

AUSTRIA

ANNUAL POLICY REPORT

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2012

The EMN was established via Council Decision 2008/381/EC and is financially supported by the European Union. The EMN National Contact Point Austria is co-financed by the Austrian Federal Ministry of the Interior.



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REPUBLIC OF AUSTRIA
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EXECUTIVE SUMMARY

The Annual Policy Report 2012 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 the year 2012 and provides related information on policy and public debates.

Additionally, the Annual Policy Report 2012 offers – in a separate annex – a concise report on the main actions taken and the most significant developments in Austria regarding current European Union (EU) policy priorities for immigration and asylum. The report therewith provides a substantial input to the European Commission’s Annual Report on Immigration and Asylum and the Annual Report on the Situation of Asylum in the EU produced by the European Asylum Support Office (EASO).

A major institutional change in the asylum and migration field was decided upon in 2012, namely the establishment of a new Federal Office for Aliens’ Affairs and Asylum as of 1 January 2014, as well as the introduction of a two-tier system of nine administrative courts.

One of the most important policy developments in 2012 was the entering into force of the regulation for skilled workers in shortage occupations, which is the third and final pillar of the new criteria-based immigration system that was introduced in 2011.

The topic that was most intensively covered by the Austrian press in 2012 concerned the lack and quality of reception facilities in Austria. In light of overcrowding in the Initial Reception Centre Traiskirchen, the failure of most federal provinces to meet their reception quotas, and protests by a group of asylum seekers demanding improved reception conditions, agreements were concluded between the federal government and the federal provinces on providing an increased number of reception places and on increased financial allowances for reception centre operators per number of asylum seekers per day.

Regarding the implementation of EU legislation, a number of rulings of Austrian courts took place in 2012. For example, following a decision by the Court of Justice of the European Union (CJEU), which found that the stricter regulations implemented in the framework of the amendments to the Austrian aliens law in 2011 applying also to Turkish nationals do not comply with the EU Association Agreement with Turkey, the Austrian Administrative High Court ruled in April 2012 that the more favourable conditions of the Aliens Act 1997 must be applied.

1. INTRODUCTION

1.1 Purpose

The Annual Policy Report 2012 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 at the European Union (EU) and national level as well as making this information available to the general public.

This is the ninth Annual Policy Report³ compiled by the National Contact Point (NCP) Austria in the EMN, covering the period from 1 January to 31 December 2012. The purpose of the Annual Policy Report is to provide an overview of the most significant political and legislative developments in Austria as well as of parliamentary and public debates in the area of asylum and migration. A specific focus 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,⁴ which will be produced by ICF-GHK-COWI, the service provider of the European Commission (EC) for the EMN. The EMN Informs will summarise and compare the main developments of selected topics, thereby providing a topic-based overview of policies and legislation in the Member States.

Annex B to the Annual Policy Report 2012 provides input to the European Commission's Annual Report on Immigration and Asylum in 2012.⁵ This is a factual report of the EC on the main actions taken and the most significant developments at the EU and Member State level regarding current EU policy priorities for immigration and asylum. The content of Annex B will feed into the European Asylum Support Office (EASO) to inform its Annual Report on the Situation of Asylum in the EU.⁶

1.2 Methodology and definitions

The Annual Policy Report 2012 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. These specifications were adapted in 2012. More precisely, the format for the national reports became more flexible in order to produce an output that targets a primarily national audience. The format of Annex B, instead, has been adapted to the needs of the factual reporting of the European Commission's Annual Report on Immigration and Asylum and hence asks for concise information on a set of specific topics. Rather than following the specific commitments as set out in the European Pact on Immigration and Asylum⁷ and the Stockholm Programme⁸ as done in previous years, the format of Annex B now reflects on current EU policy priorities for immigration and asylum. The main policy documents guiding this approach include:

¹ More information on the EMN is available at www.emn.europa.eu.

² Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network, available at <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:131:0007:0012:EN:PDF> (accessed on 15 January 2013).

³ Previous versions from 2004 to 2011 are available at <http://www.emn.at/en/publikationen/jahrespoltikberichte> (accessed on 15 January 2013).

⁴ The EMN informs will be available in mid-2013 at www.emn.europa.eu/ in the Annual Policy Reports section.

⁵ The 2011 Annual Report on Immigration and Asylum is available at http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/immigration/pdf/general/com_2012_250_final_1_en_act_part1_v5.pdf#zoom=100 (accessed on 15 January 2013).

⁶ The 2011 Annual Report on the Situation of Asylum in the EU is available at <http://easo.europa.eu/news/easo-publication/> (accessed on 8 February 2013).

⁷ Council of the European Union on the European Pact on Immigration and Asylum, 13440/08, available at <http://register.consilium.europa.eu/pdf/en/08/st13/st13440.en08.pdf> (accessed on 15 January 2013).

⁸ Council of the European Union on the Stockholm Programme – An Open and Secure Europe Serving and Protecting Citizens, 2010/C 115/01, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF> (accessed on 15 January 2013).

(i) the “Global Approach to Migration and Mobility”;⁹ (ii) the “EU Action on Migratory Pressures – A Strategic Response”;¹⁰ (iii) the “EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)”;¹¹ and (iv) the “European Agenda for the Integration of Third-Country Nationals”.¹²

In order to allow concise reporting and to facilitate comparability, the Annual Policy Report 2012 only reflects on significant developments and debates, which have been defined on the basis of the criteria provided for in the specifications. Hence, for the present report, 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. Proposals for amended or new legislation or policy changes were considered to be significant developments.

Based on good experiences with developing previous Annual Policy Reports, the sources of information remained the same. For the national report, these included press releases and magazines from relevant ministries, professional journals, legislative proposals, jurisdiction, parliamentary debates, as well as articles from the most important newspapers in Austria.¹³ In the framework of a continuous media monitoring, press articles dealing with migration and asylum issues were collected throughout the year in order to gain an overview of the most important public debates. Annex B was developed in cooperation with the Federal Ministry of the Interior (FMI) and other relevant ministries that provided information in addition to those retrieved from official sources, such as press releases.

This report was drafted by Saskia Koppenberg with the support of Adel-Naim Reyhani. Mária Temesvári supervised and coordinated the compilation of the report. Special thanks go to Petra Knall and Constanze Millwitsch for their assistance.

⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The Global Approach to Migration and Mobility, COM(2011) 248, available at http://ec.europa.eu/home-affairs/news/intro/docs/1_EN_ACT_part1_v11.pdf (accessed on 15 January 2013).

¹⁰ Council of the European Union on the EU Action on Migratory Pressures - A Strategic Response, 8714/1/12 REV 1, available at <http://register.consilium.europa.eu/pdf/en/12/st08/st08714-re01.en12.pdf> (accessed on 15 January 2013).

¹¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, COM(2012) 286 final, available at http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf (accessed on 15 January 2013).

¹² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - European Agenda for the Integration of Third-Country Nationals, COM(2011) 455, available at http://ec.europa.eu/home-affairs/news/intro/docs/110720/1_EN_ACT_part1_v10.pdf (accessed on 15 January 2013).

¹³ Der Standard, Die Presse, Kleine Zeitung, Kronen Zeitung, Kurier, Österreich, Salzburger Nachrichten and Wiener Zeitung.

2. OVERVIEW OF ASYLUM AND MIGRATION POLICY

2.1 General structure of the asylum and migration system

Asylum and immigration policies generally fall within the area of competence of the FMI. The Federal Ministry for Labour, Social Affairs and Consumer Protection (FMLSC) is responsible for labour market policies, also with respect to non-nationals. The Federal Ministry for European and International Affairs (FMEIA) is in charge of visa issuing procedures and development policies. The State Secretariat for Integration, established within the FMI, is responsible for the coordination of integration measures in Austria.

Austria's federal structure is reflected in its immigration policy: within the framework of the Settlement and Residence Act, the governments of the federal provinces are, for example, involved in setting the annual quotas for specific residence titles to be issued in the respective year in each province. The governors of the federal provinces are responsible as first instance in the proceedings of the Settlement and Residence Act.¹⁴

Asylum issues lie within the competence of the federal government. The Federal Asylum Office under the responsibility of the FMI is the first instance in asylum proceedings.¹⁵ The Asylum Court is an independent court and decides on appeals against decisions of the Federal Asylum Office.¹⁶ As of 1 January 2014, the Federal Asylum Office will be replaced by the Federal Office for Aliens' Affairs and Asylum¹⁷ which will be also responsible for certain aliens police proceedings and the Administrative High Court will become the last instance in asylum and aliens law matters (see also 2.3).¹⁸

The Austrian national legal framework on asylum and migration encompasses the Asylum Act (regulating the procedure following an application for international protection), the Settlement and Residence Act (regulating residence titles and respective procedures), the Aliens Police Act (comprising provisions on entry into Austrian territory, the issuance of documents, and forced return measures) and the Act Governing the Employment of Foreign Nationals (regulating access to the labour market).

For more details on the organisation of asylum and migration policy in Austria, please consult the EMN Study "Organisation of Asylum and Migration Policies in Austria"¹⁹ and the recently updated "Organisation of Asylum and Migration Policies – Factsheet: Austria".²⁰

2.2 Main developments in the field of asylum and migration

A major institutional change in asylum and migration was decided upon in 2012. In order to reduce the institutional complexity of the migration and asylum system, an administrative reform was initiated in 2011 and respective resolutions were adopted in 2012, which will lead to changes in the Austrian institutional system as of 1 January 2014. The new Federal Office for Aliens' Affairs and Asylum will replace 194 offices that are currently responsible for aliens and asylum law issues. The

¹⁴ These (governors) typically delegate their competence to the regional administrative authorities.

¹⁵ Art. 58 Asylum Act.

¹⁶ Art. 61 para 1 Asylum Act.

¹⁷ Act on the Restructuring of the Aliens Authorities, BGBl. I No. 87/2012.

¹⁸ Amendments to the Administrative Jurisdiction, BGBl. I No. 51/2012.

¹⁹ International Organization for Migration, *Organisation of Asylum and Migration Policies in the European Member States - National Report Austria*, Vienna 2009, p.26, available at www.emn.at/images/stories/Organisation_Study_AT.pdf (accessed on 15 January 2013).

²⁰ International Organization for Migration, *Organisation of Asylum and Migration Policies - Factsheet: Austria*, Vienna 2012, available at <http://emn.intrasoft-intl.com/Downloads/prepare>ShowFiles.do?entryTitle=0.%20Institutional%20Charts%20on%20Asylum%20and%20Migration> (accessed on 15 January 2013).

head office will be located in Vienna, with regional departments in each federal province. Once implemented, the office will, *inter alia*, be competent to decide on applications for international protection, as well as on humanitarian residence titles and in aliens police proceedings. Appeals against decisions of the office will be possible through the new administrative courts (see below). The office aims to establish more efficient and less cost-intensive procedures.²¹ Furthermore, a two-tier system of nine administrative courts, one in each federal province, and one administrative and one finance court at the federal level, will replace the roughly 120 administrative bodies and senates currently tasked with this responsibility. The Administrative High Court will remain the supreme authority, and will maintain its competence in asylum matters.²² No other major policy or legislative changes were undertaken in 2012.

The main topics covered by the Austrian press in 2012 were, as in previous years, asylum and irregular migration. As for asylum, a proposed, and by the end of the year adopted increase in financial allowances for asylum seekers was widely discussed. Also, a protest of a group of asylum seekers demanding the improvement of reception conditions that lasted for several weeks was intensively covered by the print media (see also 5.1.1). Regarding irregular migration, the press reported throughout the year about cases of smugglers and traffickers who were arrested in various federal provinces as well as the number and nationality of apprehended migrants (see also 4.1.1 and 6).

²¹ Federal Ministry of the Interior, *Bundesamt für Fremdenwesen und Asyl: Gesetzesentwürfe in Begutachtung*, Press Release, 5 April 2012, available at www.ots.at/presseaussendung/OTS_20120405_OTS0167/bundesamt-fuer-fremdenwesen-und-asyl-gesetzesentwuerfe-in-begutachtung (accessed on 8 April 2013); Act on the Restructuring of the Aliens Authorities, BGBl. I No. 87/2012.

²² Amendments to the Administrative Jurisdiction, BGBl. I No. 51/2012.

3. LEGAL MIGRATION AND MOBILITY

3.1 Economic migration

3.1.1 Immigration of qualified and highly qualified migrants

In 2012, the third pillar of the new criteria-based immigration system entered into force. Already in 2011, new residence permits, the so called ‘Red-White-Red Card’ and ‘Red-White-Red Card plus’, were introduced. They regulate not only immigration to Austria but also access to the labour market for (i) highly qualified migrants, (ii) skilled workers in shortage occupations and (iii) key workers, based on a point-based system. In this regard, highly qualified migrants and key workers were already granted admission in 2011,²³ while the regulation for skilled workers entered into force in June 2012.²⁴ Hence, skilled workers who have completed a vocational training may now be granted access to 26 designated shortage occupations.²⁵

The entering into force of the regulation for skilled workers was communicated in the Austrian press. The regulation was regarded as the final missing piece for introducing the residence permit ‘Red-White-Red Card’.²⁶ The list of 26 designated shortage occupations was decided upon by the Minister of Labour, Social Affairs and Consumer Protection, following negotiations with the social partners.²⁷ The main topic of discussion was, amongst others, the inclusion of nursing professionals.²⁸

The need of the Austrian labour market for qualified and highly qualified workers was mentioned in the Austrian press. The lack of especially skilled workers was highlighted in light of a decreasing workforce. As a response to this trend, the Austrian Public Employment Service (PES), for example, called for targeted immigration and an increased inclusion of women and elder workers into the workforce,²⁹ while a population expert of Statistic Austria highlighted the need to retain Austria’s attractiveness as country of destination for young adults.³⁰

According to the Austrian Federal Economic Chamber, the new ‘Red-White-Red Card’ showed a positive turnout at the beginning of 2012.³¹ The Austrian press indicated around 2,000 applications and 1,500 granted ‘Red-White-Red Cards’. An evaluation of the Austrian Institute of Economic Research, commissioned by the FMI, showed that one year after its introduction, at the end of June 2012, there were 1,233 ‘Red-White-Red Card’ holders. Two thirds of the card holders were men, most of them between the age of 25 and 35, coming mainly from Bosnia and Herzegovina, the Russian Federation and the United States. While most of the cards holders (77 %) were employed key workers, only seven per cent were highly qualified workers. The study came to the conclusion that the introduction of the ‘Red-White-Red Card’ had facilitated residence and access to the labour market for some migrant groups (mainly family members and graduates from Austrian universities),

²³ For further details please see Annual Policy Report 2011.

²⁴ Regulation for skilled workers, BGBl. II No. 207/2012

²⁵ Federal Ministry of Labour, Social Affairs and Consumer Protection, *Mangelberufsliste für 2012 tritt morgen Samstag in Kraft*, Press Release, 15 June 2012, available at

www.bmask.gv.at/site/Presse/Presseausendungen/Mangelberufsliste_fuer_2012_tritt_morgen_Samstag_in_Kraft?rangeFrom=40 (accessed on 4 November 2012); Regulation for skilled workers – BGBl. II No. 207/2012.

²⁶ See, for example, *Wiener Zeitung*, *Erleichterte Zuwanderung für Fachkräfte*, 1 June 2012, p. 11.

²⁷ The system of social partnership in Austria is a highly developed corporate structure of voluntary reconciliation of interests between employers, employees and the state. Within this system, employers and employees are represented by a small circle of major organisations, the so called social partners. For further information, see Chamber of Labour, Chamber of Agriculture, Austrian Trade Union Federation, Austrian Federal Economic Chamber, *The Austrian Social Partnership*, available at www.sozialpartner.at/sozialpartner/Sozialpartnerschaft_mission_en.pdf (accessed on 26 April 2013).

²⁸ *Die Presse*, *Hundstorfer gegen Häupl: Streit um Pfleger*, 11 June 2012, p. 3.

²⁹ See, for example, *Salzburger Nachrichten*, *Bald droht Arbeitskräftemangel*, 21 August 2012, p. 13.

³⁰ *Salzburger Nachrichten*, *Trotz Krise fehlen Österreich bald die Arbeitskräfte*, 21 August 2012, p. 1.

³¹ See, for example, *Die Presse*, *Mit der Rot-Weiß-Rot-Card kommen die Manager*, 13 January 2012, p. 34.

but that there was no increase in the immigration of highly qualified third-country nationals as intended.³²

3.1.2 Skills recognition

In April 2012, the National Assembly adopted a decision to ease skills recognition of university graduates from third countries. The decision was based on a five-point programme elaborated by the Minister of Science and Research in cooperation with the State Secretary for Integration.³³ The decision facilitates the validation (regarding non-regulated professions) and nostrification (regarding regulated professions) of third-country graduates' degrees through increased information provision, improved services and shorter procedures. In the framework of the five-point programme, the following steps have been taken:

- the Austrian European Network of Information Centres - National Academic Recognition Information Centre (ENIC-NARIC),³⁴ operating within the Federal Ministry of Science and Research (FMSR), was established as information and submission office;
- a dedicated website³⁵ was set up;
- the maximum waiting period for nostrification was shortened from six to three months; and
- a service – free of charge and non-bureaucratic – was launched for the validation of degrees in non-regulated professions.³⁶

Subsequently, a recognition network was founded in December 2012, combining all concerned ministries and institutions. The aim of the network is to combine existing know-how and to develop measures for facilitated and faster skills recognition.³⁷

The press reported about the background against which the five-point programme was developed. Namely, Austria showed a high percentage of migrants with academic degrees, but only few had their university degrees from abroad recognised in Austria, and many were working in jobs for which they were overqualified.³⁸ In this regard, the Austrian Federal Economic Chamber was cited in the news deploring the lack of 'welcome culture' in Austria and highlighting the Austrian labour market's need to recruit over 30,000 qualified workers a year.³⁹ In August, the press published a first evaluation of the programme, stating that, in the first half of 2012, 120 university degrees were recognised, twice as much as in the course of 2011.⁴⁰

Besides the above-mentioned website providing information for university graduates coming from third countries on nostrification in Austria, another website⁴¹ dedicated to skills recognition at all educational levels exists. Since 2012, the information resources available at this website comprise a new brochure called "Recognition ABC – Recognition of foreign qualifications in professions and education"⁴², published by the FMI in cooperation with the FMLSC. The brochure offers a comprehensive overview of Austrian procedures for skills recognition (nostrification, equivalence,

³² Austrian Institute of Economic Research, *Zur Niederlassung von Ausländerinnen und Ausländern in Österreich*, August 2012, available at

www.bmi.gv.at/cms/BMI_Niederlassung/statistiken/files/2012/Endbericht_zur_NLV_2013.pdf (accessed on 4 March 2013).

