



International Organization for Migration (IOM)



European Migration Network

DISSEMINATION OF INFORMATION ON VOLUNTARY RETURN WITHIN AUSTRIA

How to reach irregular Migrants not in contact with the Authorities



Julia Rutz, Haleh Chahrokh

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REPUBLIC OF AUSTRIA
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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.

Julia Rutz, Haleh Chahrokh

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HOW TO REACH IRREGULAR MIGRANTS
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EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2003 by the European Commission by order of the European Council in order to satisfy the need of a regular exchange of reliable information in the field of migration and asylum at the European level. Since 2008, Council Decision 2008/381/EC has constituted the legal basis of the EMN and National Contact Points (NCPs) have been established in the EU Member States (with the exception of Denmark, which has observer status) plus Norway.

The EMN's role is to meet the information needs of European Union (EU) institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the EU in these areas. The EMN also has a role in providing such information to the wider public.

The NCP for Austria is located in the Research and Migration Law Department of the Country Office Austria of the International Organization for Migration (IOM) in Vienna, which was established in 1952 when Austria became one of the first members of the organization. The main responsibility of the IOM Country Office is to analyse national migration issues and emerging trends and to develop and implement respective national projects and programmes.

The main task of the NCPs is to implement the annual work programme of the EMN including the drafting of the annual policy report and topic-specific focussed and main studies, answering Ad-Hoc Queries launched by other NCPs, carrying out visibility activities and networking in several forums. Furthermore, the NCPs in each country set up national networks consisting of organizations, institutions and individuals working in the field of migration and asylum.

In general, the NCPs do not conduct primary research but collect and analyse existing data. Exceptions might occur when existing data and information is not sufficient. EMN studies are elaborated in accordance with uniform specifications valid for all EU Member States plus Norway in order to achieve comparable EU-wide results. Since the comparability of the results is frequently challenging, the EMN has produced a Glossary,

which assures the application of similar definitions and terminology in all national reports.

Upon completion of national reports, the European Commission with the support of a service provider drafts a synthesis report, which summarizes the most significant results of the individual national reports. In addition, topic-based policy briefs, so called EMN Informs, are produced in order to present and compare selected topics in a concise manner. All national studies, synthesis reports, informs and the Glossary are available on the website of the European Commission Directorate-General Migration and Home Affairs.

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1. INTRODUCTION

For several years, a major concern of the European Commission and the Member States of the European Union (EU) has been to reduce irregular migration. This can be recognized again from the European Agenda on Migration, published in 2015.¹ In 2014, 283,532 irregular border crossings were detected, an increase of 164 per cent over the previous year. With the topic of irregular migration becoming increasingly relevant in Europe, the Agenda proposes various measures in response.²

One of the responses proposed by the EU is the return of the individuals concerned – and a consensus exists that favours a voluntary

- 1 European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A European Agenda on Migration*, COM(2015)240 final, 13 May 2015, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf (accessed on 15 June 2015); European Commission, *Managing migration better in all aspects: A European Agenda on Migration*, Press Release, 13 May 2015, available at http://europa.eu/rapid/press-release_IP-15-4956_en.htm (accessed on 29 June 2015).
- 2 A dedicated Action Plan proposes initiatives to step up investigation and prosecution of criminal networks of smugglers. The Commission also proposes to increase the staffing and budget of Frontex. The EU will scale up its engagement with third key third countries (countries of transit and origin). Regional Development and Protection Programmes (RDPPs) will be set up or deepened, starting in North Africa and the Horn of Africa. The EU will also increase the role of EU Delegations in the field of migration in key countries, additionally European migration liaison officers will be seconded in EU Delegations in key third countries and a 'Return Handbook' will support Member States with common guidelines, best practices and recommendations. For further details see: European Commission, *Questions and answers on the European Agenda on Migration*, Factsheet, 13 May 2015, MEMO/15/4957, available at http://europa.eu/rapid/press-release_MEMO-15-4957_en.htm (accessed on 8 July 2015).

rather than forced return of migrants.³ Member States are therefore generally called upon to promote voluntary return,⁴ which includes the dissemination of information on this option. When considering a return, migrants – regardless of their status – require information in order to take an informed decision. Here various forms and tools of disseminating information to reach migrants exist in Austria and the other EU Member States.

A fundamental challenge in this context is that information concerning voluntary return, while provided in practically every EU Member State, may not be available to those (in many cases irregular) migrants who are not in contact with the authorities or other institutions involved. Yet these individuals would possibly require information in order to get informed about voluntary return. The focus of this study is the question as to whether or how irregular migrants who are not in contact with the authorities can be reached through other channels for disseminating information to provide them with information on voluntary return.

It should be mentioned just briefly that this study deals with a highly specialized issue: it is a well-known fact that in most cases irregular migrants do not consider returning and are not in contact with the authorities for this very reason. Yet cases may arise where migrants do in fact have a need for information that could be met.

