

COUNTRY FACTSHEET: AUSTRIA 2014

EUROPEAN MIGRATION NETWORK

1. Introduction

This EMN Country Factsheet provides a factual overview of the main policy developments in migration and international protection in Austria during 2014, including latest statistics.

2. Common European Asylum System

Preparatory work for the full transposition of the recast Directives on Reception Conditions (2013/33/EU) and Asylum Procedures (2013/32/EU) started at the end of 2014. In addition, as of the 1st of January 2014 the **legal provisions concerning the asylum procedure were divided** between: the Asylum Act (substantive law) and the newly legislated Federal Office for Immigration and Asylum Procedures Act (adjective and procedural not limited to asylum procedures).

Following the restructuration of the asylum and aliens authorities, the **Federal Office for Immigration and Asylum was established** on the 1st January 2014. The Federal Office replaced the former Federal Asylum Office and aims, inter alia, at a more efficient execution of aliens' legislation by ensuring faster and simpler procedures. Some of the competences of the Federal Office include amongst others: first instance asylum procedures, the implementation of the Federal Basic Welfare Support Act, the issuance of "residence titles for exceptional circumstances", procedures terminating residence or regarding detention pending deportation and alternatives to detention.

Furthermore, amendments to the Administrative Jurisdiction, which entered into force on 1st January 2014, led to the establishment of a Federal Administrative Court. The Court is responsible for appeals against decisions of the Federal Office for Immigration and Asylum.

Also in January 2014 a **new detention centre** was opened in Vordernberg, in the province of Styria. The centre is considered an exemplary model for other detention centres in Austria, as it complies with international expertise and recommendations,

particularly those from the Austrian Human Rights Advisory Board¹ and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

Asylum applications in 2014 overall recorded **the highest numbers for over 10 years** (see Figure 3 in statistics annex). Hence, a new distribution system of post-application asylum-seekers will be implemented by summer 2015 to reach a better distribution of asylum-seekers among the provinces.

In 2014 Austria also **enlarged its resettlement programme**, which will allow the **reception of 1,500** particularly vulnerable Syrian nationals. Previously the programme envisaged the reception of 500 people.

3. Unaccompanied Minors and other Vulnerable Groups

As of 1st January 2014 several legislative changes were introduced regarding unaccompanied minors (UAMs). These included:

- ★ UAMs are now **able to apply for the "Red-White-Red Card"** under more flexible conditions;
- ★ UAMs who are 14 years or older have to cooperate with the authorities, under certain situations and circumstances, 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;
- ★ 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 measures terminating residence;

¹ By 30 June 2012, the Human Rights Advisory Board ceased its activities, which were taken over by the Austrian Ombudsman Board (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).

- ★ The third revision of the Dublin Regulation is since directly applicable in Austria, including advanced protection rules for unaccompanied minors such as the EU Member States' responsibility for examining an asylum application, representation in legal proceedings and family tracing.

4. European Policy on Legal migration and Integration

4.1 PROMOTING LEGAL MIGRATION CHANNELS

The website www.migration.gv.at, where information on immigration opportunities, especially for highly qualified workers is provided, continued to be regularly maintained and updated during 2014. The website is available in German and English.

4.2 ECONOMIC MIGRATION

The **Single Permit Directive** (2011/98/EU) was **transposed on 1st January 2014** following the entry into force of an Act Amending the Aliens Authorities Restructuring Act. As a result, holders of the "settlement permit" and the "residence permit – artist" now receive a combined residence and work permit that is similar to the "Red-White-Red Card". When special integration criteria are fulfilled, resident third-country nationals can be granted a "[Red-White-Red Card plus](#)", which grants unrestricted labour market access. In addition, the changes now allow very highly qualified workers to submit an application for a "Red-White-Red Card" from abroad, in case of a pre-existing employment offer from a domestic employer.²

An amendment to the **Act on Combatting Wage and Social Dumping** was adopted on December 2014. The changes provide, inter alia, for an extension of official wage controls and besides the basic wage, all other remuneration components required by law, decree or collective agreement are also subject to inspections. Furthermore, the statutory limitation in case of wage dumping was extended to three years. The amendments entered into force on 1st January 2015. In addition, the union support for undocumented workers (UNDOK) established a contact point to offer free individual counselling and legal advice for people without residence and/or an employment permit.

