,763), Afghan nationals (+2,481), stateless persons (+1,032) and Somalian nationals (+729). Over the past few years, the number of asylum applications has decreased since 2002 (39,354), which was a record year, reaching low points in 2007 (11,921) and 2010 (11,012). Since then, the numbers have increased again.

Figure 3: Number of asylum applications in Austria (2000–2014)



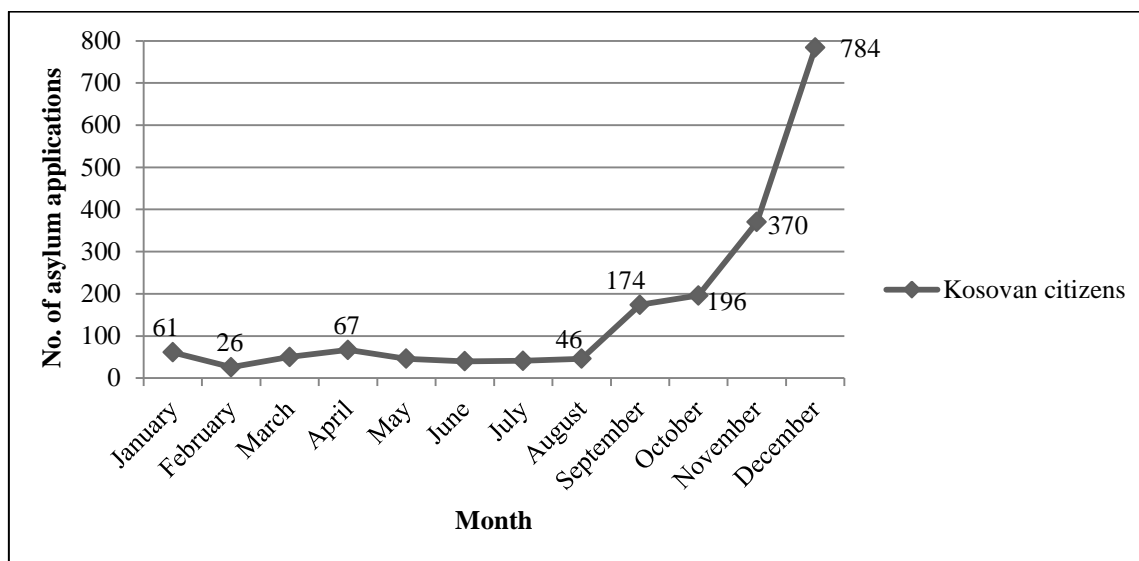
Source: Federal Ministry of the Interior; Statistics Austria.

In 2014 there was a considerable increase in the number of asylum applications from UNSC resolution 1244-administered Kosovo⁹⁸ in Germany, Hungary and Austria (Eurostat, 2015a). While Kosovo/UNSC 1244 was, with 935 applicants, only the sixth most important country of origin of asylum-seekers in Austria in 2013, it ranked fourth with 1,901 applicants in 2014 (a twofold increase). The increase is due to rising numbers of asylum applications in the second half of 2014. The number increased from 46 in August to 174 in September to 784 in December.

⁹⁷ Federal Ministry of the Interior, December 2014.

⁹⁸ Hereinafter referred to as Kosovo/UNSC 1244.

Figure 4: Number of asylum applications lodged by Kosovan citizens in Austria (January–December 2014)



Source: Federal Ministry of the Interior.

Kosovan citizens need a visa to enter the Schengen area, which means that they often enter Austria irregularly, transiting through Serbia and Hungary. Kosovo/UNSC 1244 is considered a safe third country in Austria according to Art. 1 Countries of Origin Ordinance,⁹⁹ consequently, they have few chances of being granted protection status (Austrian Integration Fund, 2015). How this trend further develops, and what it implies for the Austrian asylum and reception system on the one hand and for the Kosovar economy (which faces a brain-drain) on the other, has to be further monitored in 2015.

4.2 Resettlement

In autumn 2013 Austria started its Humanitarian Admission Programme for Syrian Refugees (HAP I). The programme aimed at admitting 500 Syrian refugees, mainly vulnerable cases, especially women and children, families with children and persecuted minorities such as Christians. HAP I was completed in December 2014 with a total of 504 Syrian refugees being resettled from Jordan, Lebanon and Turkey – four refugees more than planned.¹⁰⁰ In autumn 2014 the programme was enlarged. In the framework of HAP II, another 1,000 Syrian refugees are to be resettled in Austria. Out of the contingent of 1,000 Syrian refugees 202 have already arrived in October 2014. The programme is jointly organized by the Federal Ministry of the Interior, the Federal Office for Immigration and Asylum, the Federal Ministry for Europe, Integration and Foreign Affairs, the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) (Federal Ministry of the Interior, 2014c).¹⁰¹

In addition to those who came through the Humanitarian Admission Programme for Syrian Refugees, another 7,754 Syrian nationals lodged an application for international protection in Austria. Therewith, the Syrian Arab Republic was the main country of origin of asylum-seekers in

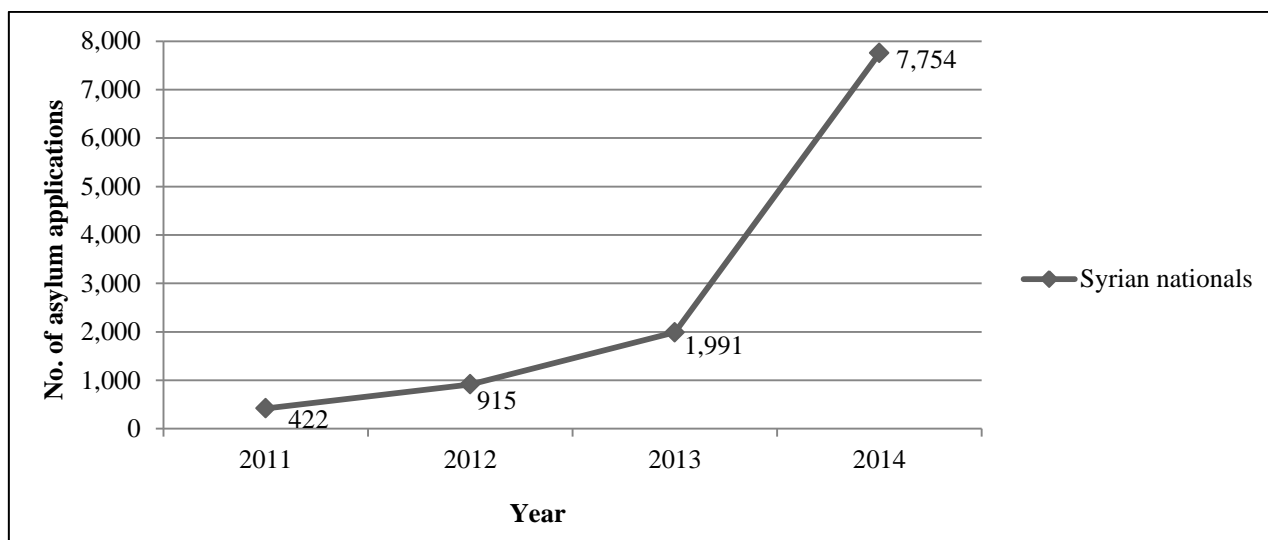
⁹⁹ FLG II No. 177/2009, in the version of FLG II No. 405/2013.

¹⁰⁰ European Resettlement Network, *Austria*, available at www.resettlement.eu/country/austria (accessed on 10 March 2015).

¹⁰¹ Federal Ministry of the Interior, *Humanitäre Aktion Syrien*, available at www.bmi.gv.at/cms/BMI_AsyIwesen/syrien/start.aspx (accessed on 10 March 2015); IOM Country Office for Austria, *Humanitarian Admission Programme Syria II*, available at www.iomvienna.at/en/humanitarian-admission-programme-syria-ii (accessed on 10 March 2015).

2014. Since the start of the uprising in the Syrian Arab Republic in 2011 and the following violent conflict, the number of asylum applications lodged by Syrians increased by 18-times (2011: 422; 2014: 7,754).

Figure 5: Number of asylum applications lodged by Syrian nationals (2011–2014)



Source: Federal Ministry of the Interior.

According to information gathered by the NGO *Asylkoordination Österreich* the Federal Office for Immigration and Asylum handled asylum procedures of Syrian applicants quickly in 2014. Most of them received asylum status. However, official statistics are not yet available (Langthaler, 2014:9).

The public and the media engaged extensively with the topic of Syrians fleeing the war in their home country and coming to Austria as asylum-seekers and in the framework of the resettlement programme. The persistent humanitarian crisis in the Syrian Arab Republic and its neighbouring countries,¹⁰² and the enlargement of the Austrian Humanitarian Admission Programme as well as its implementation and accompanying challenges, were discussed.¹⁰³

As a reaction to the on-going humanitarian crisis in the Mediterranean, Austria proposed the initiative “Save Lives” at the Justice and Home Affairs council in July 2014. The project aims to facilitate legal entry for refugees in need of international protection. To do so, an EU-wide resettlement programme shall be established whereby refugees are selected by UNHCR in third countries and are then distributed among the Member States according to a distribution key based on relevant criteria.¹⁰⁴

4.3 Reception of Applicants for International Protection

In 2014 there was a lack of available reception facilities in the provinces and an overcrowding of the main initial reception centre, the federal reception facility East in Traiskirchen (Lower

¹⁰² Österreich, *Syrien ist größte Flüchtlingshöhle*, 15 March 2014, p. 10.

¹⁰³ Der Standard, *Landau: “1000 Plätze für Syrer”*, 10 January 2014, p. 6; Profil, *Schluss mit Nächstenliebe*, 20 January 2014, p. 46–50.

¹⁰⁴ Council of the European Union, *EU resettlement initiative – „Save Lives“ – Discussion paper*, 13287/14, available at www.statewatch.org/news/2014/sep/eu-council-save-lives-au-13287-14.pdf (accessed on 10 March 2015); Federal Ministry of the Interior, *Mikl-Leitner: Einreisekontrollen in den Schengen-Raum für EU-Bürger überdenken*, News, 10 October 2014, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=6738315761617268412B493D&page=0&view=1 (accessed on 8 December 2014).