- 3 The reasons mentioned include that voluntary return constitutes a more cost effective, efficient and humanitarian alternative and furthermore, allows for a return in dignity. See for example: 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) Recital 10, available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008L0115> (accessed on 29 June 2015); Federal Ministry for the Interior (2011), *Jahresprogramm Europäischer Rückkehrfonds*, available at www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/programme/files/Kerninhalte_des_Jahresprogramms_2011.pdf (accessed on 17 June 2015); European Parliament and Council of the European Union, *Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme “Solidarity and Management of Migration Flows”*, Recital 22, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32007D0575> (accessed on 8 July 2015).
- 4 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), Recital 10, available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008L0115> (accessed on 29 June 2015).

The goal of the study therefore is to provide an overview of the various approaches taken by EU Member States towards disseminating information on voluntary return to the specific group of irregular migrants.

The study is based on a common template, which was prepared by an advisory group and serves as the basis for all national reports produced by the EU Member States and Norway, so as to enable to the greatest extent possible findings that are comparable across the EU.

The structure of the national report for Austria, which is to be later included in the Synthesis Report, is as follows: Relevant provisions of Austrian law are presented after the introduction (including objective, EU legal and policy context, and methodology). The study subsequently focusses on the relevant groups of irregular migrants and the actors involved in disseminating information on voluntary return. In addition, an overview of the tools used to disseminate information and the content of the disseminated information is provided. Related challenges are also analysed. A detailed discussion is also presented of monitoring methods and evaluations of the disseminated information. The study closes with a chapter on statistical data and estimates of irregular migration in Austria and a summary of the major findings.

1.1 Definitions

The terms used in this study are defined below as derived from the Glossary of the European Migration Network (EMN).⁵

Return: The movement of a person going from a host country back to a country of origin, country of nationality or habitual residence usually after spending a significant period of time in the host country, whether voluntary or forced, assisted or spontaneous.⁶

5 EMN (2014), *Asylum and Migration Glossary 3.0*. European Commission, Brussels, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf (accessed on 12 June 2015).

6 Notes: The IOM definition covers all categories of return of migrants (return within the territorial boundaries of a country, as in the case of returning IDPs and demobilized combatants; or from a host country (either transit or destination) to the country of origin, as in the case of persons who have resided legally in a country, migrant workers, refugees, asylum-seekers and qualified nationals; or the way the return is implemented, e.g. voluntary, forced, assisted and spontaneous return. It does not cover stays shorter than three months (such as holiday visits or business meetings and other visits typically considered to be for a period of time of less than three months).

Voluntary return: The assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee.⁷

Assisted voluntary return: Voluntary return or voluntary departure supported by logistical, financial and / or other material assistance.

The IOM Glossary on Migration⁸ adds that such assistance is made available to rejected asylum-seekers, victims of trafficking in human beings, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.

Reintegration: Re-inclusion or re-incorporation of a person into a group or a process, e.g. of a migrant into the society of their country of return.

Voluntary departure: Compliance with the obligation to return within the time-limit fixed for that purpose in the return decision.

Irregular entry: Crossing borders without complying with the necessary requirements for legal entry into the receiving state.

Return decision: An administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return.

Irregular stay: The presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State.

7 Notes:

1. The term is different from 'voluntary departure' and, as with voluntary departure, ultimately there will be an obligation to return.

2. The types of persons returning without the assistance of the State include those who:

(a) would be under no (legal) obligation to do so. As stated in the definition, it is entirely their decision as to whether they return or not;

(b) are irregularly resident and have not (yet) been apprehended/ detected (e.g. overstayer), but who decide to return anyway;

(c) have applied to stay (e.g. asylum-seeker, person applying for protection) and whose application has not yet been finalized, but decide to return anyway.

3. UNHCR prefers the term 'voluntary repatriation'.

8 IOM (2011), *Glossary on Migration*. 2. Edition, International Migration Law N° 25, available at www.iomvienna.at/sites/default/files/IML_1_EN.pdf (accessed on 17 June 2015).

Irregular migrant: In the global context, a person who, owing to irregular entry, breach of a condition of entry or the expiry of their legal basis for entering and residing, lacks legal status in a transit or host country.

In the EU context, a third-country national present on the territory of a Schengen State who does not fulfil, or no longer fulfils, the conditions of entry as set out in the Schengen Borders Code, or other conditions for entry, stay or residence in that Member State.⁹

Overstayer: In the global context, a person who remains in a country beyond the period for which entry was granted.

In the EU context, a person who has legally entered but then stayed in an EU Member State beyond the allowed duration of their permitted stay, either without a visa or longer than permitted by their visa or residence permit.

Returnee: A person going from a host country back to a country of origin, country of nationality or habitual residence usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous.

Third-country national: Any person who is not a citizen of the European Union within the meaning of Art. 20 para 1 Treaty on the Functioning of the European Union and who is not a person enjoying the European Union right to free movement, as defined in Art. 2 para 5 of the Schengen Borders Code.

The concept of ‘irregular migrant’ and ‘contact with the authorities’:

The study refers primarily to those irregular migrants who are not in contact with the state authorities. This comprises authorities that are competent for migration, asylum, border protection and police duties at national, municipal or local level, and that bear overall responsibility for the forced and voluntary return of migrants.