Following the **amendments to the Administrative Jurisdiction** which entered into force on January 2014, the provincial administrative courts are now responsible for appeals against decisions in accordance with the Settlement and Residence Act, while the federal administrative court is responsible for appeals against decisions on applications in the field of the Act Governing Employment of Foreign Nationals.

4.3 FAMILY REUNIFICATION

No policy developments in this area were reported.

² The privilege to apply while staying in Austria with a job search visa remains valid.

4.4 INTEGRATION

Austria presented its [4th Annual Integration Report](#) in July 2014, where four measures from the government programme of the legislative period 2013-2018 were presented, mainly: 1) Integration from the beginning, 2) recognition of qualifications acquired abroad, 3) attracting international students and 4) language training. Together with the Report, the statistical yearbook "[migration & integration](#)" was published and the database "[Integration Projects in Austria](#)" was updated.

On October 2014 a draft agreement concerning the extension of **early childhood education in institutional childcare was introduced**. The agreement aims to provide language training for children between the ages of three and six who are non-German speakers, in order to enhance their language skills before entering primary education.

The **new initiative "Integration at the regional level"** was presented in June 2014. Through the initiative, the Austrian Integration Fund would provide municipalities customised counselling and regionally adapted information materials for migrants. Also, the opening of a **new integration centre** of the Austrian Integration Fund **in Klagenfurt** (province of Carinthia) **was agreed in 2014** to further provide comprehensive advice to migrants who have recently arrived in the province of Carinthia.

Austrian integration policies follow the concept of "integration from the beginning". As one measure, an **integration commissioner** was deployed to the Austrian embassy in Belgrade (Serbia) in October 2014 to provide pre-departure information to potential migrants.

Concerning **anti-discrimination measures**, on 1st July 2014, the Security Police Act was amended and it now includes the offense of incitement and the prohibition law. As a result, 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; previously such prohibitions were limited to violent crimes. A hotline against discrimination and intolerance was also set up in 2014, to act as a central clearinghouse for victims, referring them to the corresponding contact points and to raise visibility and awareness.

On December 2014 **the 1985 Citizenship Act was amended**. The act **stipulates that citizenship will be withdrawn from a citizen who voluntarily participates** and is actively involved **in an organised armed group fighting abroad in situations of armed conflict**, provided that he/she does not become stateless.

In December 2014, **the Islam Act 2014 was passed by the Council of Ministers**. 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. Furthermore, teaching, customs and institutions of Islamic religious communities benefit from legal protection provided that they do not contradict legal regulations.

4.5 MANAGING MIGRATION AND MOBILITY³

Since the 11th October 2014, the border control of visa holders entering Austria involves the consultation of the Visa Information System (VIS) when verifying the identity of the visa holder and the authenticity of the visa.

4.6 EXTERNAL DIMENSION OF EU MIGRATION POLICY

Regarding **diasporas**, the transnational Initiative CoMiDe, which aimed to enhance coherent migration and development policies by initiating cooperation between development NGOs, migrant organisations and communities at the European level and in Austria (in addition to Italy, Slovenia and Slovakia), was finalised in 2014 after a three-year duration. The project was co-funded by the Austrian Development Agency (ADA).

5. Irregular Migration and Return

5.1 THE FIGHT AGAINST FACILITATION OF IRREGULAR MIGRATION

The restructuring of the asylum and aliens authorities in Austria, as explained in section 2 above, brought **substantive legal changes** in the field of terminating residence measures. For example, a distinction is now made between: 1) return decisions for (non-privileged) third-country nationals, 2) expulsions of privileged third-country nationals and EU residents and 3) orders of removal (within the framework of the Dublin Procedure).

