

Co-funded by the
European Union



BM.I 

REPUBLIC OF AUSTRIA
FEDERAL MINISTRY OF THE INTERIOR



ANNUAL REPORT 2014 ON ASYLUM AND MIGRATION POLICY IN AUSTRIA

-

Contribution to Commission and to EASO Annual Reports

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

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

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

Publisher: International Organization for Migration, Country Office for Austria
National Contact Point Austria in the European Migration Network
Nibelungengasse 13/4, 1010 Vienna
Tel: +43 1 585 33 22 0
Fax: +43 1 585 33 22 30
E-mail: iomvienna@iom.int, ncpaustria@iom.int
Internet: www.iomvienna.at, www.emn.at

© January 2015, International Organization for Migration (IOM)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise without the prior written permission of the publisher.

Explanatory note

This report has been produced within the framework of the annual reporting of the National Contact Points (NCPs) in the European Migration Network (EMN). The report outlines the most significant legislative, political and practical developments in the field of asylum and migration in Austria in 2014. The report provides input to the European Commission's Annual Report on Immigration and Asylum in 2014 as well as to the European Asylum Support Office's (EASO) Annual Report on the Situation of Asylum in the EU.

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

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

1. LEGAL MIGRATION AND MOBILITY

Migration Council:

On 3 April 2014, the Federal Minister of the Interior presented the new “Migration Council for Austria”. The Council consists of renowned experts from scientific and public life that are tasked with building the foundation of a comprehensive migration strategy. The continued development of a nationwide migration strategy is necessary, according to the current work programme of the Austrian federal government, in order to meet the challenges in the area of migration on a national, European and international level.¹ The Council is split into ten working areas: 1) economy, finance, environment and infrastructure; 2) labour, pensions and social affairs; 3) education and research; 4) health and care; 5) demography and societal change; 6) public security and government institutions; 7) political system and media; 8) diversity; 9) impact of migration in the regions of origin; and 10) organization of the migration system in Austria. The Migration Council is independent and not bound by instructions.²

1.1. Key Statistics

See Country Factsheet: Austria 2014

1.2. Economic migration

1.2.1. *Satisfying labour market needs - admission policies*

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

When the Act Amending the Aliens Authorities Restructuring Act³ entered into force on 1 January 2014, a combined residence and work permit was created, notably for holders of the “settlement permit” and the “residence permit – artist”, thereby transposing the Single Permit Directive.⁴ Artists now receive a combined residence and work permit that is similar to the “Red-White-Red Card”, while the admission requirements (no point system) remain unchanged. The permit entitles the holder to employment with a specific employer. If special integration criteria are fulfilled, resident third-country nationals are to receive a “Red-White-Red Card plus”, which grants unrestricted labour market access. Furthermore, since the Act Amending the Aliens Authorities Restructuring Act entered into force, very highly qualified workers can also submit an application for a “Red-

¹ Federal Ministry of the Interior, December 2014.

² Federal Ministry of the Interior (2014), “*Migrationsrat für Österreich*” vorgestellt. News, 3 April 2014, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=5458593070466150436C303D&page=42&view=1 (accessed on 8 December 2014).

³ FLG I No. 68/2013.

⁴ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (Single Permit Directive).

White-Red Card” from abroad, in case of a pre-existing employment offer from a domestic employer.⁵

The current government programme laid down the necessity for an Austrian act concerning the recognition of qualifications acquired abroad. Therefore, in February 2014, the Federal Minister for Europe, Integration and Foreign Affairs announced the start of negotiations. The mobilization of migrants’ resources shall be enhanced by applying simpler, faster and more transparent recognition procedures. This would be an advantage for both migrants and society as a whole.⁶ In 2012 the “Recognition Network” was established, which consists of institutions and organizations concerned with skills recognitions issues. Since February 2014, the network has engaged in a discussion to elaborate on the potential contents and measures of an Austrian act concerning the recognition of qualifications acquired abroad.⁷

To allow for the short-term facilitation of the recognition process, comprehensive information is provided in form of a handbook (“The ABC of Recognition”) and a website (www.berufsanerkennung.at); both were constantly updated in 2014. Both tools serve as guides and provide information about recognition in general, responsible authorities and institutions, as well as available services. Since 2013, the website has been accessed by about 38,700 people; the main countries of access being Austria, Germany, Serbia, Bosnia and Herzegovina and Croatia.⁸

In 2013, the Federal Ministry of Labour, Social Affairs and Consumer Protection established contact points providing services to people with qualifications acquired abroad⁹ in Vienna (Vienna), Linz (Upper Austria), Graz (Styria) and Innsbruck (Tyrol), which have taken up their work successfully. In total, 4,600 persons approached the contact points in 2013. Almost two thirds were women. About 42 per cent had an EEA citizenship; the remainder came from third countries.¹⁰

The service of the National Academic Recognition Information Centre (ENIC-NARIC Austria)¹¹ of the Federal Ministry of Science, Research and Economics, which is responsible for questions regarding the recognition of academic degrees exclusively, has been used increasingly. Since 2010 the number of applications increased by an average of 40 per cent per year, from 1,828 in 2010 to 4,600 in the year 2013. The majority of applicants came from Eastern European countries, top applicant countries being Hungary, the Russian Federation and Romania. The main non-European country of origin is Egypt, which ranked tenth. About 80 per cent of the applications are handled in

⁵ Federal Ministry of the Interior, December 2014.

⁶ Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Neue Initiative für Anerkennungsgesetz*. Press release, 5 February 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/02/neue-initiative-fuer-anerkennungsgesetz/ (accessed on 8 December 2014).

⁷ Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

⁸ Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

⁹ Federal Ministry for Europe, Integration and Foreign Affairs and Austrian Integration Fund (2014), *AST - Anlaufstellen für Personen mit im Ausland erworbenen Qualifikationen*. Available at www.berufsanerkennung.at/no_cache/beratung/ (accessed on 8 December 2014).

¹⁰ Federal Ministry of Labour, Social Affairs and Consumer Protection (2014), *Hundstorfer/Frauenberger: Anlaufstellen für Personen mit im Ausland erworbenen Qualifikationen sind ein voller Erfolg*. Press release, 2 June 2014, available at www.sozialministerium.at/site/Presse/Presseausendungen/Hundstorfer_Frauenberger_Anlaufstellen_fuer_Personen_mit_im_Ausland_erworbenen_Qualifikationen_sind_ein_voller_Erfolg?rangeFrom=50 (accessed on 8 December 2014).

¹¹ Federal Ministry of Science, Research and Economy (2014), *ENIC NARIC AUSTRIA - Anerkennung von Hochschulabschlüssen*. Available at <http://wissenschaft.bmwf.gv.at/bmwf/studium/academic-mobility/enic-naric-austria/> (accessed on 8 December 2014).

the interest of the applicant; a further 15 per cent of applications have a positive result but with modifications. Only about five percent result in a negative answer.¹²

1.2.2. Efforts to avoid ‘social dumping’

Social dumping refers to the practice where workers from third countries are exploited as “cheap labour” in order to increase profit margins of companies.¹³ This would entail measures aimed at ensuring recruitment on the domestic labour market, if it is able to meet demand. It would also entail ensuring equal treatment of third country workers to nationals and EU citizens as regards working conditions, including pay.

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

The Federal Ministry of Labour, Social Affairs and Consumer Protection presented a draft of the amendment of the Act on Combatting Wage and Social Dumping at the end of September 2014.¹⁴ The amendment provides – inter alia – for an extension of official wage controls. Besides the basic wage, all other remuneration components required by law, decree or collective agreement are also to be inspected. In addition, the administrative penalties for missing payment records shall be raised to the degree of penalty for underpayment. Furthermore, the statutory limitation in case of wage dumping shall be extended to three years. The amendment was adopted by the Austrian parliament in December 2014 and will enter into force on 1 January 2015.¹⁵

In June 2014, the contact point for union support for undocumented workers (UNDOK)¹⁶ was opened. UNDOK is a cooperation of trade unions, the Chamber of Labour Vienna, the National Board of the Austrian Students' Union and NGOs, as well as self-organized migrant organizations and anti-racist activists and is funded by the Federal Ministry of Labour, Social Affairs and Consumer Protection and the Vienna Employment Promotion Fund. UNDOK offers individual counselling free of charge and support in law enforcement for people without residence and/or an employment permit and supports the self-organization of the undocumented workers. Different brochures provide information about the contact point and its services, and about employment and social rights.¹⁷

¹² Federal Ministry of Science, Research and Economy (2014), *Mitterlehner: Internationalität und Mobilität nützen heimischem Arbeitsmarkt*. Press release, 15 April 2014, available at www.bmwf.gv.at/Presse/Archiv/Archiv2014/Seiten/MitterlehnerInternationalit%C3%A4tundMobilit%C3%A4t%C3%BCtzenheimischemArbeitsmarkt.aspx (accessed on 8 December 2014).