Austria).¹⁰⁵ At the end of July 2014 the number of asylum-seekers accommodated in the federal reception facility East reached around 1,400 (including around 600 UAMs) instead of the foreseen 480 applicants.¹⁰⁶ This was because, upon admission to the actual asylum procedure, the asylum-seekers could not be transferred to reception facilities in the provinces where the necessary capacities were not available. The provinces did not fulfill their reception quotas as defined in the Basic Welfare Support Agreement¹⁰⁷ between the federal government and the provinces. As a reaction, the governor of the province Lower Austria stopped the admission of further asylum-seekers to the reception facility through a decree; only UAMs below the age of 16 were still accepted. UAMs between 16 and 17 years old were accommodated in other federal reception facilities where places were available.¹⁰⁸

The overcrowding of the federal reception centre East was highly debated in the Austrian media. The mayor of Traiskirchen (SPÖ), where the federal reception centre East is located, was alarmed by the high number of asylum-seekers. He requested that the provinces ultimately meet their reception quotas.¹⁰⁹ In May 2014 he proposed the development of a new law which would force the provinces under threat of sanctions to meet their reception obligations as defined under the Basic Welfare Support Agreement (i.e. quotas that are in proportion to the provinces' populations). According to media reports, the Federal Minister of the Interior (ÖVP) disagreed, saying that sanctions would not be effective.¹¹⁰ At the beginning of September, the mayor then proposed the introduction of a limit of a maximum of 150 asylum-seekers per reception facility, which was also dismissed by the Federal Minister of the Interior.¹¹¹ Instead the Federal Minister of the Interior called on the provinces and communities to provide additional reception facilities.¹¹² The media reported on the search for new reception facilities.¹¹³ Thereby, the provinces were sometimes faced with the refusal of municipal authorities and politicians to host asylum-seekers and protests of the resident population.¹¹⁴

¹⁰⁵ A second initial reception centre is located in Talham (Upper Austria).

¹⁰⁶ The actual maximum capacity of the federal reception centre East lies at 1,750 residents. In 2010, however, the governor of the province of Lower Austria agreed with the Federal Ministry of the Interior not to accommodate more than 480 people (Dossier, *Wie die Politik Traiskirchen instrumentalisiert*, available at www.dossier.at/dossiers/asyl/seit-jahrzehnten-wird-mit-dem-fluechtlingslager-in-traiskirchen-politik-gemacht/#19, accessed on 9 September 2014).

¹⁰⁷ FLG I No. 80/2014.

¹⁰⁸ Dossier, *Wie die Politik Traiskirchen instrumentalisiert*, available at www.dossier.at/dossiers/asyl/seit-jahrzehnten-wird-mit-dem-fluechtlingslager-in-traiskirchen-politik-gemacht/#19 (accessed on 9 September 2014).

¹⁰⁹ Kronen Zeitung, *Flüchtlingsheim voll: Hilferuf von Ortschaften*, 13 May 2014, p. 22.

¹¹⁰ Österreich, *Asyl-Quote: Jetzt macht Pröll Druck*, 31 May 2014, p. 6; Die Presse, *Sanktionen schaffen keinen Asylplatz*, 22 June 2014, p. 3.

¹¹¹ Der Standard, *Mikl-Leitner lehnt Obergrenze für Asylwerbereinrichtung ab*, 10 September 2014, available at <http://derstandard.at/2000005398091/Mikl-Leitner-lehnt-Platzbeschaerung-derzeit-ab> (accessed on 11 September 2014).

¹¹² Der Kurier, *Mikl-Leitner besuchte Asyl-Zentrum Traiskirchen*, 4 June 2014, available at <http://kurier.at/chronik/niederoesterreich/mikl-leitner-besuchte-asyl-zentrum-traiskirchen/68.840.718> (accessed on 27 March 2015).

¹¹³ Die Presse, *Asylwerber: Tirol entlastet Traiskirchen*, 30 May 2014, available at http://diepresse.com/home/politik/innenpolitik/3814181/Asylwerber_Tirol-entlastet-Traiskirchen (accessed on 27 March 2015); Der Kurier, *Asyl: Tirol entlastet Traiskirchen*, 30 May 2014, available at <http://kurier.at/chronik/niederoesterreich/asyl-tirol-entlastet-traiskirchen/68.055.423> (accessed on 27 March 2015); Kronen Zeitung, *Syrer nach Fieberbrunn*, 31 May 2014, p. 23.

¹¹⁴ Wiener Zeitung, *In aller Abgeschiedenheit*, 6 June 2014, available at www.wienerzeitung.at/dossiers/asyl/?em_cnt=635974 (accessed on 5 September 2014); Kleine Zeitung, *Asylquartier in Lendorf ist in Planung*, 8 October 2014, available at

After the mayor of Traiskirchen had prompted a reception stop in the federal reception centre East on 30 July 2014, the Federal Minister of the Interior announced an emergency plan.¹¹⁵ This plan proposes different alternative reception possibilities: Hotel-pensions or guest houses, federal real estate (such as empty gyms, boarding schools), premises provided by NGOs and churches, empty military barracks and – as an absolute emergency solution – also accommodation in tents.¹¹⁶

As a consequence of the overcrowding of the federal reception centre East, concerns were raised about degrading conditions in the initial reception centres. Also, reception places appropriate to the needs of UAMs were lacking, leading to UAMs being accommodated together with adults in regular reception facilities (Knapp, 2014:58–59). Thereupon, in June 2014 the Austrian Ombudsman Board¹¹⁷ planned to conduct on-site visits in order to identify potential deficits in the administration.¹¹⁸

In order to find a durable solution to the capacity shortages in the Austrian reception system, in September 2014 the Federal Minister of the Interior proposed to carry out the admission procedure not in the federal reception facilities but directly in the provinces through the regional offices of the Federal Office for Immigration and Asylum.¹¹⁹ This proposal was widely discussed in the Austrian media at the end of the year.¹²⁰ In November 2014, the provincial governors finally decided upon a new distribution system of asylum-seekers. The objective is to reach a better distribution of asylum-seekers among the provinces immediately after an application is filed. The presence of asylum-seekers in an initial reception centre will then only be required in Dublin-relevant¹²¹ cases.¹²²

www.kleinezeitung.at/k/kaernten/oberkaernten/3902554/Oberkaernten_Asylquartier-in-Lendorf-ist-in-Planung (accessed on 27 March 2015).

¹¹⁵ Der Standard, *Nach Aufnahmestopp in Traiskirchen muss Notfallplan her*, 29 July 2014, available at <http://derstandard.at/2000003683638/Nach-Aufnahmestopp-in-Traiskirchen-muss-Notfallplan-her> (accessed on 27 March 2015); News, *Traiskirchen: Prölls Asylstopp*, 29 July 2014, available at www.news.at/a/asyl-erstaufnahmestelle-traiskirchen-erwin-proell-drohung (accessed on 27 March 2015).

¹¹⁶ Der Standard, *Asyl: Notunterbringung in oberösterreichischen Internaten*, 31 July 2014, available at <http://derstandard.at/2000003803312/Asyl-Notunterbringung-in-OberoesterreichInternaten> (accessed on 27 March 2015); Der Standard, *"Müssen uns auf krisenhafte Situation einstellen"*, 30 July 2014, available at <http://derstandard.at/2000003711511/Traiskirchen-Aufnahmestopp-Innenministerium-bereitet-Ersatzquartiere-vor> (accessed on 27 March 2015); Salzburger Nachrichten, *Kasernen, Turnsäle, Zelte: Neue Quartiere für Flüchtlinge gesucht*, 31 July 2014, available at www.salzburg.com/nachrichten/oesterreich/politik/sn/artikel/kasernen-turnsaele-zelte-neue-quartiere-fuer-fluechtlinge-gesucht-115684/ (accessed on 27 March 2015).

¹¹⁷ The Austrian Ombudsman Board (AOB) is one of the so-called supreme bodies of the Republic of Austria and has been monitoring the public administration since 1977. Since 1 July 2012, the AOB has also been responsible for protecting and promoting compliance with human rights as part of the UN mandate (Austrian Ombudsman Board, *The Austrian Ombudsman Board*, available at <http://volksanwaltschaft.gv.at/en/about-us#anchor-index-1679>, accessed on 6 March 2015).

¹¹⁸ Austrian Ombudsman Board, *Kommissionen besuchen Erstaufnahmezentren Traiskirchen und Thalham*, News, 6 June 2014, available at <http://volksanwaltschaft.gv.at/artikel/kommissionen-besuchen-erstaufnahmezentren-traiskirchen-und-thalham> (accessed on 11 March 2015).

¹¹⁹ Kleine Zeitung, *Mikl-Leitners Plan gegen unwürdige Herbergssuche*, 12 September 2014, available at www.kleinezeitung.at/nachrichten/politik/asyl/3737447/erklaeren-sich-ausgehen-soll.story (accessed on 26 September 2014).

¹²⁰ OE24, *Mikl-Leitner: Ihr Asyl-Plan*, 13 September 2014, available at www.oe24.at/oesterreich/politik/Mikl-Leitner-Ihr-Asyl-Plan/157720850 (accessed on 26 March 2015); Salzburger Nachrichten, *Mikl-Leitner will Automatismus bei Grundversorgung*, 18 September 2014, available at www.salzburg.com/nachrichten/oesterreich/politik/sn/artikel/mikl-leitner-will-automatismus-bei-grundversorgung-121367/ (accessed on 26 March 2015).

¹²¹ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (Dublin III Regulation), 29 June 2013, OJ L 180/31.

The reactions to this agreement were mostly positive. The Governor of Carinthia (SPÖ), for instance, talked about the agreement as a “well-rounded refugee policy”. The Federal Minister of the Interior (ÖVP) called it a “historical reorientation”.¹²³ The Caritas also regarded the decision of the provinces as an “overdue step”. While the NEOS signalled approval, the Austrian Freedom Party and the Austrian Green Party criticized the agreement, although from different directions. The Austrian Green Party criticized that it was neither clear where the announced distribution centres are to be established nor what they should accomplish. The Austrian Freedom Party welcomed the common action but criticized that this would only fight the symptoms and not the causes.¹²⁴ The NGO *Asylkoordination Österreich*, however, was sceptical and referred to the distribution centres as not being well-thought-out. According to them, the newly installed Federal Office for Immigration and Asylum is already overstretched and would be even more burdened.¹²⁵

4.4 Integration of Applicants for International Protection

The number of work permits issued to asylum-seekers for apprenticeships increased from 12 in 2012, to 83 in 2013 (seven times as many as in 2012) and 95 in 2014 (1.14 times as many as in 2013). Thereby, the vast majority of asylum-seekers who were issued a work permit for apprenticeships in 2012 were 20 years old or younger (91.7%) while they were fewer in 2013 (65.06%) and still fewer in 2014 (63.16%).

This development has to be seen in the context of the legislative changes that took place during the past few years. In 2012 asylum-seekers below the age of 18 were, for the first time, granted access to apprenticeships, then – in 2013 - that access further extended to asylum-seekers up to the age of 25 (Koppenberg, 2014a:30).

Table 1: Work permits issued to asylum-seekers for apprenticeships, disaggregated by age groups (2012–2014)

Year	2012			2013			2014		
Age group	0–20	21–25	Total	0–20	21–25	Total	0–20	21–25	Total
Number of work permits issued	11	1	12	54	29	83	60	35	95

Source: Labour Market Service Austria, special evaluation.

The debate on liberalizing labour market access for asylum-seekers in general – that started in 2013¹²⁶ – continued in 2014. In Austria, asylum-seekers need a work permit in order to access the labour market. Such a work permit can be granted three months after they have been admitted to the actual asylum procedure if a labour market test has been passed, if there is no conflict with public or macroeconomic interests and if the conditions laid down in Art. 4 para 1 Act Governing the

¹²² Federal Ministry of the Interior, *Neues System der Grundversorgung*, News, 19 November 2014, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=47796F3039574533714F553D&page=0&view=1 (accessed on 8 December 2014).