Furthermore, return decisions and entry bans for (non-privileged) third-country nationals are, since the Act Amending the Aliens Authorities Restructuring Act entered into force on 1st January 2014, no longer automatically linked.

Amendments to the Border Control Act⁴ were also published in November 2014 and entered into force in 2015. These aim at preventing both minors – who do not have the consent of their legal guardian – and persons whose travel documents were confiscated according to the Passport Act or the Aliens Police Act, or when their issuance was not approved, from crossing the border.

³ “Managing migration and mobility” refers to the following themes: visa policy, Schengen governance and border monitoring.

⁴ FLG No. 435/1996, in the version of FLG I No. 68/2013.

Also, during 2014 preparations for Austria’s connection to EUROSUR reached their final stage and as of 1st December 2014 Austria is officially **connected to EUROSUR**.

In 2014 the Federal Criminal Intelligence Service released the [report on Migrant Smuggling \(2013\)](#). The report provides an overview of organised migrant smuggling and irregular migration in Austria.

5.2 RETURN

Austria continued to participate in the project “European Integrated Return Management” (EURINT) in 2014. The EURINT network is a partnership between 21 migration and return organizations and the EU Agency Frontex and seeks to enhance cooperation with third countries in the field of return. In October 2014 Austria chaired a workshop on Nigeria as country of return during which experiences and challenges faced with regard to return certificates and cooperation on return were exchanged.

6. Actions against Trafficking in Human Beings

Since the 1st January 2014, the **issuance of resident permits for victims** of trafficking in human beings is responsibility of the **Federal Office for Immigration and Asylum**.

A list of **indicators for identifying trafficked persons** for the purpose of labour exploitation was also **developed in 2014** by the working group “labour exploitation”, within the Task Force on Combating Human Trafficking. The list shall enable regulatory authorities, such as the Labour Inspectorate or the Financial Police, to identify labour exploitation.

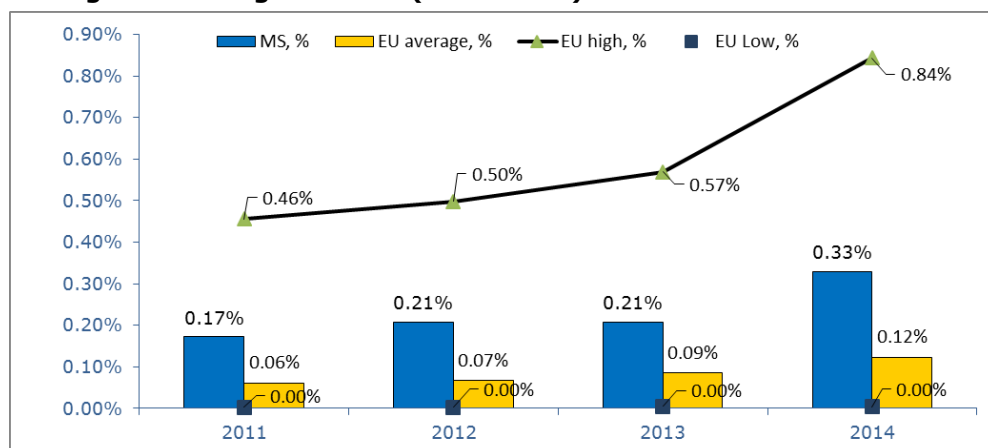
STATISTICAL ANNEX

The Statistical Annex provides an overview of the latest available statistics for Austria on aspects of migration and asylum (2011-2014), including residence, asylum, unaccompanied minors, irregular migration, return and visas. Where statistics are not yet available, this is indicated in the Annex as “**N/I**” and when statistics are not applicable, this is indicated as “**N/A**”.