¹³ European Industrial Relations Dictionary (2013), *Social Dumping*. Available at <http://eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/social-dumping> (accessed on 8 December 2014).

¹⁴ Act amending the labour contract law amendment act, the personnel leasing act and the occupational health and safety act – Draft. Available at www.ris.bka.gv.at/Dokumente/Begut/BEGUT_COO_2026_100_2_1016737/BEGUT_COO_2026_100_2_1016737.html (accessed on 8 December 2014).

¹⁵ Federal Ministry of Labour, Social Affairs and Consumer Protection (2014), *Hundstorfer: Lohn- und Sozialdumpinggesetz im Ministerrat*. Press release, 30 September 2014, available at www.ots.at/presseaussendung/OTS_20140930_OTS0084/hundstorfer-lohn-und-sozialdumpinggesetz-im-ministerrat (accessed on 8 December 2014).

¹⁶ UNDOK - Anlaufstelle zur gewerkschaftlichen Unterstützung UNDOKumentiert Arbeitender, <http://undok.at/> (accessed on 8 December 2014).

¹⁷ UNDOK (2014), *Anlaufstelle für undokumentiert Arbeitende eröffnet*. Press release, 4 June 2014, available at <http://undok.at/2014/06/anlaufstelle-fuer-undokumentiert-arbeitende-eroeffnet/> (accessed on 8 December 2014).

1.2.3. *Facilitating admission*

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

- A. Highly qualified workers
- B. Intra-Corporate Transferees (ICTs)
- C. Seasonal Workers
- D. Migrants entrepreneurs
- E. Au pairs
- F. Other

Since the Amendments to the Administrative Jurisdiction¹⁸ entered into force on 1 January 2014 the provincial administrative courts are responsible for appeals against decisions in accordance with the Settlement and Residence Act¹⁹ (Art. 3 para 2 Settlement and Residence Act) and the federal administrative court is responsible for appeals against decisions on applications in the field of the Act Governing Employment of Foreign Nationals (Art. 20f leg. cit.). In accordance with Art. 7 para 4 Administrative Courts Procedures Act in conjunction with Art. 130 para 1 subpara 1 Federal Constitutional Act the deadline for appealing decisions of the settlement authorities is now four weeks.

A. Highly qualified workers:

In November 2014, the Federal Minister of Labour, Social Affairs and Consumer Protection issued in agreement with the Federal Minister of Science, Research and Economy the new regulation for skilled workers for 2015. The regulation lists eleven shortage occupations in which third-country nationals can obtain a “Red-White-Red Card” as skilled workers in 2015.²⁰

B. Nothing to report.

C. Seasonal Workers and others:

In December 2014 the federal government published its regulation determining the number of residence titles subject to quotas and the maximum number of work permits for “temporary employed foreigners” (seasonal workers in the tourism sector as well as agriculture and forestry sectors) for 2015 (Settlement Regulation 2015).²¹ In 2015 the regulation specifies a maximum of 5,423 residence titles subject to quotas, up to 4,500 work permits for “temporary employed foreigners” and up to 700 work permits for harvest workers can be granted.

D. Nothing to report.

E. Nothing to report.

F. Nothing to report.

¹⁸ FLG I No. 51/2012.

¹⁹ FLG I No. 100/2005, in the version of FLG I No. 40/2014.

²⁰ FLG II No. 278/2014.

²¹ FLG II No. 361/2014.

1.2.4. *Guaranteeing certain rights for third-country nationals who are already legally resident on the territory*

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

- A. Long-term residence
- B. Equal treatment²²
- C. Intra-EU mobility of third-country nationals between Member States
- D. Other

- A. Nothing to report.
- B. Nothing to report.
- C. Nothing to report.
- D. Nothing to report.

1.3. **Students and researchers**

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

The “Guide to entry and residence requirements for foreign students” (available for download in German and English),²³ which was prepared by the Austrian Agency for International Cooperation in Education and Research (OeAD) together with the Federal Ministry of the Interior, the Federal Ministry of Science, Research and Economy, the Federal Ministry for Europe, Integration and Foreign Affairs, Universities Austria (uniko) and the Austrian Universities of Applied Sciences (UAS), was updated in 2014. Furthermore, the abovementioned stakeholders published a new edition of the information brochure “Studying & Working in Austria”.²⁴ This brochure is available free of charge in German and English and is intended to better inform international students about the opportunity to stay in Austria after graduation.²⁵

²² That there shall be no direct or indirect discrimination based on racial or ethnic origin (source: EMN (2012), *Asylum and Migration Glossary 2.0*. Available at www.emn.at/images/stories/Glossary/EMN_Glossary_EN_Version.pdf (accessed on 8 December 2014).

²³ Austrian Agency for International Cooperation in Education and Research, Guide to entry and residence requirements for foreign students. Available at www.bmi.gv.at/cms/BMI_Niederlassung/Allgemeine_Informati/leitfaden_studierende_eng_2014.pdf (accessed on 19 December 2014).

²⁴ Austrian Integration Fund (2014), *Studying & Working in Austria*. Available at www.integrationsfonds.at/nc/studieren_arbeiten_in_oesterreich/?cid=17342&did=16018&sechash=5a9ea0a7 (accessed on 19 December 2014).

²⁵ Federal Ministry of the Interior, December 2014; Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

1.4. Family reunification

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

Nothing to report.

1.5. Managing Migration and Mobility

1.5.1. Key Statistics

See Country Factsheet: Austria 2014

1.5.2. Visa Policy

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

The Visa Information System (VIS) has been operational since 2011 and is running smoothly. In 2014, the VIS was put into operation in additional Austrian representations abroad according to the EU roll-out-plan. Since 11 October 2014, the border control of VIS visa holders entering the country comprises the verification of the identity of the visa holder and the authenticity of the visa, by consulting the VIS using the number of the visa sticker in combination with the verification of fingerprints of the visa holder.²⁶

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

Austria has concluded representation agreements with numerous member states (see the constantly updated annex 28 of the Visa Code handbook, which contains the relevant information).²⁷

(Member) State with which the visa representation agreement exists	Country acting as representative
Austria concentrates only on cooperation with External Service Provider (ESP); representation according to Art. 8 of the Visa Code.	See annex 28 of the Visa Code handbook. ²⁸

²⁶ Federal Ministry of the Interior, December 2014.

²⁷ Federal Ministry of the Interior, December 2014.

²⁸ Newtodenmark.dk (2014), *List of Member States' consular presence, representation arrangements and forms of cooperation for the collection of visa applications, collection by Honorary Consuls or outsourcing of the collection of visa applications.* Available at www.nyidanmark.dk/bibliotek/publikationer/eu-dokumenter/visumhaandbog/annex_28.pdf (accessed on 8 December 2014).

1.5.3. Schengen Governance

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

Nothing to report.

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

- a) Please describe any specific measures undertaken to address unexpected movements of third country citizens to your own country (including contingency planning in the field of asylum)
- b) Please provide any evidence of the effectiveness of these measures, where available.

Nothing to report.

2. INTEGRATION

Integration report:

The fourth annual Integration Report was presented at the end of July 2014. As in previous years, it consists of three parts. In the first part of the report called “Integration topics in focus”, the Expert Council for Integration presents four measures from the government programme of the legislative period 2013–2018 (Integration from the beginning, recognition of qualifications acquired abroad, attracting international students and language training). Moreover, measures to facilitate the integration of mobile EU citizens were also presented.²⁹ The second part of the Integration Report is the statistical yearbook “migration & integration”, compiled by Statistics Austria and the Commission for Migration and Integration Research (KMI) of the Austrian Academy of Sciences. For example, the different dimensions of the integration process are measured in the context of annual monitoring based on 25 indicators.³⁰ The third part consists of the database “Integration Projects in Austria”, which presents good practices selected by the members of the Advisory Board on Integration.³¹

In November 2014, the ninth meeting of the Advisory Board on Integration took place in the premises of the Federal Ministry for Europe, Integration and Foreign Affairs. The Advisory Board on Integration is legally based on Art. 18 Settlement and Residence Act and consists of representatives of the Federal Ministries, the provinces, the Social Partners and interest groups as well as NGOs. The Board meets twice a year to discuss and consult about current developments and topics in the field of integration.³²

Islam act:

On 10 December 2014, the Council of Ministers passed the Act Concerning the External Legal Relationship of Islamic Religious Communities – Islam Act 2014. The act stipulates inter alia that Islamic religious communities must be economically self-sustaining and that the funds for ongoing activities must be raised in Austria. It is also laid down that the teaching, institutions and customs of Islamic religious communities benefit from legal protection as far as they do not contradict legal regulations. The parliamentary debate and decision-making process was still ongoing at the time of writing.³³

2.1. Key Statistics

See Country Factsheet: Austria 2014

²⁹ Expert Council for Integration (2014), *Integrationsbericht 2014*. Available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2014/Integrationsbericht_2014.pdf (accessed on 8 December 2014).