¹²³ Die Presse, *"Historisch": Länder beschließen Asyl-Verteilerzentren*, 18 November 2014, available at http://diepresse.com/home/politik/innenpolitik/4597771/Historisch_Laender-beschliessen-Verteilerzentren (accessed on 27 March 2015).

¹²⁴ Die Presse, *Asyl: Lob von Caritas, Kritik von FPÖ und Grünen*, 18 November 2014, available at http://diepresse.com/home/politik/innenpolitik/4598192/Asyl_Lob-von-Caritas-Kritik-von-FPO-und-Grunen (accessed on 27 March 2015).

¹²⁵ Der Standard, *Die umstrittene Verteilung von Flüchtlingen*, 19 November 2014, available at <http://derstandard.at/2000008382729/Die-umstrittene-Verteilung-von-Fluechtligen> (accessed on 27 March 2015).

¹²⁶ See Koppenberg, 2014a: 30.

Employment of Foreign Nationals¹²⁷ are fulfilled. In addition, employment is restricted by the so called *Bartenstein Decree (Bartensteinerlass)* to selected occupations with quota-regulated work permits, i.e. seasonal work in tourism, agriculture or forestry.¹²⁸

The political and media debate on a facilitated access to the labour market for asylum-seekers started in March and was intensified in September and October. The Federal Minister of Labour, Social Affairs and Consumer Protection (SPÖ) spoke out clearly against an opening of the labour market for asylum-seekers.¹²⁹ In his opinion one should not create additional tensions on the already tight labour market. Instead he wants to increasingly give asylum-seekers the option of working on community and charitable projects.¹³⁰ As the media reported, the Federal Minister of the Interior (ÖVP) is also against an extended access to the labour market for asylum-seekers. According to her judgement, Austria ranks relatively highly in comparison with other EU member states with regard to labour market access, because asylum-seekers have a limited right to work after three months.¹³¹ Conversely, according to the NGO *Asylkoordination Österreich*, Austria is one of the most restrictive countries in the EU.¹³² The Austrian Ombudsman Board is in favour of a facilitated labour market access, arguing that access to the labour market constitutes a human right. Moreover, it would relieve the pressure on the state budget, if asylum-seekers were able to support themselves.¹³³

Several approaches towards facilitating the labour market access were discussed in the Austrian media. The church-based aid organizations Diakonie and Caritas and the NGOs *Integrationshaus* and *Volkshilfe* demanded, for example, liberalization in form of full labour market access after six months.¹³⁴ The Green Party demanded an annulment of the *Bartenstein Decree*.¹³⁵ A thus extended access to the labour market would facilitate the integration of asylum-seekers and enable them to earn the means to support themselves. In October, the association *SOS Mitmensch* started an online-petition in which it demanded the annulment of the *Bartenstein Decree*.¹³⁶ In November the petition

¹²⁷ FLG No. 281/1975, in the version of FLG I No. 72/2013.

¹²⁸ Federal Ministry of Economy and Labour, *EU-Erweiterungs-Anpassungsgesetz; Durchführungserlass (Bartensteinerlass)*, 435.006/6-II/7/04.

¹²⁹ Der Standard, *Hundstorfer strikt gegen Arbeitserlaubnis für Asylsuchende*, 26 August 2014, available at <http://derstandard.at/2000004792030/Hundstorfer-strikt-gegen-Arbeitserlaubnis-fuer-Asylsuchende> (accessed on 26 March 2015).

¹³⁰ Die Presse, *Hundstorfer will mehr Volumen bei Steuerreform*, 28 September 2014, available at http://diepresse.com/home/politik/innenpolitik/3877542/Hundstorfer-will-mehr-Volumen-bei-Steuerreform?_vl_backlink=/home/politik/index.do (accessed on 26 March 2015).

¹³¹ Der Standard, *"Die Polizei agiert nicht aus Jux und Tollerei"*, 6 September 2014, available at <http://derstandard.at/2000005208327/Die-Polizei-agierte-nicht-aus-Jux-und-Tollerei> (accessed on 26 March 2015).

¹³² Profil, *Österreich hält 10.000 Asylwerber von der Arbeit fern. Ein Unsinn*, 8 October 2014, available at www.profil.at/oesterreich/oesterreich-10-000-asylwerber-arbeit-ein-unsinn-378141 (accessed on 26 March 2015).

¹³³ Der Standard, *Volksanwaltschaft will ÖBB kontrollieren können*, 8 October 2014, available at <http://derstandard.at/2000006580789/Volksanwaltschaft-will-OeBB-kontrollieren-koennen> (accessed on 26 March 2015).

¹³⁴ Profil, *Österreich hält 10.000 Asylwerber von der Arbeit fern. Ein Unsinn*, 8 October 2014, available at www.profil.at/oesterreich/oesterreich-10-000-asylwerber-arbeit-ein-unsinn-378141 (accessed on 26 March 2015).

¹³⁵ Der Kurier, *Asylwerber: Landtag prüft freien Zugang zum Arbeitsmarkt*, 13 March 2014, available at <http://kurier.at/chronik/oesterreich/asylwerber-landtag-prueft-freien-zugang-zum-arbeitsmarkt/55.792.559> (accessed on 26 March 2015).

¹³⁶ Der Standard, *"Gegenerlass"-Aktion für freien Arbeitsmarktzugang von Asylwerbern*, 23 October 2014, available at <http://derstandard.at/2000007171122/Gegenerlass-Aktion-fuer-freien-Arbeitsmarktzugang-von-Asylwerbern> (accessed on 26 March 2015).

was handed over to the Federal Ministry of Labour, Social Affairs and Consumer Protection with more than 17,000 signatures.¹³⁷

In early November, the Federal Chancellor (SPÖ) commented positively on an expansion of work possibilities for asylum-seekers. The Vice Chancellor (ÖVP) argued that internationally the trend is also in this direction. The Federal Minister of Labour, Social Affairs and Consumer Protection (SPÖ) remained sceptical and pointed to the high unemployment rate. He agreed with the social partners to commission a study in order to evaluate the reception capacities of the Austrian labour market.¹³⁸

4.5 International Protection Procedures

4.5.1 Efficiency and Quality

A major institutional change with regards to international protection procedures in Austria was the establishment of the Federal Office for Immigration and Asylum on 1 January 2014 (for further information see 2.2.1.). The European Refugee Fund in 2014 provided funding for the training of the Federal Office' staff providing them with basic instruction and qualification with regard to the new structure and workflows (Federal Ministry of the Interior, n.d.:6). The main topics covered were asylum, measures terminating residence, procedural law, residence titles for exceptional circumstances, interview methods, preparation of decisions, standby duty, and chancellery. Overall, 104 training sessions with a total of 1,416 participants were conducted in 2014.¹³⁹

Several projects were implemented in 2014 in order to safeguard the quality and efficiency of the Austrian asylum system (Federal Ministry of the Interior, n.d.:6):

- “Structuring, Automatization and Implementation of Overall Quality Assurance in the Area of Asylum” (STARQ II)
 - Implementing Partner: UNHCR
 - Timeframe: January – December 2014
 - Funding: European Refugee Fund and Austrian Federal Ministry of the Interior
- “High Quality Interpretation in the Asylum Procedure” (QUADA)
 - Implementing Partner: UNHCR
 - Timeframe: January – December 2014
 - Funding: European Refugee Fund and Austrian Federal Ministry of the Interior
- “Identification of Potential Trafficked Persons in the Asylum Procedure” (IBEMA)
 - Implementing Partner: IOM
 - Timeframe: April – December 2014
 - Funding: European Refugee Fund and Austrian Federal Ministry of the Interior
- Furthermore, in the framework of the Country of Origin Service provided by the Austrian Red Cross, information on 164 countries of origin was collected and posted on the website

¹³⁷ Salzburger Nachrichten, *Arbeitserlaubnis für Asylwerber: 17.000 Unterschriften übergeben*, 18 November 2014, available at www.salzburg.com/nachrichten/oesterreich/politik/sn/artikel/arbeitserlaubnis-fuer-asylwerber-17000-unterschriften-uebergeben-128410/ (accessed on 26 March 2015).

¹³⁸ Der Kurier, *Asylwerber: Job-Verbot bleibt vorerst*, 4 November 2014, available at <http://kurier.at/politik/inland/asylwerber-job-verbot-bleibt-vorerst/95.099.973> (accessed on 26 March 2015).

¹³⁹ Federal Ministry of the Interior, December 2014.

www.ecoi.net, research for authorities, courts and legal counsellors was conducted, and trainings on how to use country of origin information were implemented. Also, country reports concerning the socio-economic situation in the following countries of origin were released: Kazakhstan, Tajikistan, Kyrgyzstan, Tunisia and Uzbekistan.

- Implementing Partner: Austrian Red Cross
- Timeframe: January – December 2014
- Funding: European Refugee Fund and Austrian Federal Ministry of the Interior

4.5.2 Duration of Asylum Procedures

One of the aims of establishing the new Federal Office for Immigration and Asylum was to speed up asylum procedures (see 2.1.1). The director of the Federal Office for Immigration and Asylum draws a positive conclusion from the Federal Offices' annual report despite a sharp increase in the number of asylum applications in 2014 (see 4.1). He stresses that the Federal Office planned to process around 15,800 applications but managed to take 18,196 decisions. These were as many as the former Asylum Court handled in 2013.¹⁴⁰ The Austrian Ombudsman Board, on the contrary, pointed out that they received by the beginning of November 2014 161 complaints because of the long duration of first-instance asylum procedures; 103 more complaints than in 2013.¹⁴¹ Statistics on the actual duration of asylum procedures are not available yet.

4.6 Cooperation with the European Asylum Support Office (EASO)

Since 2010, Austria has regularly supported Greece and Bulgaria in tackling and overcoming difficulties in the field of asylum within the context of asylum and migration action plans. In 2014, these supportive measures included:

- Assistance to Greece in the field of information on countries of origin and language analysis;
- Stock Taking Mission to Bulgaria from 17 to 21 February 2014 to evaluate the progress made in the context of the EASO Support Plan Bulgaria;
- Assistance to Bulgaria in the field of information on countries of origin (Syrian Arab Republic and Republic of Iraq).¹⁴²

In the context of the EASO-managed pilot projects “Joint Processing”, Austria participated in the following pilot projects in 2014:

- Cooperation with Hungary in the field of information on Afghanistan as a country of origin;
- Cooperation with Germany in relation to the execution of the Dublin III Regulation.¹⁴³

Furthermore, Austria participated in various activities concerning information on countries of origin (e.g. preparation of reports about Somalia and Afghanistan) and conducted study visits (trainings, information exchange) for staff of asylum authorities in third countries.¹⁴⁴

¹⁴⁰ Federal Ministry of the Interior, *Bundesamt für Fremdenwesen und Asyl: 64.477 Entscheidungen in 12 Monaten*, News, 27 January 2015, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=413264647145334E6F49773D&page=0&view=1 (accessed on 6 March 2015).