Statistical Annex: Immigration and Asylum in Austria (2011-2014)

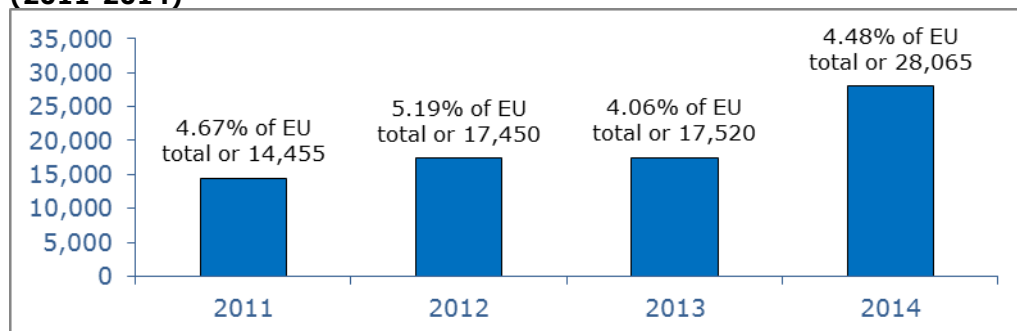
1. COMMON EUROPEAN ASYLUM SYSTEM

Figure 1: Asylum applications as a share of the total population in Austria, EU average and EU high and low (2011-2014)



Source: Eurostat migration statistics (migr_asyappctza), data extracted 20/07/2015

Figure 2: Number of asylum applications and as a share of the total number of applications in the EU (2011-2014)



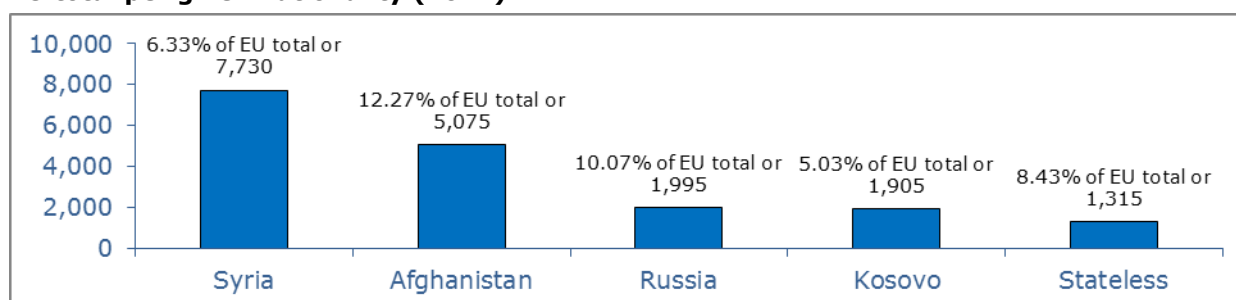
Source: Eurostat migration statistics (migr_asyappctza), data extracted 21/07/2015

Table 1: Asylum applications: Top five third-country nationalities (2011-2014)

2011			2012			2013			2014		
Nationality	Nr	% of total	Nationality	Nr	% of total	Nationality	Nr	% of total	Nationality	Nr	% of total
Afghanistan	3,630	25%	Afghanistan	4,015	23%	Russia	2,850	16%	Syria	7,730	28%
Russia	2,325	16%	Russia	3,110	18%	Afghanistan	2,590	15%	Afghanistan	5,075	18%
Pakistan	950	7%	Pakistan	1,825	10%	Syria	2,005	11%	Russia	1,995	7%
Somalia	615	4%	Syria	930	5%	Pakistan	1,035	6%	Kosovo	1,905	7%
Iraq	485	3%	Iran	765	4%	Algeria	945	5%	Stateless	1,135	4%

Source: Eurostat migration statistics (migr_asyappctza), data extracted 21/07/2015

Figure 3: Asylum applications: Top five third-country nationalities as a share of EU total per given nationality (2014)