³⁰ Statistics Austria (2014), *migration & integration. zahlen.daten.indikatoren 2014*. Available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Integrationsbericht_2014/migration_integrationsbericht2014-web.pdf (accessed on 8 December 2014).

³¹ Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Datenbank "Integrationsprojekte in Österreich"*. Available at www.bmeia.gv.at/integration/datenbank-integrationsprojekte/ (accessed on 8 December 2014).

³² Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

³³ Act concerning the external legal relationship of Islamic religious communities – Islam Act 2014, available at www.ris.bka.gv.at/Dokumente/RegV/REGV_COO_2026_100_2_1045216/REGV_COO_2026_100_2_1045216.html (accessed on 17 December 2014).

2.1.1. Promoting integration through: socio-economic participation

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

- A. Measures to enhance migrants' language skills, to improve attainment in the education system;
- B. Migrant access to social security, healthcare and housing
- C. Migrant integration into the labour market

A. Language and education:

In October 2014, the Federal Ministry for Europe, Integration and Foreign Affairs presented a draft of the new Agreement pursuant to Art. 15a of the Federal Constitutional Act concerning early childhood education in institutional childcare. It is planned that the federal government funds for the coming three-year period from 2015/16 to 2017/18 are to be quadruplicated from five to 20 million euros per school year. Among other things, the agreement aims to support children between the ages of three and six, whose mother tongue is not German, so that their language skills are as good as possible when entering primary education.³⁴ This language support was successful in the past. Out of 27,463 children that needed language training, 22,285 (about 81 %) did not need further language support lessons after one year. They were ready to enrol in school.³⁵

In June 2014, the Federal Minister for Europe, Integration and Foreign Affairs, together with the head of Caritas, opened the 30th Caritas Learning Café. The Learning Cafés support and take care of students between the ages of 6 and 15 from educationally and socially disadvantaged families, most of them with a migration background. Since the project started in 2007, 930 students have been supported nationwide. The initiative is successful: 98 per cent of the children and youth who received support in 2012 have completed the school year 2012/13 successfully.³⁶ In addition, the Federal Ministry for Europe, Integration and Foreign Affairs supports over 50 other projects to promote German language acquisition.³⁷

³⁴ Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Frühkindliche Sprachförderung für weitere drei Jahre fixiert*. Press release, 4 April 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/04/fruehkindliche-sprachfoerderung-fuer-weitere-drei-jahre-fixiert/ (accessed on 8 December 2014); Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Kinderbetreuung: Entwurf für Sprachförderung an Länder übermittelt*. Press release, 24 October 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/10/kinderbetreuung-entwurf-fuer-sprachfoerderung-an-laender-uebermittelt/ (accessed on 8 December 2014).

³⁵ Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Frühkindliche Sprachförderung für weitere drei Jahre fixiert*. Press release, 4 April 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/04/fruehkindliche-sprachfoerderung-fuer-weitere-drei-jahre-fixiert/ (accessed on 8 December 2014).

³⁶ Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Eröffnung des 30. Lerncafés in Österreich*. Press release, 5 June 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/06/eroeffnung-des-30-lerncafes-in-oesterreich/ (accessed on 8 December 2014).

³⁷ Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Datenbank "Integrationsprojekte in Österreich"*. Available at www.bmeia.gv.at/integration/datenbank-integrationsprojekte/ (accessed on 8 December 2014).

In preparation for entering the health sector of the labour market the Austrian Integration Fund offers the job-specific German courses “Getting started in care” and “German for foreigners in skills recognition processes – Diploma Health Care.”³⁸

B. Social security, health care and housing:

The former State Secretariat for Integration and the Main Association of Austrian Social Security Institutions (MAASSI) signed a Memorandum of Understanding in 2013, which stipulated different fields of action, such as increasing migrants’ health literacy or establishing support networks. 80 per cent of the planned measures for 2014 and 2015 have already been implemented.³⁹

C. Integration into the labour market:

Negotiations for an act concerning the recognition of qualifications acquired abroad (see 1.2.1).

2.1.2. Promoting integration through participation: rights and obligations, achieving equal treatment and belonging:

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

No specific changes in 2014. The numerous projects and programmes in this field continue to run as usual.

2.1.3. Promoting integration of specific groups

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

The targeted support of legally recognized minorities in Austria allows for a quick and long-term integration. For this reason – in addition to the responsibility of the Federal Chancellery – the Federal Ministry for Europe, Integration and Foreign Affairs funds different projects to ensure a fast convergence with the Austrian culture. Thereby, social stability and balanced living together is enabled. In 2014, the Federal Ministry for Europe, Integration and Foreign Affairs supported the following projects:

- Roma school mediators at Viennese schools (Romano Centro – *Verein für Roma*)

In the course of this project, the relationship between school and home as well as between teachers and parents is facilitated. Mutual understanding is promoted by providing knowledge on Roma culture and history. At the same time, the self-confidence of Roma pupils is strengthened. In difficult social situations, multi-lingual contact

³⁸ Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

³⁹ Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

persons are available and can act as mediators. During classes, mother tongue support is provided.

- Intercultural mentoring (Platform for cultures, integration and society; Alumni Association of graduates from the Department of Social and Cultural Anthropology of the University of Vienna)

In the framework of the intercultural mentoring, students with a multicultural background regularly visit Viennese schools and provide support to migrant pupils with regard to their educational path. The project was particularly appealing to young Roma and youth with a Turkish migration background.⁴⁰

Furthermore, the Federal Ministry of Labour, Social Affairs and Consumer Protection has, for over eight years, financed the THARA projects that provide labour market integration support to Roma and Sinti.⁴¹ The projects are implemented by *Volkshilfe Österreich*.⁴²

In the coming seven years additional labour market-related integration projects for Roma and Sinti will be funded by the European Social Fund (ESF) in the framework of the new EU funding period 2014–2020. A first call for proposals for these projects is envisaged for the second quarter of 2015 (see www.esf.at).⁴³

2.1.4. *Non-discrimination*

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

Football events:

On 1 July 2014, the amendment to the Security Police Act⁴⁴ came into force, which expanded the competence of the security authorities to now include the offense of incitement and the prohibition law. The security authorities can now enact prohibition orders to enter a certain place or enforce removals from the security area in case of offences related to racism or extremism, for example during major sport events. This competence was previously limited to violent crimes. Furthermore, the amendment includes an authorization to transmit data to the Austrian Football Association and the Austrian Football Bundesliga. They can thus impose stadium bans for offenses under the prohibition act or in case of incitement.⁴⁵

⁴⁰ Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

⁴¹ Volkshilfe Austria (2014), THARA Facts, Press information, 3 April 2014, available at www.volkshilfe.at/cms/download.php?downloadId=240&languageId=1 (accessed on 8 December 2014).

⁴² Federal Ministry of Labour, Social Affairs and Consumer Protection (2014), *Hundstorfer zu "Internationalem Tag der Roma": Inklusion beginnt am Arbeitsmarkt*. Press release, 8 April 2014, available at www.sozialministerium.at/site/Presse/Presseaussendungen/Hundstorfer_zu_Internationalem_Tag_der_Roma_Inklusion_beginnt_am_Arbeitsmarkt?rangeFrom=70 (accessed on 8 December 2014).

⁴³ Federal Ministry of Labour, Social Affairs and Consumer Protection, December 2014.

⁴⁴ FLG No. 566/1991, in the version of FLG I No. 73/2014.

⁴⁵ Federal Ministry of the Interior (2014), *Gegen Hass im Stadion*. Öffentliche Sicherheit, No. 9-10, available at www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2014/09_10/files/EXTREMISMUS.pdf (accessed on 8 December 2014).

In July 2014, the Federal Minister of the Interior, the head of the Austrian Football Association and the head of the Austrian Football Bundesliga presented concepts and measures for the prevention of extremism, racism and discrimination during football events. The measures are based on three pillars: 1) basic principles and cooperation; 2) qualification and information; and 3) prevention and further development.⁴⁶

Radicalization:

The Federal Ministry for Europe, Integration and Foreign Affairs, together with the Federal Ministry of the Interior and the Federal Ministry of Justice organized in October 2014 an expert meeting on the topic of “hate and incitement”. Topic of discussion was how current trends towards radicalization, especially in connection with jihadism, can be effectively counteracted.⁴⁷

A draft act from November 2014 seeks to amend the 1985 Citizenship Act⁴⁸ by stipulating that citizenship is withdrawn from a citizen who voluntarily participates and is actively involved in an organized armed group fighting abroad in situations of armed conflict, provided that he/she does not become stateless.⁴⁹

Integration:

In November 2014 the Federal Minister for Europe, Integration and Foreign Affairs together with the Austrian Integration Fund presented the new “Together: Austria” initiative, “proud of”.⁵⁰ The initiative showcases Austrians with a migration background, who successfully integrated, found a new home in Austria and are proud of it. The initiative’s aim is to overcome prejudice and to create motivation.⁵¹ “Together: Austria” has been a flagship project for over three years, and has reached out to over 15,000 school pupils by sending more than 300 so-called integration ambassadors into schools as role models.⁵²

Discrimination:

In 2014 the Federal Ministry for Europe, Integration and Foreign Affairs set up a hotline against discrimination and intolerance. The hotline provides help to those affected by discrimination based on ethnicity, national background or religion. The purpose of the hotline is to act as a central clearinghouse for victims, referring them to the corresponding contact points, to raise visibility and increase awareness. Partnering

⁴⁶ Federal Ministry of the Interior (2014), *Mikl-Leitner: Extremismus bei Fußballveranstaltungen die Rote Karte zeigen*. News, 11 July 2014, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=67437642783538454B36673D&page=13&view=1 (accessed on 8 December 2014); Federal Ministry of the Interior (2014), *Initiative gegen Extremismus, Rassismus und Diskriminierung bei Fußballveranstaltungen*. Press material, 11 July 2014, available at www.bmi.gv.at/cms/cs03documentsbmi/1571.pdf (accessed on 8 December 2014).