In the Austrian context, particularly the Federal Ministry of the Interior and subordinate bodies fall under the category of ‘state authorities’ for the purposes of the study. The latter bodies include the Federal Office for Immigration and Asylum, the provincial authorities and all relevant police force bodies.

The national report prepared for the current study does not regard return counselling organizations and other actors which are predominantly

9 The European Commission has used the term ‘third-country national found to be illegally present’ or ‘illegally resident/ staying third-country national’ in legislation.

non-state as state authorities within the meaning of the study.¹⁰ Examples of such actors are non-governmental organizations, international organizations and diaspora organizations, as well as public health institutions and other public service providers. Consequently, irregular migrants in contact with those actors (but not with state authorities) are considered as belonging to the relevant target group.

Here, it is often difficult to distinguish between irregular migrants and those with legal status. This is also the case with return counselling services, which are open to both groups of migrants. As indicated in the definition, voluntary return is not limited to irregular migrants; consequently, information on voluntary return is always targeted at a broader group of migrants. Added to this, there are instances where the status of migrants changes from an irregular stay to a legal status, and the actual number of irregular migrants cannot be reliably established (refer to Chapter 8).

1.2 EU legal and policy context

Since 1999 the EU has been working towards developing a comprehensive approach to migration and asylum. The return of third-country nationals staying illegally in the territory of a Member State is seen as an important aspect in reducing irregular migration and essential not only for the credibility of the EU common migration and asylum policy but also for the credibility of national policies.¹¹ The Hague Programme¹²

- 10 With the exception of the return counselling in Carinthia, since the basic welfare support office of the province of Carinthia offers return counselling directly.
- 11 European Parliament and Council of the European Union, *Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme "Solidarity and Management of Migration Flows"*, Recital 22, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32007D0575> (accessed on 8 July 2015); European Commission, *Communication from the Commission to the Council and the European Parliament on EU Return Policy*, Com (2014) 199 final, 28 March 2014, p. 2, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2014:0199:FIN> (accessed on 29 June 2015); European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A European Agenda on Migration*, COM(2015) 240 final, 13 May 2015, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf (accessed on 15 June 2015).
- 12 European Council, *The Hague Programme: Strengthening Freedom, Security and Justice in the European Union*, OJ C 53, 3 March 2005, p. 1–14, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52005XG0303%2801%29&qid=1433939483842&from=EN> (accessed on 29 June 2015).

called for the development of a coherent return policy and the Stockholm Programme¹³ reaffirmed this need by calling on the EU Member States to intensify their corresponding efforts.

The Return Directive, adopted in 2008,¹⁴ lays down common EU standards on forced return and voluntary departure. The Directive has a two-fold approach: on the one hand, it stipulates that Member States are obliged to issue return decisions to all third-country nationals staying illegally on the territory of a Member State; on the other hand, emphasis is placed on the importance of implementing return policy with full respect for the fundamental rights and freedoms and the dignity of the individual returnees, including the principle of non-refoulement.¹⁵ Pursuant to Art. 1 and Art. 8 of the Directive, any return may only be carried out in compliance with EU and other international human rights guarantees.¹⁶

The Return Directive stipulates different types of return measures. First, a broad distinction can be made between voluntary and forced return, with the Directive emphasizing that voluntary return is preferred, where there are no reasons to believe that this would undermine the purpose of a return procedure.¹⁷ In recital 10 it is also stated that, “in order to promote voluntary return, Member States should provide for enhanced return assistance and counselling”.

Until 2013, the European Return Fund offered funding options to the EU Member States to support forced and voluntary return as well as

13 European Council, *The Stockholm Programme – An open and secure Europe serving and protecting citizens*, OJ C 115, 4 May 2010, p. 1–38, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52010XG0504%2801%29> (accessed on 29 June 2015).

14 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, available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008L0115> (accessed on 29 June 2015).

15 *Non-refoulement* is a core principle of international refugee law that prohibits states from expelling or returning refugees in any manner whatsoever to countries or territories in which their lives or freedom would be threatened (Art. 33 1951 Geneva Convention on Refugees).

16 For example the Charter of Fundamental Rights of the European Union, the Convention on the Protection of Human Rights and Fundamental Freedoms of 1950, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, the 1951 Geneva Convention Relating to the Status of Refugees and the Protocol relating to the Status of Refugees of 1967.

17 See recital 10 of the Return Directive.

assisted voluntary return. Since 2014, this has been continued through the Asylum, Migration and Integration Fund (AMIF),¹⁸ the aims of which include “enhancing fair and effective return strategies with emphasis on sustainability of return and effective readmission in the countries origin and transit”.¹⁹

1.3 Methodology

The present study was conducted by the National Contact Point (NCP) Austria in the European Migration Network (EMN) within the framework of the EMN Work Programme 2015-2016. The study follows a common study template, applying to all EU Member States and Norway, in order to facilitate comparability of the findings across all national reports, which will be later included in the Synthesis Report.