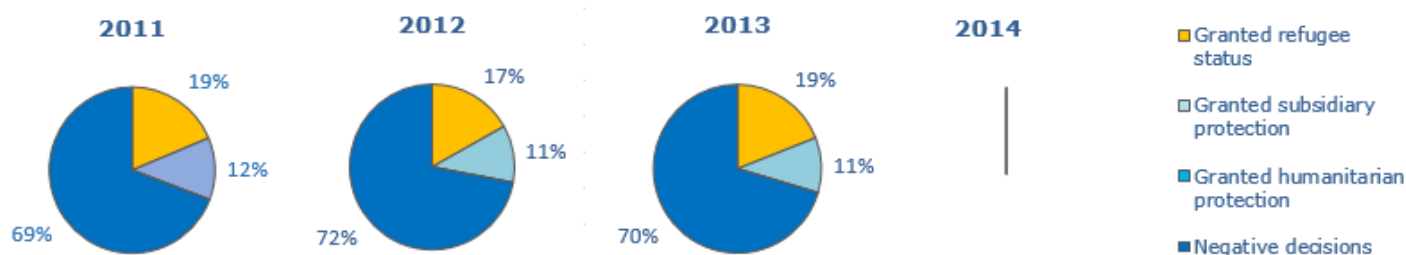
Source: Eurostat migration statistics (migr_asyappctza), data extracted 21/07/2015. Note: the figure reads as: Austria received 7,730 asylum applications from Syrians or 6.33% of all asylum applications launched by Syrians in EU in 2014

Table 2: Asylum applications - First instance decisions by outcome (2011-2014)

	Total decisions	Positive decisions	Of which:		Humanitarian reasons ⁵	Negative decisions
			Refugee status	Subsidiary protection		
2011	13,270	4,085	2,480	1,605	N/A	9,185
2012	15,905	4,460	2,680	1,775	N/A	11,445
2013	16,640	4,920	3,165	1,760	N/A	11,720
2014	N/I	N/I	N/I	N/I	N/I	N/I

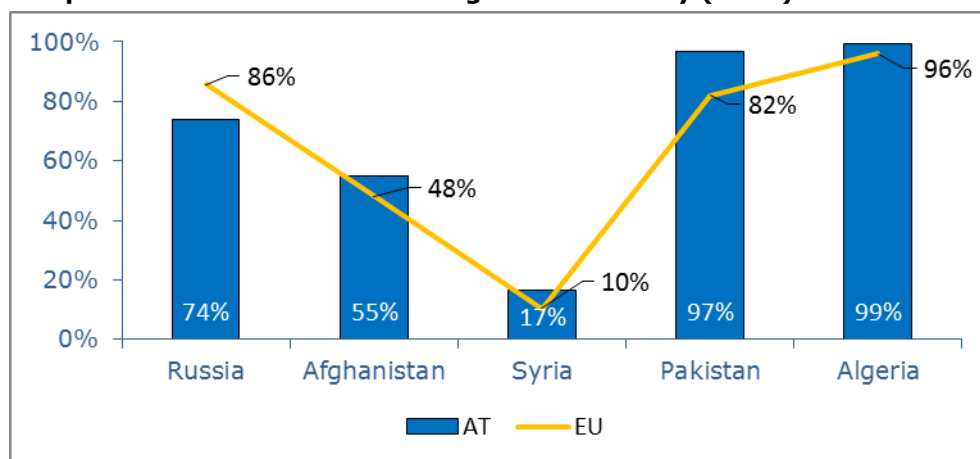
Source: Eurostat migration statistics (migr_asydcfst), data extracted 22/07/2015.

Figures 4-7: Asylum applications - First instance decisions by outcome (2011-2014)



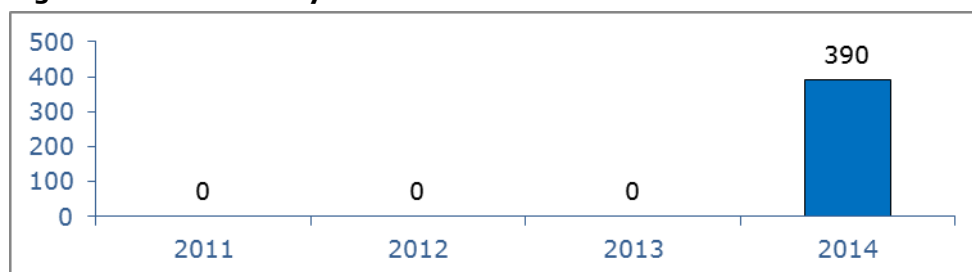
Source: Eurostat migration statistics (migr_asydcfst), data extracted 22/07/2015