¹⁴¹ Austrian Ombudsman Board, *Steiler Anstieg der Beschwerden von Asylwerbenden*, News, 10 November 2014, available at <http://volksanwaltschaft.gv.at/artikel/steiler-anstieg-der-beschwerden-von-asylwerbenden> (accessed on 6 March 2015).

¹⁴² Federal Ministry of the Interior, December 2014.

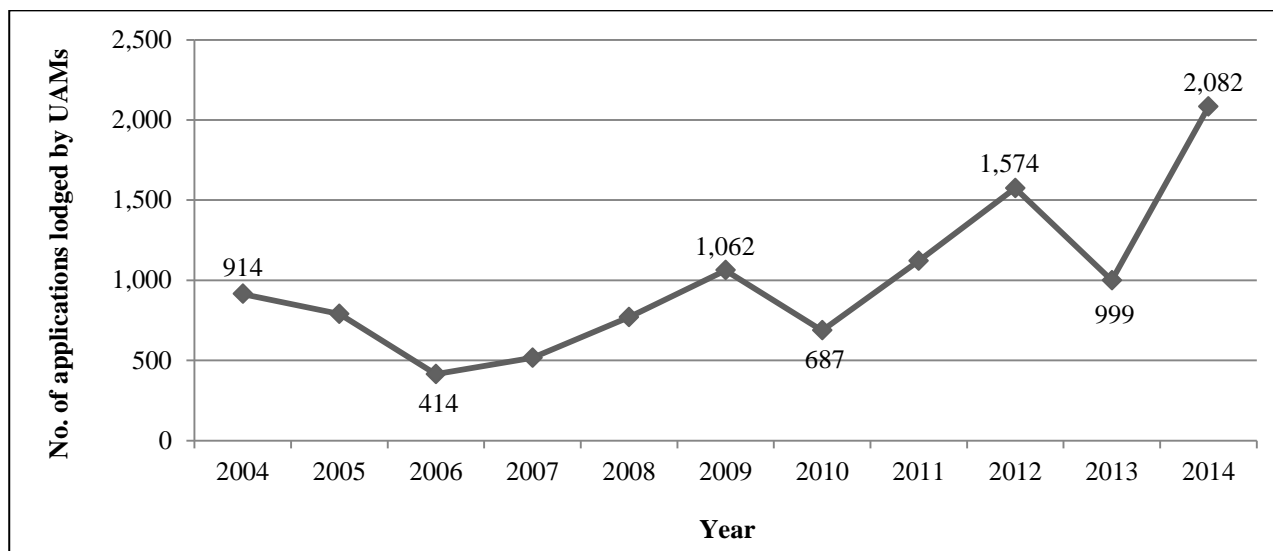
¹⁴³ Ibid.

5. UNACCOMPANIED MINORS

5.1 Trends in Asylum Applications

The number of asylum applications lodged by UAMs fluctuated over the period 2004 to 2014. After a decrease from 1,574 in 2012 to 999 in 2013 (-36.53%) the number of asylum-seeking UAMs reached a peak in 2014 with 2,082 asylum applications lodged by UAMs (+108.41%).

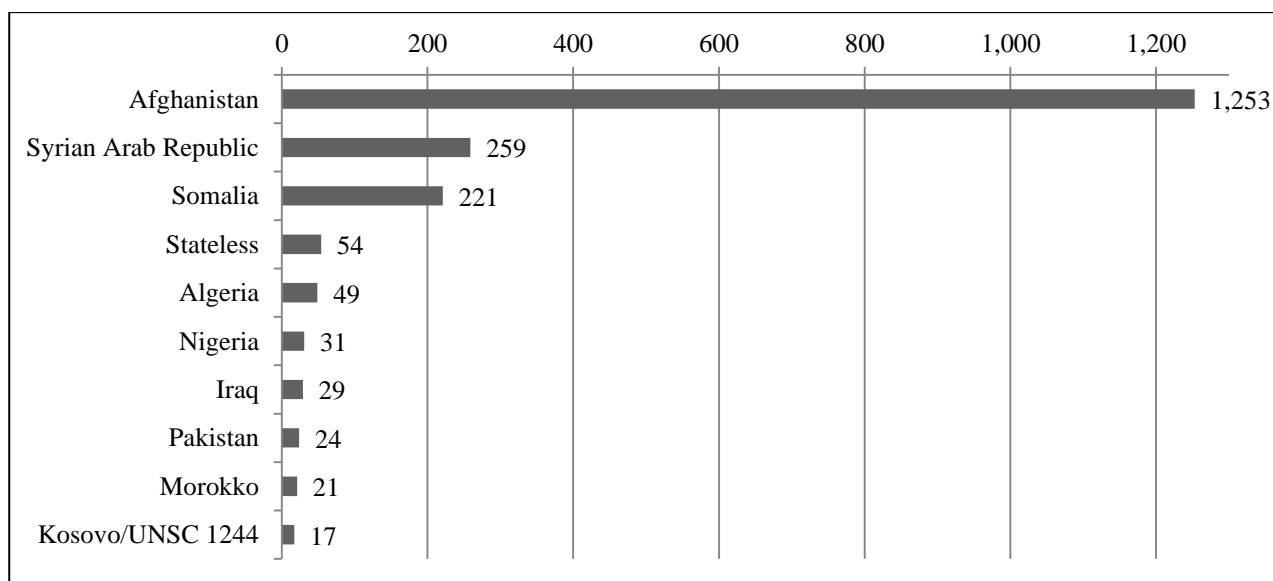
Figure 6: Number of asylum applications lodged by UAMs in Austria (2004–2014)



Source: Federal Ministry of the Interior.

Afghanistan was by far the main country of origin of UAMs applying for international protection in Austria in 2014 (1,253 applications or 60% of all asylum applications lodged by UAMs). The Syrian Arab Republic ranked second (259 applications or 12%) and Somalia third (221 applications or 11%).

Figure 7: Number of asylum applications lodged by UAMs in Austria by citizenship, top-10 (2014)



Source: Federal Ministry of the Interior.

¹⁴⁴ Ibid.

5.2 The Situation of Unaccompanied Minors in Austria

On the occasion of the 25th anniversary of the UN Convention on the Rights of the Child¹⁴⁵ on 20 November 2014, the situation of UAMs in Austria was closely examined. The NGO *Asylkoordination Österreich*, for instance, raised the criticism that UAMs in Austria are primarily considered as asylum-seekers or refugees and only secondly as children. Problems exist in the area of accommodation and in the asylum procedure, where there is a lack of tailored services and proceedings adapted to the special situation of this particularly vulnerable group.¹⁴⁶

Likewise, Ombudsman Günther Kräuter from the Austrian Ombudsman Board stressed the need of special protection for UAMs. He demanded national minimum standards with a regulated daily structure, language courses, school attendance and a range of leisure activities. On 22 November 2014 he opened an investigation procedure *ex officio* regarding the situation of UAMs in Austria. In addition, he called for a solution for the province of Salzburg, where UAMs were excluded from the scope of applicability in the course of the amendment of the Children and Youth Service Act.¹⁴⁷

In February 2015 the outcomes of the investigation were presented. A deficit with regard to care and reception of UAMs was found. The Austrian Ombudsman Board therefore made the following requests:

- The provinces through their Children and Youth Service Authorities must take over the guardianship of UAMs immediately (i.e. also while they are accommodated in the federal initial reception centres);
- UAMs need to be accommodated in special reception centres that adequately meet their needs;
- The Children and Youth Service must not differentiate between Austrian children and those seeking asylum (e.g. the maximum amounts of basic welfare support shall be increased and adapted to the cost rates of the Children and Youth Service);¹⁴⁸
- Full access to school education and vocational training must be ensured.¹⁴⁹

5.3 Legislative Developments

In 2014, several legislative changes with regard to unaccompanied minors (UAMs) came into effect; most of them are linked to the restructuring of the asylum authorities and the administrative jurisdiction (see 2.1).

¹⁴⁵ Convention on the Rights of the Child, A/RES/44/25, 20 November 1989, United Nations Treaty Series vol. 1577.

¹⁴⁶ Asylkoordination Österreich, *Agenda Asyl kritisiert Betreuung von minderjährigen Flüchtlingen – 'Ein Bett allein ist zu wenig'*, Press Release, 7 October 2014, available at www.asyl.at/fakten_2/betr_2014_06.htm (accessed on 11 March 2015).

¹⁴⁷ Austrian Ombudsman Board, *Appell an Politik, Kinder vor Gewalt, Armut und Isolation zu Schützen*, News, 20 November 2014, available at <http://volksanwaltschaft.gv.at/artikel/appell-an-politik-kinder-vor-gewalt-armut-und-isolation-schuetzen> (accessed on 11 March 2015); Austrian Ombudsman Board, *Volksanwalt Kräuter leitet Prüfverfahren zu unbegleiteten minderjährigen Flüchtlingen ein*, News, 22 November 2014, available at <http://volksanwaltschaft.gv.at/artikel/volksanwalt-kraeuter-leitet-pruefverfahren-zu-unbegleiteten-minderjaehrigen-fluechtlingen-ein> (accessed on 11 March 2015); for further information on Salzburg's Children and Youth Service Act see BIM, 2014.

¹⁴⁸ For further information on this topic see Koppenberg, 2015: 53 ff.

¹⁴⁹ Austrian Ombudsman Board, *Serie Kinderrechte: Mangelnde Betreuung von unbegleiteten Minderjährigen Flüchtlingen*, News, 23 February 2015, available at <http://volksanwaltschaft.gv.at/artikel/serie-kinderrechte-mangelnde-betreuung-von-unbegleiteten-minderjaehrigen-fluechtlingen> (accessed on 12 March 2015).

5.3.1 Asylum-Seeking Unaccompanied Minors

Since 1 January 2014, the new Federal Office for Immigration and Asylum is the first instance decision-maker on applications for international protection and the newly established Federal Administrative Court decides upon respective appeals (Art. 3 and 7 Federal Office for Immigration and Asylum Procedures Act). For UAMs, the deadline for submitting an appeal is four weeks, which is longer than the usual two weeks deadline that is applicable to other persons (Art. 16 para 1 Federal Office for Immigration and Asylum Procedures Act in conjunction with Art. 7 para 4 Administrative Court Procedures Act¹⁵⁰).

Since January 2014 unaccompanied minors who are 14 years or older have been required to cooperate with the authorities in tracing their family members in their country of origin, in a third country or in a EU Member State and to submit the results to the Federal Office for Immigration and Asylum. This duty to cooperate does not apply in situations in which the minor is not in a position to do so due to circumstances which are beyond his/her sphere of influence, or in situations in which the search for family members is not in the best interests of the child (Art. 13 para 6 Federal Office for Immigration and Asylum Procedures Act).