⁴⁷ Federal Ministry of the Interior, Federal Ministry of Justice and Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Einladung zum Gipfel gegen Hass und Hetze*. Available at www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Integration/Veranstaltungen/Einladung.pdf (accessed on 8 December 2014).

⁴⁸ FLG No. 311/1985, in the version of FLG I No. 188/2013.

⁴⁹ Act amending the border control act and the citizenship act 1985 – Government bill. Available at www.ris.bka.gv.at/Dokumente/RegV/REGV_COO_2026_100_2_1051411/REGV_COO_2026_100_2_1051411.html (accessed on 8 December 2014).

⁵⁰ Austrian Integration Fund: Stolz drauf, www.stolzdrauf.at/ (accessed on 8 December 2014).

⁵¹ Austrian Integration Fund (2014), *Präsentation ZUSAMMEN:ÖSTERREICH #stolzdrauf*. News, available at www.integrationsfonds.at/news/aktuelle_news/zusammenoestereich_stolzdrauf/ (accessed on 8 December 2014).

⁵² Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

organizations are the Ombudsman for Equal Treatment and ZARA – civil courage and anti-racism work.⁵³

2.1.5. Cooperation, consultation and coordination of stakeholders and promoting action at local level

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

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

In June 2014 the Federal Minister for Europe, Integration and Foreign Affairs together with the Austrian Integration Fund presented the new initiative “Integration at the regional level”. The Austrian Integration Fund offers municipalities that want to improve coexistence in their region, customized counselling and regionally adapted information materials for migrants. The so-called welcome manuals offer information on topics such as the labour market, education system, health, housing, administrative offices, etc., and are tailored to the municipality in question.⁵⁴ In order to improve the local integration competence a practice-oriented manual was compiled on these topics within the framework of the network “Integration in rural areas.”⁵⁵

The Federal Minister for Europe, Integration and Foreign Affairs and the governor of the province of Carinthia agreed to open an integration centre of the Austrian Integration Fund in the province’s capital Klagenfurt in April 2014. Apart from German classes and integration projects, the integration centre will, through its “welcome desk”, also offer comprehensive advice to migrants who have recently arrived in Carinthia. Additionally, the Austrian Integration Fund will offer mobile integration counselling throughout the province of Carinthia. The first “welcome desks” were established in 2013 in Vienna (Vienna), Linz (Upper Austria), Graz (Styria), Salzburg (Salzburg) and Innsbruck (Tyrol).⁵⁶

⁵³ Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

⁵⁴ Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Integration fängt in der Gemeinde an*. Press release, 18 June 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/06/integration-faengt-in-der-gemeinde-an/ (accessed on 8 December 2014).

⁵⁵ Federal Ministry for Europe, Integration and Foreign Affairs, *Gemeinden*, available at www.bmeia.gv.at/integration/projektfoerderung/foerderschwerpunkte/gemeinden/ (accessed on 19 December 2014).

⁵⁶ Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Integrationsminister Kurz und LH Kaiser kündigen Integrationszentrum für MigrantInnen in Klagenfurt an*. Press release, 4 April 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/04/integrationsminister-kurz-und-lh-kaiser-kuendigen-integrationszentrum-fuer-migrantinnen-in-klagenfurt-an/ (accessed on 8 December 2014).

2.1.6. Involvement of countries of origin

Countries of origin may play a role in the integration of migrants before departure, during stay in the EU, and on return.

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

As part of the Austrian integration concept “integration from the beginning”, an integration commissioner was deployed to the Austrian embassy in Belgrade (Serbia) in October 2014. The officer’s tasks are to provide first-hand advice and orientation to potential migrants who want to come to Austria. Austria’s representation and welcome culture play a crucial role in this respect. The success of this model can be seen in Ankara (Turkey), where the integration commissioner deployed there has reached more than 1,600 persons since 2013.⁵⁷

⁵⁷ Federal Ministry for Europe, Integration and Foreign Affairs (2014), *Willkommen in Österreich – Erfolgreich integrieren von Anfang an*. Press release, 8 October 2014, available at www.bmeia.gv.at/das-ministerium/presse/aussendungen/2014/10/willkommen-in-oesterreich-erfolgreich-integrieren-von-anfang-an/ (accessed on 8 December 2014).

3. PROMOTION, INFORMATION AND AWARENESS RAISING

3.1. Routes to and conditions of legal migration

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

The website www.migration.gv.at, maintained by the Federal Ministry of Labour, Social Affairs and Consumer Protection, the Federal Ministry of the Interior and the Federal Ministry for Europe, Integration and Foreign Affairs, has been regularly updated and revised in terms of its user-friendliness. This website, which is available in German and English, contains information regarding immigration opportunities, especially for highly qualified workers.

3.2. Prevention of unsafe migration

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

Nothing to report.

3.3. Awareness raising in the host society

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

The campaign “proud of” (see 2.1.4).

4. IRREGULAR MIGRATION AND RETURN

Measures terminating residence:

The restructuring of the asylum and aliens authorities in Austria (for further details see 5.1.3) brought about some substantive legal changes in the field of measures terminating residence, which are consistent with the most recent high court decisions. Inter alia, a distinction is now made between return decisions and entry bans for (non-privileged) third-country nationals that are no longer automatically linked, expulsions (of privileged third-country nationals and EU residents) and orders of removal (within the framework of the Dublin Procedure).⁵⁸

4.1. Key Statistics

See Country Factsheet: Austria 2014

4.2. Enhanced border management at the external borders

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

4.2.1. Border control measures: technology, equipment and infrastructure, including systems linked to EU instruments and actions to coordinate different types of border checks (e.g. new border control and surveillance developments, including technological equipment for border control purchased and used during the reference period, such as IT systems, advanced passenger information systems, surveillance equipment, automated border controls and fast track lanes, etc.)

The test operation of an automatic border control system (eGate) at the international airport Vienna-Schwechat, which was initiated in 2013 as part of a national research project, was further developed within the framework of the EU FP7 project “FastPass.” The “FastPass” project is looking at available opportunities for harmonization between all European automatic border control systems.⁵⁹

The preparations for Austria’s connection to EUROSUR have entered the final stage. The server was installed after all the technical details had been clarified and the necessary conditions for the connection to EUROSUR had been established. Furthermore, training for administrators and operators took place in November 2014. Austria officially connected on 1 December 2014.⁶⁰

⁵⁸ Aliens authorities restructuring act – Government bill. Available at www.parlament.gv.at/PAKT/VHG/XXIV/II/01803/fnameorig_255383.html (accessed on 8 December 2014); Act amending the aliens authorities restructuring act – Government bill. Available at www.parlament.gv.at/PAKT/VHG/XXIV/II/02144/fnameorig_285860.html (accessed on 8 December 2014).

⁵⁹ Federal Ministry of the Interior, December 2014.

⁶⁰ Federal Ministry of the Interior, December 2014.

4.2.2. Border control measures: other activities to improve the effectiveness of controls at external borders (e.g. training and policy)

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

A draft act amending the existing Border Control Act⁶¹ was published in November 2014. The amendment aims at preventing minors – who do not have the consent of their legal guardian – from crossing the border, and of persons whose travel documents were confiscated according to the Passport Act or the Aliens Police Act, or when their issuance was not approved.⁶²

In 2014 the following measures were undertaken as part of a project promoting quality enhancement of external border controls: (i) development of a national plan for an integrated border management system (IBM), (ii) optimization of risk analysis, (iii) assessment of personnel and technical equipment, (iv) adjustment of the national legislation, and (v) implementation of trainings.⁶³

In particular the comprehensive training of border control authorities was continued in 2014.⁶⁴

4.2.3. Preventing and combating irregular immigration by ensuring reinforced cooperation with third countries in the area of border management.

Please list any new or planned agreements, and other forms of bilateral and multilateral cooperation with third countries with an objective to strengthen the operational capacity in combatting irregular migration and controlling of external borders.