³³ State Secretariat for Integration, *Staatssekretär Kurz begrüßt Nationalratsbeschluss zur verbesserten Berufsanerkennung von Akademikern aus Drittstaaten*, Press Release, 19 April 2012, available at www.ots.at/presseaussendung/OTS_20120419_OTS0152/staatssekretaer-kurz-begruesst-nationalratsbeschluss-zur-verbesserten-berufsanerkennung-von-akademikern-aus-drittstaaten (accessed on 22 April 2013).

³⁴ For further information see <http://enic-naric.net/index.aspx?s=n&r=g&d=about> (accessed on 22 April 2013).

³⁵ www.nostrifizierung.at

³⁶ Federal Ministry of Science and Research, *BM Töchterle und StS Kurz: 5 Punkte-Programm zur verbesserten Berufsanerkennung wirkt*, Press Release, 10 August 2012, available at www.ots.at/presseaussendung/OTS_20120810_OTS0023/bm-toechterle-und-sts-kurz-5-punkte-programm-zur-verbesserten-berufsanerkennung-wirkt (accessed on 8 November 2012).

³⁷ Martin Kienl, Department III/8/b (Integration Coordination), Federal Ministry of the Interior, 13 December 2012.

³⁸ See, for example, Die Presse, *Plötzlich Akademiker? Neue Pläne mit alten Hürden*, 24 March 2012, p. K15.

³⁹ Wiener Zeitung, *„Sind keine offene Gesellschaft“*, 23 May 2012, p. 18.

⁴⁰ See, for example, Die Presse, *Mehr Migranten ließen ihre Bildungsabschlüsse anerkennen*, 11 August 2012, p. 4.

⁴¹ www.berufsanerkennung.at

⁴² Original title in German: "Anerkennung ABC – Anerkennung ausländischer Qualifikationen aus Beruf und Bildung".

etc.) for the following sectors: secondary school, university, vocational training and regulated professions. A list of names of responsible bodies is provided as well.⁴³

3.2 Students and researchers

Since the 2011 amendments to the Austrian aliens law, conditions have been in place that provide third-country nationals with facilitated access to employment in Austria after graduating from an Austrian institution of higher education. Third-country nationals who completed a diploma or a master's programme in Austria can now stay in the country for a further six months for the purpose of seeking a job. Once a job has been found, the graduates have the possibility to apply for the residence title 'Red-White-Red Card' (entitles the holder to residence and employment with a specific employer).⁴⁴

In 2012 it was debated among different ministries and national stakeholders whether to extend the access to the 'Red-White-Red Card' to third-country nationals who have graduated from Austrian universities with a bachelor's degree. The FMSR and the State Secretariat for Integration demanded that these third-country nationals be granted access to the labour market in order to meet Austria's labour market needs.⁴⁵ The FMLSC has instead argued that there is no current need for such a provision and that primarily human resources available within the EU should be utilised.⁴⁶ The Austrian press put the discussion into context, reporting about third-country students in Austria, the majority of whom leave the country after graduation. In the academic year 2010/2011, around 1,300 third-country nationals graduated from Austrian institutions of high education, but only 222 of them had applied for the 'Red-White-Red Card'.⁴⁷ According to Heinz Fassmann, vice rector of the University of Vienna and chairman of the Expert Council for Integration,⁴⁸ this would lead to economic losses and the loss of human resources. He supported the idea of issuing the 'Red-White-Red Card' to bachelor graduates as a kind of 'welcome gesture' aiming to retain qualified young graduates in the country for the benefit of the Austrian economy.⁴⁹

3.3 Integration

3.3.1 'Integration from the beginning'

The "Integration Report 2012 – Conclusions of the Expert Council for Integration"⁵⁰ was published under the auspices of the State Secretariat for Integration. Therein, the Expert Council for Integration presented the results of the evaluation of the 20-point programme aiming to implement

⁴³ Federal Ministry of the Interior and Federal Ministry of Labour, Social Affairs and Consumer Protection, *Anerkennungs-ABC: Anerkennung ausländischer Qualifikationen aus Beruf und Bildung*, May 2012, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Broschueren/Anerkennungs-ABC.pdf (accessed on 15 November 2012).

⁴⁴ For further information, please see Annual Policy Report 2011, pages 9-10; or Musil, Elisabeth, Reyhani, Adel-Naim, *Immigration of International Students from Third Countries to Austria*, IOM Vienna, December 2012.

⁴⁵ Austrian Economic Chambers, *Wirtschaftskammer fordert Ausweitung der RWR-Karte auf Bachelor-Absolventen*, 12 December 2012, available at http://portal.wko.at/wk/format_detail.wk?angid=1&stid=707956&dstid=684&cbtyp=1&titel=Rot-Wei%C3%9F-Rot-Karte (accessed on 22 January 2013); Die Presse, *Kurz: Rot-Weiß-Rot-Card auch für ausländische Bachelorabsolventen*, 19 August 2012, available at http://diepresse.com/home/politik/innenpolitik/1280746/Kurz_RotWeissRotCard-auch-fuer-auslaendische-Bachelorabsolventen (accessed on 22 January 2013).

⁴⁶ Die Presse, *Hundstorfer gegen Rot-Weiß-Rot-Card für Bachelorabsolventen*, 20 August 2012, available at <http://diepresse.com/home/bildung/universitaet/1280971/Hundstorfer-gegen-RotWeissRotCard-fuer-Bachelor> (accessed on 22 January 2013).

⁴⁷ Schwarz, Christoph, *Wir bekommen die Migranten, die in unser Klischee passen*, in: Die Presse, 16 August 2012, p. 2.

⁴⁸ The Expert Council for Integration was established within the Federal Ministry of the Interior as a competence centre; it consists of versed and acknowledged public figures under the chairmanship of Univ.-Prof. Dr. Heinz Fassmann, University of Vienna (www.integration.at/integration_in_oesterreich/expertenrat/).

⁴⁹ Salzburger Nachrichten, *Rot-Weiß-Rot-Karte als Lohn für den Bachelor*, 13 December 2012, p. 10.

⁵⁰ State Secretariat for Integration, *Integration Report – Conclusions of the Expert Council for Integration 2012*, July 2012, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Integrationsbericht_2012/Integration_Report_english_WEB.pdf (accessed on 15 November 2012).

the National Action Plan for Integration,⁵¹ which was developed within the framework of the Integration Report 2011.⁵² The report concludes “that the actions taken have resulted in remarkable progress in all areas.”⁵³

The Integration Report 2012 lays down, amongst others, the leading concept of Austria’s integration policy, ‘integration from the beginning’. The concept describes an integration process that starts in the country of origin (e.g. through language skills acquisition), assigning a significant role to the Austrian embassies and consulates.⁵⁴

In February 2012, the FMI organised a conference on the subject of ‘integration from the beginning’.⁵⁵ It provided the opportunity for a nationwide exchange between relevant actors in the field of integration policy, including international participants. One outcome of the conference was the brochure “Welcome to Austria”,⁵⁶ which is available at Austrian representations abroad. It provides migrants with initial guidance to the country and its people as well as to the Austrian legal framework.

As a following step and a further extension of the concept ‘integration from the beginning’, a working group was created within the State Secretariat for Integration including members of the Expert Council for Integration, which has been commissioned to develop a so called ‘Red-White-Red Primer’, with support from the Integration Advisory Committee,⁵⁷ that will provide information on Austrian rule of law principles and social values.⁵⁸

Furthermore, with the online learning platform www.sprachportal.at, a tool was launched in 2012 that offers online German courses at all levels as well as literacy courses, including relevant self-study materials. All offers are available in German, Turkish, Serbian, English, and French. All language courses offered by language institutes in Austria and abroad are listed on the platform.

3.3.2 Integration through social participation

Following an initiative taken by the State Secretary for Integration in 2012, migrants now have the opportunity to get involved in the volunteer fire brigade throughout Austria. While most federal provinces already had open access legislations in place, Carinthia was the last federal province to adopt a corresponding legislation in 2012 after Styria amended its legislation in 2011.⁵⁹

On the occasion of the Austrian Integration Day,⁶⁰ which took place on 27 April 2012, State Secretary for Integration called attention to the close link between integration and participation in

⁵¹ State Secretariat for Integration, *Nationaler Aktionsplan für Integration - Bericht*, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Bericht_zum_Nationalen_Aktionsplan.pdf (accessed on 12 February 2013).

⁵² For information on the Integration Report 2011 and the 20-Point Programme see Annual Policy Report 2011, pages 11-12, and www.integration.at.

⁵³ State Secretariat for Integration, *Integration Report – Conclusions of the Expert Council for Integration 2012*, July 2012, p. 57, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Integrationsbericht_2012/Integration_Report_english_WEB.pdf (accessed on 15 November 2012).

⁵⁴ State Secretariat for Integration, *Integration Report – Conclusions of the Expert Council for Integration 2012*, July 2012, p. 60, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Integrationsbericht_2012/Integration_Report_english_WEB.pdf (accessed on 15 November 2012).

⁵⁵ State Secretariat for Integration, *Kurz: Integration künftig von Anfang an*, Press Release, 27 February 2012, available at www.ots.at/presseaussendung/OTS_20120227_OTS0196/kurz-integration-kuenftig-von-anfang-an (accessed on 15 November 2012).

⁵⁶ Austrian Integration Fund, *Welcome to Austria – Knowledge, Rules, Life*, 2012, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Broschueren/Willkommen_in_Oesterreich.pdf (accessed on 15 November 2012).

⁵⁷ The Integration Advisory Committee facilitates exchange between the federal government, the federal provinces, the Association of Towns and Municipalities, the social partners, the Federation of Austrian Industries, and Non-Governmental Organisations. See www.integration.at/integration_in_oesterreich/integrationsbeirat/.

⁵⁸ State Secretariat for Integration, *Integration Report – Conclusions of the Expert Council for Integration 2012*, July 2012, p.32, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Integrationsbericht_2012/Integration_Report_english_WEB.pdf (accessed on 15 November 2012).

⁵⁹ State Secretariat for Integration, *Kurz: Ab morgen darf jeder Migrant in ganz Österreich zur Freiwilligen Feuerwehr*, Press Release, 7 March 2012, available at www.ots.at/presseaussendung/OTS_20120307_OTS0050/kurz-ab-morgen-darf-jeder-migrant-in-ganz-oesterreich-zur-freiwilligen-feuerwehr (accessed on 27 November 2012); see also Annual Policy Report 2011, page 37.

⁶⁰ www.vwfi.at/fileadmin/oeit/2012/OeIT2012-Konferenzbericht.pdf

society, education and the labour market.⁶¹ As a concrete measure, the second phase of the project “Together: Austria” was started in 2012 with the slogan “Associations opening up, migrants joining. Now you! Your country needs you!”. The project aims to promote the engagement of young migrants in volunteer work, thereby facilitating integration in Austria.⁶² Another project that aims to promote migrants’ volunteer work is the project “Grassroots Integration through Volunteer Experience” (GIVE), which is currently being implemented by the International Organization for Migration (IOM) and co-funded by the FMI and the European Integration Fund.

3.3.3 *Integration through socio-economic contribution*

According to a study published by the Chamber of Labour, migrants had fewer job opportunities than Austrian nationals irrespective of their educational level.⁶³ Against this background, migrants are defined as a specific target group of PES and concrete actions take place. Since 2012, the migration background of registered unemployed persons and job-seekers is recorded for the purpose of developing targeted services. In order to ensure demand-driven services, employees of PES participated in a training to improve their intercultural competences. Furthermore, consideration is given to migration background and language skills when recruiting new staff.⁶⁴

A project that aims to enhance integration through inclusion in the labour market is the project “Mentoring for Migrants”. The project was initiated in 2008 by the Austrian Federal Economic Chambers, together with the Austrian Integration Fund and PES. The still on-going project supported qualified migrants to enter the Austrian labour market in 2012, thereby contributing to their integration. In the framework of the project, tutors provide migrants with their contacts and informal knowledge about the labour market.⁶⁵

3.3.4 *Education*

The violation of mandatory school attendance was discussed in the Austrian press. The State Secretary for Integration argued that migrant children were more often absent from school than their classmates; they thus became school drop-outs and consequently failed to enter the job market.⁶⁶ He referred to a study commissioned by the FMI, the Federation of Austrian Industries, PES, the Federal Ministry for Education, the Arts and Culture (FMEAC) and Caritas Austria, which was launched in June 2012. The study examined migrants in the educational system and found, amongst others, that school absenteeism was the starting point of school drop-outs.⁶⁷ The debate was further spurred by a study conducted by the University of Linz in cooperation with the Upper Austrian Chamber of Labour, which revealed that 40 per cent of youth in Austria that were without a job or vocational training were migrants.⁶⁸

In July, the Council of Ministers adopted a five-point plan to combat the violation of mandatory school attendance. The plan was developed by the Minister for Education, the Arts and Culture, the Minister of Economy, Family and Youth and the State Secretary for Integration in order to identify school absenteeism and to set respective measures. The plan has foreseen the following five points:

⁶¹ State Secretariat for Integration, *Integrationstag: Erfolgreiche Integration durch Partizipation*, Press Release, 30 April 2012, available at www.ots.at/presseaussendung/OTS_20120430_OTS0107/integrationstag-erfolgreiche-integration-durch-partizipation (accessed on 22 November 2012).

⁶² State Secretariat for Integration, *Projekt „Zusammen:Österreich“ – Sebastian Kurz präsentiert zweite Kategorie „Jetzt Du! Dein Land braucht dich!“*, News, 11 June 2012, available at [www.integration.at/news/projekt_zusammenoesterreich_sebastian_kurz_praesentiert_zweite_kategorie_jetzt_du_dein_land_braucht_dich/?tx_intgallery_pi1\[page\]=2&cHash=7581d3ce8f](http://www.integration.at/news/projekt_zusammenoesterreich_sebastian_kurz_praesentiert_zweite_kategorie_jetzt_du_dein_land_braucht_dich/?tx_intgallery_pi1[page]=2&cHash=7581d3ce8f) (accessed on 20 December 2012).

⁶³ See, for example, Der Standard, „Migranten auch bei Weiterbildung benachteiligt“, 19 May 2012, p. K 18.

⁶⁴ Heinz Kutrowatz, Department VI (Labour Market), Federal Ministry of Labour, Social Affairs and Consumer protection, 14. December 2012.

⁶⁵ http://portal.wko.at/wk/format_detail.wk?angid=1&stid=493148&dstdid=8769&cbtyp=2&titel=Mentoring%2cf%C3%BCr%2cMigrantInnen (accessed on 3 December 2012).

⁶⁶ State Secretariat for Integration, *Kurz: „Deutsch ist der Schlüssel zur Integration“*, News, available at (accessed on 12 April 2013).

⁶⁷ Institut für Bildungsforschung der Wirtschaft, *Hebel zu einer Kompensatorischen Bildung – Pilotstudie*, überarbeitete Version des Endberichts, Vienna 2012, available at www.iv-net.at/iv-all/publikationen/file_591.pdf (accessed on 12 April 2013).

⁶⁸ Kurier, *Helfen Strafen ?*, 21 February 2012, p. 3.

(i) mandatory talk between students, parents and teachers; (ii) activation of an internal mediation system; (iii) outlining of legal consequences; (iv) involvement of youth welfare; and (v) legal steps to be taken against parents with a maximum fine of 440 EUR. The plan was evaluated in November by the Council of Ministers, who proposed a number of amendments. Once these are incorporated, the Council of Ministers will decide again.⁶⁹

3.3.5 German language skills

In January the Council of Ministers adopted an agreement between the federal government and the federal provinces on compulsory early language training for the years 2012-2014.⁷⁰ The agreement envisaged that children between the ages of three and six who lack German language skills and especially children of non-German-speaking parents must attend institutional childcare facilities before entering school. The federal government will spend five million EUR per year for early language training between 2012 and 2014, while the federal provinces were requested to spend another five million. After adoption by the Council of Ministers, the agreement was ratified by the federal provinces.⁷¹

The Council of Ministers also extended the support to in-school language courses for pupils with a non-German mother tongue. This program began in 2006. With the extension, language classes with a duration of 11 semester hours will continue to be offered with a financial contribution of 47.8 million EUR until 2014.⁷²

3.4 Citizenship and naturalisation

In November 2012, the State Secretary for Integration proposed an amendment to the citizenship law to facilitate naturalisation. A new three-step model would allow for naturalisation based on the level of integration measured against a set of criteria (e.g. non-use of social assistance, employment, payment of taxes, level of German language skills and volunteer work). If the candidate was perfectly integrated, naturalisation would be possible after six years of continuous legal residency in Austria; a sufficiently integrated candidate would be able to receive citizenship after ten years. Those who do not fulfil the criteria would not be naturalised at all.⁷³

3.5 Managing migration and mobility

A general approach to two legislative proposals regarding Schengen governance was adopted at the European level in 2012. These included the revision of the Schengen evaluation mechanism and the amendment of Regulation (EC) No 562/2006⁷⁴ establishing the Schengen Borders Code. As for the latter, the amended text now provides for the possibility to reintroduce temporary controls at internal borders in exceptional circumstances. The reintroduction of border controls will be limited

⁶⁹ Federal Ministry for Education, the Arts and Culture, *Schmied, Mitterlehner und Kurz begrüßen MR-Beschluss zu Schulpflichtverletzung*, Press Release, 3 July 2012, available at www.bmukk.gv.at/ministerium/vp/2012/20120703a.xml (accessed on 5 March 2013); Federal Ministry for Education, the Arts and Culture, *Regierungsklausur am 9. November 2012: Hintergrundinformationen zu den BMUKK-Themen*, Press Release, 9 November 2011, available at

www.bmukk.gv.at/ministerium/vp/2012/20121109.xml#toc3-id3 (accessed on 5 March 2013).