Figure 8: Negative decision rate for the top five nationalities of applicants at the first instance in comparison with EU for the same given nationality (2013)



Source: Eurostat migration statistics (migr_asydcfst), data extracted 23/07/2015

Figure 9: Third-country nationals resettled



Source: Eurostat migration statistics (migr_asyresa), data extracted 23/07/2015

⁵ From 2011- 2013 residence permits based on the term "humanitarian reasons" per se, were not provided within the asylum legal framework of Austria, hence these were not applicable. Legal changes now provide for the term and residence permits based on "humanitarian reasons" but 2014 data was not yet available.

2. UNACCOMPANIED MINORS

Figure 10: Unaccompanied minors applying for asylum (2011-2014)

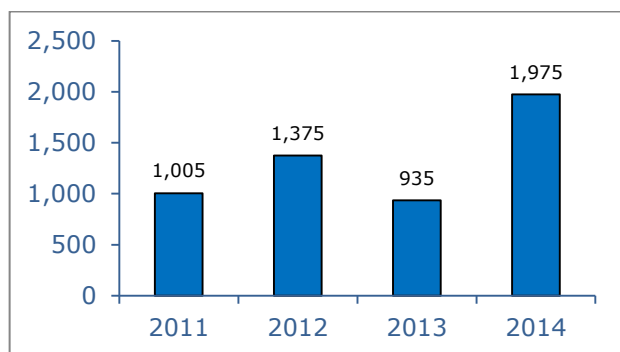


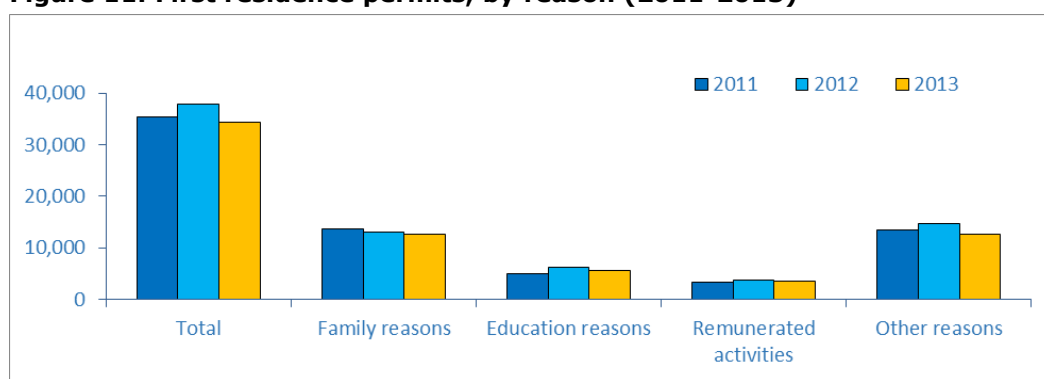
Table 3: Unaccompanied minors (2011-2014)

	2011	2012	2013	2014
Unaccompanied minors (total) ⁶	N/A	N/A	N/A	N/A
Unaccompanied minor asylum applicants	1,005	1,375	935	1,975

Source: Eurostat Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded) [migr_asyunaa], data extracted 23/07/2015

3. EUROPEAN POLICY ON LEGAL MIGRATION AND INTEGRATION

Figure 11: First residence permits, by reason (2011-2013)