Moreover, since 1 January 2014, the third revision of the Dublin Regulation is directly applicable in Austria. It includes advanced protection rules for unaccompanied minors regarding the responsibility of a EU Member State for examining an asylum application, representation in legal proceedings, and family tracing, as well as the creation of an information sheet.

5.3.2 Non Asylum-Seeking Unaccompanied Minors

Since 1 January 2014, all non-asylum-seeking minors whose interests cannot be ensured by their guardian are to be appointed a legal representative for proceedings before the Federal Office for Immigration and Asylum and the Federal Administrative Court with regard to the eighth chapter of the Aliens Police Act (measures terminating residence) according to Art. 10 para 3 and 4 Federal Office for Immigration and Asylum Procedures Act.

Since the Aliens Authorities Restructuring Act¹⁵¹ entered into force on 1 January 2014, unaccompanied minors are able to apply for the “Red-White-Red Card” under more flexible conditions (Art. 41a para 10 Settlement and Residence Act).

¹⁵⁰ FLG I No. 33/2013, in the version of FLG I No. 122/2013.

¹⁵¹ FLG I No. 87/2012.

6. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

6.1 National Initiatives

Located in the centre of Europe, Austria is affected by trafficking in human beings as both a transit and destination country. Identified trafficked persons originate mainly from the Eastern European countries of Bulgaria, Romania and Hungary, from Nigeria and from the Philippines. Human trafficking in Austria is mostly related to sexual exploitation, but labour exploitation also occurs in agriculture, construction, the catering sector, and in domestic and care work. Cases of trafficking for begging and for committing property crimes have also been increasingly reported, often involving minors.¹⁵²

In order to address the issue of trafficking in human beings, 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, including their outsourced agencies, the provinces, as well as NGOs, cooperate closely within the Task Force in order to combat trafficking in human beings in Austria. The Task Force is also in charge of the development, implementation and monitoring of the National Action Plans. In 2014, the third “National Action Plan to Combat Trafficking in Human Beings (2012–2014)”¹⁵³ was still active. The fourth National Action Plan 2015–2017 is currently under development.¹⁵⁴

6.1.1 Awareness Raising

In February 2014 on the occasion of the Austrian Chairmanship of the Council of Europe and the Swiss Chairmanship of the Organization for Security and Co-operation in Europe (OSCE), the Austrian Federal Ministry for European and International Affairs, the Austrian Federal Ministry of the Interior and the Swiss Federal Department of Foreign Affairs organized a joint OSCE/Council of Europe high-level conference called “Not for Sale – Joining Forces Against Trafficking in Human Beings”. The aim was to take stock of the progress made and to discuss the challenges in the implementation of the Council of Europe Convention on Action against Human Trafficking.¹⁵⁵ Outcomes from the monitoring and evaluation carried out by the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) in almost 30 European countries were presented. The Secretary General of the Council of Europe stressed that achievements have been made but big challenges remain such as support to vulnerable groups, identification of potential victims, protection of victims and cooperation with international actors and civil society (Federal Ministry of the Interior, 2014b).

¹⁵² European Commission, *Together against Trafficking in Human Beings – Austria*, available at http://ec.europa.eu/anti-trafficking/content/nip/austria_en (accessed on 12 March 2015).

¹⁵³ Federal Ministry for Europe, Integration and Foreign Affairs and Federal Ministry of the Interior (n.d.), *Task Force on Combating Human Trafficking – National Action Plan on Combatting Human Trafficking for the Period 2012–2014*, available at www.bmeia.gv.at/fileadmin/ZZZ_Medien_alt/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/TFM_Aktionsplan_2012-2014_ENGLISCH.pdf (accessed on 12 March 2015).

¹⁵⁴ See footnote nr. 152.

¹⁵⁵ Council of Europe Convention on Action against Trafficking in Human Beings and its Explanatory Report, 16 May 2005, Council of Europe Treaty Series No. 197; OSCE, *Not for Sale – Joining Forces Against Trafficking in Human Beings*, available at www.osce.org/event/notforsale (accessed on 12 March 2015).

Furthermore, as in previous years, for the seventh time the Task Force on Combating Human Trafficking organized a public event on the occasion of the EU Anti-Trafficking Day in October. This year the event, titled “Joining Forces Against Human Trafficking”, focussed on the 10th anniversary of the Task Force on Combating Human Trafficking, looking at its goals, achievements and challenges faced. Other topics included prostitution, labour exploitation and trafficked men.¹⁵⁶

6.1.2 Identification of Potential Victims

In connection with the new competencies of the Federal Office for Immigration and Asylum for issuing residence permits for trafficked persons, officials from the Federal Office for Immigration and Asylum participated in training sessions organized by IOM on the identification of trafficked persons in the asylum procedure. These trainings were held together with Austrian experts in the field of anti-trafficking and asylum in the context of the project “Identifying potential victims of human trafficking in the Austrian asylum procedure – IBEMA.”¹⁵⁷

Furthermore, the working group “labour exploitation” within the Task Force on Combating Human Trafficking developed a list of indicators for identifying trafficked persons for the purpose of labour exploitation in 2014. The list is intended to enable regulatory authorities, such as the Labour Inspectorate or the Financial Police, to identify labour exploitation during their daily inspections and was created in line with their operating principles.¹⁵⁸ In this context, the Federal Ministry of Labour, Social Affairs and Consumer Protection is preparing an update to the existing internal decree for labour inspectors on human trafficking.¹⁵⁹

6.1.3 Provision of Information and Support to Victims

The Federal Ministry of Labour, Social Affairs and Consumer Protection, together with the Men’s Health Centre (abbreviation: MEN), initiated and finances the contact point MEN VIA¹⁶⁰ for trafficked men as a pilot project. The contact point, which was opened in late 2013, offers counselling and care in the first language of the assisted men, when possible. Aspects of psychosocial and psychological health and life coaching are addressed and support is offered with regard to medical care.¹⁶¹ At the moment there are no shelters for trafficked men in Austria.

6.2 International Cooperation

Austria cooperates with third countries as well as Interpol and Europol and is engaged in several bilateral and multilateral projects and initiatives.¹⁶² This includes police action to identify trafficked

¹⁵⁶ Task Force on Combating Human Trafficking, *Joining Forces against Human Trafficking – Invitation and Programme*, 10 October 2014, available at http://bim.lbg.ac.at/sites/files/bim/attachments/einladung_anti-menschenhandelstag_2014.pdf (accessed on 12 March 2015).

¹⁵⁷ Federal Office for Immigration and Asylum, *Erkennen von Opfern von Menschenhandel*, News, 23 June 2014, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=354D554C383076436165453D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0 (accessed on 8 December 2014).

¹⁵⁸ Federal Ministry of Labour, Social Affairs and Consumer Protection, December 2014.

¹⁵⁹ European Commission, *Together against Trafficking in Human Beings – Austria*, available at http://ec.europa.eu/anti-trafficking/content/nip/austria_en (accessed on 12 March 2015).

¹⁶⁰ MEN – Men’s Health Center, *Unterstützung für Männer, die von Menschenhandel betroffen sind*, available at www.men-center.at/typo2013/typo3/projekte/via.html (accessed on 8 December 2014).

¹⁶¹ Federal Ministry of Labour, Social Affairs and Consumer Protection, December 2014.

¹⁶² See footnote nr. 159.

persons. In 2014, for example, the Austrian federal and provincial Criminal Intelligence Services carried out inspections in brothels together with Romanian police authorities and Europol.¹⁶³

In 2014 Austria continued its participation in the EU-funded project “CONFRONT – Countering new forms of Roma children trafficking: participatory approach”. The project was initiated in 2013 as a reaction to the stereotypical linking of child trafficking to the Roma community and in order to fighting child trafficking and ensure child protection. It is headed by the Ludwig Boltzmann Institute of Human Rights (BIM) in cooperation with ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) Austria and is supported by the Federal Ministry for Europe, Integration and Foreign Affairs. The project is implemented in Austria, Bulgaria, Greece, Hungary, Italy and Romania and will end in June 2015.¹⁶⁴

¹⁶³ Federal Criminal Intelligence Services, *Kampf gegen den Menschenhandel in Kärnten*, Press Release, 5 September 2014, available at www.bmi.gv.at/cms/BK/presse/files/Menschenhandel_050914.pdf (accessed on 18 March 2015).

¹⁶⁴ BIM, *CONFRONT – Countering new forms of Roma children trafficking: participatory approach*, available at <http://bim.lbg.ac.at/en/confront-countering-new-forms-roma-children-trafficking-participatory-approach> (accessed on 18 March 2015).

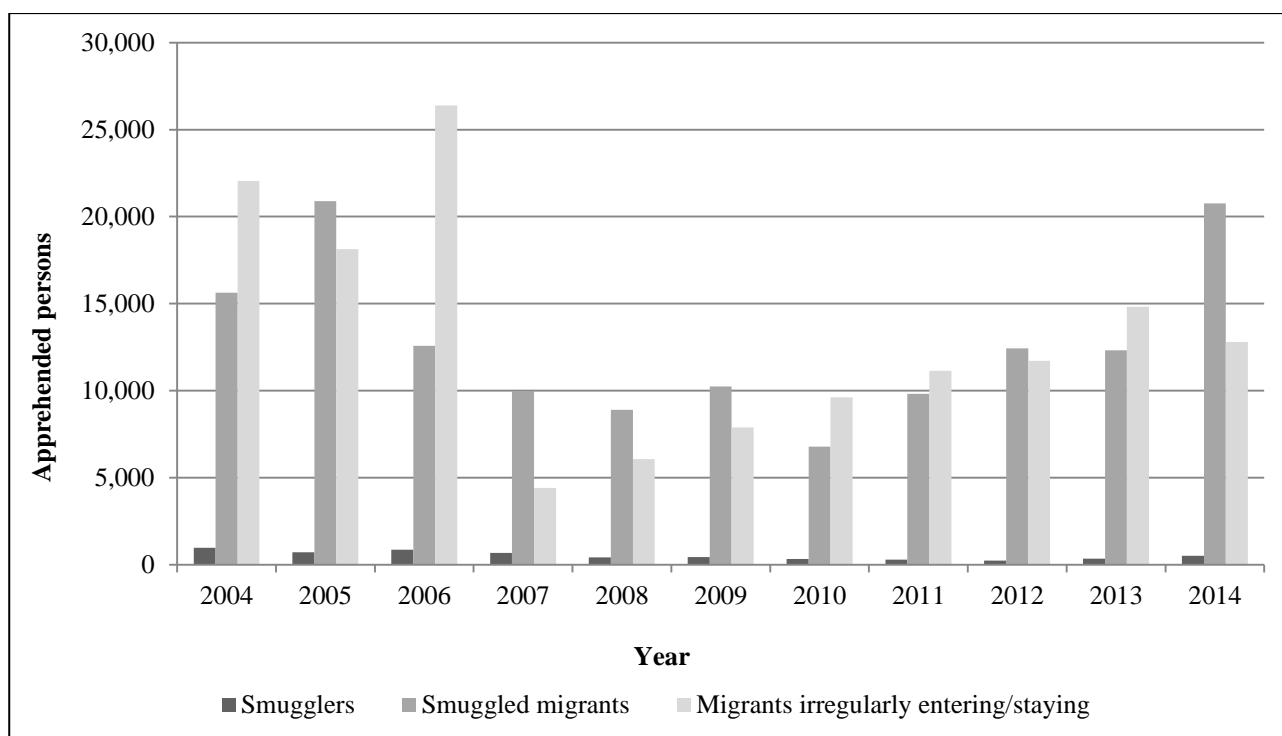
7. IRREGULAR MIGRATION INCLUDING SMUGGLING

7.1 Developments at National Level

The Austrian media regularly reported on irregular migration to Austria. Articles picked up cases of arrested smugglers in different provinces, stating their nationality and routes, as well as the nationality of apprehended smuggled migrants.¹⁶⁵ Official statistics were presented by the Federal Criminal Intelligence Service in its annual report on migrant smuggling. The report includes information on smugglers, smuggled migrants and irregular migrants, as well as smuggling routes. The annual report is mainly based on data from the Federal Criminal Intelligence Service's smuggling database, on information retrieved from official acts carried out by the Federal Criminal Intelligence Service and other authorities and on the analysis of various sources (Federal Criminal Intelligence Service, 2015:8).