⁷⁰ The agreement is in accordance with Art. 15a of the Federal Constitutional Act.

⁷¹ Federal Ministry of the Interior, *Staatssekretär Kurz: 15a-Vereinbarung für Sprachförderung im Ministerrat beschlossen*, Press Release, 24 January 2012, available at http://www.ots.at/presseaussendung/OTS_20120124_OTSO118/staatssekretaer-kurz-15a-vereinbarung-fuer-sprachfoerderung-im-ministerrat-beschlossen (accessed on 7 March 2013).

⁷² Federal Ministry for Education, the Arts and Culture, *Schmied und Kurz: Schulische Sprachförderung wird verlängert*, Press Release, 25 May 2012, available at www.ots.at/presseaussendung/OTS_20120525_OTSO146/schmied-und-kurz-schulische-sprachfoerderung-wird-verlaengert (accessed on 7 March 2013).

⁷³ State Secretariat for Integration, *Staatssekretär Kurz: Neue Kriterien für die Staatsbürgerschaft*, News, 28 October 2012, available at www.integration.at/news/staatssekretaer_kurz_neue_kriterien_fuer_die_staatsbuergerschaft/ (accessed on 3 March 2013).

⁷⁴ Regulation (EC) No 562/2006 of the European Parliament and the Council of the European Union of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:105:0001:0032:EN:PDF> (accessed on 7 March 2013).

to 30 days with the possibility of prolonging the period for renewable periods of 30 days not exceeding six months in total. The respective Member State must notify the EC, but no longer needs its approval. The revision of the Schengen evaluation mechanism brings about a legal change from Article 77 (co-decision with the European Parliament) of the Treaty on the Functioning of the European Union⁷⁵ to Article 70.⁷⁶

Austria, together with Germany, France and Denmark, supported the general approach. The Minister of the Interior highlighted the crucial importance of evaluating the performance of Member States regarding Schengen border control and the possibility to deploy European Border Guard teams in times of need. She also pointed out that Austria now will be allowed to introduce border controls if there is a threat to internal security.⁷⁷

⁷⁵ Consolidated Version of the Treaty on the Functioning of the European Union, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0047:0199:en:PDF> (accessed on 12 April 2013).

⁷⁶ Council of the European Union, *Press Release 3172nd Council meeting Justice and Home Affairs Brussels, 7 and 8 June 2012*, 10760/12-PRESSE 241-PR CO 34, 8 June 2012, available at www.consilium.europa.eu/press/press-releases/search?command=d&id=&lang=de&doclang=EN&dockey=130761 (accessed on 7 March 2013).

⁷⁷ Federal Ministry of the Interior, *Mikl-Leitner: Schengen-System wird deutlich gestärkt*, Press Release, 8 June 2012, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=776C4359546F786E5670343D&page=82&view=1 (accessed on 7 March 2013).

4. IRREGULAR MIGRATION AND RETURN

4.1 Irregular migration

4.1.1 Measures taken in Austria

In November 2012, Austria established two special task forces on combating smuggling in migrants in the framework of a security partnership signed between the Minister of the Interior and the federal provinces. The task forces are established in the federal provinces of Burgenland and Lower Austria. Furthermore, in light of the upcoming accession of Croatia to the EU in mid-2013, which will include the removal of borders and hence free movement within the EU, Austria agreed on the deployment of 30 additional law enforcement officers in the northern part of Burgenland.⁷⁸

The Austrian print media reported extensively about irregular migration to Austria throughout the year. The press regularly reported about arrested smugglers in various federal provinces, stating their nationality as well as the nationality of the apprehended migrants.⁷⁹ Statistics of the FMI were cited, showing an increase of smuggled migrants by 44 per cent between 2010 and 2011 (2011: 9,812; 2010: 6,779). Of biggest concern were the borders with Italy and Hungary. Smugglers captured in 2011 were mainly of Greek, Turkish and Austrian nationality, while most smuggled migrants came from Afghanistan, the Russian Federation and Pakistan.⁸⁰ Articles reported that Austria increasingly became a country of transit and less a country of destination.⁸¹

4.1.2 Cooperation at the European and regional level

Reducing irregular migration and smuggling in migrants continued to be one of the priorities of Austria's migration and asylum policy in 2012 and was promoted by Austrian policy makers at the European and regional level.

The particularly weak Greek internal borders and external Greek-Turkish border and the presumed link with disproportionately large numbers of asylum applications in certain Member States (including Austria) were highlighted by the Austrian authorities in the framework of EU debates on developing a road map to ensuring coherent EU response to increased migration pressures. Austria took the lead within the group of France, Germany, Sweden, the United Kingdom and Belgium, bringing forward a catalogue of demands concerning actions against irregular migration to be included in the road map.⁸²

Furthermore, in 2012 Austria continued its active engagement in Central European security partnerships to intensify cooperation with the Western Balkan countries on irregular migration issues. Cooperation in the framework of the security partnership 'Forum Salzburg'⁸³ focused on the

⁷⁸ Federal Ministry of the Interior, *Innenministerium und Land Burgenland unterzeichnen Sicherheitspartnerschaft*, Press Release, 23 November 2012, available at www.bmi.gv.at/cms/bmi/news/bmi.aspx?id=76564F4D36462B753177513D&page=0&view=1 (accessed on 8 March 2013).

⁷⁹ See, for example, Kronen Zeitung, *Flüchtlings-Familie in bitterer Kälte auf Parkplatz ausgesetzt*, 1. January 2012, p. 18.

⁸⁰ Federal Criminal Intelligence Service, *Jahresbericht Organisierte Schlepperkriminalität 2011*, 2011, available at www.bmi.gv.at/cms/BK/publikationen/files/Jahresbericht_Schlepper_2011.pdf (accessed on 7 March 2013). Figures for 2012 are not available.

⁸¹ See, for example, Salzburger Nachrichten, *Transitland für Schlepper*, 14 June 2012, p. 18.

⁸² Federal Ministry of the Interior, *Österreich und Deutschland schmieden EU-Koalition gegen illegale Migration*, Press Release, 9 March 2012, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=2F2F536362677451626D4D3D&page=73&view=1 (accessed on 11 February 2013); Federal Ministry of the Interior, *Mikl-Leitner: Österreich ist europäisches Zugpferd zur Bekämpfung illegaler Migration*, Press Release, 27 April 2012, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=2F74494458646B345834593D&page=66&view=1 (accessed on 11 February 2013).

⁸³ The 'Forum Salzburg' is a Central European security partnership initiated by the Austrian Federal Ministry of the Interior. The forum aims at coordinating collaboration within the EU, intensifying regional cooperation, and at enhancing cooperation with the 'Forum Salzburg' friends – the Western Balkan countries. Among the Member States are Austria, Bulgaria, the Czech Republic, Hungary, Poland, Romania, Slovenia, Slovakia, and Croatia. (For further information see www.salzburgforum.org/).

set-up of an operational network. In May 2012, a ministerial meeting took place to agree upon the Forums' strategic operational framework for July 2012 until December 2013.⁸⁴

Austria also continued its cooperation with Hungary and Serbia to address irregular migration. During a trilateral ministerial meeting that took place in March 2012, the ministers concluded that the concerted measures, which were defined in October 2011 as part of the five-point package of measures, have been proven successful.⁸⁵

4.2 Return

4.2.1 Readmission

In 2012, the implementing protocol to the EU readmission agreement signed between Austria and Bosnia and Herzegovina entered into force.⁸⁶ Furthermore, the Foreign Minister and Vice Chancellor visited Nigeria in June 2012 with the aim of concluding a readmission agreement and an investment protection agreement. Aiming at a smooth and orderly return of irregular migrants, the agreement regulates in particular the authorities' responsibilities, information exchange, technical cooperation, establishing identities and terms and conditions of return.⁸⁷

4.2.2 Voluntary return

Also in 2012, Austria treated voluntary return as a preferred alternative to forced return for persons who do not have the right to residence in Austria. Those returning voluntarily can make use of return assistance provided by IOM, which organises the return travel based on individual needs.⁸⁸

In 2012, 3,209 third-country nationals returned voluntarily, out of 4,695 total returns following an order to leave. Among those who returned voluntarily, 2,601 were assisted by IOM.

Table 1: Number of third-country nationals returned, 2012

Returned following an order to leave	Returned voluntarily (total)	Returned voluntarily with assistance of IOM
4,695	3,209	2,601

Source: Eurostat, Enforcement of Immigration Legislation; FMI, Aliens Police and Visa 2012; IOM, Assisted Voluntary Return Statistics.

In addition, IOM implements country-specific Assisted Voluntary Return and Reintegration (AVRR) projects, which offer voluntary returnees tailored reintegration measures that aim to equip them with the necessary means and skills to sustainably re-establish themselves in the society and economy of the country of return. In 2012, seven AVRR projects⁸⁹ were implemented by IOM and funded by the FMI, five of which were co-funded by the European Return Fund. The countries of return were Afghanistan, Georgia, Iraq, Moldova, Nigeria, Pakistan and the Russian Federation. The AVRR programme in Moldova placed emphasis on the prevention of (re-) trafficking of minors

⁸⁴ Federal Ministry of the Interior, *Forum-Salzburg-Staaten: Zeugenschutz-Abkommen unterzeichnet*, News, 29 Mai 2012, available at www.bmi.gv.at/cms/bmi/news/bmi.aspx?id=58726176467436696233343D&page=58&view=1 (accessed on 22 November 2012).

⁸⁵ Federal Ministry of the Interior, *Mikl-Leitner: Österreichisch-ungarisch-serbische Maßnahmen gegen Schlepperkriminalität zeigen Erfolg*, Press Release, 27 March 2012, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=6A744766626D44346872733D&page=66&view=1 (accessed on 20 November 2012).

⁸⁶ Readmission Agreement Implementing Protocol (Bosnia and Herzegovina), BGBl. III No. 50/2012. The text of the implementing protocol can be found at www.ris.bka.gv.at/Dokument.wxe?Abfrage=Bundesnormen&Dokumentnummer=NOR40136723 (accessed on 20 November 2012).

⁸⁷ Readmission Agreement (Nigeria), BGBl. III No. 116/2012. The text of the readmission agreement can be found at www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007952 (accessed on 20 November 2012).

⁸⁸ IOM, Assisted Voluntary Return, available at www.iomvienna.at/en/aktivitaeten/unterstuetzte-freiwillige-rueckkehr-aus-oesterreich (accessed on 26 April 2013).

⁸⁹ For a full list of voluntary return projects implemented in Austria in 2012 see Annex B, page 56-57.

and young adults, while the programme in Iraq focused on job placement assistance for those returning voluntarily to the autonomous Kurdistan Region of Iraq.⁹⁰

In the framework of the project “Creation of a Voluntary Return European Network” (VREN), in 2012 Austria actively cooperated with Ireland, Italy, Great Britain and Switzerland on assisted voluntary return programmes and shared best practices in this field.

⁹⁰ IOM, *Reintegration Assistance for Voluntary Return*, available at www.iomvienna.at/en/aktivitaeten/reintegrationsunterstuetzung (accessed on 26 April 2013).

5. INTERNATIONAL PROTECTION INCLUDING ASYLUM

5.1 National asylum system

5.1.1 Reception system

In January 2012, the Minister of the Interior proposed that financial allowances for reception centre operators be increased from 17 to 19 EUR per asylum seeker and per day as an incentive to provide further reception facilities. Furthermore, a fair allocation key, introducing compulsory reception quotas for the different federal provinces, will be established.⁹¹

Following this announcement, civil society organisations agreed that an increase in financial allowances was overdue.⁹² However, the Austrian Freedom Party accused asylum seekers of taking advantage of the asylum system at the expenses of the Austrian population.⁹³ In a reaction, the Social Democratic Party of Austria called for a well-founded argumentation and that asylum-seekers should not be instrumentalised.⁹⁴

In December 2012, the Austrian National Council and Federal Council subsequently approved an agreement between the federal government and the federal provinces on increased financial allowances.⁹⁵ The agreement foresees, amongst others, an increase of financial allowances for reception centre operators from 17 to 19 EUR per asylum seeker and per day, with retroactive effect as of 1 January 2012.⁹⁶

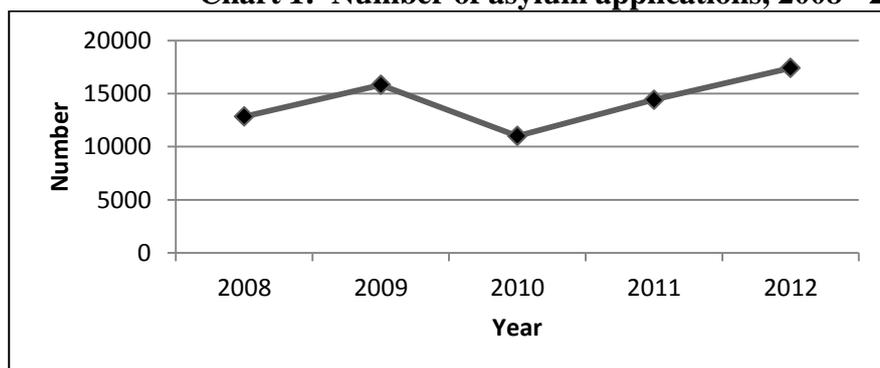
The increase of asylum applications between 2010 and 2011 was a topic that was dominantly covered throughout the year by the Austrian press. The table and chart below show an increase in the number of asylum applications lodged over the past five years, from 12,841 in 2008 to 17,413 in 2012. Only in 2010 did the number drop to 11,012 asylum applications.

Table 2: Number of asylum applications, 2008 - 2012

Year	2008	2009	2010	2011	2012
Number of asylum applications	12,841	15,821	11,012	14,416	17,413

Source: FMI, Asylum Statistics 2008, 2009, 2010, 2011 and 2012.

Chart 1: Number of asylum applications, 2008 - 2012



Source: FMI, Asylum Statistics 2008, 2009, 2010, 2011 and 2012.

⁹¹ See, for example, Salzburger Nachrichten, *Mehr Geld für Quartiergeber*, 4 January 2012, p. 2.

⁹² Wiener Zeitung, *Strengere Regeln für Asylwerber*, 4 January 2012, p. 10.

⁹³ Austrian Freedom Party, *Haimbuchner zu Ackerl: "Verharmlosung des bankrotten Asylwesens beenden!"*, Press Release, 6 January 2012, available at www.ots.at/presseaussendung/OTS_20120106_OTS0028/haimbuchner-zu-ackerl-verharmlosung-des-bankrotten-asylwesens-beenden (accessed on 5 April 2013).

⁹⁴ Social Democratic Party of Austria, *Klubvorsitzende Jahn: "Haimbuchner sollte nicht über Dinge reden, von denen er offensichtlich keine Ahnung hat!"*, Press Release, 6 January 2012, available at www.ots.at/presseaussendung/OTS_20120106_OTS0046/klubvorsitzende-jahn-haimbuchner-sollte-nicht-ueber-dinge-reden-von-denen-er-offensichtlich-keine-ahnung-hat (accessed on 5 April 2013).

⁹⁵ According to Art. 9 of the Basic Welfare Support Agreement and in accordance with Art. 15 a of the Federal Constitutional Act.

⁹⁶ Vereinbarung zwischen dem Bund und den Ländern gemäß Artikel 15a B-VG über eine Erhöhung ausgewählter Kostenhöchstsätze des Art. 9 der Grundversorgungsvereinbarung, BGBl. I No. 46/2013.

In this context, the press reported about the overcrowding of the Initial Reception Centre (responsible for hosting asylum applicants during the admission procedure) in Traiskirchen, Lower Austria. At the beginning of the year, the centre was hosting 800 asylum applicants, but had an official capacity of only 480.⁹⁷ Throughout the year, the situation deteriorated. In October the press reported that approximately 1,450 asylum seekers were residing in the Initial Reception Centre Traiskirchen. One reason for the overcrowding was the lack of transfer of applicants who had been admitted to the asylum procedure to reception centres and private housing around the country.⁹⁸

In light of the overcrowding of the Initial Reception Centre Traiskirchen, the Minister of the Interior asked the federal provinces in July to take action towards meeting their obligation of receiving asylum seekers as agreed upon in 2004 in the Basic Welfare Support Agreement.⁹⁹ This agreement foresees the distribution of asylum seekers to reception facilities in the federal provinces proportional to their population. The minister also considered making use of empty military barracks buildings as temporary reception facilities.¹⁰⁰ While the Austrian Green Party, the Alliance for the Future of Austria and the Federal Chancellor supported the latter approach, the Minister of National Defence was not willing to provide barracks for these purposes.¹⁰¹

Due to the non-compliance of seven federal provinces with the obligation of receiving asylum seekers as agreed upon in 2004 (out of the nine federal provinces in Austria, only two, namely Vienna und Lower Austria, fulfilled the quota) an asylum summit was held in October at the Federal Chancellery. At the summit, an agreement was concluded between the federal government and the federal provinces in which the latter committed to providing reception to 1,000 asylum seekers until the end of November, meaning that the set quota would be fulfilled to a percentage of at least 88 per cent. The aim was to relieve the overcrowded Initial Reception Centre Traiskirchen. If the federal provinces proved unable to fulfil the agreement, the federal government would provide emergency accommodation.¹⁰²

The asylum summit in October was extensively covered by the Austrian print media.¹⁰³ Furthermore, throughout the year, the press reported about the upgrading of existing and opening of new reception centres, the refusal of some municipalities to host asylum seekers, accompanying protests of the resident population and their fears regarding increasing crime rates and finally, in some cases, the cancellation of planned centres.¹⁰⁴

While the search for new reception facilities was driven by the Federal Ministry of the Interior in January and July in order to improve the allocation of asylum seekers to reception facilities in the different federal provinces, the upgrading of existing reception facilities was also influenced by a reception centre in Carinthia that was extensively covered in the press for several months. Serious deficiencies regarding sewage, safety precautions and food safety were discovered and the reception centre had temporarily been closed for renovation. The centre was later on closed down completely following civil society protests, official controls and criticism by political parties.¹⁰⁵

A related occurrence that was widely reported in the Austrian press and extensively debated by the public was a protest of a group of asylum seekers. Driven by the limited quality of reception conditions in the Initial Reception Centre Traiskirchen, a group of asylum seekers gathered for a

⁹⁷ See, for example, Österreich, *Lager Traiskirchen ist wieder übervoll*, 2 February 2012, p. 20.