The information relates to the period between 2010 and 2014. Since Austrian legislation is currently under amendment, changes of legal provisions up to and including May 2015 are taken into account.

The study is based on information available at national, European and international levels, such as publications, available studies and statistics as well as internet sources. In secondary research sources used also include the collection of materials relating to legislation in effect in Austria. The annex to the study includes a bibliography listing the sources of information used.

To supplement the information, qualitative semi-structured interviews were carried out with professionals specialized in the relevant fields and with experts active in the area of alien and asylum law in a broader sense and specifically in the field of migrant return.

These individuals are: with the Federal Ministry of the Interior, Christoph Archan (Head of the Coercive Measures of Immigration Police

18 European Commission, *Asylum, Migration and Integration Fund (AMIF)*, available at http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/index_en.htm (accessed on 24 June 2015).

19 European Commission, *Annex 1 to the Commission implementing Decision concerning the adoption of the work programme for 2014 and the financing for Union actions and emergency assistance within the framework of the Asylum, Migration and Integration Fund*, C(2014) 5652 final, 8 August 2014, p. 4, available at http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/union-actions/docs/awp_2014_amif_en.pdf (accessed on 16 June 2015).

Unit), Gerald Dreveny (Department Asylum and Alien Matters), Alexander Heske (Unit Controlling Asylum and Alien Matters), Thomas Mühlhans (Head of the Funding – Asylum and Return Unit), Alexander Schahbasi (Branch Asylum, Migration, Citizenship, Civil Status Affairs, Fundamental Rights) and Mathilde-Beate Wolf (Head of the Internal Security Fund and External Borders Fund Unit).

From among the organizations active in Austria in the area of assisted voluntary return, interviews were carried out with: Andrea Götzelmann (Head of Assisted Voluntary Return and Reintegration Unit, IOM Country Office for Austria) and Leopold Kraus (Head of Operations, IOM Country Office for Austria), Günter Ecker (Director of the association Verein Menschenrechte Österreich), Christian Fackler, Team leader at Caritas Return Assistance, Caritas Vienna), Michael Hajek (Coordination of Return Counselling, Caritas Austria) and Alexander Vlaschitz (Facility Manager, ORS Service GmbH). In addition, interviews were held with Khawaja Muhammad Nasim (Patron, Minhaj-ul-Quran Austria) and Shokat Ali Walizadeh (representative of the association Afghanische Jugendliche – Neuer Start in Österreich).

The interviews rendered information on specific topics, depending on the speciality field of the person interviewed. The interview guideline was prepared beforehand in such a way as to cover all aspects relevant for the national study while providing enough flexibility to address specialities of the various interview partners. All interviews were conducted by staff members of the National Contact Point in the EMN. Following transcription of the interviews, the study content was submitted to the experts for approval prior to publication.

This study was prepared by Julia Rutz (Head of Research and Migration Law, IOM Country Office for Austria) and Haleh Chahrokh (Legal Associate, IOM Country Office for Austria). The chapter on estimates and statistics was compiled by Saskia Koppenberg (Research Associate, IOM Country Office for Austria). Special thanks go to Katerina Kratzmann (Head of Office, IOM Country Office for Austria) for the supervision and to Linus Lemmertz (Intern, IOM Country Office for Austria) for his assistance in researching the study.

2. LEGAL FRAMEWORK IN AUSTRIA

2.1 National legal context

Austria currently has no legal provisions governing the dissemination of information on voluntary return specifically in the case of irregular migrants. However, the law does regulate the requirement to inform aliens of a departure obligation in the course of a return decision.

2.1.1 Information following a return decision

The existing **legal basis** is provided by Articles 55 and 58 of the Aliens Police Act.²⁰ Yet these provisions do not directly refer to disseminating information on voluntary return or to return counselling. Reference is made in Art. 55 of the Aliens Police Act to the time-limit specified for voluntary departure when a return decision is issued, while Art. 58 specifies the obligations of the Federal Office for Immigration and Asylum to provide information, which are regulated as follows: “The Federal Office shall inform the alien who has been issued a return decision of his duty to depart immediately or within the specified time-limit and shall point out measures to enforce the obligation to depart” (Art. 58 para 1 Aliens Police Act). A more precise definition as to the form such information should take is regulated in para 3 of Art. 58 of the Aliens Police Act. Pursuant to that provision, information “can be provided in any suitable manner, in particular by means of form sheets in a language that the alien understands or through oral communication. The Federal Minister of the Interior can issue a regulation determining in detail the form and appearance of such form sheets.”

As indicated in the common study template, research was also conducted with regard to the influence of the adoption and transposition of the Return Directive has had on the Austrian legal framework regarding the dissemination of information on (voluntary) return. Specifically, the

20 Aliens Police Act, FLG I No. 100/2005, in the version of FLG I No. 70/2015.

amendments to Austrian aliens law that were introduced in 2011²¹ resulted in part from the obligation to transpose the Return Directive. At that time the Austrian legislator initially introduced the return decision (in conjunction with a time-limit for voluntary departure) as an instrument. At the time, transposition of the **Return Directive** led to the initial introduction of the following articles of the Aliens Police Act²², namely: Art. 55 relating to the time-limit for voluntary departure and Art. 58, which contains provisions governing the obligations to inform aliens of the duty to depart immediately, and in this context of the option of voluntary departure and of return assistance, and of possible alien police measures to enforce the obligation to depart.