Title of agreement (where relevant)	Third country (countries) with whom the cooperation exists	Description (e.g. provision of border equipment, training of border guards, etc.)
	Bosnia and Herzegovina	Austria provided support to Bosnia and Herzegovina as part of an IPA project (Instrument for Pre-Accession Assistance). The support included police training, border control strengthening, combating organized crime and the

⁶¹ FLG No. 435/1996, in the version of FLG I No. 68/2013.

⁶² Act amending the border control act and the citizenship act 1985 – Government bill. Available at www.ris.bka.gv.at/Dokumente/RegV/REGV_COO_2026_100_2_1051411/REGV_COO_2026_100_2_1051411.html (accessed on 8 December 2014).

⁶³ Federal Ministry of the Interior, December 2014.

⁶⁴ Federal Ministry of the Interior, December 2014.

		identification of victims of human trafficking. The project has been in place since 2012 ⁶⁵ and was reassigned to Austria in 2014. ⁶⁶
--	--	---

No information regarding the effectiveness of these activities is available.

4.3. Better tackling of misuse of legal migration channels

Please describe any measures introduced to prevent and tackle:

4.3.1. Irregular migration caused by visa liberalisation

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

Nothing to report.

4.3.2. Irregular migration through misuse of family reunification

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

Nothing to report.

⁶⁵ Federal Ministry of the Interior (2014), *Know-how für Bosnien-Herzegowina*. News, 30 April 2014, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=66336251564D79362F56383D&page=35&view=1 (accessed on 8 December 2014).

⁶⁶ Federal Ministry of the Interior (2014), *Innenministerium unterstützt Verbrechensbekämpfung in Bosnien-Herzegowina*. News, 11 August 2014, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=6E6130304863752F6850593D&page=10&view=1 (accessed on 8 December 2014).

4.3.3. Irregular migration through misuse of student migration

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

Nothing to report.

4.3.4. Irregular migration caused by use of false travel documents

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

In November 2014 a document adviser was deployed to the United Arab Emirates with a focus on Abu Dhabi and Dubai, thereby staying abreast of the importance of this region as a hub for international air transport and the accompanying irregular migration.⁶⁷

The following number of forged documents and usages of foreign ID cards were detected between January and October 2014 in other document advisers' locations:

- Amman: 21 forged documents and 2 attempts to use foreign ID cards;
- Athens: 631 forged documents and 34 attempts to use foreign ID cards;
- Bangkok: 9 forged documents and 7 attempts to use foreign ID cards;
- Moscow: 2 forged documents and 2 attempts to use foreign ID cards; and
- New Delhi: 8 forged documents and 3 attempts to use foreign ID cards.⁶⁸

Furthermore, during the first ten months of 2014, a total of 200 falsified or forged documents were seized and 29 attempts to use foreign ID cards were recorded at the Vienna-Schwechat international airport.⁶⁹

4.4. The fight against facilitation of irregular migration ('smuggling')

On 21 August 2014, the Ad-hoc Query on "*Facilitation of irregular immigration (migrants smuggling) to the EU: national institutional frameworks, policies and other knowledge-based evidence*" was launched requesting EMN NCPs to map, for their respective Member States, the national authorities, policies, programmes and other knowledge-based evidence to prevent the facilitation of irregular migration (migrant smuggling). EMN NCPs were requested to describe the institutional framework of responsible authorities, any current or planned national legal / policy or practice measures that would potentially address migrant smuggling, as well as any existing research (studies, reports, etc.) and available statistics.

For this section, you are therefore requested to indicate and provide information on any *new developments* that have taken place after October 2014, or any further information you have not previously provided within the abovementioned Ad-hoc Query (for example, on cooperation measures to combat smuggling).

⁶⁷ Federal Ministry of the Interior, December 2014.

⁶⁸ Federal Ministry of the Interior, December 2014.

⁶⁹ Federal Ministry of the Interior, December 2014.

During a working meeting in October 2014, the Austrian Federal Ministry of the Interior and the Ministries of the Interior from Hungary and Serbia discussed Serbia's future participation in the Europol investigation project FIMATHU (Facilitated Illegal Immigration Affecting Austria and Hungary). Serbia was offered technical assistance in the fight against migrant smuggling. Furthermore, it was decided that also the former Yugoslav Republic of Macedonia shall get involved in the future.⁷⁰

4.4.1. Key statistics

See Country Factsheet: Austria 2014

4.4.2. Activities to monitor smuggling

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

The Federal Criminal Intelligence Service released the report on Migrant Smuggling (2013) in 2014. The report offers an overview of organized migrant smuggling and irregular migration in Austria and is meant to promote strategic decision-making.⁷¹

4.4.3. Monitoring and identifying migration routes

Please describe any *new or planned measures* to identify, monitor and aggregate information on migration routes, and please explain:

- The role of national immigration liaison officers (NLOs) in gathering this data
- How is this information used to develop your (Member) State's response to migratory flows?

The liaison officers from the Federal Ministry of Interior are generalists. Their competences cover the entire sphere of internal security, including issues related to immigration. Liaison officers are the first point of contact for issues related to the cooperation between authorities. They act as an intermediary between national and foreign investigators on irregular migration. The collection of information relating to migration and smuggling routes, which originate in the host country or are transiting through it, and forwarding it to the national authorities, is an important task for liaison officers.⁷²

⁷⁰ Federal Ministry of the Interior (2014), *Mikl-Leitner: Schlepper unterwandern unsere Aufenthalts- und Einwanderungsgesetze*. News, 20 October 2014, available at www.bmi.gv.at/cms/BMI/news/BMI.aspx?id=6A4C6A412B4F664C5A58673D&page=3&view=1 (accessed on 8 December 2014).

⁷¹ Criminal Intelligence Service Austria (2014), *Organisierte Schlepperkriminalität. Jahresbericht 2013*. Available at www.bmi.gv.at/cms/BK/publikationen/files/Schlepperbericht_2013.pdf (accessed on 8 December 2014).

⁷² Federal Ministry of the Interior, December 2014.

4.5. Strengthening cooperation with third countries of transit and origin on migration management

4.5.1. Ensure implementation of all EU readmission agreements to their full effect⁷³

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

EU Readmission agreement (country)	National development (i.e. implementing protocol, cooperation)	Date of agreement (if relevant)
Ukraine	Implementing protocol between the Austrian federal government and the cabinet of ministers of the Ukraine to implement the Agreement between the European Union and the Ukraine on the readmission of persons.	According to its Art. 12 para 3 (Art. 16, para 2 of the EU Agreement), the protocol entered into force on 20 November 2014. ⁷⁴
Georgia	Protocol between the Austrian federal government and the government of Georgia to implement the Agreement between the European Union and Georgia on the readmission of persons with unauthorized residence. ⁷⁵	The protocol entered into force on 1 January 2014, according to its Art. 14 para 2.

⁷³ Norway is invited to report on any National agreements in place.

⁷⁴ Federal Ministry for Europe, Integration and Foreign Affairs, December 2014.

⁷⁵ FLG III Nr. 318/2013.

4.6. Enhancing migration management including cooperation on return practices

4.6.1. Summary of the EMN REG return and reintegration activities developed during 2014 (To be drafted by the EMN Service Provider)

4.6.2. Summary of the Frontex Joint Return Operations (JTOs) (To be provided by Frontex)

4.6.3. Description of the activities within FREMM (To be provided by COM)

4.6.4. Maximising the potential of a common EU approach in the field of return, both voluntary and forced in compliance with existing EU acquis (To be drafted by COM)

4.6.5. Please describe any new or planned measures to develop swift, sustainable and effective return using a common EU approach and in particular actions relevant to:

- i. Recording entry bans in the SIS and facilitating exchange of information on entry bans;⁷⁶
- ii. Operation of national forced return monitoring system (established in accordance with Article 8 para 6 of the Return Directive⁷⁷)
- iii. Other actions.

Austria continued to participate in the project “European Integrated Return Management” (EURINT)⁷⁸ in 2014. The project seeks to enhance cooperation with third countries in the field of return. Furthermore, Austria participated in the General Directors’ Immigration Services Conference (GDISC)⁷⁹, an informal network for cooperation in several migration-related areas, including return.

4.6.6 Key statistics

See Country Factsheet: Austria 2014

⁷⁶ This category of measure relates to the commitments of the Stockholm Programme specifically.

⁷⁷ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Return Directive).

⁷⁸ Eurint network, www.eurint-network.eu/ (accessed on 8 December 2014).

⁷⁹ General Directors of Immigration Services Conference, www.gdisc.org/ (accessed on 8 December 2014).