⁹⁸ See, for example, Kronen Zeitung, *Asylgipfel: Klare Konsequenzen statt "Kaffee, Keksen und Kuchen"*, 14 October 2012, p. 2.

⁹⁹ Art 10 para 2 Basic Welfare Support Agreement

¹⁰⁰ See, for example, Die Presse, *Heuer mehr Asylanträge*, 21 July 2012, p. 5.

¹⁰¹ See, for example, Die Presse, *Regierung prüft auch Asylwerberplätze in Kasernen*, 25 July 2012, p. 3.

¹⁰² Federal Chancellery, *Bundeskanzler Faymann: "Erstaufnahmezentrum Traiskirchen bis Ende November entlasten"*, Press Release, 23 October 2012, available at www.ots.at/presseaussendung/OTS_20121023_OTS0231/bundeskanzler-faymann-erstaufnahmezentrum-traiskirchen-bis-ende-november-entlasten (accessed on 15 March 2013).

¹⁰³ See, for example, Wiener Zeitung, *Länder in Asyl-Pflicht genommen*, 24 October 2012, p. 9.

¹⁰⁴ See, for example, Kurier, *"Wir werden uns zu wehren wissen"*, 9 November 2012, p. 21; Kronen Zeitung, *Reichersberg glaubt nicht mehr an Asylwerberheim*, 24 April 2012, p. 24.

¹⁰⁵ See, for example, Wiener Zeitung, *Saualm wird vorläufig geschlossen*, 7 September 2012, p. 12.

protest march from Traiskirchen to Vienna at the end of November. The march then transformed into a durable protest of around 90 asylum seekers, who first built a camp of tents in the Sigmund Freud Park in central Vienna and later on, in mid-December when the weather conditions worsened, moved their camp into the Votiv Church. Their requests focused on the improvement of reception conditions (i.e. access to health care, to German language courses and healthier food), access to the labour market, and the improvement of asylum procedures (i.e. more interpreters and faster procedures). The protesting asylum seekers were mainly supported by Caritas, a faith-based aid organisation, but also by a group of activist, civil society and other refugee Non-Governmental Organisations (NGOs) in Austria.¹⁰⁶ The FMI, criticised the instrumentalisation of the asylum seekers by left-wing activists. Following a call for dialogue, a round table took place between the ministry and several faith-based, non-governmental and international organisations as well as protesting asylum seekers.¹⁰⁷ At the end of 2012, the press reported that 60 asylum seekers had accepted shelter offered by Caritas; however, 30 remained in the Votiv Church, 14 of them in hunger strike.¹⁰⁸

5.1.2 Access to the labour market

In June 2012 a decree was issued by the Minister of Labour, Social Affairs and Consumer Protection, allowing for minors until the age of 18 years to be granted a work permit for vocational training in occupations where there is a shortage of apprentices. This is, however, only possible three months after the application for asylum has been lodged and if the person has passed a labour market test. Furthermore, a concrete apprenticeship must be available.¹⁰⁹

Overall, asylum seekers are granted a work permit upon application three months after their application for asylum has been lodged and if they have passed a labour market test.¹¹⁰ A decree issued in 2004 by former Minister of Economy and Labour, Martin Bartenstein, (GZ: 435.006/6 - II/7/04) restricts asylum seekers' access to quota-regulated work permits in selected occupations according to Art. 5 of the Act Governing the Employment of Foreign Nationals. In practice, this means that a defined number of asylum seekers can work as seasonal workers in the tourism and agricultural sector, but only when there is no Austrian national, EU citizen or temporarily employed third-country national available.¹¹¹

5.2 Unaccompanied minors

The Austrian press also reported in the context of increasing numbers of asylum applications between 2010 and 2011 about an increasing number of unaccompanied minors (UAM) seeking asylum, most of them coming from Afghanistan, Pakistan and Somalia.¹¹² The table and chart below show the trend of UAM applying for asylum over the past five years. Overall, the numbers have increased from 874 in 2008 to 1,781 in 2012. Only in 2010 did the number drop to 934.

Table 3: Number of unaccompanied minors applying for asylum, 2008 - 2012

Year	2008	2009	2010	2011	2012
Number of UAM's asylum applications	874	1,185	934	1,346	1,781

Source: FMI, Asylum Statistics 2008, 2009, 2010, 2011 and 2012.

¹⁰⁶ See, for example, Österreich, *Asyl-Camp mitten in Wien*, 26 November 2012, p. 7; Kurier, *Prominente Unterstützer für Wiens Flüchtlingscamper*, 27 November 2012, p. 19; Salzburger Nachrichten, *Flüchtlinge bleiben in der Kirche*, 20 December 2012, p. 11.

¹⁰⁷ See, for example, Die Presse, *Runder Tisch: Lösung für Asylwerber rückt näher*, 22 December 2012, p. 24.

¹⁰⁸ See, for example, Wiener Zeitung, *Hungerstreik zehrt an Kräften*, 27 December 2012, p. 10.

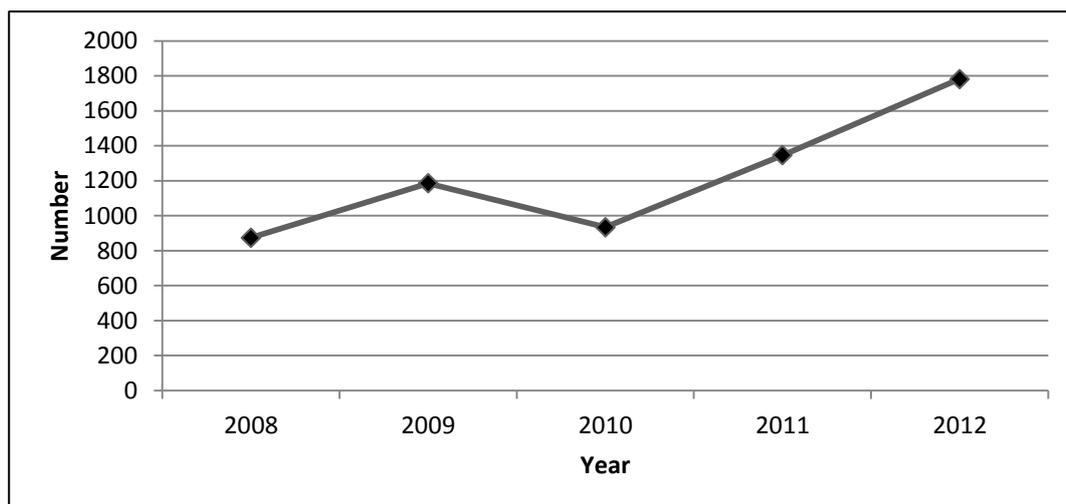
¹⁰⁹ Federal Ministry of Labour, Social Affairs and Consumer Protection, *Erweiterung der Beschäftigungsmöglichkeiten für Asylwerber/innen*, BMASK-435.006/0005-VI/AMR/7/2012, available at www.asyl.at/fakten_2/erlass%20bmask_06_12.pdf (accessed on 28 March 2013).

¹¹⁰ Art. 4(1) of the Act Governing the Employment of Foreign Nationals.

¹¹¹ Act amending the EU Enlargement, BGBl. I No. 28/2004, Implementing Decree, 435.006/6 - II/7/04.

¹¹² See, for example, Salzburger Nachrichten, *„Ein Tag vergeht wie ein Jahr“*, 4 April 2012, p. 10.

Chart 2: Number of unaccompanied minors applying for asylum, 2008 - 2012



Source: FMI, Asylum Statistics 2008, 2009, 2010, 2011 and 2012.

In 2011 a project was implemented by the United Nations High Commissioner for Refugees (UNHCR), funded by the FMI and the European Refugee Fund, to set up quality assurance mechanisms for asylum procedures of unaccompanied minors in Austria.¹¹³ In 2012, the second phase of the project (“Assisting Authorities in Asylum Procedures of Unaccompanied Minors” - UBAUM II) was implemented by UNHCR in cooperation with the Federal Asylum Office. Activities included the development of information brochures for minors, exchange of standards in proceedings concerning unaccompanied minor asylum seekers among legal counsellors and social service providers, incorporation of child appropriate aspects in the Federal Asylum Office’s standards of quality assurance in interpreting, development of best practice guidelines for family tracing and the implementation of different evaluation activities.¹¹⁴

5.3 Common European Asylum System and intra-EU solidarity

Since November 2010, Austria, represented by the Director of the Austrian Federal Asylum Office, has held the post of deputy chairman of the Management Board of the EASO and is therewith involved in the planning and monitoring of EASO activities.¹¹⁵

In addition, Austria continued its support to the development of a Common European Asylum System in 2012 through:

- active involvement in EASO activities;
- sharing Austrian expertise with other Member States that are facing particular constraints; and
- participation in other forums aiming at expanding practical cooperation between Member States, such as the General Directors’ Immigration Services Conference¹¹⁶ (GDISC).¹¹⁷

As in previous years, Austria was one of the Member States of the EU that was affected by a disproportionately large number of asylum applications. According to data provided by Eurostat, among the EU-27, Austria ranked sixth in 2012 regarding the absolute number of asylum

¹¹³ See Annual Policy Report 2011, p. 18.

¹¹⁴ [http://www.integrationsfonds.at/de/niederoesterreich/eu_projekte/?fundtype=0&tx_thgenericlist\[11967\]\[offset\]=1&cHash=8534ff4bd490939fc1292701f3b4720b](http://www.integrationsfonds.at/de/niederoesterreich/eu_projekte/?fundtype=0&tx_thgenericlist[11967][offset]=1&cHash=8534ff4bd490939fc1292701f3b4720b)

¹¹⁵ European Asylum Support Office, *The European Asylum Support Office Management Board Meetings*, Newsletter, February 2012, p. 3, available at <http://easo.europa.eu/wp-content/uploads/EASO-Newsletter-February-2012.pdf> (accessed on 14 February 2013).

¹¹⁶ For further information, see www.gdisc.org/ (accessed on 22 April 2013).

¹¹⁷ Gerald Dreveny, Department III/5 (Asylum and Support), Federal Ministry of the Interior, 17 December 2012.

applications (17,425), and fifth regarding asylum applications per million inhabitants (2,064).¹¹⁸ As argued by Austrian policy makers, Austria has, as a consequence, neither participated in the relocation programmes of the EU nor in resettlement activities.

5.4 Cooperation with third countries

In light of significant migration movements from Syria to Turkey and the possible increase of asylum applications in Austria due to irregular secondary movements, Austria became engaged in equipping Turkey as country of first asylum with the means to guarantee refugee protection. More precisely, Austria provided goods as well as financial support in the amount of 2.93 million EUR, mainly for refugee camps at the Turkish-Syrian border. In December 2012, the Vice Chancellor and Foreign Minister announced a further increase in aid for Syria through an additional 800,000 EUR from the Foreign Disaster Fund.¹¹⁹ Austria's financial support to Turkey and other Syrian neighbour countries was covered in the Austrian press. Also, the secondment of Austrian Red Cross aid workers to these countries was mentioned.¹²⁰

Between 2011 and 2012, the number of asylum applications lodged by Syrian nationals more than doubled from 422 applications in 2011 to 915 applications in 2012 (see table below).

Table 4: Asylum applications lodged by Syrian nationals, 2011-2012

Year	2011	2012
Number of Asylum applications lodged by Syrian nationals	422	915

Source: FMI, Asylum Statistics 2011, 2012.

¹¹⁸ Eurostat, *Asylum applicants and first instance decisions on asylum applications: 2012*, Mai 2013, available at http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-13-005/EN/KS-QA-13-005-EN.PDF (accessed on 15 Mai 2013).

¹¹⁹ Federal Ministry for European and International Affairs, *Spindelegger: Österreich reagiert auf dramatische humanitäre Situation in Syrien*, Press Release, 11 December 2012, available at www.bmeia.gv.at/aussenministerium/presseneuws/presseaussendungen/2012/spindelegger-oesterreich-reagiert-auf-dramatische-humanitaere-situation-in-syrien.html (accessed on 20 December 2012).

¹²⁰ See, for example, Kronen Zeitung, "Wir haben sovieler sterben gesehen", 12 August 2012, p. 38.

6. ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

In Austria, cases of human trafficking and arrests of traffickers were reported in the press throughout the year.¹²¹ Overall, in 2012, 116 suspected traffickers were involved in criminal proceedings; 13 traffickers were convicted. Twelve third-country nationals received a residence permit as victim of trafficking (see table below). It must be noted, however, that some victims may have received different residence titles.

Table 5: Data on trafficking in human beings, 2012

Third country nationals receiving a residence permit as victims of human trafficking¹²²	Suspects involved in a criminal proceeding	Convicted traffickers
12	116	13

Source: FMI, Settlement and Residence Statistics 2012; FMI, special evaluation.

6.1 National initiatives

Located at the centre of Europe, Austria is affected by human trafficking as a transit and destination country. It is assumed that human trafficking in Austria is mostly related to sexual exploitation, slavery-like treatment of domestic servants, and child trafficking.¹²³ Therefore, in 2004, the Task Force Human Trafficking was established under the leadership of the FMEIA to increase coordination and intensify anti-trafficking measures. The Task Force comprises representatives of all competent ministries (including outsourced departments), representatives of the federal provinces and NGOs. The Task Force defines National Action Plans and publishes reports on the implementation of measures.

In March 2012 the federal government adopted the second “Report on Combating Human Trafficking (2009-2011)”¹²⁴ and the following third “National Action Plan to Combat Trafficking in Human Beings (2012-2014)”.¹²⁵ The fields of action outlined in the Action Plan cover all five priority areas as outlined in the “EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)”.¹²⁶ These fields include (i) national and international cooperation and coordination; (ii) prevention of human trafficking; (iii) identification and protection of victims; (iv) assistance for minors that are victims of trafficking; (v) prosecution of traffickers; and (vi) data collection.

Numerous events on the topic of human trafficking were organised in 2012. For example, as in previous years, a public event took place in October on the occasion of the EU Anti-Trafficking

¹²¹ See, for example, Der Standard, „Schwer traumatisiert und verstört“, 3 April 2012, p. 9.

¹²² Residence permit ‘Special Protection’ according to Art. 69a para. 1.2, Settlement and Residence Act.

¹²³ Federal Ministry of European and International Affairs, *Fight against Trafficking in Human Beings*, available at www.bmeia.gv.at/en/foreign-ministry/foreign-policy/human-rights/main-human-rights-issues/combating-human-trafficking.html (accessed on 26 April 2013).

¹²⁴ Federal Ministry of European and International Affairs, Task Force on Combating Human Trafficking, 2. *Österreichischer Bericht zur Bekämpfung des Menschenhandels (2009-2011)*, available at www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/2_OEsterreichischer_Bericht_FINAL.doc.pdf (accessed on 21 November 2012).

¹²⁵ Federal Ministry of the Interior, Federal Ministry of European and International Affairs, *Nationaler Aktionsplan zur Bekämpfung des Menschenhandels für die Jahre 2012-2014*, available at www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/3_Nationaler_Aktionsplan_2012-2014_FINAL.pdf (accessed on 21 November 2012).

¹²⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, COM(2012) 286 final, 19 June 2012, available at http://ec.europa.eu/home-affairs/doc_centre/crime/docs/trafficking_in_human_beings_eradication-2012_2016_en.pdf (accessed on 14 February 2013).

Day, this time on the topic of “Joining Forces against Human Trafficking”.¹²⁷ The Minister of the Interior took the chance to highlight the global dimension of human trafficking which could be only addressed in cooperation with a wide range of actors, including international organisations, NGOs and research institutes as well as transit countries and countries of origin of potential victims. The minister mentioned as an example of a joint initiative the project “Assisted Voluntary Return and Reintegration of Minors and Young Adults from Moldova with Emphasis on the Prevention of (Re-)Trafficking”, implemented by IOM. The project follows a dual approach. Firstly, cooperation should be increased among national authorities and stakeholders in Austria and Moldova, and secondly, Moldovan minors and youth in Austria that have been trafficked or are vulnerable to trafficking should be assisted in their voluntary return to and reintegration in Moldova.¹²⁸

6.2 International cooperation

Austria regards trafficking in human beings as a world-wide challenge that can only be addressed globally and in an international context. Therefore, Austria continued to work together with a range of actors such as the United Nations Office on Drugs and Crime (UNODC), the Organisation for Security and Cooperation in Europe (OSCE) and IOM. At the EU level, Austria is an active member of the Informal Network of National Rapporteurs and Equivalent Mechanisms, which is chaired by the EU’s Anti-Trafficking Coordinator.

As in previous years, Austria undertook specific actions to enhance the coordination and cooperation amongst key actors. A wide range of projects and initiatives have been implemented in cooperation with NGOs and research institutes as well as with transit countries and countries of origin of potential victims. The joint project “Enhancing Multi-stakeholder Cooperation to Combat Human Trafficking in Countries of Origin and Countries of Destination” was one of the projects implemented in 2012 in cooperation with IOM. Alongside Austria, Belgium, France, Germany, the United Kingdom, Switzerland and Nigeria (as a country of origin) participated in the project.¹²⁹

¹²⁷ Task Force on Human Trafficking, *Joining Forces against Human Trafficking, Invitation and Programme*, 5 October 2012, available at www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/einladung_2012_menschenhandel.pdf (accessed on 26 April 2013).