These legal provisions are **implemented in practice** by providing the information on voluntary return in the form of an information sheet enclosed with the written return decision. The individual receives this information sheet, with the heading “Information on the Obligation to Depart”, from the Federal Office for Immigration and Asylum. The information sheet cites firstly the legal obligation to depart immediately or within the specified time-limit,²³ as set forth in Art. 58 of the Aliens Police Act.²⁴ A separate paragraph draws attention to the option of voluntarily returning to the particular country of origin. This is followed by a statement that return assistance can be granted. Also included is the contact information for the non-governmental organizations to which the individual can turn for counselling and support. The final paragraph of

21 Act amending the Settlement and Residence Act, the Aliens Police Act 2005, the Asylum Act 2005, the Federal Basic Welfare Support Act 2005 and the Citizenship Act 1985 (Act Amending the Aliens Law 2011), FLG I No. 38/2011, available at www.ris.bka.gv.at/Dokument.wxe?Abfrage=BgblAuth&Dokumentnummer=BGBLA_2011_I_38 (accessed on 10 May 2015); Government Proposal, Explanatory Notes, available at www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/fname_206974.pdf (accessed on 10 May 2015).

22 The explanatory notes of the government proposal regarding Art. 55 Aliens Police Act specify that, in transposition of Art. 7 para 1 of the Return Directive, a third-country national, who has been issued a return decision, has to be granted ex officio a time-limit for voluntary departure. See Act Amending the Aliens Law 2011, government proposal, Explanatory Notes, p. 30–31, available at www.parlament.gv.at/PAKT/VHG/XXIV/I/I_01078/fname_206974.pdf (accessed on 26 May 2015).

23 With reference, if applicable, to the time-limit granted for voluntary departure according to Art. 55 Aliens Police Act.

24 The last paragraph of the information sheet informs the recipient that the departure can also be enforced through removal and security measures can be imposed.

the information sheet informs the recipient that departure can also be enforced through removal and of security measures that could be taken (refer to 5.2).

2.1.2 Return counselling and return assistance

Although there are no legal provisions governing disseminating information on voluntary return that relate specifically to persons staying irregularly, there are, however, legal regulations of a broader scope that address voluntary return and assisted voluntary return, and in particular return counselling and return assistance.

Return counselling can be viewed to a certain extent as a part of disseminating information on voluntary return. Inasmuch as advice on the options for voluntary return can be provided to irregular migrants once they have access to such counselling.

The bodies of Austrian legislation listed below contain provisions relating to assisted voluntary return and return counselling: the Asylum Act,²⁵ the Basic Welfare Support Agreement,²⁶ the Federal Government Basic Welfare Support Act,²⁷ and the various Basic Welfare Support Acts of the provinces.²⁸ The most important provisions are discussed in more detail in the following.

- 25 Asylum Act 2005, FLG I No. 100/2005, in the version of FLG I No. 70/2015. After entering into force of the Act Amending the Aliens Law 2015 on 20 July 2015 the return counselling is removed for systematic reasons from the Asylum Act and is incorporated instead into the new Art. 52a of the Federal Office for Immigration and Asylum Procedures Act (refer to 2.1.3).
- 26 Agreement between the Federal Government and the provinces according to Art. 15a of the Federal Constitution concerning joint measures for the temporary granting of basic welfare support to aliens in need for assistance and protection (asylum-seekers, persons entitled to asylum, displaced persons and other persons who may not be removed for legal or factual reasons) in Austria (Basic Welfare Support Agreement – Art. 15a of the Federal Constitution), FLG I No. 80/2004.
- 27 Federal Act regulating basic welfare support of asylum-seekers in admission procedure and certain other aliens (Federal Government Basic Welfare Support Act 2005), FLG I No. 405/1991, in the version of FLG I No. 70/2015.
- 28 The Basic Welfare Support Agreement regulates the distribution of competencies between the Federal Government and the provinces; it sets the framework and lays down the services which have to be provided by all parties in the Agreement. The provisions of the Basic Welfare Support Agreement are transposed and implemented in the Federal Basic Welfare Support Act and in the provincial laws regulating basic welfare support. Based on the latter, asylum-seekers and other beneficiaries of basic welfare support can claim benefits.

Return assistance is specified in Art. 67 of the Asylum Act.²⁹ Pursuant to this article, asylum-seekers can be provided with counselling on return options at any stage of the asylum procedure. As specified in Art. 67 para 1 of the Asylum Act: “Return counselling comprises the clarification of prospects during and after completion of the asylum procedure.” The legal adviser (Art. 49 Federal Office for Immigration and Asylum Procedures Act)³⁰ must be included in the concluding meeting held at the Initial Reception Centre to discuss the granting of return assistance, as specified in Art. 67 para 2 of the Asylum Act.