5. INTERNATIONAL PROTECTION INCLUDING ASYLUM

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

5.1. Common European Asylum System

5.1.1. Key statistics

See Country Factsheet: Austria 2014

5.1.2. The implementation of the Common European Asylum System

- a) Please provide information on changes in policies and practices relating to:
 - i. Access to territory (including applications from outside the territory, where applicable, and humanitarian visas)
 - ii. Access to the asylum procedure (including applications made at the border and in detention)
 - iii. Registration of applications for international protection, including subsequent applications
 - iv. Access to information and legal counselling / representation (including at the border and during the asylum procedure)
 - v. Provision of interpretation
 - vi. Dublin procedure (incl. transfers)
 - vii. Special procedures: border procedures, accelerated procedures, (including safe country policies), admissibility procedures, prioritised procedures.
 - viii. Reception of applicants and vulnerable groups (accommodation, financial and social support, access to labour market, access to medical care),
 - ix. Detention during the asylum procedure (practices regarding detention, grounds for detention)
 - x. Procedures at first instance (organisation of the process, interviews, evidence assessment, international protection status determination, decision making, timeframes, case management, training)
 - xi. Appeal/Judicial Review (organisation of the process, hearings, written procedures, timeframes, timeframes, case management, training)
 - xii. Country of Origin Information (organisation, methodology, products, databases)
 - xiii. Vulnerable groups e.g. unaccompanied minors (UAMs), torture and trauma survivors, victims of human trafficking, gender, lesbian, gay, bisexual, transgender and intersex (LGBTI) within the asylum procedure
 - xiv. Return of rejected asylum applicants (including forced return, voluntary return and assisted voluntary return).
 - xv. Resettlement (practices in relation to resettlement and possible participation in the EU joint resettlement programme)

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

To avoid duplication of submitted reports to EASO, the following only refers to significant changes in 2014.

In the context of the restructuring of the asylum and aliens authorities⁸⁰ in Austria, the Federal Office for Immigration and Asylum was established on 1 January 2014 (see 5.1.3.).

ix. Detention pending removal:

In January 2014, a new detention centre was opened in Vordernberg (Styria). Due to its modern and humane character, this detention centre is considered an exemplary model for other detention centres in Austria.⁸¹ The detention centre was constructed as a specialized centre in compliance with international expertise and recommendations,⁸² especially from the Austrian Human Rights Advisory Board⁸³ and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).⁸⁴

xv. Resettlement:

In 2014, the Austrian resettlement programme was enlarged. In total 1,500 particularly vulnerable Syrian nationals will come to Austria (see 5.4.1). Therewith, Austria is – after Germany – the EU member state receiving the highest number of Syrian refugees directly from the region outside of the ongoing asylum procedures.⁸⁵

Other:

The preparatory work related to the full implementation of the Reception and Procedures Directive of the Common European Asylum System (CEAS) has started; the provisions of the legal instruments from 2015 will be transposed into national legislation on time.⁸⁶

⁸⁰ Aliens authorities restructuring act, FLG I No. 87/2012; Act amending the aliens authorities restructuring act, FLG I No. 68/2013.

⁸¹ Federal Ministry of the Interior (2014), *Anhaltezentrum Vordernberg eröffnet*. News, 15 January 2014, available at www.bmi.gv.at/cms/BMI/_news/BMI.aspx?id=576D6E6649496B6E4E36673D&page=60&view=1 at (accessed on 8 December 2014).

⁸² Federal Ministry of the Interior, *Anfragebeantwortung 633/AB*, 10 April 2014, p. 2-3, available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_00633/imfname_346107.pdf (accessed on 27 May 2014).

⁸³ The responsibility of the independent Human Rights Advisory Board consists on the one hand in providing advice to the Federal Minister of the Interior regarding the protection of human rights and on the other hand in monitoring and reviewing the executive in this field. By 30 June 2012, the Human Rights Advisory Board ceased its activities (Federal Ministry of the Interior, *Menschenrechtsbeirat im BMI (Juni 1999 – Juni 2012)*, available at www.bmi.gv.at/cms/BMI_MRB/mrb/aufgaben/start.aspx, accessed on 26 January 2015).

⁸⁴ Council of Europe (2014), *Europäisches Komitee zur Verhütung von Folter und unmenschlicher oder erniedrigender Behandlung oder Strafe*. Available at www.cpt.coe.int/german.htm (accessed on 8 December 2014).

⁸⁵ Federal Ministry of the Interior, December 2014.

⁸⁶ Federal Ministry of the Interior, December 2014.

5.1.3. Institutional and legislative changes

- a) Please provide information on institutional changes in the asylum field at ministry/agency/section level (incl. changes in mandate),
- b) Please provide information on legislative changes pertaining to asylum implemented, adopted or pending in 2014.

a) Institutional changes:

In the context of the restructuring of the asylum and aliens authorities⁸⁷ in Austria, the Federal Office for Immigration and Asylum was established on 1 January 2014. The Federal Office is directly subordinated to the Federal Ministry of the Interior and has competence throughout Austria. The Federal Office's headquarters is located in Vienna; additionally there are nine regional offices, one in each province. Other organizational entities are the Initial Reception Centres (EAST) and one branch office in St. Pölten (Lower Austria). The Federal Office aims, inter alia, at a more efficient execution of aliens legislation by ensuring faster and simpler procedures.⁸⁸

The Federal Office for Immigration and Asylum is responsible for first instance asylum procedures, thereby replacing the former Federal Asylum Office. As a first instance authority, the Federal Office it is also competent to implement the Federal Basic Welfare Support Act. Furthermore, the Federal Office is in charge of the procedures in relation to and the issuance of "residence titles for exceptional circumstances" (similar residence titles were previously handled by the settlement and residence authorities). Out of these residence titles, those called "residence permit for individual protection" and "residence permit based on reasons of article 8" have to be examined ex officio during the asylum procedure, if the prior consideration of refugee protection and subsidiary protection did not lead to a right of residence (Art. 58 para 1 Asylum Act).⁸⁹ In addition, some competencies in relation to the Aliens Police Act were transferred to the Federal Office, for instance competencies with regard to procedures terminating residence or procedures regarding detention pending deportation and alternatives to detention. Other aliens police affairs such as, for example, the prevention of irregular entry and the monitoring of a foreign national's residence on Austrian territory are tasks attributed to the police administrations of the federal provinces.

In the framework of the Amendments to the Administrative Jurisdiction,⁹⁰ which entered into force on 1 January 2014, a Federal Administrative Court was established, which is responsible for appeals against decisions of the Federal Office for Immigration and Asylum. Appeals against decisions of the Federal Administrative Court (extraordinary) can be made to the Administrative High Court and the Constitutional Court.

b) Legislative changes:

As of 1 January 2014, the legal provisions concerning the asylum procedure were – in the context of the Aliens Authorities Restructuring Act⁹¹ – divided between the Asylum Act and the newly legislated Federal Office for Immigration and Asylum Procedures Act.⁹² While the Asylum Act mainly contains substantive law, the Federal Office for

⁸⁷ Aliens authorities restructuring act, FLG I No. 87/2012; Act amending the aliens authorities restructuring act, FLG I No. 68/2013.

⁸⁸ Federal Office for Immigration and Asylum (2014), *Das Bundesamt für Fremdenwesen und Asyl*. Available at www.bfa.gv.at/files/broschueren/BFA-Folder-de-V23052014-web.pdf (accessed on 8 December 2014).

⁸⁹ FLG I No. 100/2005, in the version of FLG I No. 144/2013.

⁹⁰ FLG I No. 51/2012.

⁹¹ FLG I No. 87/2012.

⁹² FLG I No. 87/2012, in the version of FLG I No. 40/2014.

Immigration and Asylum Procedures Act includes adjective and procedural law but is not limited to asylum procedures.

With respect to the status directive (2011/95/EU), the Asylum Act was amended by the Act Amending the Aliens Authorities Restructuring Act.⁹³ Mainly, the concept of family was extended and the duration of the limited residence permit for people with subsidiary protection was changed to two years.

5.1.4. Jurisprudence

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

In its decision on 26 February 2014 (G59/2013) the Constitutional Court stated that Art. 12 para 1 Asylum Act, which principally excluded in certain cases a factual deportation protection, was unconstitutional. The Court explained that this would make any reconsideration in favour of the asylum-seeker impossible.

On 28 May 2014 (Ra 2014/20/0017) the Administrative High Court decided in the case concerning two Afghan women that the Federal Administrative Court had wrongly considered an oral hearing unnecessary. Art. 21 para 7 Federal Office for Immigration and Asylum Procedures Act specifies when an oral hearing before the Federal Administrative Court can be omitted in proceedings against written decisions of the Federal Office for Immigration and Asylum. According to the legal documents to the Act Amending the Aliens Authorities Restructuring Act, this provision is to be interpreted in accordance with its predecessors, namely Art. II para 2 subpara 43a Introductory Law to the Administrative Procedures Act 2008 (1 July 1998 to 30 June 2008) and Art. 41 para 7 Asylum Act (1 July 2008 to 31 December 2013). Hence, the relevant legal situation did not change in substance: an oral hearing may be omitted in spite of a corresponding request if the circumstances are fully clarified by means of records and assertions or if it is absolutely certain that the assertion does not correspond to the facts. This, in turn, requires that the authority's statements and consideration of evidence are not confronted without substance.⁹⁴

In June 2014 the Constitutional Court decided to review the constitutionality of Art. 22 para 1 to 3 Federal Office for Immigration and Asylum Procedures Act⁹⁵ (26 June 2014, E 4/2014). This provision concerns legal protection in case of arrest, detention and detention pending removal. The Constitutional Court assumes – for the time being – that the legislative authority established an unclear legal situation, which does not provide a clear answer to questions such as who is the competent authority or what is the deadline to file an appeal in case of detention pending removal.