¹²⁸ Federal Ministry of the Interior, *Mikl-Leitner: Menschenhandel ist ein abscheuliches Verbrechen*, Press Release, 18 October 2012, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=477542743973327A7454733D&page=1&view=1 (accessed on 14 February 2013).

¹²⁹ Federal Ministry of the Interior, *Mikl-Leitner: Menschenhandel ist ein abscheuliches Verbrechen*, News, 18 October 2012, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=477542743973327A7454733D&page=1&view=1 (accessed on 21 November 2012).

7. IMPLEMENTATION OF EU LEGISLATION

7.1 Transposition of EU legislation and applicability of EU law

In March 2012, the Austrian Constitutional Court made a decision in a case concerning the obligation of the Asylum Court to hold oral hearings in asylum cases. In this case, the court ruled that the Charter of Fundamental Rights of the European Union (CFR)¹³⁰ can, under certain circumstances, be within the Court's scope of application as a standard for national law (Art. 51(1) of the Charter), and that the Court will refer a matter to the Court of Justice of the European Union (CJEU) for a preliminary ruling if there are doubts on the interpretation of a provision of Union law.¹³¹ In the same ruling, the Court held that "desisting from holding a hearing in cases in which the facts seem to be clear from the case file in combination with the complaint, or where investigations reveal beyond doubt that the plea submitted is contrary to the facts, is consistent with the provisions of the CFR concerning oral hearings (Art. 47(1)), if preceded by administrative proceedings in the course of which the parties were heard."¹³² This ruling was considered controversial in so far as the Constitutional Court had declared the conformity of the respective provision of the Austrian Asylum Act with the CFR and the Austrian Constitution on the basis of only some selected case law of the European Court of Human Rights (ECtHR) regarding limitations to the applicability of guarantees of the respective rights to a fair trial as laid down in the European Convention on Human Rights¹³³ (ECHR).¹³⁴ In this context, it must be noted that the Austrian Administrative High Court has meanwhile (January 2013) applied a wider interpretation of Art. 47(2) of the CFR and stated that this provision of the Charter enshrines a right to an oral hearing.¹³⁵

7.2 Developments in the (non-) implementation of EU legislation

7.2.1 Compliance with EU Association Agreement with Turkey

The stricter regulations implemented in the framework of the amendments to the Austrian aliens law in 2011 are not applicable to Turkish nationals. In the case of *Murat Dereci and Others vs. Bundesministerium für Inneres*, the CJEU held in November 2011 that "by worsening the conditions for the exercise of freedom of establishment by Turkish nationals compared with the conditions applicable to them previously under the provisions adopted since the entry into force of the Additional Protocol", Austrian legislation applying to Turkish nationals does not comply with the EU Association Agreement with Turkey.¹³⁶ Following this decision, the Austrian Administrative High Court ruled in April 2012 that more favourable conditions of the Aliens Act 1997 (when compared with the Settlement and Residence Act) must (also) be applied to cases of Turkish nationals who wish to enter the Austrian labour market.¹³⁷

The ruling effects in particular family migration and implies that a number of conditions such as a certain level of German language skills, proof of income and adequate housing as well as the

¹³⁰ Charter of Fundamental Rights of the European Union, 2007/C 303/01, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:303:0001:0016:en:PDF> (accessed on 22 March 2013).

¹³¹ Constitutional Court, 14 March 2012, U 466/11-18, U 1836/11-13.

¹³² Constitutional Court, 14 March 2012, U 466/11-18, U 1836/11-13.

¹³³ European Convention on Human Rights, available at www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/Convention_ENG.pdf (accessed on 14 April 2013).

¹³⁴ Schmaus, Christian, Die Auslegung des Art. 47 GRCh durch den Verfassungsgerichtshof – Eine kritische Betrachtung des Grundrechtecharta-Erkenntnisses. *Migralex*, 3/2012, p. 74-80.

¹³⁵ Administrative High Court, 23 January 2013, 2010/15/0196.

¹³⁶ Court of Justice of the European Union, 15 November 2011, Case C-256/11.

¹³⁷ Administrative High Court, 19 April 2012, 2008/18/0202. G 74/12.

Integration Agreement¹³⁸ are not applicable anymore to family members joining Turkish nationals legally residing in Austria.

7.2.2 Interpretation of the Dublin Regulation

In June 2012, the Austrian Constitutional Court held that the Asylum Court had failed to comply with the obligation to make reference for a preliminary ruling to the CJEU regarding the interpretation of Art. 10 and 16(3) Dublin Regulation¹³⁹ on determining the Member State responsible for examining an asylum application and had thus violated the right of asylum seekers to a trial before a legal judge according to Art. 83 para. 2 of the Austrian Federal Constitutional Act.¹⁴⁰ Thereupon, the Asylum Court lodged its reference for a preliminary ruling to the CJEU in August 2012 in the case of Shamsu Abdullahi (C-394/12), a Somali national who crossed the frontier of the EU in Greece, from where she continued, via third countries and Hungary, to Austria, where she submitted an application for asylum less than 12 months after her first entry into European Union territory.¹⁴¹

7.2.3 Compliance with the European Convention on Human Rights

The Austrian Constitutional Court ruled that the provision in the Austrian Aliens Police Act (Art. 60 para 1) concerning return bans does not comply with Art. 8 ECHR regarding the respect for private and family life, as it does not foresee the possibility of lifting the entire ban. The respective Article has therewith been nullified.¹⁴²

¹³⁸ The Integration Agreement (German : Integrationsvereinbarung) was established in 2005 and aims at facilitating the integration of foreigners settled in Austria through a two-module system. Module 1 provides for alphabetisation courses and is obligatory; module 2 provides for German courses at level A-2 of the Common European Framework of Reference for Languages, which is mandatory to be granted long-term residence or citizenship (State Secretariat for Integration, Integrationsvereinbarung, available at www.integration.at/integration_in_oesterreich/integrationsvereinbarung/ (accessed on 12 April 2013).

¹³⁹ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:050:0001:0010:EN:PDF> (accessed on 26 April 2013).

¹⁴⁰ Constitutional Court, 27 June 2012, U 330/12.

¹⁴¹ <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-394/12>

¹⁴² Constitutional Court, 3 December 2012, G 74/12.

ANNEX A

A.1 List of translations and abbreviations

The terminology used in the context of this report is predominantly based on the terms and definitions given in the EMN Glossary.¹⁴³ In cases where national terms and definitions are used, explanatory information is provided in footnotes.

English term	English Abbreviation	German term	German Abbreviation
Administrative High Court	-	Verwaltungsgerichtshof	VwGH
Act Governing the Employment of Foreign Nationals	-	Ausländerbeschäftigungsgesetz	AuslBG
Aliens Police Act	-	Fremdenpolizeigesetz	FPG
Asylum Act	-	Asylgesetz	AsylG
Asylum Court	-	Asylgerichtshof	AsylGh
Austrian Court of Audit	ACA	Österreichischer Rechnungshof	RH
Austrian Federal Economic Chamber	-	Wirtschaftskammer Österreich	WKO
Austrian Freedom Party	-	Freiheitliche Partei Österreich	FPÖ
Austrian Green Party	-	Die Grünen	-
Austrian People's Party's	-	Österreichische Volkspartei	ÖVP
Basic Welfare Support Agreement	-	Grundversorgungsvereinbarung	-
Blue Card Directive	-	Blue-Card-Richtlinie	-
Chamber of Labour	-	Arbeiterkammer	AK
Charter of Fundamental Rights of the European Union	CFR	Charta der Grundrechte der Europäischen Union	GRC
Common European Asylum System	CEAS	Gemeinsames Europäisches Asylsystem	GEAS
Common European Framework of Reference for Languages	CEFR	Gemeinsamer Europäischer Referenzrahmen für Sprachen	GeRS
Constitutional Court	-	Verfassungsgerichtshof	VfGH
Council of Ministers	-	Ministerrat	-
Court of Justice of the European Union	CJEU	Gerichtshof der Europäischen Union	EuGH
European Asylum Support Office	EASO	Europäisches Unterstützungsbüro für Asylfragen	EASO
European Commission	EC	Europäische Kommission	EK
European Convention on Human Rights	ECHR	Europäische Menschenrechtskonvention	EMRK
European Court of Human Rights	ECtHR	Europäische Gerichtshof für Menschenrechte	EGMR
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN

¹⁴³ European Migration Network, *EMN Glossary*, Brussels, January 2012, available at: <http://emn.intrasoft-intl.com/Glossary/index.do> (accessed on 24 April 2013).

European Network of National Information Centres on academic recognition and mobility	ENIC	Europäische Netz nationaler Informationszentren für Fragen der akademischen Anerkennung	ENIC
European Parliament	EP	Europäisches Parlament	EP
European Union	EU	Europäische Union	EU
European Union Agency for Fundamental Rights	FRA	Agentur der Europäischen Union für Grundrechte	-
Federal Asylum Office	-	Bundesasylamt	BAA
Federal Chancellery	-	Bundeskanzleramt	-
Federal Constitutional Act	-	Bundesverfassungsgesetz	B-VG
Federal Criminal Intelligence Service	-	Bundeskriminalamt	BK
Federal Ministry for Education, the Arts and Culture	FMEAC	Bundesministerium für Unterricht, Kunst und Kultur	BMUK
Federal Ministry of European and International Affairs	FMEIA	Bundesministerium für Europäische und Internationale Angelegenheiten	BM.EIA
Federal Ministry of Labour, Social Affairs and Consumer Protection	FMLSC	Bundesministerium für Arbeit, Soziales und Konsumentenschutz	BMASK
Federal Ministry of Science and Research	FMSR	Bundesministerium für Wissenschaft und Forschung	BMWF
Federal Ministry of the Interior	FMI	Bundesministerium für Inneres	BMI
Federal Office for Aliens' Affairs and Asylum	-	Bundesamt für Fremdenwesen und Asyl	BFA
Federal Province	-	Bundesland	-
Federation of Austrian Industries	-	Industriellenvereinigung	IV
First Reception Centre	-	Erstaufnahmestelle	EAST
General Directors' Immigration Services Conference	GDISC	Konferenz der Generaldirektoren der Einwanderungsbehörden	-
Initial Reception Centre	-	Erstaufnahmestelle	EAST
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
Media Service Point New Austrians	-	Medien-Servicestelle Neue Österreicher/innen	MSNÖ
National Academic Recognition Information Centre	NARIC	Nationales Informationszentrum für akademische Anerkennung	NARIC
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
Non-Governmental Organisation	NGO	Nichtregierungsorganisation	NRO
Organisation for Security and Cooperation in Europe	OSCE	Organisation für Sicherheit und Zusammenarbeit in Europa	OSZE
Red-White-Red Card	-	Rot-Weiß-Rot Karte	-
Public Employment Service	PES	Arbeitsmarktservice	AMS
Schengen Borders Code	-	Schengener Grenzkodex	-
Settlement and Residence Act	-	Niederlassungs- und Aufenthaltsgesetz	NAG

Social Democratic Party of Austria	-	Sozialdemokratische Partei Österreichs	SPÖ
State Secretariat for Integration	-	Staatssekretariat für Integration	-
Unaccompanied minors	UAM	Unbegleitete Minderjährige	-
United Nations High Commissioner for Refugees	UNHCR	Hoher Flüchtlingskommissar der Vereinten Nationen	UNHCR
United Nations Office on Drugs and Crime	UNODC	Büro der Vereinten Nationen für Drogen- und Verbrechensbekämpfung	-
Visa Code	-	Visa Kodex	-

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- 2012 *Austria Annual Policy Report 2011*, Vienna 2012, available www.emn.at/images/stories/2012/APR/EMN_NCP_AT_Annual_Policy_Report_2011.pdf
- 2012 *Organisation of Asylum and Migration Policies - Factsheet: Austria*, Vienna 2012, available at <http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?entryTitle=0.%20Institutional%20Charts%20on%20Asylum%20and%20Migration> (accessed on 15 January 2013).

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Gerald Dreveny, Department III/5 (Asylum and Support), Federal Ministry of the Interior, 17 December 2012.

ANNEX B

2012 NATIONAL CONTRIBUTION OF AUSTRIA TO COMMISSION AND TO EASO ANNUAL REPORTS

1. LEGAL MIGRATION AND MOBILITY

1.1 Key statistics

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

1.2 Promoting legal migration channels

Please describe any (planned) measures to improve the provision of information on the routes to and conditions of legal migration for third-country nationals. These could include, for example, information campaigns, websites, specific centres, referring to any approaches that combine information with pre-departure measures, for example, upgrading skills and / or proficiency in EU languages, and also the role and impact of the EU Immigration Portal in your (Member) State.

The website www.migration.gv.at, which is maintained by the Federal Ministry of the Interior (FMI), the Federal Ministry of Labour, Social Affairs and Consumer Protection (FMLSC) and the Federal Ministry for European and International Affairs (FMEIA) was regularly updated. The website provides information in German and English about immigration possibilities, especially for a highly qualified workforce. Up-to-date information on settlement and residence in Austria can also be found on the FMI website¹⁴⁴. Furthermore, the website www.help.gv.at serves as a guide to the Austrian authorities, offices and institutions.

The information about Austria on the EU Immigration Portal was updated.

Overall, the scope of information available on the recognition of qualifications obtained abroad has been increased. (For further details see 1.3.2.)

1.3 Economic migration

1.3.1 Satisfying labour market needs

Describe whether and how your (Member) State analyses its labour market and skills needs / shortages, and any cooperation with other (Member States), for example, through the Public Employment Services. Please describe the (planned) introduction of any new labour migration policies or changes to the existing ones, e.g. introduction of quota, lists of professions, agreement with specific third countries, use of private recruitment agencies / services, etc.). Also consider the effect of the economic crisis on labour migration (e.g. revision of quota, reduction of professions listed, etc.) and how economic migration is considered to contribute to economic growth.

As part of the new criteria-based immigration system, which is oriented towards the needs of the Austrian labour market, the EU Blue Card Directive was implemented in 2011 and the new residence permits 'Red-White-Red Card' and 'Red-White-Red Card plus' have been introduced.

¹⁴⁴ www.bmi.gv.at/cms/bmi_niederlassung/

They regulate not only the influx to Austria but also the access to the labour market for highly qualified migrants and skilled and key workers based on a point-based system. In this regard, highly qualified persons and key workers were granted admission in 2011.¹⁴⁵ The regulation for skilled workers entered into force in June 2012. Hence, skilled workers who have completed a vocational training may now be granted access to 26 designated shortage occupations.¹⁴⁶

1.3.2 Skills recognition

Describe any (planned) measures to improve the validation of diplomas, qualifications and skills of third-country nationals and labour matching between your (Member) State and third countries (including online employment, etc.), including any measures introduced for already resident third-country nationals (in the context of better integration). Describe any exchanges of practical information and co-operation with other EU Member States. Describe any specific measures to avoid brain waste. Consider also how such measures will contribute to economic growth.

In April 2012, the National Assembly adopted a decision to ease skills recognition of graduates coming from third countries. The decision is based on a five-point programme elaborated by the Minister of Science and Research, Karlheinz Töchterle, in cooperation with the State Secretary for Integration, Sebastian Kurz.¹⁴⁷

The revision provides for facilitated validation (regarding non-regulated professions) and nostrification (regarding regulated professions) of third-country graduates' degrees through increased information provision, improved services and shorter procedures. Therefore,

- the ENIC-NARIC (European Network of Information Centres - National Academic Recognition Information Centre),¹⁴⁸ operating within the Federal Ministry of Science and Research (FMSR) was nominated as information and submission office;
- a new website¹⁴⁹ was set up;
- the maximum waiting period for nostrification was shortened from 6 to 3 months; and
- a service – free of charge and non-bureaucratic – was launched for the validation of degrees in non-regulated professions.¹⁵⁰

In May 2012, the brochure “Anerkennung ABC – Anerkennung ausländischer Qualifikationen aus Beruf und Bildung” was published by the FMI in cooperation with the FMLSC. The brochure offers a comprehensive overview of Austrian procedures regarding skills recognition (nostrification, equivalence, etc.) for the following sectors: school, university, vocational training and regulated professions. A list of names of responsible bodies is provided.¹⁵¹ Continuously updated information was also provided by the FMI and the FMLSC at the website www.berufsanerkennung.at.

¹⁴⁵ For further details please see Annual Policy Report 2011.

¹⁴⁶ Federal Ministry of Labour, Social Affairs and Consumer Protection, *Mangelberufsliste für 2012 tritt morgen Samstag in Kraft*, Press Release, 15 June 2012, available at www.bmask.gv.at/site/Presse/Presseaussendungen/Mangelberufsliste_fuer_2012_tritt_morgen_Samstag_in_Kraft?rangeFrom=40 (accessed on 4 November 2012); Regulation for skilled workers – BGBl. II No. 207/2012.

¹⁴⁷ State Secretariat for Integration, *Staatssekretär Kurz begrüßt Nationalratsbeschluss zur verbesserten Berufsanerkennung von Akademikern aus Drittstaaten*, Press Release, 19 April 2012, available at www.ots.at/presseaussendung/OTS_20120419_OTS0152/staatssekretaer-kurz-begruesst-nationalratsbeschluss-zur-verbesserten-berufsanerkennung-von-akademikern-aus-drittstaaten (accessed on 22 November 2012).

¹⁴⁸ For further information see <http://enic-naric.net/index.aspx?s=n&r=g&d=about> (accessed on 22 April 2013).

¹⁴⁹ www.nostrifizierung.at/

¹⁵⁰ Federal Ministry of Science and Research, *BM Töchterle und StS Kurz: 5 Punkte-Programm zur verbesserten Berufsanerkennung wirkt*, Press Release, 10 August 2012, available at www.ots.at/presseaussendung/OTS_20120810_OTS0023/bm-toechterle-und-sts-kurz-5-punkte-programm-zur-verbesserten-berufsanerkennung-wirkt (accessed on 8 November 2012).