In 2014, 511 smugglers were apprehended; this is an increase of 45 per cent compared to 2013 (352). The majority of smugglers had the Hungarian nationality. Hungary was also the country from which the second most border crossings were registered (34.4%), right after Italy (51.6%). The number of apprehended smuggled persons increased considerably from 12,323 in 2013 to 20,768 in 2014 (+69%). They mainly had the Syrian and Afghan nationality. Interesting to note is that, while the number of apprehended smuggled Syrians increased between 2013 and 2014 (+234%) – caused by the ongoing conflict in the Syrian Arab Republic – the number of Afghans decreased (-149%). With regards to the number of persons who irregularly entered Austria, or were staying irregularly in the country, there was a decrease of 14 per cent (2013: 14,811; 2014: 12,791). They were mainly Syrian and Eritrean nationals (Federal Criminal Intelligence Service, 2015:10–11).

Figure 8: Number of apprehended smugglers, smuggled migrants and irregular migrants, 2004–2014



Source: Federal Criminal Intelligence Service.

¹⁶⁵ Kurier, *Schlepper hatten Flüchtlinge im Auto*, 20 March 2014, p. 18.

In 2014 the media reported exhaustively and emotionally about one particular case of migrant smuggling. It concerned a claim brought against eight individuals from India, Pakistan and Afghanistan. Allegedly the individuals engaged in the commercial facilitation of the smuggling of fellow nationals in the context of a criminal organization (§114 Alien Police Act). The trial, which took place from March until December 2014, which was accompanied by protests and procedural flaws,¹⁶⁶ resulted in seven convictions and one verdict of not guilty. The defending lawyers rejected the allegations concerning a criminal organization and spoke of friendly turns within a community of fate, depending on reciprocal support, that were provided by the accused.¹⁶⁷

In reaction to the judgments, Caritas and criminal law scholar Helmut Fuchs launched a critique regarding the legal regime governing migrant smuggling. As did *SOS Mitmensch* which, further, demanded a decriminalization of the facilitation of escapes.¹⁶⁸ The Austrian Student's Union called for an abolishment of the article governing migrants smuggling (Art. 114 Alien Police Act). Respectively, the Austrian Green Party urged for an amendment of the law, so as to allow a distinction between facilitating an escape and smuggling with an exploiting nature.¹⁶⁹

7.2 International Cooperation

In the area of counteracting migrant smuggling, in 2014 Austria cooperated with Italy and Hungary, the two countries from which the most border crossings were registered, and with Germany to which smuggling routes crossing Austria continue.

A meeting between Austria, Hungary and Serbia took place in October 2014 where it was agreed upon that Serbia will – in the future – directly participate in the FIMATHU (Facilitated Illegal Migration affecting Austria and Hungary) project and receive technical assistance from Austria. This was deemed necessary because smuggling routes run via Serbia and Hungary towards Austria.¹⁷⁰

The cooperation and information exchange with Italy and Germany was fostered through regular work meetings in 2014. In October, for instance, a working meeting with Germany took place, in

¹⁶⁶ Der Standard, *Richterin stoppt Schlepperprozess gegen Flüchtlinge*, 27 March 2014, p. 9; News.at, *Das lästige Volk ruhigstellen*, 3 April 2014, available at www.news.at/a/hypo-desaster-tessa-prager-news-kommentar (accessed on 30 March 2015); Österreich, *Tumulte bei Schlepper-Prozess*, 18 March 2014, available at www.oe24.at/oesterreich/politik/Tumulte-bei-Schlepper-Prozess/136364616 (accessed on 30 March 2015); Wiener Zeitung, *„Suppe nicht nur dünn, besteht aus klarem Wasser“*, 4 December 2014, available at www.wienerzeitung.at/themen_channel/integration/politik_und_recht/720773_Suppe-nicht-nur-duenn-besteht-aus-klarem-Wasser.html (accessed on 30 March 2015).

¹⁶⁷ Salzburger Nachrichten, *Schleppereiprozess: Sieben Schuldsprüche in Wiener Neustadt*, 5 December 2014, available at www.salzburg.com/nachrichten/oesterreich/chronik/sn/artikel/schlepper-prozess-sieben-schuldsprueche-in-wiener-neustadt-130354/ (accessed on 30 March 2015).

¹⁶⁸ Die Presse, *Schlepperprozess: Strafdrohung ist zu hoch*, 5 December 2014, available at http://diepresse.com/home/panorama/wien/4613223/Schlepperprozess_Strafdrohung-ist-zu-hoch?_vl_backlink=/home/panorama/index.do (accessed on 30 March 2015).

¹⁶⁹ Salzburger Nachrichten, *Schleppereiprozess: Sieben Schuldsprüche in Wiener Neustadt*, 5 December 2014, available at www.salzburg.com/nachrichten/oesterreich/chronik/sn/artikel/schlepper-prozess-sieben-schuldsprueche-in-wiener-neustadt-130354/ (accessed on 30 March 2015); Der Standard, *Nach Schlepper-Urteil: Wünsche das Gesetz zu ändern*, 5 December 2014, available at <http://derstandard.at/2000009071962/Nach-Schlepper-Urteilen-Wuensche-das-Gesetz-zu-aendern> (accessed on 30 March 2015).

¹⁷⁰ Federal Ministry of the Interior, *Mikl-Leitner: Schlepper unterwandern unsere Aufenthalts- und Einwanderungsgesetze*, News, 20 October 2014, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=6A4C6A412B4F664C5A58673D&page=3&view=1 (accessed on 18 March 2015).

which both parties agreed to further intensify their cooperation to combat migrant smuggling.¹⁷¹ In November a working meeting with Italy was held where, among other topics, transfer modalities in the context of readmissions were discussed. Both countries agreed that a fast and non-bureaucratic handling of cases is an important measure in combating smuggling activities.¹⁷² Furthermore, on 10 July 2014, Austria and Italy signed a police cooperation agreement that allows joint patrols in the border area (Federal Ministry of the Interior, 2014d). Hence, joint patrols of Austrian, German and Italian police officers have been controlling trains on the route between Trient and the Brenner since 10 November 2014. During these joint patrols, the Austrian and German police officers do not have any executive powers on the Italian territory. Instead, they provide advice, support and information.¹⁷³ The media reported frequently on refugees that were apprehended by the Austrian police while crossing the Brenner from Italy into Austria.¹⁷⁴ In line with the Dublin III Regulation, they are returned to Italy, which is competent for the assessment of their asylum applications.¹⁷⁵

¹⁷¹ Federal Ministry of the Interior, *Schlepperkriminalität gemeinsam bekämpfen*, News, 24 October 2014, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=536363313075574C35306B3D&page=0&view=1 (accessed on 20 March 2015).

¹⁷² Federal Ministry of the Interior, *Zusammenarbeit zwischen Italien und Österreich*, News, 26 November 2014, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=31526244576B30614774513D&page=24&view=1 (accessed on 20 March 2015).

¹⁷³ Federal Ministry of the Interior, *Zugstreifen von Trient bis zum Brenner*, News, 14 November 2014, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=576731684E625179544E633D&page=28&view=1 (accessed on 20 March 2015).

¹⁷⁴ Kurier, *Flüchtlingsstrom am Brenner*, 2 May 2014, available at <http://kurier.at/chronik/oesterreich/fluechtlingsstrom-am-brenner/63.573.718> (accessed on 27 March 2015).

¹⁷⁵ Die Presse, *Brenner: 5000 Flüchtlinge zurückgewiesen*, 4 January 2015, available at http://diepresse.com/home/politik/innenpolitik/4631164/Brenner_5000-Fluechtlinge-zurueckgewiesen (accessed on 27 March 2015).

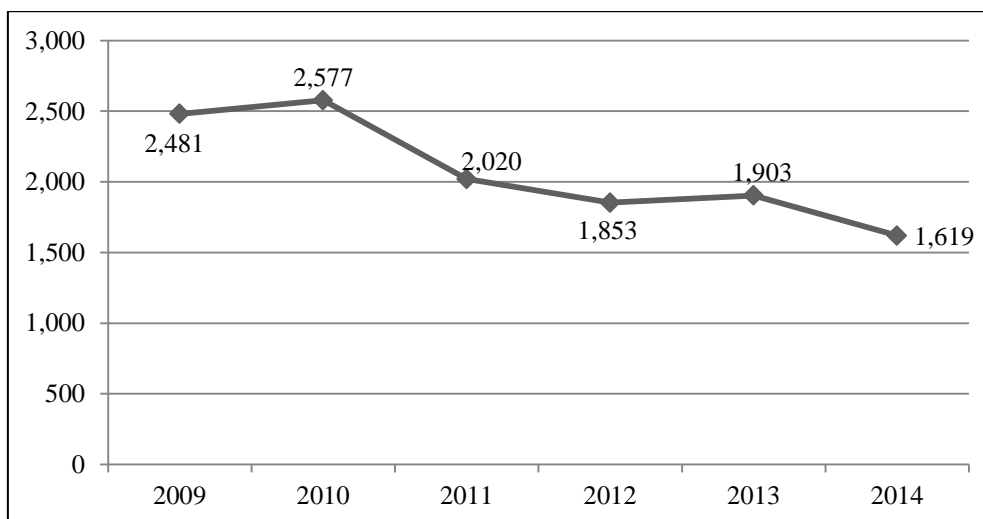
8. RETURN

8.1 Forced Return

8.1.1 Implementation of Forced Returns

In 2014, Austria carried out 1,619 forced returns (including third-country nationals and EU citizens) – 284 fewer forced returns than in the previous year. Overall, between 2009 and 2014, the number of forced returns in Austria decreased by 35 per cent from 2,481 in 2009 to 1,619 in 2014.