⁹³ FLG I No. 68/2013.

⁹⁴ Federal Ministry of the Interior, December 2014.

⁹⁵ FLG I No. 87/2012, in the version of FLG I No. 40/2014.

5.1.5. Efficiency and Quality

Please provide information on measures undertaken to safeguard or improve:

- a) Quality of the national asylum system (combatting unfounded applications, credibility assessment, age assessment, establishing identity) including information on tools and mechanisms (stating how this is measured)
- b) Efficiency of the processing of (first) applications and appeals (increasing speed, reducing costs, use of new technology) of the national asylum system,

Please include information on effectiveness of above listed measures (where evidence exists and stating how this is measured).

In 2014 comprehensive measures have been taken to secure the high quality and efficiency of the Austrian asylum system. Inter alia, the following projects have been implemented:

- STARQ II – The aim is to consolidate and enhance the authorities’ internal measures and systems for nationwide quality assurance in the organizational units of the Federal Office for Immigration and Asylum (continuation of STARQ I).
- QUADA (“High Quality Interpretation in the Asylum Procedure”) – This project aims at identifying and discussing measures for quality assurance and improvement of interpretation in the field of aliens affairs and asylum by means of transdisciplinary cooperation (law, linguistics and social sciences).
- IBEMA – The aim is to identify potential victims of human trafficking during the asylum procedure in Austria.⁹⁶

Furthermore, in 2014, 104 training sessions attended by 1,416 participants were realized in the context of a development programme. The training courses covered all groups and fields. The main topics covered were asylum, measures terminating residence, procedural law, residence titles for exceptional circumstances, interview methods, preparation of decisions, standby duty, and chancellery.⁹⁷

Additionally, in 2014 country reports concerning the socioeconomic situation in the following countries of origin were released: Kazakhstan, Tajikistan, Kyrgyzstan, Tunisia and Uzbekistan.⁹⁸

5.1.6. Challenges in the asylum field

- a) Please indicate which aspects of the national asylum system have (i) proven to be particularly challenging or (ii) have been subject to criticism from third parties.
- b) Provide information on actions undertaken to counter these challenges.

Please only provide information additional to that presented in 5.1.2

The generally high, and since 2011 ever again rising, numbers of applications for asylum⁹⁹ lead to capacity shortages in the Austrian asylum and reception system. With weekly highs of over 1,000 asylum-seekers in 2014, Austria registered the highest

⁹⁶ Federal Ministry of the Interior, December 2014.

⁹⁷ Federal Ministry of the Interior, December 2014.

⁹⁸ Federal Ministry of the Interior, December 2014.

⁹⁹ Federal Ministry of the Interior (2014), *Asylum Statistics*. Available at www.bmi.gv.at/cms/BMI_Asylywesen/statistik/start.aspx (accessed on 8 December 2014).

numbers of asylum applications for over 20 years. In general, the Austrian asylum system has been one of the most burdened within the EU for years.¹⁰⁰

Following a proposal by the Federal Minister of the Interior, the provincial governors decided upon a new distribution system of post-application asylum-seekers. The new system should be implemented by summer 2015. The objective is to reach a better distribution of asylum-seekers among the provinces immediately after an application is filed. The presence of asylum-seekers in an Initial Reception Centre will only be required in Dublin-relevant cases.¹⁰¹

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

5.2.1. Participation in EASO activities

Please provide information on your (Member) State's relevant participation in EASO activities, by type of activity (e.g. provision of staff for Asylum Support Teams, deployment of experts for training related activities, including regional train-the-training session, participation in the development of common practical tools).

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

- Assistance to Greece in the field of information on countries of origin and language analysis;
- Stock Taking Mission to Bulgaria from 17 to 21 February 2014 to evaluate the progress made in the context of the EASO Support Plan Bulgaria;
- Assistance to Bulgaria in the field of information on countries of origin (Syrian Arab Republic/Iraq).¹⁰²

As part of the Steering Group, Austria is actively engaged in the “External Evaluation of EASO.”¹⁰³

In 2014, Austria conducted study visits (trainings, information exchange) for staff of asylum authorities in third countries.¹⁰⁴

Furthermore, Austria participated in various activities concerning information on countries of origin. These included inter alia collaboration in the preparation of reports about Somalia and Afghanistan.¹⁰⁵

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

- Cooperation with Hungary in the field of information on Afghanistan as a country of origin (an Austrian expert supported the Hungarian department for three days);

¹⁰⁰ Federal Ministry of the Interior, December 2014.

¹⁰¹ Federal Ministry of the Interior, December 2014; Federal Ministry of the Interior (2014), *Neues System der Grundversorgung*. News, 19 November 2014, available at www.bmi.gv.at/cms/bmi/_news/bmi.aspx?id=47796F3039574533714F553D&page=0&view=1 (accessed on 8 December 2014).

¹⁰² Federal Ministry of the Interior, December 2014.

¹⁰³ Federal Ministry of the Interior, December 2014.

¹⁰⁴ Federal Ministry of the Interior, December 2014.

¹⁰⁵ Federal Ministry of the Interior, December 2014.

- Cooperation with Germany in relation to the execution of the Dublin III Regulation (exchange of experts between Germany and Austria).¹⁰⁶

5.2.2. *Provision of support by EASO to the Member States*

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

Nothing to report.

5.3. Intra-EU solidarity including relocation

5.3.1. *Support to national asylum systems including relocation*¹⁰⁷

- a) Please provide information on support provided to (Member) States experiencing specific and disproportionate pressures on their national asylum systems. This might include support in the processing of requests for international protection, seconding staff (for the Asylum Intervention Pool / Training Expert Pool), sending resources or equipment.
- b) Please specify any action undertaken with regard to the relocation (note that this information may also be captured in the Table below).
- c) Please describe any evidence of the results / outcomes of this support, if available.

Compared with other EU Member States, Austria still receives a relatively high number of asylum applications both in absolute and relative terms. In the third quarter of 2014, Austria ranked fourth with regard to the number of asylum applications per capita.¹⁰⁸ For this reason, Austria has not yet participated in any EU redistributive measures.¹⁰⁹

5.3.2. *Key statistics*

See Country Factsheet: Austria 2014

¹⁰⁶ Federal Ministry of the Interior, December 2014.

¹⁰⁷ Relocation: the transfer of persons having a status, defined by the Geneva Convention or subsidiary protection (2004/83/EC) from the Member State which granted them international protection to another Member State where they will be granted similar protection (source: EMN (2012), *Asylum and Migration Glossary 2.0*. Available at www.emn.at/images/stories/Glossary/EMN_Glossary_EN_Version.pdf (accessed on 8 December 2014).

¹⁰⁸ Eurostat (2014), *Asylum applicants and first instance decisions on asylum applications: third quarter 2014*. Data in focus, 15/2014, available at <http://ec.europa.eu/eurostat/documents/4168041/6404399/KS-QA-14-015-EN-N.pdf/d46331bd-29aa-4fe7-9bb6-fc0a37bce9e1> (accessed on 8 December 2014).

¹⁰⁹ Federal Ministry of the Interior, December 2014.

5.4. Enhancing the external dimension including resettlement

5.4.1. Cooperation with third countries including resettlement¹¹⁰

- a) 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.
- b) Please describe any evidence of the results / outcomes of this cooperation, if available.

In April 2014 it was decided that Austria would expand its humanitarian action for Syrian refugees, adding 1,000 extra places to the 500 persons that had already been agreed upon. The target group consist of particularly vulnerable persons such as women and children, families with children and persecuted minorities (for instance Christians). The humanitarian action is carried out by the Federal Ministry of the Interior in collaboration with UNHCR and the International Organization for Migration (IOM).¹¹¹ In July 2014, the Federal Ministry for Europe, Integration and Foreign Affairs launched a call for tenders concerning the provision of integration support for 250 Syrian refugees who will be admitted and granted asylum status in the framework of the humanitarian action.¹¹²

In July 2014, Austria proposed a project called “Save Lives”. This project aims to secure entry into the EU for refugees in need of protection by establishing a pan-European resettlement programme and envisaging a binding quota calculated according to a fixed formula for each EU Member State.¹¹³

5.4.2. Key statistics

See Country Factsheet: Austria 2014

¹¹⁰ Resettlement: the transfer on a request from the UNHCR and based on their need for international protection, of a third-country national or stateless person from a third country to a Member State where they are permitted to reside with one of the following statuses: i. refugee status ii. a status which offers the same rights and benefits under national and EU law as refugee status (source: EMN (2012), *Asylum and Migration Glossary 2.0*. Available at www.emn.at/images/stories/Glossary/EMN_Glossary_EN_Version.pdf (accessed on 8 December 2014).