¹⁵¹ Federal Ministry of the Interior and Federal Ministry of Labour, Social Affairs and Consumer Protection, *Anerkennungs-ABC: Anerkennung ausländischer Qualifikationen aus Beruf und Bildung*, May 2012, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Broschueren/Anerkennungs-ABC.pdf (accessed on 15 November 2012).

Migrants are defined as a specific target group of the Public Employment Service (PES). Hence, since 2012, the migration background of registered unemployed/job-seekers is registered for the purpose of developing targeted services. In order to ensure demand-driven services, employees of the PES participated in a training to improve their intercultural competences. Furthermore, consideration is given to the migration background and language skills when recruiting new staff.

Migrants have access to the whole range of support provided by the PES that is provided to all registered unemployed/job-seekers. In addition, migrants profit from targeted services such as German courses, integration measures, basic skills acquisition, compulsory school certification, initial information provision in the mother tongue, and information brochures. Good results have been achieved by the intensive training for skilled workers in highly demanded occupations from which migrants profited in particular.

“Youth coaching” is a new initiative, which has been developed by the FMLSC in cooperation with the Federal Ministry for Education, Arts and Culture (FMEAC), and is implemented by the Federal Social Office.¹⁵² The programme focusses on the critical orientation phase of school-to-work transition. A tutor supports and accompanies youth for a period of up to one year in order to assist them in choosing an adequate educational path before the end of compulsory schooling so as to prevent school drop-outs. In an individualised approach, targeted support and tutoring is offered to the youth. The programme does not exclusively address young migrants. However, they are the target group since their parents might lack information on educational paths and the Austrian labour market, they might have less contacts, and therefore face extraordinary obstacles in providing appropriate support and guidance to their children.

Regarding facilitated skills recognition, the FMLSC has – in close cooperation with PES – established information and contact points for the nostrification and validation of degrees. The overall aim is to make the best use of the available skills at the labour market. The contact points provide multilingual information, consulting and support in matters of skills recognition, acquisition of required documents and forwarding to assessment bodies, assistance with subsequent steps within the recognition procedure, validation of tertiary degrees, school degrees and skilled workers’ qualifications within three months.

Subsequently, a recognition network was founded in December 2012, combining all concerned federal ministries and institutions. The aim of the network is to combine existing know-how and to develop measures for facilitated and faster skills recognition.

1.3.3 Cooperation with partner / third countries for economic migration

Please provide information on any (planned) EU level or bilateral agreements (e.g. Mobility Partnerships), which help to implement policies for labour migration. List them (see table below), including the third countries with which they have been concluded, and provide details of their content and the rationale for concluding the agreement. Please also indicate whether any of these favour circular migration, and specify which third countries are involved, including from the Southern Mediterranean¹⁵³ and Eastern Partnership¹⁵⁴. In the framework of Mobility partnerships (and Common Agendas) please advise whether Migration and Mobility Resource Centres (MMRCs) have / will be set up in the partner countries.

¹⁵² Information brochure available at: www.bmukk.gv.at/medienpool/23694/20111219_neba_jugendcoaching.pdf (accessed on 20 December 2012).

¹⁵³ Morocco, Algeria, Tunisia, Libya, and Egypt.

¹⁵⁴ Ukraine, Belarus, Moldova, Georgia, Armenia, and Azerbaijan.

So far, Austria has not participated in any Mobility partnership concluded between the EU and third countries. Furthermore, Austria did not enter into any bilateral agreement in this field and has no programmes promoting circular migration.

Type of agreement	Third countries involved	Main purpose and rationale for the agreement
NA	NA	NA

1.3.4 Highly qualified workers

Please describe any (planned) measures to facilitate access of highly qualified workers. Refer to the implementation of the EU Blue Card Directive. Describe any incentive mechanisms for highly qualified workers on top of the transposition and implementation of EU legislation. Consider also how such measures will contribute to economic growth. (Information relating to the mitigation of ‘brain drain’ should be provided in Section 4.4).

The five-point programme on skills recognition of third-country graduates mentioned under 1.3.2 aims at facilitating access to the Austrian labour market for highly qualified third-country nationals.

In the framework of the criteria-based immigration system promoting qualified immigration to Austria, the new residence permits ‘Red-White-Red Card’ and ‘Red-White-Red Card plus’, but also the ‘EU Blue Card’ have been implemented. These residence permits establish attractive conditions for the immigration of highly qualified workers from third countries and, hence, shall strengthen Austria’s position as a business location.¹⁵⁵

1.3.5 Students and researchers

Please describe any (planned) measures to facilitate greater mobility of students and researchers, also as a pathway towards meeting labour market needs. Describe any incentive mechanisms in place for students and researchers on top of the transposition and implementation of EU legislation. Consider also how such measures will contribute to economic growth. (Information relating to the mitigation of ‘brain drain’ should be provided in Section 4.4).

Conditions were set in 2011 to provide third-country nationals with facilitated access to employment during their studies and after graduation.¹⁵⁶

The Austrian Exchange Service (OeAD), the Austrian agency for international mobility and cooperation in education, science and research, has concluded a bilateral agreement with the Sultanate of Oman concerning a scholarship programme for Omani school graduates. The programme will start in 2013.¹⁵⁷ Furthermore, the OeAD contributed its involvement in the EU-funded mobility programmes for third-country nationals.

The programme on improved skills recognition of graduates from third countries, which has been in force since April 2012, is another measure to promote the mobility of students and researchers. The programme aims at facilitating procedures of validation and nostrification of degrees. (See 1.3.2.)

The bilingual information brochure “Guide to Entry and Residence Requirements for Foreign Students”¹⁵⁸ provides information for students and researchers from third countries on immigration to and residence in Austria. The brochure was developed by the OeAD in cooperation with the

¹⁵⁵ For further details see Annual Policy Report 2011.

¹⁵⁶ For further information please see Annual Policy Report 2011.

¹⁵⁷ www.oead.at/index.php?id=4486&L=1

¹⁵⁸ OeAD, *Guide to Entry and Residence Requirements for Foreign Students*, Vienna, January 2012, available at www.bmi.gv.at/cms/BMI_Niederlassung/Allgemeine_Informati/Leitfaden_Studi_engl_201201.pdf (accessed on 24. April 2013).

FMSR, the FMI, the FMEIA, the Austrian Students Union, Universities Austria, and the Austrian Association of the Universities of Applied Sciences.

1.4 Family reunification

Please describe any new policies / legislation or changes to existing policies and legislation regulating family migration. Consider also your (Member) State's human rights obligations, reception capacity and the extent to which the family member's capacity to integrate is being taken into account in the admission procedure, e.g. knowledge of the country's language, level of education, professional background, other. Please also describe any concrete (planned) measures to further promote the integration of third-country nationals coming for the purpose of family reunification

As in previous years, the integration of family members was one of Austria's priorities also in 2012. Respective measures have been initiated and implemented throughout Austria.¹⁵⁹

In 2011, family members of 'Red-White-Red Card', 'Red-White-Red Card plus', 'Long-Term Residence – EC', and 'EU Blue Card' holders were granted free access to the labour market.¹⁶⁰

1.5 Integration¹⁶¹

1.5.1 Promoting integration through participation: socio-economic contribution of migrants

Please describe (planned) measures for the integration of third-country nationals through their increased socio-economic contribution, including measures to enhance language skills; improve attainment on the education system; and improve access to social and health services. Describe any specific measures to meet the needs of vulnerable groups of migrants. Describe also how EU funding (e.g. the European Fund for the Integration of Third-Country Nationals and the European Refugee Fund) is being (better) used to support migrants' participation.

NB Information in relation to labour market integration should be provided in Section 1.3.2.

In July 2012, the "Integration Report 2012 – Conclusions of the Expert Council for Integration"¹⁶² was published by the State Secretariat for Integration.¹⁶³ Therein, the independent Expert Council for Integration¹⁶⁴ presents the results of the evaluation of the 20-Point Programme, which has been developed within the framework of the Integration Report 2011.¹⁶⁵ The report concludes "that the actions taken have resulted in remarkable progress in all areas."¹⁶⁶

¹⁵⁹ State Secretariat for Integration, *National Action Plan for Integration - Measures*, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/NAP_Massnahmenkatalog.pdf (accessed on 8 November 2012).

¹⁶⁰ For further information please see Annual Policy Report 2011.

¹⁶¹ Please also refer to the European Agenda for the Integration of third-country nationals, COM (2011)455 final.

¹⁶² State Secretariat for Integration, *Integration Report – Conclusions of the Expert Council for Integration 2012*, July 2012, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Integrationsbericht_2012/Integrationsbericht_2012_Band_1_ANSICHT.pdf (accessed on 15 November 2012).

¹⁶³ For information on the establishment of the State Secretariat for Integration in the Federal Ministry of the Interior in 2011 see Annual Policy Report 2011 and www.integration.at.

¹⁶⁴ The independent Expert Council for Integration was established within the FMI as a „competence centre“; it consists of versed and acknowledged public figures under the chairmanship of Univ.-Prof. Dr. Heinz Fassmann, University of Vienna (www.integration.at/integration_in_oesterreich/expertenrat/).

¹⁶⁵ For information on the Integration Report 2011 and the 20-Point Programme see Annual Policy Report 2011 and www.integration.at.

¹⁶⁶ State Secretariat for Integration, *Integration Report – Conclusions of the Expert Council for Integration 2012*, July 2012, p. 57, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Integrationsbericht_2012/Integration_Report_english_WEB.pdf (accessed on 15 November 2012).

The “Integration Report – Integration as a Cross-cutting Issue; Statement regarding Integration Initiatives 2011/2012”¹⁶⁷ provides an overview of the integration measures carried out by the members of the Austrian Integration Advisory Committee¹⁶⁸ in 2011/12. The measures aim at advancing the implementation of the National Plan of Action for Integration (NAP.I) and are therefore adjusted to its fields of action. They include: (i) language and education, (ii) occupation and labour, (iii) rule of law and values, (iv) health and social policy, (v) intercultural dialogue, (vi) sports and leisure activities, and (vii) housing and the regional dimension of integration. Furthermore, the report provides statistics of funded integration projects.

Altogether, 173 integration projects were funded in 2012 with a sum of EUR 11.42 million. Out of the 173 projects, 32 were co-funded by the European Refugee Fund and 44 by the European Integration Fund with a total sum of EUR 7.56 million (European funds and FMI co-funding). Another 97 projects were funded by national integration funds with a total amount of EUR 3.86 million.¹⁶⁹

Information about all integration projects in Austrian that are co-funded by the EU is available on the website of the Austrian Integration Fund.¹⁷⁰

<i>Annual average unemployment rates of (Member) State citizens versus third-country nationals residing in the (Member) State for</i>		
	Third country nationals	Total national population
Unemployment rate (%)	10.7	4.4

Source: Eurostat., Labour Force Survey 2012.

1.5.2 Promoting integration through participation: rights and obligations – achieving equal treatment and belonging

Please describe measures taken to increase migrants’ participation in the democratic process. These might include for example, increasing the participation of migrant representatives (including women) in the design and implementation of integration policies; outreach programmes and work placements to build capacity within migrant organisations and encourage support at local level; and measures to enhance democratic participation, for example, training mentors, granting voting rights in local elections etc.

On the occasion of the Austrian Integration Day¹⁷¹ that took place on 27 April 2012 and put a focus on ‘participation’, the State Secretary for Integration called attention to the close link between integration and participation in society, education, and the labour market. Strategies and approaches concerning a wide range of topics were discussed and elaborated, for instance, options of

¹⁶⁷ State Secretariat for Integration, *Integrationsbericht – Integration als Querschnittsmaterie; Bilanz der Maßnahmen 2011/2012*, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Integrationsbericht_2012/Integrationsbericht_2012_Band_3_ANSICHT.pdf (accessed on 15 November 2012).

¹⁶⁸ The Integration Advisory Committee of the FMI consists of representatives of the federal government, the Federal States, the Association of Towns and Municipalities, the social partners, the Federation of Austrian Industries, and NGOs. Its main responsibility is the networking and coordination of as well as knowledge transfer between all actors that are actively involved in the implementation of the National Action Plan for Integration. Furthermore, it passes on recommendations to the Expert Council for Integration and discusses their implementation.

(www.integration.at/integration_in_oesterreich/integrationsbeirat/)

¹⁶⁹ Gernot Baumann, Department III/8a (Refugee and Integration Support), Federal Ministry of the Interior, 13. December 2012.

¹⁷⁰ www.integrationsfonds.at/nc/de/europaeische_fonds/gefoiderte_projekte/

¹⁷¹ www.vwfi.at/fileadmin/oeit/2012/OeIT2012-Konferenzbericht.pdf

democratic participation for non-citizens, migrants' voluntary activities in associations, and employment opportunities for migrant women.¹⁷²

With the aim of promoting migrants' voluntary work at local level, the FMI and the European Integration Fund are financing the project "Grassroots Integration through Volunteer Experience – GIVE", which is implemented by the International Organization for Migration (IOM).

Furthermore, since 2012 migrants have the opportunity to get involved in the volunteer fire brigade throughout Austria. Following an initiative taken by the State Secretary for Integration, Styria had already amended its legislation in 2011 (see Annual Policy Report 2011). Carinthia was the last federal province to follow, adopting corresponding legislation in 2012.¹⁷³

A second phase of the project "Together: Austria", which was initiated in 2011, started in 2012 with the slogan "Associations opening up, migrants joining. Now you! Your country needs you!". The intention of the project is to motivate young migrants to get engaged in voluntary work. Associations are invited to use make use of these resources, to open up, and thereby to contribute to integration in Austria.¹⁷⁴

In order to enhance integration through inclusion in the labour market, the Austrian Federal Economic Chambers initiated in 2008, together with the Austrian Integration Fund and PES, the project "Mentoring for Migrants". Still on-going, in 2012 the project continued to support qualified migrants to enter the Austrian labour market, and thereby contributed significantly to their integration. In the framework of the project, tutors provide migrants with their contacts and informal knowledge about the labour market.¹⁷⁵ (See further sample projects in chapter 1, 1.3.2.)

1.5.3 Promoting action at local level

Please describe any relevant activity with the active involvement of local authorities, e.g. addressing integration challenges in disadvantaged urban areas; improving multi-level cooperation between different levels of governance. You should also describe how EU funding is being applied to improve local, more targeted approaches to integration.

Integration policy in Austria is not only pursued by federal ministries, but also at the local level, by federal provinces and municipalities. Hence, the promotion of integration competences on a local scale has been one of the measures within the NAP.I. In fact, integration is happening on-site, namely at the migrants' places of residence, which are more and more often located in rural areas, away from urban centres. Therefore, integration structures and competences at the local level are being promoted. One initiative is the network "Integration in Rural Areas", which was established with support of the State Secretary for Integration. In the framework of the network, an integral concept to promote integration competence of rural authorities has been jointly developed by the

¹⁷² State Secretariat for Integration, *Integrationstag: Erfolgreiche Integration durch Partizipation*, Press Release, 30 April 2012, available at www.ots.at/presseaussendung/OTS_20120430_OTS0107/integrationstag-erfolgreiche-integration-durch-partizipation (accessed on 22 November 2012).

¹⁷³ State Secretariat for Integration, *Kurz: Ab morgen darf jeder Migrant in ganz Österreich zur Freiwilligen Feuerwehr*, Press Release, 7 March 2012, available at www.ots.at/presseaussendung/OTS_20120307_OTS0050/kurz-ab-morgen-darf-jeder-migrant-in-ganz-oesterreich-zur-freiwilligen-feuerwehr (accessed on 27 November 2012).

¹⁷⁴ State Secretariat for Integration, *Projekt „Zusammen: Österreich“ – Sebastian Kurz präsentiert zweite Kategorie „Jetzt Du! Dein Land braucht dich!“*, News, 11 June 2012, available at [www.integration.at/news/projekt_zusammenoesterreich_sebastian_kurz_praesentiert_zweite_kategorie_jetzt_du_dein_land_braucht_dich/?tx_intgallery_pi1\[page\]=2&cHash=7581d3ce8f](http://www.integration.at/news/projekt_zusammenoesterreich_sebastian_kurz_praesentiert_zweite_kategorie_jetzt_du_dein_land_braucht_dich/?tx_intgallery_pi1[page]=2&cHash=7581d3ce8f) (accessed on 20 December 2012).

¹⁷⁵ http://portal.wko.at/wk/format_detail.wk?angid=1&stid=493148&dstdid=8769&cbtyp=2&titel=Mentoring%2cf%C3%BCr%2cMigrantInnen (accessed on 3 December 2012).

Association of Towns and Municipalities, the Federal Chancellery as well as the Federal Provinces' integration bodies.¹⁷⁶

1.5.4 Involvement of countries of origin

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

According to the Integration Report 2012¹⁷⁷ 'integration from the beginning' is the leading concept of Austria's proactive integration policy. The concept describes an integration process that starts in the country of origin, assigning a significant role to the Austrian embassies and consulates. According to the Settlement and Residence Act, as amended in 2011, third-country nationals must – for example – prove German language skills at level A1 of the Common European Framework of Reference for Languages when applying for certain residence titles. The idea behind is to start building the foundations for successful integration in Austria in the country of origin.¹⁷⁸ Consequently, the learning platform www.sprachportal.at was launched in November 2012, offering German courses at all levels as well as literacy courses (that can be taken anonymously). All offers are available in German, Turkish, Serbian, English, and French. All language courses offered by the Austrian Integration Fund as well as by course institutes abroad are listed on the platform.¹⁷⁹

In February 2012 the FMI organised a conference on the subject of 'integration from the beginning'.¹⁸⁰ It provided the opportunity for a nationwide exchange between relevant actors in the field of integration policy, including international participants as well. One outcome of the conference was the brochure "Welcome to Austria"¹⁸¹, which is available at Austrian representations abroad. It provides immigrants with an initial guidance to the country and its people as well as to the Austrian legal framework.