Source: Eurostat (migr_resfirst), data extracted 23/07/2015

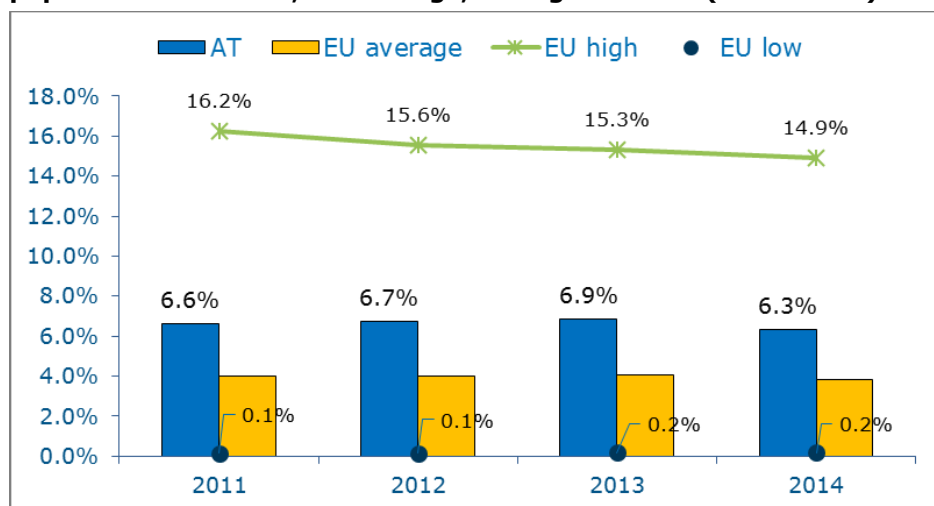
Table 4: First residence permits: Top five third-country nationalities (2011 – 2013)

2011	2012	2013	2014
1. Turkey - 4,763	1. Turkey - 4,581	1. Serbia - 4,120	N/I
2. Serbia - 3,944	2. Serbia - 4,205	2. Turkey - 4,036	N/I
3. Russia - 2,886	3. Bosnia and Herzegovina - 3,077	3. Bosnia and Herzegovina 3,603	N/I
4. Bosnia and Herzegovina - 2,459	4. Russia - 2,953	4. Russia - 2,443	N/I
5. Kosovo - 1,988	5. Kosovo - 2,198	5. Afghanistan - 2,201	N/I

Source: Eurostat migration statistics (migr_resfirst), data extracted 23/07/2015

⁶ Austria only collects the number of unaccompanied minors who lodged an asylum application.

Figure 12: Resident population of third-country nationals as a share of total population in Austria, EU average, EU high and low (2011-2014)



Source: Eurostat migration statistics (migr_pop1ctz), data extracted 23/07/2015

4. IRREGULAR MIGRATION AND RETURN

Table 5: Number of third-country nationals refused entry at external borders (2011 – 2014)

Third country nationals:	2011	2012	2013	2014
Refused entry at external borders	445	245	360	455
Found to be illegally present	20,080	23,135	25,960	33,055
Ordered to leave	8,520	8,160	10,085	N/I
Returned following an order to leave	5,225	4,695	6,790	N/I

Source: Eurostat migration statistics (migr_eirfs)(migr_eipre)(migr_eiord)(migr_eirtn) data extracted 24/07/2015

Table 6: Third-country nationals returned (2011-2014)

	Returned as part of forced return measures	Returned voluntarily	Returned through an Assisted Voluntary Return Programme
2011	N/I	N/I	N/I
2012	N/I	N/I	N/I
2013	512	3,095	2,601
2014	N/I	N/I	N/I

Source: European Commission's 5th Annual Report on Immigration and Asylum (2013) – Commission Staff Working Document

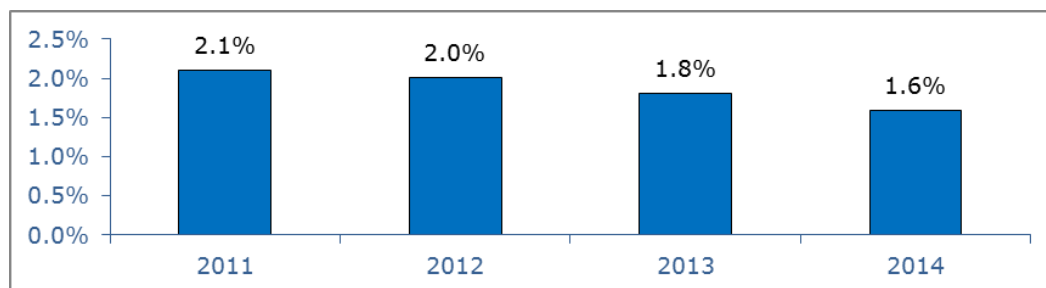
5. SECURING EUROPE'S EXTERNAL BORDERS

Table 7: Number of Schengen visas applications (2011 – 2014)