Return assistance comprises all necessary preparatory and support measures as well as care assistance, and covers the expenses of return travel and includes financial assistance if required.³¹

The **actors** involved in return counselling and return assistance and the **details** of these services are specified in the Federal Government Basic Welfare Support Act and the Basic Welfare Support Agreement. Specifically, Art. 12 of the Federal Government Basic Welfare Support Act provides for the granting of return assistance³² to needy (rejected) asylum-seekers and for return counselling on voluntary return. The Basic Welfare Support Agreement stipulates the terms on which basic welfare support is given to those entitled to benefits, which include asylum-seekers and aliens not entitled to residence who cannot be removed due to legal or factual reasons.³³ With a view to voluntary return, basic welfare support also comprises the provision of return information and counselling, travel

29 After entering into force of the Act Amending the Aliens Law 2015 on 20 July 2015 Art. 67 of the Asylum Act is removed and return counselling and return assistance are instead incorporated into the new Art. 52a of the Federal Office for Immigration and Asylum Procedures Act, in order to be applicable to other aliens as well besides asylum-seekers (refer to 2.1.3).

30 Federal Act regulating the general provisions concerning the procedure before the Federal Office for Immigration and Asylum for the granting of international protection, issuance of residence titles for exceptional circumstances, removal, tolerated stay and for the imposition of measures terminating the residence as well as for the issuance of Austrian documents for foreigners (Federal Office for Immigration and Asylum Procedures Act), FLG I No. 87/2012, in the version of FLG I No. 70/2015.

31 The amount differs, depending on the characteristics of the returnee (e.g. age, duration of stay, prior asylum and aliens police procedures).

32 Return assistance in all cases comprises the necessary costs of the return travel (Art. 12 para 2 Federal Government Basic Welfare Support Act).

33 Art. 2 para 1 Basic Welfare Support Agreement.

expenses and an one-time interim financial assistance in special cases (Art. 6 para 1 subpara 8 and subpara 14 Basic Welfare Support Agreement). Art. 6 para 1 subpara 8 of the Basic Welfare Support Agreement stipulates that information and counselling on voluntary return is to be provided by qualified personnel with the engagement of interpreters. The Federal Minister of the Interior can establish return counselling centres, “which provide information on return options and advice on all related issues”, to aliens whose application for asylum has been rejected or dismissed and to asylum-seekers (Art. 12 para 3 Federal Government Basic Welfare Support Act).

The Basic Welfare Support Agreement also details the respective **scope of responsibility**, whereby the Federal Government is given the responsibility of coordinating and carrying out return programmes. In the context of the tasks assigned to the Federal Government, Art. 3 para 2 subpara 6 of the Basic Welfare Support Agreement stipulates that the Federal Government will establish a coordination office tasked with duties that include coordinating and implementing measures related to return programmes. When establishing the return counselling centres, the Federal Minister of the Interior can pursuant to the Federal Government Basic Welfare Support Act may also engage the services of relevant organizations for such purpose (Art. 12 para 3 Federal Government Basic Welfare Support Act), while the Federal Government may make use of “humanitarian, ecclesiastical or private establishments or voluntary public welfare institutions” to carry out measures related to return programmes (Art. 3 para 5 Basic Welfare Support Agreement). The costs of basic welfare support are split between the Federal Government and the provinces based on a ratio of 6:4 (Art. 10 Basic Welfare Support Agreement). In addition, legal advisers can as specified in Art. 50 para 1 of the Federal Office for Immigration and Asylum Procedures Act provide advice and support in the context of return counselling during the asylum procedure before the Federal Office for Immigration and Asylum.

These regulations concerning the provision of information and return counselling are not, however, specially aimed at irregular migrants but instead pertain mainly to migrants who are in regular procedures or under basic welfare support. This information nonetheless continues to be available to individuals in the event that they later become irregular migrants and are no longer in contact with the authorities. Yet, these

provisions regulating basic welfare support also expressly apply to a certain group of individuals who despite their status having become irregular are still in contact with the authorities, as they receive basic welfare support.

2.1.3 Recent changes to the legal framework

Amendments to Austrian aliens and asylum laws are currently planned. The 2015 Act Amending the Aliens Law was adopted by the National Assembly on 21 May 2015 and enters into force on 20 July 2015.³⁴ The 2015 Act Amending the Aliens Law adds Art. 52a to the Federal Office for Immigration and Asylum Procedures Act; the new article provides a legal basis for return counselling and return assistance and also extends the scope of these services beyond asylum-seekers to other aliens at every stage of procedures.³⁵ Whereas the group of ‘other aliens’ is not described in greater detail in the explanatory notes on the government bill, that irregular migrants fall under the regulation can be implicitly concluded from this.