¹¹¹ Federal Ministry of the Interior (2014), *Humanitäre Aktion Syrien*. Available at www.bmi.gv.at/cms/BMI_Asywesen/syrien/start.aspx; Federal Ministry of the Interior (2014), *Schutz für syrische Flüchtlinge*. Öffentliche Sicherheit, No. 7-8, available at www.bmi.gv.at/cms/BMI_OeffentlicheSicherheit/2014/07_08/files/INTERNATIONALER_SCHUTZ.pdf (accessed on 8 December 2014).

¹¹² Wiener Zeitung (2014), *Integrationsmaßnahmen für 250 syrische Flüchtlinge*. Tender, 21 March 2014, available at www.auftrag.at/ETender.aspx?action=SHOW&id=5c927cf3-63f1-467d-b282-ec5b04b499f3 (accessed on 8 December 2014).

¹¹³ Federal Ministry of the Interior (2014), *Mikl-Leitner: Einreisekontrollen in den Schengen-Raum für EU-Bürger überdenken*. News, 10 October 2014, available at www.bmi.gv.at/cms/BMI_news/BMI.aspx?id=6738315761617268412B493D&page=0&view=1 (accessed on 8 December 2014).

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

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

Nothing to report.

6. UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

6.1. Unaccompanied minors

Summary of the EMN Study on Unaccompanied Minors

For this section, you are therefore requested to indicate and provide information on any *new developments* that have taken place after the submission of your national contribution to the EMN Study on Unaccompanied Minors, or any specific developments in 2014 that you have not previously provided within the abovementioned study.

Since the Aliens Authorities Restructuring Act¹¹⁴ entered into force on 1 January 2014, unaccompanied minors are able to apply for the “Red-White-Red Card” under more flexible conditions (Art. 41a para 10 Settlement and Residence Act).¹¹⁵

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

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

Moreover, since 1 January 2014, the third revision of the Dublin Regulation¹¹⁶ is directly applicable in Austria. It includes advanced protection rules for unaccompanied minors regarding the responsibility of a EU Member State for examining an asylum application, representation in legal proceedings, and family tracing, as well as the creation of an information sheet.

6.2. Other vulnerable groups

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

Nothing to report.

6.3. Key statistics

See Country Factsheet: Austria 2014

¹¹⁴ FLG I No. 87/2012.

¹¹⁵ FLG I No. 100/2005, in the version of FLG I No. 40/2014.

¹¹⁶ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (Dublin III Regulation).

7. ACTIONS ADDRESSING TRAFFICKING IN HUMAN BEINGS

This Section should be completed in the context of the "EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016)"¹¹⁷ and you should liaise with your National Rapporteur on Trafficking in Human Beings or Equivalent Mechanism (NREMs).

NREMs share information with the Commission (via the informal of EU Network of NREMs) on a biannual basis on developments relevant to their national legal and policy framework. This information can be used for this reporting exercise too. All information is uploaded accordingly to the EU Anti-Trafficking Website under the section of national pages.¹¹⁸ In section 7.2, EMN NCPs are invited to add any corresponding information and additional to that available on the EU Anti-trafficking website if necessary/appropriate; the remainder of the questions in Section 5 correspond to the EU Strategy. Please note that the scope of this context refers only to third-country national victims.

Since 1 January 2014 the Federal Office for Immigration and Asylum has been responsible for the issuance of residence permits for victims of human trafficking (Art. 57 Asylum Act). This residence permit may be granted, inter alia, ex officio along with the concluding decision. Before 2014 the residence permit was stipulated in the Settlement and Residence Act and issued by the competent authorities.¹¹⁹

7.1. Key statistics

See Country Factsheet: Austria 2014

7.2. Improving the identification of and provision of information to victims

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

1. Information on assistance and support to victims, including child victims;
2. If applicable, any evident trends at national level.
3. Cooperation with third countries

In connection with the new competencies of the Federal Office for Immigration and Asylum for issuing residence permits for victims of human trafficking, officers from the Federal Office for Immigration and Asylum have participated in training sessions organized by IOM on the identification of trafficked persons in the asylum procedure. These trainings were organized in cooperation with Austrian experts in the field of

¹¹⁷ European Commission (2014), *Together Against Trafficking in Human Beings*. Available at <http://ec.europa.eu/anti-trafficking/> (accessed on 8 December 2014).

¹¹⁸ European Commission, *Together against Trafficking in Human Beings – Austria*, available at http://ec.europa.eu/anti-trafficking/content/nip/austria_en (accessed on 12 December 2014).

¹¹⁹ Federal Office for Immigration and Asylum (2014), *Erkennen von Opfern von Menschenhandel*. News, 23 June 2014, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=354D554C383076436165453D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0 (accessed on 8 December 2014).

human trafficking and asylum in the context of the project “Identifying potential victims of human trafficking in the Austrian asylum procedure – IBEMA.”¹²⁰

As part of the working group “labour exploitation” within the Task Force on Human Trafficking, a list of indicators for identifying trafficked persons for the purpose of labour exploitation was developed in 2014. The list was adjusted to the operating principles of the regulatory bodies. The list shall enable regulatory authorities, such as the Labour Inspectorate or the Financial Police, to identify labour exploitation.¹²¹

The Federal Ministry of Labour, Social Affairs and Consumer Protection, together with the Viennese Mens’ Health Centre (abbreviation: MEN), initiated and financed the contact point MEN VIA¹²² for male victims of human trafficking as a pilot project in Vienna. The contact point, which was opened in early 2014, offers – if possible – counselling and care in the mother tongue of the male victims. Thereby, aspects of psychosocial and psychological health and life coaching are addressed and support is offered with regard to medical care.¹²³

See also IPA project (Instrument for Pre-Accession Assistance) under 4.2.3.

¹²⁰ Federal Office for Immigration and Asylum (2014), *Erkennen von Opfern von Menschenhandel*. News, 23 June 2014, available at www.bfa.gv.at/presse/news/detail.aspx?nwid=354D554C383076436165453D&ctrl=796C386F347944696937796A68352F47503437326B513D3D&nwo=0 (accessed on 8 December 2014).

¹²¹ Federal Ministry of Labour, Social Affairs and Consumer Protection, December 2014.

¹²² MEN – Men’s Health Center (2014), *Unterstützung für Männer, die von Menschenhandel betroffen sind*. Available at www.men-center.at/typo2013/typo3/projekte/via.html (accessed on 8 December 2014).

¹²³ Federal Ministry of Labour, Social Affairs and Consumer Protection, December 2014.

8. MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

8.1. Progress towards mainstreaming of migration in development policies

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

Nothing to report.

8.1.1. Cooperation with partner / third countries for economic migration

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

Type of agreement (EU or bilateral)	Status of agreement (negotiated, signed, ratified, implemented) and the date of the action	Third countries involved including Southern Mediterranean ¹²⁴ and Eastern Partnership ¹²⁵ countries	Main purpose and rationale for the agreement (incl. relevant elements of content)	Does the agreement allow for circular migration? YES/NO

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

Nothing to report.

8.1.2. Efforts to mitigate 'brain drain'

Please describe any *new or planned* measures to mitigate brain drain. For example: awareness rising actions, development of data and indicators on this phenomena, prevention, list of countries and professions subject to brain drain. For reference also see the Section 3.6 "Brain Drain and Brain Circulation" in the "EMN Synthesis report - Attracting Highly Qualified and Qualified Third-Country nationals"

Nothing to report.

¹²⁴ Morocco, Algeria, Tunisia, Libya and Egypt.

¹²⁵ Ukraine, Belarus, Republic of Moldova, Georgia, Armenia and Azerbaijan.

8.2. Migrants' Remittances

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

Nothing to report.

8.3. Working with Diasporas

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

The transnational Initiative CoMiDe aims to enhance coherent migration and development policies at the European level and in four European countries. Its objective is to initiate cooperation between development NGOs, migrant organizations and communities in Italy, Slovenia, Slovakia, and Austria. The CoMiDe Initiative started in April 2011 and ended after a three year duration in 2014. The project was funded by the European Commission and co-funded by the Austrian Development Agency (ADA). Project partners were the Peace Institute - Institute for Contemporary Social and Political Studies (Slovenia), COSPE - Cooperazione per lo Sviluppo dei Paesi Emergenti (Italy), Society Development Institute (Slovakia), and Südwind Agentur (Austria). The VIDC (Vienna Institute for International Dialogue and Cooperation) was the lead agency.¹²⁶

¹²⁶ CoMiDe – Initiative for Migration and Development, www.comide.net/ (accessed on 19 December 2014).