	2011	2012	2013	2014
Uniform visas (short-stay visas)	283,540	304,798	313,579	266,356

Source: DG Migration and Home – Complete statistics on short-stay visas issued by the Schengen States

Figure 13: Uniform visa applications received in MS as a share of the total number of uniform visa applications in all Schengen states consulates (2011-2014)



Source: DG Migration and Home affairs – Complete statistics on short-stay visas issued by the Schengen States

Table 8: Top five countries in which the highest number of visa applications for MS was lodged

2011		2012		2013		2014	
Countries	Number	Countries	Number	Countries	Number	Countries	Number
Russia	120,575	Russia	124,044	Russia	118,422	Russia	82,170
Ukraine	29,471	Ukraine	32,754	China	31,320	China	27,406
China	26,403	China	32,386	Ukraine	30,633	Ukraine	22,510
India	12,494	Turkey	13,350	Turkey	17,842	Turkey	17,989
Thailand	12,131	India	13,138	India	14,518	India	15,062

Source: DG Migration and Home affairs

6. ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

Table 9: Number of traffickers arrested as suspects and traffickers convicted

	2011	2012	2013	2014
Arrested / otherwise involved in a criminal proceeding	N/I	N/I	N/I	82
Convictions	N/I	N/I	N/I	N/I

Source: EMN Annual Policy Report on Immigration and Asylum 2014, Statistic Annex

7. ASYLUM AND MIGRATION EU FUNDING SOURCES (2007-2013 AND 2014-2020)

Table 10: Asylum, Migration and Integration Fund (AMIF) allocation to Austria in euro per area

Areas	AMIF 2014-2020
Asylum	14,996,152
Legal Migration and Integration	26,393,227
Return	18,595,228
Technical Assistance	4,549,368
Special cases (resettlement/transfer)	6,000,000
TOTAL	70,533,977

Source: DG Migration and Home affairs

Table 11: Internal Security Fund (ISF) allocation to Austria in euro per area

Areas	ISF 2014-2020
ISF Borders	14,162,727
ISF SA Frontex	220,500
ISF SA Consular cooperation	-
ISF Borders Emergency Assistance	-
ISF Police	12,162,906
TOTAL	26,546,133

Source: DG Migration and Home affairs

Table 12: SOLID funds allocation in euro and share of total funds allocated to the MS (2007-2013)

SOLID FUNDS	2007	2008	2009	2010	2011	2012	2013	TOTAL
European Refugee Fund (ERF)	N/A	4,665,377 (6.3%)	4,872,214 (4.9%)	4,902,065 (5.2%)	4,830,655 (4.9%)	4,543,176 (4.3%)	4,729,192 (4.1%)	28,542,681 (4.8%)
European Return Fund (RF)	N/A	1,817,335 (3.3%)	1,747,596 (2.8%)	1,969,565 (2.4%)	2,251,762 (2%)	3,170,380 (2%)	3,818,929 (2%)	14,775,568 (2.3%)
European Fund for the Integration of TCN (EIF)	1,560,275 (2.4%)	1,596,630 (2%)	1,709,880 (1.7%)	1,735,725 (1.5%)	1,993,422 (1.5%)	2,571,833 (1.6%)	3,193,546 (1.7%)	14,361,311 (1.7%)
External Borders Fund (EBF)	1,916,873 (1.3%)	1,242,413 (0.9%)	1,286,042 (0.8%)	1,753,755 (0.9%)	2,243,530 (0.9%)	2,407,777 (0.75%)	3,025,545 (0.7%)	13,875,936 (0.9%)

Source: DG Migration and Home affairs