Figure 9: Total number of forced returns from Austria (2009–2014)



Source: Federal Ministry of the Interior, Aliens Police and Visa Statistics (2012, 2013), Aliens Statistics (2009, 2010); Federal Office for Immigration and Asylum, Annual Balance 2014; Reply to parliamentary request from 5 February 2014.

In the framework of its forced return implementation, Austria hosted five Frontex Joint Return Operations in 2014. Three of the Joint Return Operations departed towards Kosovo/UNSC 1244 in February, April and November. In total 166 persons were returned to Kosovo/UNSC 1244 including 52 from Austria. Participating Member States included: Finland, France, Germany, Hungary Slovakia and Sweden. One Joint Return Operation departed towards Nigeria in June 2014. In total, 26 persons were returned to Nigeria including three from Austria. Participating Member States included: Denmark, Finland, France, Germany, Greece, Malta, Norway, Slovakia and Switzerland. Another Joint Return Operation departed towards Albania and Georgia in December 2014. In total, 43 persons were returned to Albania (including two from Austria) and 32 persons to Georgia (including four from Austria). Participating Member States included: Finland, France, Germany, Lithuania and Spain.¹⁷⁶

With regard to the protection from forced return, the Austrian Constitutional Court stated, in its decision on 26 February 2014 (G59/2013), that Art. 12a para 1 Asylum Act was unconstitutional. The article principally excluded a factual removal protection in cases of follow-up applications for international protection, thereby not distinguishing between inadmissible follow-up applications and those who might have a chance of success because of change of circumstances. The Court explained

¹⁷⁶ Frontex, *Archive of Operations*, available at <http://frontex.europa.eu/operations/archive-of-operations/?year=&type=&host> (accessed on 24 March 2015).

that this would make any reconsideration in favour of the asylum-seeker impossible (Schöpfer, 2014).

8.1.2 Measures Terminating Residence

The restructuring of the asylum and aliens authorities in Austria (for further details see 2.1) brought about some substantive legal changes in the field of measures terminating residence, which are consistent with the most recent high court decisions. Inter alia, a distinction is now made between (i) return decisions for (non-privileged) third-country nationals, (ii) expulsions of privileged third-country nationals and EU residents, and (iii) orders of removal (within the framework of the Dublin Procedure).

Furthermore, return decisions and entry bans for (non-privileged) third-country nationals are, since the amendments to the Aliens police Act in the framework of the Act Amending the Aliens Authorities Restructuring Act¹⁷⁷ that entered into force on 1 January 2014, no longer automatically linked. The amended version of Art. 53 para 1 Aliens Police Act foresees the opportunity to combine a return decision with an entry ban but does not prescribe an automatic combination of both. This was the case before 2014 and was criticized by several actors which led to an examination on conformity with the Austrian constitution and EU law and a decision of the Administrative High Court¹⁷⁸ on that matter (Rutz, 2014:16–17).

8.1.3 Detention Pending Removal

In January 2014, a new centre for detention pending removal was opened in Vordernberg (Styria). Due to its modern and humane character, this detention centre is considered an exemplary model for other detention centres in Austria.¹⁷⁹ The detention centre was constructed as a specialized centre in compliance with international expertise and recommendations,¹⁸⁰ especially from the Austrian Human Rights Advisory Board¹⁸¹ and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment¹⁸² (for further details see AT EMN NCP, 2014:31ff). However, the detention centre Vordernberg sparked discussions with regard to its administration. The Federal Ministry of the Interior signed a contract with the municipality of Vordernberg regarding the assignment of services in the new detention centre who – in turn – contracted a private sector service provider to run the centre, consequently, several stakeholders raised concerns with regard to the outsourcing of public tasks to the private sector. According to Groschedl the enforcement of the daily structure within the detention centre falls under the competence of the service provider, as well as the care and surveillance of the detainees. This might lead to situations where the use of force on behalf of the service provider becomes necessary (Groschedl, 2014:78–79).

¹⁷⁷ FLG I No. 68/2013.

¹⁷⁸ Austrian Administrative High Court, 15 May 2012, 2012/18/0029.

¹⁷⁹ Federal Ministry of the Interior, *Anhaltezentrum Vordernberg eröffnet*, News, 15 January 2014, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=576D6E6649496B6E4E36673D&page=60&view=1 (accessed on 8 December 2014).

¹⁸⁰ Federal Ministry of the Interior, *Anfragebeantwortung 633/AB*, 10 April 2014, p. 2–3, available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_00633/imfname_346107.pdf (accessed on 27 May 2014).

¹⁸¹ The responsibility of the independent Human Rights Advisory Board consists on the one hand in providing advice to the Federal Minister of the Interior regarding the protection of human rights and on the other hand in monitoring and reviewing the executive in this field. By 30 June 2012, the Human Rights Advisory Board ceased its activities (Federal Ministry of the Interior, *Menschenrechtsbeirat im BMI (Juni 1999 – Juni 2012)*, available at www.bmi.gv.at/cms/BMI_MRB/mrb/aufgaben/start.aspx, accessed on 26 January 2015).

¹⁸² Council of Europe, *Europäisches Komitee zur Verhütung von Folter und unmenschlicher oder erniedrigender Behandlung oder Strafe*, available at www.cpt.coe.int/german.htm (accessed on 8 December 2014).

In response, the Austrian Ombudsman Board initiated an investigation to verify whether the outsourcing of these tasks is in line with the Austrian Constitution.¹⁸³ In its preliminary report the Austrian Ombudsman Board concludes that the running of detention centres is part of the national core tasks and that competencies in the area of violence and conflict prevention fall under national jurisdiction and have to be effected by the police. However, private service contractors are allowed to provide support services such as food provision, technical maintenance and snow clearance. According to the Austrian Ombudsman Board, the line has to be drawn to indicate where it becomes an infringement of the fundamental rights of the detainees. Hence, the determination and implementation of a daily structure for the detainees and the appointment of employees of a security firm for the protection of staff and detainees against “assaults” must be conducted by the police authorities themselves. Moreover, the Austrian Ombudsman Board regards the lack of legislation for the legal protection of detainees against physical assaults by private security personnel as problematic.¹⁸⁴

The issues regarding the detention centre Vordernberg, as outlined above, were also discussed in the Austrian media. Additionally, at the beginning of the year, the media reported on the challenges of making the centre operational. These were caused – so it was speculated – by missing permissions, delayed delivery of medical equipment, but also technical difficulties at the Federal Office for Immigration and Asylum (see 2.1.1).¹⁸⁵ Whilst the detention centre was planned for 200 detainees, by May 2014 not more than 15 persons were detained.¹⁸⁶ The average number of detainees over the year 2014 was way below the capacity. Depending on the calculations, it lay between 21 and 40 detainees.¹⁸⁷

8.1.4 International Cooperation

In order to support the implementation of EU readmission agreements, Austria has concluded respective implementing protocols with third countries. On 1 January 2014 the protocol between the Austrian federal government and the government of Georgia to implement the Agreement between the EU and Georgia on the readmission of persons with unauthorized residence¹⁸⁸ entered into force. The protocol regulates, for example, transfer modalities, costs and information exchange. On 11 November 2014 the implementing protocol between the Austrian federal government and the cabinet of ministers of the Ukraine to implement the agreement between the EU and the Ukraine on the readmission of persons¹⁸⁹ entered into force. It regulates the competent authorities, the border crossing points, readmission applications, transfer modalities, costs, etc. in particular.

Austria furthermore continued to participate in the project “European Integrated Return Management” (EURINT)¹⁹⁰ in 2014. The EURINT network is a partnership between 21 migration

¹⁸³ Austrian Ombudsman Board, *Prüfungsverfahren zum Schubhaftzentrum Vordernberg*, News, 9 January 2014, available at <http://volksanwaltschaft.gv.at/artikel/pruefungsverfahren-zum-schubhaftzentrum-vordernberg> (accessed on 24 March 2015).

¹⁸⁴ Austrian Ombudsman Board, *Zwischenergebnis zur Vordernberg-Prüfung*, News, 12 March 2014, available at <http://volksanwaltschaft.gv.at/artikel/zwischenergebnis-zur-vordernberg-pruefung> (accessed on 24 March 2015).

¹⁸⁵ Der Standard, *Schubhaft Vordernberg weiter „ohne Belegung“*, 24 February 2014, p. 9; Kronen Zeitung, *Grünes Licht für Anhaltezentrum*, 26 February 2014, p.24.

¹⁸⁶ Kleine Zeitung, *Acht Insassen, 28 Polizisten*, 26 May 2014, p. 44.

¹⁸⁷ Kleine Zeitung, *Anhaltezentrum: FP kritisiert Kosten*, 13 January 2015, available at www.kleinezeitung.at/s/steiermark/leoben/peak_leoben/4636643/POLITIK_Anhaltezentrum_FP-kritisiert-Kosten (accessed on 10 April 2015).

¹⁸⁸ FLG III No. 318/2013.

¹⁸⁹ FLG III No. 9/2015.

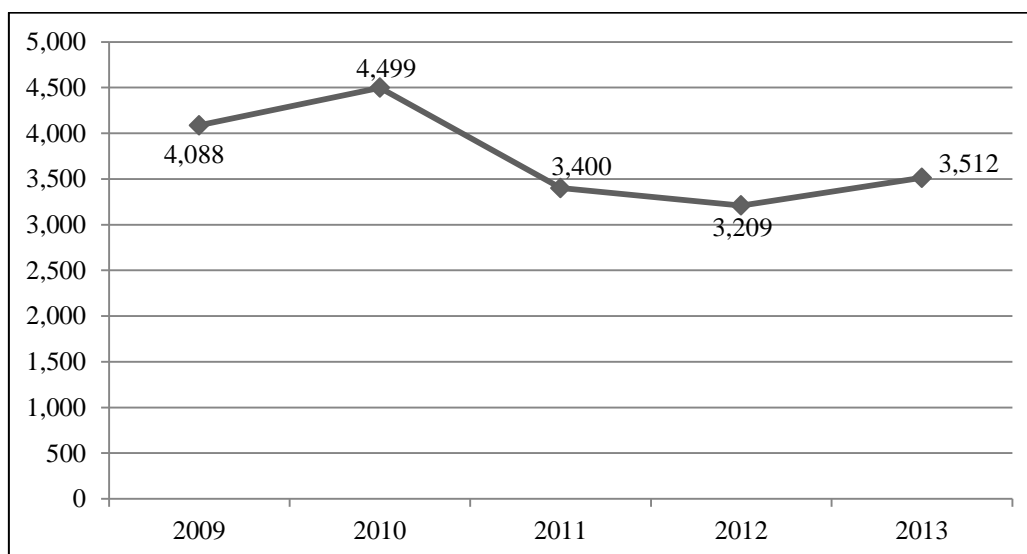
¹⁹⁰ Eurint network, www.eurint-network.eu/ (accessed on 8 December 2014).

and return organizations and the EU Agency Frontex. It seeks to increase cooperation with third countries in the field of return. In October 2014, Austria, through its Federal Office for Immigration and Asylum, chaired a workshop on Nigeria as country of return. During the workshop, 10 experts from Denmark, France, Norway, Hungary and Sweden exchanged their experiences and challenges faced with regard to return certificates and cooperation on return. Best practices were presented and there were discussions regarding how to reach synergies in order to ensure a smooth forced return.¹⁹¹

8.2 Voluntary Return

The number of voluntary returns¹⁹² from Austria decreased – overall – by 14 per cent from 4,088 in 2009 to 3,512 in 2013. Within that period, however, the number fluctuated with a peak in 2010 (4,499 voluntary returns) and a trough in 2012 (3,209 voluntary returns). The statistics for 2014 have not yet been published.