Paragraphs 2 and 3 of the new adopted Art. 52a of the Federal Office for Immigration and Asylum Procedures Act also specify for the first time an obligation to make use of a return counselling session in certain cases for aliens who have been issued a return decision. Both the Federal Office for Immigration and Asylum and the Federal Administrative Court are now expressly given the option of obtaining information from the return counselling centre whether a return counselling session took place and what the outcome was. The explanatory notes on the government draft of Art. 52a of the Federal Office for Immigration and Asylum Procedures Act also emphasize once again that “voluntary departure should in any event be given priority over forced removal” and correspondingly that “both

34 Act amending the Act Establishing the Federal Office for Immigration and Asylum, the Federal Office for Immigration and Asylum, Procedures Act, the Asylum Act 2005, the Aliens Police Act 2005, the Federal Settlement and Residence Act and the Federal Government Basic Welfare Support Act 2005 (Act Amending the Aliens Law 2015), FLG I No. 70/2015, available at www.parlament.gv.at/PAKT/VHG/XXV/BNR/BNR_00177/index.shtml (accessed on 27 May 2015).

35 The provision of return counselling and return assistance partly originates in the hitherto Art. 67 Asylum Act 2005. For systematic reasons, the return counselling is removed from the Asylum Act 2005 and is incorporated instead into Art. 52a of the Federal Office for Immigration and Asylum Procedures Act, in order to be applicable besides asylum-seekers to other aliens as well.

aliens as well as asylum-seekers are to be provided with return counselling at every stage of the procedures”.³⁶

The new requirement to participate in return counselling evoked statements from various organizations during the evaluation procedure for the draft legislation. Most of the statements pointed out that the draft does not specify which consequences ensue, should individuals not comply with the requirement to participate in a return counselling session.³⁷ Several of the organizations recognize a potential source of tension here in relation to the aspect of voluntariness.³⁸

2.2 Guidelines and policy papers

In Austria information on (voluntary) return is prepared and disseminated directly by the responsible institutions and actors. Particular

36 Act Amending the Aliens Law 2015, explanatory notes, p. 10, available at www.parlament.gv.at/PAKT/VHG/XXV/I/I_00582/fname_401629.pdf (accessed on 27 May 2015).

37 UNHCR Austria, *UNHCR-Analyse des Fremdenrechtsänderungsgesetzes 2015*, 23 March 2015, p. 10–11 available at www.unhcr.at/fileadmin/rechtsinfos/fluechtlingsrecht/4_oesterreich/4_2_asyl_positionen/4_2_4_positionen_ab_2011/FR_AUS_Positionen_Asylnov2015.pdf (accessed on 27 May 2015); Caritas Austria, *Stellungnahme zum Entwurf eines Bundesgesetzes, mit dem das BFA-Einrichtungsgesetz, das BFA-Verfahrensgesetz, das Asylgesetz 2005, das Fremdenpolizeigesetz 2005, das Niederlassungs- und Aufenthaltsgesetz und das Grundversorgungsgesetz-Bund 2005 geändert werden (Fremdenrechtsänderungsgesetz 2015 – FrÄG 2015)*, 23 March 2015, p. 17–18, available at www.parlament.gv.at/PAKT/VHG/XXV/SNME/SNME_02795/imfname_393474.pdf (accessed on 27 May 2015); Amnesty International Austria, *Stellungnahme zum Entwurf betreffend ein Bundesgesetz, mit dem das BFA-Einrichtungsgesetz, das BFA-Verfahrensgesetz, das Asylgesetz 2005, das Fremdenpolizeigesetz 2005, das Niederlassungs- und Aufenthaltsgesetz und das Grundversorgungsgesetz – Bund 2005 geändert werden (Fremdenrechtsänderungsgesetz 2015 – FrÄG 2015)*, 20 March 2015, p. 7, available at www.parlament.gv.at/PAKT/VHG/XXV/SNME/SNME_02767/imfname_392026.pdf (accessed on 5 June 2015); Austrian Red Cross, *Stellungnahme zum Begutachtungsentwurf Fremdenrechtsänderungsgesetz 2015 (FrÄG 2015)*, 23 March 2015, p. 4, available at www.parlament.gv.at/PAKT/VHG/XXV/SNME/SNME_02776/imfname_392668.pdf (accessed on 5 June 2015).

38 See, for example, Caritas Austria, *Stellungnahme zum Entwurf eines Bundesgesetzes, mit dem das BFA-Einrichtungsgesetz, das BFA-Verfahrensgesetz, das Asylgesetz 2005, das Fremdenpolizeigesetz 2005, das Niederlassungs- und Aufenthaltsgesetz und das Grundversorgungsgesetz-Bund 2005 geändert werden (Fremdenrechtsänderungsgesetz 2015 – FrÄG 2015)*, 23 March 2015, p. 17–18, available at www.parlament.gv.at/PAKT/VHG/XXV/SNME/SNME_02795/imfname_393474.pdf (accessed on 27 May 2015).

specifications, such as generally applicable guidelines or policy papers, are in principle not provided by the state.