Cooperation with countries of origin is also promoted at bilateral level. In 2012, the State Secretary for Integration paid visits to some of the most important countries of origin (such as Turkey and Croatia). For example, in November 2012 the State Secretary met Turkey's Deputy Prime Minister Bekir Bozdağ and presented integration initiatives in Austria.¹⁸²

¹⁷⁶ State Secretariat for Integration, *Integration Report – Conclusions of the Expert Council for Integration 2012*, July 2012, p. 59-60, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Integrationsbericht_2012/Integrationsbericht_2012_Band_1_ANSICHT.pdf (accessed on 15 November 2012).

¹⁷⁷ State Secretariat for Integration, *Integration Report – Conclusions of the Expert Council for Integration 2012*, July 2012, p. 65, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Integrationsbericht_2012/Integrationsbericht_2012_Band_1_ANSICHT.pdf (accessed on 15 November 2012).

¹⁷⁸ Federal Ministry of the Interior, *Fekter: Deutsch vor Zuwanderung ist wesentliche Maßnahme zur Integration*, Press Release, 22 February 2011, available at www.bmi.gv.at/cms/BMI_Presse/news/aussendungen.aspx?id=2B4836576A484464332F733D&page=6&view=1 (accessed on 3 December 2012).

¹⁷⁹ <http://sprachportal.integrationsfonds.at/>

¹⁸⁰ State Secretariat for Integration, *Kurz: Integration künftig von Anfang an*, Press Release, 27 February 2012, available at www.ots.at/presseaussendung/OTS_20120227_OTS0196/kurz-integration-kuenftig-von-anfang-an (accessed on 15 November 2012).

¹⁸¹ Austrian Integration Fund, *Welcome to Austria – Knowledge, Rules, Life*, 2012, available at www.integration.at/fileadmin/Staatssekretariat/4-Download/Broschueren/Willkommen_in_Oesterreich.pdf (accessed on 15 November 2012).

¹⁸² State Secretariat for Integration, *Türkische Regierung an türkische Österreicher: "Lernt Deutsch!"*, News, available at www.integration.at/news/staatssekretaer_sebastian_kurz_auf_arbeitsbesuch_in_der_tuerkei/ (accessed on 27 November 2012).

1.5.5 Cooperation, consultation and coordination of stakeholders

Please describe any additional information not included above on the processes for cooperation, consultation and coordination of national, regional and local authorities, including civil society, countries of origin and with EU level institutions and actors. Please describe relevant activity, such as the development of a national website and / or forum on integration, development of information exchanges between institutions, and possible contributions to the European Integration Forum, the European Website on Integration and the National Contact Points on Integration.

In Austria, integration is understood as a cross-cutting issue, which – as a societal responsibility – is of concern to all governmental (federal, provincial and local) and civil society actors. As already indicated in the Annual Policy Report 2011, the NAP.I structures the cooperation between different institutions throughout Austria, aiming at a successful implementation of integration measures in all fields.

The Austrian Integration Advisory Committee met twice in 2012, thereby contributing to a continuous exchange between the federal government, the federal provinces, the Association of Towns and Municipalities, the social partners, the Federation of Austrian Industries, and non-governmental organisations (NGOs).¹⁸³ Moreover, the Integration Advisory Committee was – in the framework of conferences – involved in the development of integration measures (e.g. ‘integration from the beginning’ or ‘Red-White-Red Primer’).

The Austrian online portal for integration¹⁸⁴ was regularly updated in 2012 with regard to publications and current developments in the field of integration.

The European website for integration¹⁸⁵ was regularly updated regarding Austrian country information.

1.6 Managing migration and mobility

1.6.1 Visa policy

Please describe (planned) developments in relation to the implementation of the Visa Code and the Visa Information System (VIS), including developments in relation to biometric visas, for example the share of visas issued which are biometric, regions covered, pilot measures and testing, cooperation between (Member) States’ consulates and the set up joint consular services for visas.

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

In Austria, the EU Visa Code is applicable since 5 April 2010. In order to ensure harmonised implementation, five European Commission implementing decisions establishing the lists of supporting documents to be presented by visa applicants in different consulates have been taken. On 20 March 2012 the Regulation (EU) No. 154/2012 amending Regulation (EC) No 810/2009

¹⁸³ State Secretariat for Integration, *Staatssekretär Kurz bei fünfter Sitzung des Integrationsbeirates*, News, available at http://www.integration.at/news/staatssekretaer_kurz_bei_fuenfter_sitzung_des_integrationsbeirates/ (accessed on 27 November 2012).

¹⁸⁴ www.integration.at/

¹⁸⁵ <http://ec.europa.eu/ewsi/de/>

establishing a Community Code on Visas (Visa Code)¹⁸⁶ entered into force, expanding the list of visa-issuing states that allow for exemption from the airport transit visa requirement.

On 11 October 2011 the Visa Information System (VIS) has been put into operation at the consulates of the first rollout region (North Africa). In 2012 the rollout at EU level was continued in the Middle East and in the Gulf region.

<i>Visas issued in 2012</i>		
Total	Schengen Visas (A and C visas)	National Visas (LTV visas)
295,567	294,768	799

Source: EC Visa statistics; Consulates.

1.6.2 Schengen governance

Please describe any recent developments in relation to Schengen Governance. For example, where relevant, you could include any (planned) actions in relation to the new Schengen acquis, temporary suspension of Schengen, developments in relation to Regulation (EU) No 1342/2011 facilitating border crossing for Kaliningrad area etc.

None.

2. IRREGULAR MIGRATION

*NB. The questions in this Section have the purpose of reporting activities in Member States that have contributed to the six Strategic Priority Areas outlined in the Strategic Response to EU Action on Migratory Pressures.*¹⁸⁷

2.1 Strategic Priorities

Priority I: Strengthening cooperation with third countries of transit and origin on migration management

The relevant challenges in the Strategic Response for this sub-section are in particular:

1.2. Ensure implementation of all EU readmission agreements to their full effect

Please describe activities undertaken to support the implementation of EU readmission agreements (implementing protocols, cooperation (including diplomatic pressure) with third countries to encourage implementation)

On 20 February 2012 the implementing protocol to the EU readmission agreement signed between Austria and Bosnia and Herzegovina on 22 February 2011 entered into force.¹⁸⁸

Austria made a proposal to Pakistan concerning an implementing protocol to the EU-Pakistan readmission agreement. Furthermore, an Austrian high-level delegation will visit Islamabad in March 2013 to speed up the process.

¹⁸⁶ Regulation (EU) No. 154/2012 of the European Parliament and of the European Council of 15 February 2012 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code), available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:058:0003:0004:EN:PDF> (accessed on 18 February 2013).

¹⁸⁷ 8714/1/12 REV 1 <http://register.consilium.europa.eu/pdf/en/12/st08/st08714-re01.en12.pdf>

¹⁸⁸ Readmission Agreement Implementing Protocol (Bosnia and Herzegovina), BGBl. III No. 50/2012. The text of the implementing protocol can be found at www.ris.bka.gv.at/Dokument.wxe?Abfrage=Bundesnormen&Dokumentnummer=NOR40136723 (accessed on 20 November 2012).

A bilateral readmission agreement between Austria and Nigeria became effective on 18 August 2012. It regulates in particular the authorities' responsibilities, information exchange, technical cooperation, establishing identity, and terms and conditions of return.¹⁸⁹

1.3. Enhance the capacity of countries of origin and transit to manage mixed migration flows

Please describe any specific developments to equip countries of first asylum with the means to guarantee refugee protection and to better manage mixed migration flows.

In 2012, Austria made a series of visits to Turkey in order to intensify cooperation with the representations abroad.

In light of significant migration movements from Syria to Turkey, Austria provided goods as well as financial support in the amount of EUR 2.93 million, mainly for refugee camps at the Turkish-Syrian border. On 11 December 2012 Vice Chancellor Michael Spindelegger announced an increase in aid for Syria through an additional EUR 800,000 from the Foreign Disaster Fund.¹⁹⁰

The Austrian Federal Economic Chambers declared its intention to promote foreign trade with countries of origin. Tangible efforts have been made to establish contact between Austrian foreign trade delegates and IOM country offices in countries of origin.

1.4-7 Prevention of irregular migration from (a) the Southern Mediterranean countries; (b) the Eastern Partners; (c) the Western Balkans; and (d) the Western Mediterranean and the African Atlantic coast

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

(a) There is no cooperation in place with countries of the Southern Mediterranean.

(b) In Moldova, projects to combat human trafficking are implemented. For example, IOM, with the financial support of the FMI, implements the project "Assisted Voluntary Return and Reintegration of Minors and Young Adults from Moldova with Emphasis on the Prevention of (Re-)Trafficking".

(c) The collaboration at regional level and the set-up of an operational network have been intensified within the security partnership 'Forum Salzburg'.¹⁹¹ In May 2012 a ministerial meeting took place to agree upon the Forums' strategic operational framework for July 2012 till December 2013.¹⁹²

In March 2012 a trilateral ministerial meeting took place between Austria, Serbia, and Hungary in order to discuss the current situation and developments in the field of smuggling and irregular migration. The Ministers concluded that the concerted measures, which have been defined in October 2011 as part of the five-point package of measures, have been proven successful. By

¹⁸⁹ Readmission Agreement (Nigeria), BGBl. III No. 116/2012. The text of the readmission agreement can be found at www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007952 (accessed on 20 November 2012).

¹⁹⁰ Federal Ministry for European and International Affairs, *Spindelegger: Österreich reagiert auf dramatische humanitäre Situation in Syrien*, Press Release, 11 December 2012, available at www.bmeia.gv.at/aussenministerium/presse/presseaussendungen/2012/spindelegger-oesterreich-reagiert-auf-dramatische-humanitaere-situation-in-syrien.html (accessed on 20 December 2012).

¹⁹¹ The 'Forum Salzburg' is a Central European security partnership initiated by the Austrian Federal Ministry of the Interior. The forum aims at coordinating collaboration within the EU, intensifying regional cooperation and at enhancing cooperation with the 'Forum Salzburg's friends – the Western Balkan countries. Among the member states are Austria, Bulgaria, the Czech Republic, Hungary, Poland, Rumania, Slovenia, Slovakia and Croatia. (For further information see www.salzburgforum.org/).

¹⁹² Federal Ministry of the Interior, *Forum-Salzburg-Staaten: Zeugenschutz-Abkommen unterzeichnet*, News, 29 Mai 2012, available at www.bmi.gv.at/cms/bmi/news/bmi.aspx?id=58726176467436696233343D&page=58&view=1 (accessed on 22 November 2012).

setting up joint investigation teams at the Serbian-Hungarian border, more than 500 irregular migrants and 21 smugglers were captured between January and March 2012.¹⁹³

(d) A readmission agreement between Austria and Nigeria entered into force on 18 August 2012. It regulates in particular the authorities' responsibilities, information exchange, technical cooperation, establishing identity, and terms and conditions of return.¹⁹⁴

In 2012 a readmission agreement with similar regulations was negotiated with Gambia.

Priority II: Enhanced border management at the external borders

The relevant challenges in the Strategic Response for this sub-section are in particular:

II.1 Preventing and combating irregular immigration by ensuring strong and efficient border control Agreements with third countries

Please list any new or planned agreements, and other forms of bilateral and multilateral cooperation with third countries, specifying which countries, specifically in order to strengthen the control of external borders. This could include the provision of border equipment, training of border guards, etc. Any specific measures to combat irregular migration should be set out in Section 2

In April 2012 the 10th CABS-Conférence (Central Asia Border Security Initiative; CABS¹⁹⁵) took place in Vienna. The annual meetings are organised by the FMI in its function as secretariat of the CABS. In 2012 the meeting was held explicitly at highest ministerial level in order to underline the initiative's political significance for security and stability in Central Asia. The conference focused on measures aimed at the intensification of collaboration with Central Asian states in the field of border management. Participants included Ministers of the Interior from the EU, Central Asia, and Afghanistan as well as international partners like the United States and the Russian Federation.¹⁹⁶

II.2 Border control including Frontex operations

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

In November 2012 test operations of an automatic border control device (eGate) have started in the framework of a national security research project titled "Future Border Control".

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

See II.2.a.

¹⁹³ Federal Ministry of the Interior, *Mikl-Leitner: Österreichisch-ungarisch-serbische Maßnahmen gegen Schlepperkriminalität zeigen Erfolg*, Press Release, 27 March 2012, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=6A744766626D44346872733D&page=66&view=1 (accessed on 20 November 2012).

¹⁹⁴ Readmission Agreement (Nigeria), BGBl. III No. 116/2012. The text of the readmission agreement can be found at www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20007952 (accessed on 20 November 2012).

¹⁹⁵ CABS was founded by the FMI in 2003. It is an important coordination forum for border management, border security, and the fight against drugs in the Central Asian region. Austria, closely cooperating with the European Union, functions as the secretariat of CABS. (For further information see www.bomca.eu/cabsi.html.)

¹⁹⁶ Federal Ministry of the Interior, *Mikl-Leitner: Effiziente Grenzverwaltung in Zentralasien stärkt Sicherheit in Österreich*, Press Release, 17 April 2012, available at www.bmi.gv.at/cms/BMI_Presse/_news/aussendungen.aspx?id=79625978615479445571413D&page=4&view=1 (accessed on 20 November 2012).

c. Please describe any relevant (planned) developments to ensure more effective control of the external land, sea and air borders, such as reinforcing border control staff, providing training, increasing overall resources etc.

In the framework of a project aiming at the improvement of external border controls, the following measures have been initiated in 2012: (i) development of a national plan for Integrated Border Management (IBM), (ii) optimisation of risk assessment, (iii) evaluation of staffing and technical equipment, (iv) revision of national legal framework, (v) strengthening of border police, and (vi) implementation of training.

d. Please describe whether your (Member) State has benefited from / has provided any support with regard to border control in case of specific and disproportionate pressures in your / in another (Member) State. Also provide information on your (Member) State's relevant participation in Frontex activities, by type of activity (e.g. joint operations).

Austria is situated along important migration routes (the 'Central East European Route' and the 'Southeast European Route' or 'Balkan Route') and is therefore strongly interested in the surveillance of most important points along the route. For Austria as a Schengen inner land, the participation in Frontex operations is strategically significant as it allows Austria to – on the one hand – play an active part in combating irregular migration at the EU external borders, and, on the other hand, to represent Austrian interests on-site, promoting national priorities.

In 2012 Austria participated in the following Frontex operations:

- Joint Operation "Focal Points Land 2012": Land border hotspots
- Joint Operation "Focal Points Air": Air border hotspots
- Joint Operation "NEPTUNE": West Balkan Route (land border)
- Joint Operation "JUPITER": East Europe Route (land border)
- Joint Operation "POSEIDON Land": East Balkan Route (land border)
- Joint Operation "POSEIDON Sea": South-East External Border (sea border)
- Joint Operation "HUBBLE": "Hubs" (air borders)
- Joint Operation "MIZAR": "Forged Documents" (air borders)
- Joint Operation "HAMMER": Fast reaction in emergencies (air borders)
- Joint Operation "METEOR": Assistance of up to two airports (air borders)
- Joint Operation "MINERVA": South coast of Spain (sea borders)
- Joint Operation "HERMES": Ionian Sea (sea borders)

e. Please describe any additional (planned) activities not already described above that contribute to the strengthening of security and preventing irregular migration at the external borders e.g. (i) use of advanced passenger information in accordance with Directive 2004/82/EC; (ii) identification of irregular migration routes - specifically inside the Schengen area.

The existing pilot project for improving the implementation of Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data has been continued in 2012. Additional airlines agreed to participate in Austria's pilot Advanced Passenger Information (API) scheme.

Priority III: Preventing irregular migration via the Greek-Turkish border

The relevant challenges in the Strategic Response for this sub-section are in particular:

III.1 Ensuring effective border controls are in place at the Greek-Turkish border

Please describe activities to support Operation Poseidon and Attica. Also, describe any other activities undertaken to increase operational capacity at the Greek-Turkish border

In 2012, 36 civil servants were (or still are) involved in Frontex Operations at the Greek-Turkish border. They were equipped with a Schengen bus, three guard dogs, and six 4x4 vehicles.¹⁹⁷

Regarding the coordination and establishment of asylum procedures and reception conditions for asylum seekers that are in line with the Fundamental Rights of the European Union, experts have been sent to reception centres in Greece in the context of Frontex operations.

Furthermore, the strategic employment of Frontex Support Officers (FSO) to Local Coordination Centres (LCC) is envisaged.

III.2 Combating irregular immigration transiting Turkey to EU

Please describe any bilateral activities to assist the Turkish authorities to strengthen their capacity to combat irregular migration and to ensure the dignified return of third-country migrants through escorted transit and assisted voluntary return projects via Turkey.

None.

Priority IV: Better tackling of abuse of legal migration channels

The relevant challenges in the Strategic Response for this sub-section are in particular:

IV.1 Prevent an increase in unfounded asylum applications as a direct consequence of introducing visa free regimes in third countries and decrease the number of overstayers in the Schengen area

Please describe any measures introduced to monitor the effects of visa free regimes in your Member State. What have been the results of these monitoring activities? Describe here any key findings – especially in relation to the impact of visa free regimes on the number unfounded asylum applications registered in your Member State.

Austria is not affected by unfounded asylum applications in a noteworthy manner as an effect of visa free regimes in certain third countries.

IV.2 Combating and preventing irregular migration caused by visa liberalisation

Please describe measures taken to ensure the accelerated and swift return of persons from visa-free third countries found to be making unfounded asylum applications, to be overstaying permissions to stay or otherwise abusing legal migration channels.

None.