Figure 10: Total number of voluntary returns¹⁹³ from Austria (2009–2013)



Source: Federal Ministry of the Interior, Aliens Police and Visa Statistics (2012, 2013), Aliens Statistics (2009, 2010); Reply to parliamentary request from 5 February 2014.

Also in 2014 Austria treated voluntary return as a preferred alternative to forced returns and thus supported implementing partners' measures and projects in this regard. The IOM Country Office for Austria assisted 2,299 voluntary returnees through the General Humanitarian Return Programme in 2014, the largest assisted voluntary return programme in Austria. The majority of these returnees were funded by the Federal Ministry of the Interior (IOM CO Austria, 2015).

Alongside Caritas Austria, LEFÖ-IBF,¹⁹⁴ *Verein Menschenleben, Verein Menschenrechte Österreich*, the provincial government of Carinthia, the Federal Ministry of Justice and ORS

¹⁹¹ Federal Office for Immigration and Asylum, *EURINT-Workshop unter der Leitung des BFA*. News, 24 October 2014, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=617459364E6959356E33453D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0 (accessed on 24 March 2015).

¹⁹² The term “voluntary returns” includes both “voluntary return” and “voluntary departure” according to the European Migration Network’s *Asylum and Migration Glossary 3.0* (EMN, 2014a).

¹⁹³ Ibid.

¹⁹⁴ Counselling, Education and Support for Migrant Women-Intervention Centre for Trafficked Women (LEFÖ-IBF); LEFÖ, *IBF – Interventionsstelle für Betroffene von Frauenhandel*, available at www.lefoe.at/index.php/ibf.html (accessed on 24 March 2015).

Service GmbH also provided assistance to voluntary returnees in 2014, mainly in the form of return counselling. The latter fully financed by national funds while the other projects were co-financed by the European Return Fund (EMN, 2014b:15–16). Next to assisted voluntary return, the following reintegration projects were implemented in 2014 (EMN, 2014b:17–18):

- Assistance for Voluntary Returnees returning from the Austrian province of Vorarlberg
 - Implemented by: Caritas Vorarlberg
 - Funding: Province of Vorarlberg and the Federal Ministry of the Interior
- Assisted Voluntary Return and Reintegration for Nigerian Nationals in Austria
 - Implemented by: IOM Country Office for Austria
 - Funding: Federal Ministry of the Interior and the European Return Fund
- Assisted Voluntary Return and Reintegration of Returnees in Afghanistan
 - Implemented by: IOM Country Office for Austria
 - Funding: Federal Ministry of the Interior and the European Return Fund
- Assisted Voluntary Return and Reintegration of Returnees in Pakistan
 - Implemented by: IOM Country Office for Austria
 - Funding: Federal Ministry of the Interior and the European Return Fund
- Assisted Voluntary Return and Reintegration of Returnees to the Russian Federation/the Chechen Republic
 - Implemented by: IOM Country Office for Austria
 - Funding: Federal Ministry of the Interior and the European Return Fund
- Coordinated Approach for the Reintegration of Victims of Trafficking (CARE) from Austria, France, Portugal, Spain and the United Kingdom¹⁹⁵
 - Implemented by: IOM Country Office for Austria in cooperation with the IOM Country Offices for France, Portugal, Spain and the United Kingdom
 - Funding: European Return Fund and the Federal Ministry of the Interior (for Austria)
- Reintegration in Kosovo – Cooperation with Microcredit Institutions and the Economy (ReKoKO IV)
 - Implemented by: International Centre for Migration Policy Development (ICMPD)
 - Funding: Federal Ministry of the Interior and the European Return Fund
- Sustainable Return for Vulnerable or Disadvantaged people (SURE) from Austria, Belgium, Greece, the Netherlands and the United Kingdom to Mongolia, Iraq and Pakistan¹⁹⁶
 - Implemented by: Caritas Austria in the framework of the European Reintegration Support Organisations Network (ERSO)
 - Funding: European Return Fund

¹⁹⁵ IOM Country Office for Austria, *CARE: Coordinated Approach for the Reintegration of Victims of Trafficking*, available at www.iomvienna.at/en/care-coordinated-approach-reintegration-victims-trafficking-0 (accessed on 7 April 2015).

¹⁹⁶ ERSO, *SURE: Sustainable Return for Vulnerable or Disadvantaged people*, available at www2.erso-project.eu/projects/ongoing-projects/erso-sure/ (accessed on 7 April 2015).

ANNEX

A.1 Translations and Abbreviations

English term	English Abbreviation	German term
Act Amending the Aliens Authorities Restructuring Act	–	FNG-Anpassungsgesetz
Act Establishing the Federal Office for Immigration and Asylum	–	BFA-Einrichtungsgesetz
Act Governing the Employment of Foreign Nationals	–	Ausländerbeschäftigungsgesetz
Administrative Court Procedures Act	–	Verwaltungsgerichtsverfahrensgesetz
Administrative High Court	–	Verwaltungsgerichtshof
Aliens Authorities Restructuring Act	–	Fremdenbehördenneustrukturierungsgesetz
Aliens Police Act	–	Fremdenpolizeigesetz
Asylum Act 2005	–	Asylgesetz 2005
Austrian Freedom Party	FPÖ	Freiheitliche Partei Österreich
Austrian Green Party	–	Die Grünen
Austrian Institute of Economic Research	–	Österreichisches Institut für Wirtschaftsforschung
Austrian Ombudsman Board	AOB	Volksanwaltschaft
Austrian People's Party	ÖVP	Österreichische Volkspartei
Austrian Student's Union	–	Österreichische HochschülerInnenschaft
Bartenstein Decree	–	Bartensteinerlass
Basic Welfare Support Agreement	–	Grundversorgungsvereinbarung
Commission for Migration and Integration Research	–	Kommission für Migrations- und Integrationsforschung
Constitutional Court	–	Verfassungsgerichtshof
Contact point for union support for undocumented workers	UNDOK	Anlaufstelle zur gewerkschaftlichen Unterstützung undokumentiert Arbeitender
Counselling, Education and Support for Migrant Women-Intervention Centre for Trafficked Women	LEFÖ-IBF	Beratung, Bildung und Begleitung für Migrantinnen-Interventionsstelle für Betroffene von Frauenhandel
Countries of Origin Ordinance	–	Herkunftsstaaten-Verordnung
End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes	ECPAT	Arbeitsgemeinschaft zum Schutz der Kinder vor sexueller Ausbeutung
Entry ban	–	Einreiseverbot
European Asylum Support Office	EASO	Europäisches Unterstützungsbüro für Asylfragen
European Commission	EC	Europäische Kommission
European Migration Network	EMN	Europäisches Migrationsnetzwerk
European Reintegration Support Organisations Network	ERSO	–
European Union	EU	Europäische Union

Expulsion	–	Ausweisung
Federal Administrative Court	–	Bundesverwaltungsgericht
Federal Basic Welfare Support Act	–	Grundversorgungsgesetz – Bund
Federal Criminal Intelligence Service	–	Bundeskriminalamt
Federal Government Basic Welfare Support Act	–	Grundversorgungsgesetz Bund
Federal Law Gazette	FLG	Bundesgesetzblatt
Federal Ministry for Europe, Integration and Foreign Affairs	–	Bundesministerium für Europa, Integration und Äußeres
Federal Ministry for Families and Youth	–	Bundesministerium für Familien und Jugend
Federal Ministry of Justice	–	Bundesministerium für Justiz
Federal Ministry of Labour, Social Affairs and Consumer Protection	–	Bundesministerium für Arbeit, Soziales und Konsumentenschutz
Federal Ministry of the Interior	–	Bundesministerium für Inneres
Federal Office for Immigration and Asylum	Federal Office	Bundesamt für Fremdenwesen und Asyl
Federal Office for Immigration and Asylum Procedures Act	–	BFA-Verfahrensgesetz
Federation of Austrian Industries	–	Industriellenvereinigung
Humanitäres Aufnahmeprogramm	HAP	Humanitarian Admission Programme
Initial Reception Centre	-	Erstaufnahmestelle
Institute for Advanced Studies	–	Institut für Höhere Studien
Integrated Alien Application	–	Integrierte Fremdenadministration
International Centre for Migration Policy Development	ICMPD	–
International Organization for Migration	IOM	Internationale Organisation für Migration
Labour Market Service Austria	–	Arbeitsmarktservice Österreich
Ludwig Boltzmann Institute of Human Rights	BIM	Ludwig Boltzmann Institut für Menschenrechte
National Contact Point	NCP	Nationaler Kontaktpunkt
NEOS – The New Austria	NEOS	NEOS – Das Neue Österreich
Non-Governmental Organization	NGO	Nichtregierungsorganisation
Order of removal	–	Anordnung zur Außerlandesbringung
Organization for Economic Co-operation and Development	OECD	Organisation für wirtschaftliche Zusammenarbeit und Entwicklung
Organization for Security and Co-operation in Europe	OSCE	Organisation für Sicherheit und Zusammenarbeit in Europa
Province	–	Bundesland
Red-White-Red Card	–	Rot-Weiss-Rot – Karte
Regulation Implementing the Act		BFA-G – Durchführungsverordnung

Establishing the Federal Office for Immigration and Asylum		
Removal	–	Abschiebung
Residence titles for exceptional circumstances	–	Aufenthaltstitel aus berücksichtigungswürdigen Gründen
Return decision	–	Rückkehrentscheidung
Settlement and Residence Act	–	Niederlassungs- und Aufenthaltsgesetz
Social Democratic Party of Austria	SPÖ	Sozialdemokratische Partei Österreichs
Statistics Austria	–	Statistik Austria
Team Stronach for Austria	–	Team Stronach für Österreich
Tolerated stay	–	Duldung
Unaccompanied Minor	UAM	Unbegleitete/r Minderjährige/r
United Nations High Commissioner for Refugees	UNHCR	Hoher Flüchtlingskommissar der Vereinten Nationen
Vienna Institute for International Economic Studies	–	Wiener Instituts für Internationale Wirtschaftsvergleiche
ZARA – Civil Courage and Anti-Racism Work	ZARA	ZARA – Zivilcourage und Anti-Rassismus-Arbeit

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2014b *EMN Return Experts Group Directory: Connecting Return Experts across Europe*, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_reg_directory_final_28102014.pdf (accessed on 24 March 2015).
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