Priority V: Safeguarding and protecting free movement by prevention of abuse by third-country nationals

The relevant challenges in the Strategic Response for this sub-section are in particular:

V.1 Improve the understanding of abuse of free movement rights by third country nationals and organised crime aiming at facilitating irregular immigration

Please describe Member State activities taken to gather, analyse and share information on the fraud and abuse of free movement. In particular, describe any monitoring activities that have worked

¹⁹⁷ Federal Ministry of the Interior, *Public Security – The Magazine of the Federal Ministry of the Interior*, No. 7-8/12, p. 69, available at www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2012/07_08/files/Frontex.pdf (accessed on 20 November 2012).

particularly well and any efforts taken to improve monitoring tools and procedures for detecting false documents, and the dissemination of findings that may contribute to a better understanding of misuse of free movement. In particular, describe any activities undertaken as part of EU Joint Investigation Teams, via the FREEMO expert group, or through the EUROPOL Platform for Experts.

The system for reporting and monitoring cases of abuse in the context of free movement rights by third country nationals that was introduced in 2009/2010 continued to exist in 2012; all residence and settlement authorities are instructed to report potential cases of abuse.

V.2 Prevent the fraudulent acquisition and use of free movement rights by third-country nationals

Please describe measures taken to implement enhanced security standards for EU documentation on legal stay (residence cards etc.), including use of biometrics and any actions taken to ensure common validation standards at borders and domestic controls. Describe also any measures to improve the security of the application and issuance processes for identity/EU documentation.

The Austrian format of documentation on legal stay is in line with the format that has been defined in the Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, with the exception that fingerprints are currently not saved.

Priority VI: Enhancing migration management, including cooperation on return practices

The relevant challenges in the Strategic Response for this sub-section are in particular:

VI.1 Ensuring that all Member States have efficient migration management systems in place in order to be prepared for fluctuating migration pressures

Please describe any specific measures undertaken to address unexpected migration flows.

Article 76 of the Austrian Settlement and Residence Act represents the legal basis enabling Austria to grant the right of temporary residence to displaced persons in case of need. This applies in times of armed conflict or under other circumstances that endanger the safety of entire population groups.

Furthermore, the bilateral cooperation with Hungary and Serbia has been intensified in order to be able to react on irregular migration challenges in a concerted manner.

VI.2 Maximising the potential of a common EU approach in the field of return, both voluntary and forced in compliance with existing EU acquis

Please describe measures taken to develop swift, sustainable and effective return using a common EU approach and in particular actions to (i) share best practice on return (voluntary and forced); (ii) improving cooperation with stakeholders in the field; (iii) improving operational cooperation on joint return operations; (iv) support voluntary return programmes; (v) improve cooperation on assisted voluntary return programmes,

Also in 2012, voluntary return was treated as a preferred alternative to deportation in Austria. Existing general and target group specific programmes have been consolidated and developed.

In 2012, the following voluntary return projects, funded by the FMI and the European Return Fund, were implemented by IOM:

- Assisted Voluntary Return and Reintegration of Returnees to the Russian Federation/the Chechen Republic.
- Assisted Voluntary Return and Reintegration of Returnees to Georgia.

- Assisted Voluntary Return and Reintegration of Nigerian Nationals.
- Assisted Voluntary Return and Reintegration of Minors and Young Adults from Moldova with Emphasis on the Prevention of (Re-)Trafficking.
- Creation of a Voluntary Return European Network (VREN).¹⁹⁸
- Job Placement Assistance for Voluntary Returnees from Austria, Belgium, France and the Netherlands returning to the Kurdistan Region of Iraq (MAGNET).¹⁹⁹

In addition, two projects in the field of voluntary return were solely funded by the FMI with national funds:

- Assisted Voluntary Return and Reintegration of Returnees to Afghanistan;
- Assisted Voluntary Return and Reintegration of Returnees to Pakistan.

Furthermore, the FMI participated as a partner in the project European Initiative on Integrated Return Management (EURINT). The project was launched by the Netherlands in 2011 and ran until 31 December 2012. EURINT is a cooperation project between the Netherlands, Germany, Belgium and Romania focusing on three areas: (i) improving cooperation with third countries in the area of return of irregular migrants, (ii) organising joint task forces to improve the identification process of third-country nationals and (iii) implementing joint removals.

2.2 Key statistics

<i>Third-country nationals returned</i> ²⁰⁰			
	Returned following an order to leave	Returned voluntarily	Returned voluntarily with assistance of IOM
Total	4,695	3,209	2,601

Source: Eurostat, Enforcement of Immigration Legislation; FMI, Aliens Police and Visa 2012; IOM, Assisted Voluntary Return Statistics.

3. INTERNATIONAL PROTECTION INCLUDING ASYLUM

This Section will also be used to provide information to inform EASO's Annual Report.

3.1 Common European Asylum System (CEAS)

Please describe any specific measures undertaken to support the further development of the Common European Asylum System, including projects undertaken with other Member States under the ERF.

Austria continues its support for the development of a Common European Asylum System. In 2012 Austria has most notably implemented the following activities:

- support for the development of the Greek asylum system through participation in the EASO asylum support teams;
- sharing the Austrian expertise with other Member States, e.g. through providing support to Luxembourg that is facing particular pressure;
- active engagement in negotiations on the Common European Asylum System; and
- participation in other forums aiming at expanding practical cooperation between Member States, such as the General Directors' Immigration Services Conference (GDISC).

¹⁹⁸ VREN is a joint project of the EU Member States Austria, Ireland, Italy, and Great Britain plus Switzerland.

¹⁹⁹ MAGNET is a joint project of the following EU Member States: Austria, Belgium, France, and the Netherlands.

²⁰⁰ Please provide the total number of third country nationals ordered to leave and returned in 2012. Please provide a breakdown of this total by nationality where possible.

3.2 Cooperation with the European Asylum Support Office (EASO)

3.2.1 Participation in EASO activities

Please provide information on your (Member) State's relevant participation in EASO activities, by type of activity (e.g. provision of staff for Asylum Support Teams).

Also in 2012, Austria participated in a significant manner in EASO activities. More precisely, Austria participated in five activities in the following fields: managing asylum procedures in the second instance, COI (Country of Origin Information), and deployment of a language analysis expert. Moreover, two experts for the areas of training and EU acquis have been nominated in the context of an enlargement of the EASO expert pool.

In 2012, Austria was also involved in the development of EASO. One national expert in the field of COI was deployed as seconded national expert and experts were regularly nominated to the Asylum Intervention Pool. So far, 39 experts have been nominated, some of whom under multiple profiles. Moreover, Austria holds the position of deputy chairman of EASO's management board.

3.2.2 Provision of support by EASO to the Member States

Please provide information on relevant support provided by EASO to your (Member) State, by type of activity (e.g. training, emergency support etc.)

None.

3.3 Intra-EU solidarity including relocation

3.3.1 Support to national asylum systems

Please provide information on support provided to (Member) States experiencing specific and disproportionate pressures on their national asylum systems. This might include support in the processing of requests for international protection, seconding staff (for the Asylum Intervention Pool / EAC Expert Pool), sending resources or equipment.

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

3.3.2 Relocation

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

In 2012 Austria has not undertaken any action with regard to the relocation from (Member) States.

<i>Third-country nationals Relocated to your (Member) State</i>	
	Relocated
Third-country nationals	0

3.4 Enhancing the external dimension including resettlement

3.4.1 Cooperation with third countries

Please describe *specific* cooperation with relevant non-EU countries to strengthen their asylum systems, including national asylum legislation and asylum policy frameworks (e.g. through Regional Protection Programmes).

None.

3.4.2 Resettlement

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

Due to the particular pressure on the national asylum system, Austria did not participate in resettlement activities in 2012.

<i>Third-country nationals Resettled in your (Member) State</i>	
	Resettled
Third-country nationals	0

4. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

4.1 Unaccompanied minors and other vulnerable groups

Please describe any developments in relation to unaccompanied minors (UAMs) at national and international levels, including in the context the Action Plan²⁰¹ on UAMs and its Mid-term Review. Please also describe developments in relation to other vulnerable groups.

In 2012, the FMI and the European Refugee Fund continued their support for a quality assurance project aiming at assisting authorities to process asylum procedures of unaccompanied minors (UBAUM II). The project was implemented by UNHCR in cooperation with the Federal Asylum Office.

Furthermore, the FMI supports projects regarding this specific target group that are financed exclusively by the FMI. Through labour market training and initialising intercultural learning processes, these projects aim at creating a better, alternating understanding on the Austrian way of life but also on the target groups' environment in general. Other projects focus on offering functional, substantiated assistance, matching the target group.

Also, preparations for an institutionalised Family Tracing Programme were put into place.

4.2 Key statistics

<i>Unaccompanied minors</i>		
	Unaccompanied minors not applying for asylum	Unaccompanied minors applying for asylum
Total	NA	1,375

Source: Eurostat.

5 ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

²⁰¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0213:FIN:EN:PDF> plus the Mid-term Review Report http://ec.europa.eu/dgs/home-affairs/e-library/docs/uam/uam_report_20120928_en.pdf.

This Section should be completed also in the context of the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)"²⁰², and you should liaise with your national rapporteur on Trafficking in Human Beings.

5.1 Measures to identify, protect and assist victims of trafficking

Please describe any (planned) actions at national level to fight human trafficking, including measures to identify, protect and assist victims of trafficking.

Austria, which is located at the centre of Europe, is affected by human trafficking as a transit and destination country. It is assumed that human trafficking in Austria is mostly related to sexual exploitation, slavery-like treatment of domestic servants, and child trafficking.

In 2004 the Task Force Human Trafficking was established under the leadership of the FMEIA to increase coordination and intensify anti-trafficking measures. The Task Force comprises representatives of all competent ministries (including outsourced departments), representatives of the federal provinces, and NGOs. The chairperson of the Task Force, Ambassador Dr Elisabeth Tichy-Fisslberger, is also the Austrian Coordinator on Combating Human Trafficking. There are specific working groups within the Task Force dealing with child trafficking, prostitution and labour exploitation. The FMI is active in each of the Task Force's four fields of activity: prevention of human trafficking, prosecution of traffickers, protection of victims, and international cooperation. Representatives of civil society, including NGOs, play a crucial role particularly with regard to protection of victims and prevention of human trafficking.²⁰³

The Task Force Human Trafficking regularly publishes reports on the implementation of relevant measures. The second Austrian "Report on Combating Human Trafficking (2009-2011)" was adopted by the Austrian federal government in March 2012.²⁰⁴

The third "National Action Plan to Combat Trafficking in Human Beings (2012-2014)" was also adopted by the Austrian federal government in March 2012. The Action Plan includes measures on national coordination, prevention, protection of victims, prosecution and international cooperation. A specific chapter of the Action Plan is dedicated to the protection of victims of human trafficking; it includes provisions on the improvement of identifying victims as well as measures aiming at comprehensive advice and support for, and social inclusion of victims. Other measures target the protection of children who became victims of human trafficking. Moreover, the FMEIA devotes special attention to the protection of domestic servants of diplomats in Austria.²⁰⁵

In the future, the topic of human trafficking will be addressed more intensively at the 'Forum Salzburg'. This may take the form of implementing concrete operational actions in cooperation with the forums' partners and the Western Balkan countries. The latter are representing countries of departure for smugglers. Also, an annual thematic workshop is planned.²⁰⁶

Numerous events on the topic of human trafficking were organised in 2012.

²⁰² <http://ec.europa.eu/anti-trafficking/>

²⁰³ Federal Ministry of the Interior, *Mikl-Leitner: Menschenhandel ist ein abscheuliches Verbrechen*, News, 18 October 2012, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=477542743973327A7454733D&page=1&view=1 (accessed on 22 November 2012).

²⁰⁴ Federal Ministry of European and International Affairs, Task Force on Combating Human Trafficking, *2. Österreichischer Bericht zur Bekämpfung des Menschenhandels (2009-2011)*, available at www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/2_OEsterreichischer_Bericht_FINAL.doc.pdf (accessed on 21 November 2012).

²⁰⁵ Federal Ministry of the Interior, Federal Ministry of European and International Affairs, *Nationaler Aktionsplan zur Bekämpfung des Menschenhandels für die Jahre 2012-2014*, available at www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/3_Nationaler_Aktionsplan_2012-2014_FINAL.pdf (accessed on 21 November 2012).

²⁰⁶ Federal Ministry of the Interior, *Mikl-Leitner: Menschenhandel ist ein abscheuliches Verbrechen*, News, 18 October 2012, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=477542743973327A7454733D&page=1&view=1 (accessed on 22 November 2012).

In 2012, the following projects on combating human trafficking, which were funded by Austria, were implemented:

- Assisted Voluntary Return and Reintegration of Minors and Young Adults from Moldova with Emphasis on the Prevention of (Re-)Trafficking.
- Austria and Neighbouring Countries: Preventing and Combating all Forms of Trafficking in Human Beings.

5.2 Measures to prevent trafficking in human beings, and to increase the prosecution of traffickers

Please describe any (planned) actions at national level to enhance the prevention of trafficking in human beings, and to increase the prosecution of traffickers.

The chapter on prevention of the “National Action Plan to Combat Trafficking in Human Beings” foresees actions to raise awareness on human trafficking among the Austrian society and selected occupational groups. These actions include not only education and training measures but also awareness raising events with high publicity.

In May 2012 an exhibition took place at the FMEIA titled “Human Trafficking – Slavery of the 21st Century”, targeting students of 15 years upwards.²⁰⁷ The exhibition was also displayed at the Austrian Parliament in December 2012.²⁰⁸

Furthermore, an annual public event on human trafficking took place on the occasion of the EU-Anti-Trafficking Day in October 2012.²⁰⁹

5.3 Coordination and cooperation among key actors

Please describe enhancements in coordination and cooperation among key actors and policy coherence, including to increase knowledge of and effective responses to changing trends in human trafficking. Please also identify cooperation with third countries (e.g. awareness raising actions in third countries addressing communities at risk). Please only refer to cooperation with regard to combating human trafficking in this section.

Austria regards trafficking in human beings as a world-wide challenge that can only be addressed globally and in an international context. Therefore, Austria works together with a range of actors such as UNODC (United Nations Office on Drugs and Crime), OSCE (Organisation for Security and Cooperation in Europe), and IOM.

At the EU level, Austria is an active member of the Informal Network of National Rapporteurs and Equivalent Mechanisms chaired by the EU’s Anti-Trafficking Coordinator. A wide range of projects and initiatives have been implemented in cooperation with NGOs and research institutes as well as with transit countries and countries of origin of potential victims. The joint project “Enhancing Multi-stakeholder Cooperation to Combat Human Trafficking in Countries of Origin and Countries of Destination” was one of the projects implemented in 2012 in cooperation with

²⁰⁷Federal Ministry of the Interior, *Task Force Menschenhandel informierte Schülerinnen und Schüler*, News, 10 Mai 2012, available at www.bmi.gv.at/cms/bmi/news/bmi.aspx?id=507555625058454D472F383D&page=61&view=1 (accessed on 21 November 2012).

²⁰⁸Austrian Parliament, *AVISO: Ausstellung "Menschenhandel" im Palais Epstein*, Press Release, 3 December 2012, available at www.parlament.gv.at/PAKT/PR/JAHR_2012/PK1019/ (accessed on 20 December 2012).

²⁰⁹Task Force on Human Trafficking, *Joining Forces against Human Trafficking, Invitation and Programme*, 5 October 2012, available at www.bmeia.gv.at/fileadmin/user_upload/bmeia/media/2-Aussenpolitik_Zentrale/Menschenrechte/einladung_2012_menschenhandel.pdf (accessed on 26 April 2013).

IOM. Besides Austria, also Belgium, France, Germany, the United Kingdom, Switzerland, and Nigeria (as a country of origin) are participating in the project.²¹⁰

5.4 Key statistics

<i>Third-country nationals receiving a residence permit as victims of human trafficking</i> ²¹¹	
Third-country nationals	12

Source: FMI, Settlement and Residence Statistics 2012.

<i>Traffickers arrested as suspects and traffickers convicted</i>		
	Arrested / otherwise involved in a criminal proceeding	Convicted
Traffickers	116	13

Source: FMI, special evaluation.

6. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

6.1 Mainstreaming of migration in development policies

Please describe any relevant activity, for example studies, and development of approaches to make migration an integral part in sectoral policies (e.g. agriculture, health, education etc.), solidarity development projects, etc. Please also highlight any migration-related initiatives with third countries in the framework of development policy.

In January 2012, the international conference “Bridging the Gap”, aiming at promoting coherent migration and development policies, took place in Vienna. In this context, migrants’ valuable contributions to achieving the Millennium Development Goals were highlighted.²¹²

6.2 Migrants’ Remittances

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

None.

6.3 Working with Diasporas

Please provide information on a possible national policy or actions with regard to how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin. Please describe any specific activities to address migrant rights and the empowerment of migrants.

None.

6.4 Efforts to mitigate ‘brain drain’

Please describe any (planned) measures to mitigate brain drain, for example awareness rising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain.

None.

²¹⁰Federal Ministry of the Interior, *Mikl-Leitner: Menschenhandel ist ein abscheuliches Verbrechen*, News, 18 October 2012, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=477542743973327A7454733D&page=1&view=1 (accessed on 21 November 2012).

²¹¹ Residence permit ‘Special Protection’ according to Art. 69a para. 1.2, Settlement and Residence Act.

²¹² www.entwicklung.at/index.php?id=1730 (accessed on 25 March 2013).

7. PROVISION AND EXCHANGE OF INFORMATION TO SUPPORT POLICY DEVELOPMENT

7.1 Exchange of Information at EU level

Please describe any additional actions to provide and exchange information to support policy development at EU level. This might include for example, through networks such as the EMN, the Mutual Exchange Mechanism (MIM), EASO etc.

The provision and exchange of information was facilitated in the framework of the European Migration Network (EMN); for instance, through developing studies, answering ad-hoc requests or organising meetings with National Contact Points within the EMN.

7.2 Exchange of Information at Regional and National levels

Please describe any additional actions to provide and exchange information to support policy development at regional and national levels. These might include specific actions with national contact points or rapporteurs, and the exchange of information within the 'regions' of Europe, for example, amongst the Baltic States. Please also describe any (planned) sharing and exchanging of information on migration with other (Member) States, through existing networks and other instruments (e.g. the European Migration Network, the Mutual Information Mechanism (MIM)). Please also describe the involvement of EU agencies

None.