Calls for projects by the Federal Ministry of the Interior³⁹ expressly state the objective of providing return counselling and adequate information throughout the country. It is the responsibility of the respective organizations implementing the projects to determine how to reach the target group throughout the country and what information should be passed on.⁴⁰ The proposed methods are, however, assessed by the Federal Ministry of the Interior in the course of the selection process and provide, amongst others a basis for whether a proposal is selected.

An example is ORS Service GmbH (refer to 4.2 below), which bases its work on internal guidelines that are made available to staff members via intranet. Among the items specified in the guidelines is in which manner return counselling is to be conducted. The complete process is defined in detail and ISO-certified.⁴¹

39 In the context of the Return Fund (EU-SOLID Fund) for example, as general measures that were eligible for grants, information for third-country nationals concerning return in general and counselling for individual persons for a voluntary return were covered as eligible measures.

40 Interview with Christian Fackler, Caritas Vienna and Michael Hajek, Caritas Austria, 13 April 2015; Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

41 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

3. GROUPS OF IRREGULAR MIGRANTS

This study is intended to focus on irregular migrants whose place of residence is not known to the authorities. In accordance with the study template, the main scenarios in which authorities would not have contact with irregular migrants are to be detailed.

Irregular migrants in Austria can be categorized into various scenarios, based specifically on the circumstances that led to their status becoming irregular. Irregular migrants cannot, however, be divided into groups of individuals, who are not in contact with the authorities.

Thus, for the sake of ensuring an accurate and comprehensive description, the various groups of irregular migrants in Austria are described below; these are partly not or are no longer in contact with the authorities:

- migrants entering the country irregularly;
- migrants not complying with the obligation to depart;
- migrants who forfeit their residence permit;
- migrants whose removal is not admissible or possible.⁴²

These groups are presented in detail below.

3.1 Migrants entering the country irregularly

Migrants may enter Austria irregularly for various reasons: to submit an application for international protection in Austria; because they travel irregularly through Austria as a country of transit; or they may enter irregularly with the goal of taking up irregular employment or irregular residence with forged documents.

Migrants wishing to travel on to other European countries are often potentially interested in voluntary return and thereby to have information on this option. According to experts from the Federal Ministry of the Interior, such migrants use Austria as a country of transit, initially attempting to pass through the country unnoticed if possible and to avoid any contact with the authorities.⁴³ This group is interested in assisted

42 Kraler, A., Hollomey, C. and D. Reichel (2009a), *Irregular Migration in Austria. Counting the Uncountable: Data and Trends across Europe*. Policy Brief Austria, July 2009, p. 3; See also Kraler, A. and D. Reichel (2011), *Measuring Irregular Migration and Population Floamnestyws – What Available Data Can Tell?*, p. 97, 102. In: *International Migration, Vol. 49 (5)*, IOM, October 2011, p.97–128.

43 Interview with Christoph Archan, Federal Ministry of the Interior, 28 April 2015.

voluntary return to their country of origin once they are apprehended and see no more possibility of reaching their country of destination.⁴⁴

Furthermore, some migrants enter Austria irregularly for the purpose of working in Austria irregularly.⁴⁵ Estimates as to the size of this group vary. While Caritas assumes this group to be rather small,⁴⁶ Verein Menschenrechte Österreich and ORS Service GmbH estimate it to be a much larger and more relevant group. The Kosovars are a group specifically mentioned as an example in this regard, who, benefitting from their good networks, came to Austria in large groups at the end of 2014 for the purpose of work. It became apparent that if these individuals for instance were apprehended during an identity check, they either applied for asylum or returned voluntarily.⁴⁷

Finally, migrants with forged documents also belong to the group entering irregularly. With regard to this category, Biffi/Altenburg note that this group, considered irregular, is not in contact with the authorities (Biffi/Altenburg, 2012:27). With the help of forged documents, such individuals have assumed false identities. This allows them to lead a life that, to some extent, is similar to that of regular migrants and Austrian nationals and one which includes an employment and the freedom of movement in public. Yet, the poor quality of the forged documents gives rise to a constant fear of discovery, so that their life circumstances also resemble those of irregular migrants (Biffi/Altenburg, 2012:27).

3.2 Migrants not complying with the obligation to depart

Another relevant group consists of individuals who fail to comply with the obligation to depart. Possible reasons for this include the expiry of a person's visa or residence permit ('overstaying') or receiving a negative decision in response to the application for international protection, or the premature termination of the procedure.

The term 'overstayer' is also applied to individuals who do not comply with the obligation to depart once their visa or residence permit has expired. This group includes for instance persons who have a temporary work permit

44 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

45 Interview with Christoph Archan, Federal Ministry of the Interior, 28 April 2015.

46 Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

47 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

or have entered the country with a tourist visa yet do not terminate their stay once the permit or visa has expired.

The second group to be mentioned in this regard consists of persons who do not comply with the obligation to depart after receiving a negative decision in response to their application for international protection or whose asylum procedure is terminated prematurely. Regarding the significance of this group, the 2009 Clandestino report concludes that, especially among migrants from non-EU countries who while seeking asylum reach Austria, failure to comply with the requirement to depart represents a major path leading to an irregular stay (Kraler/Hollomey/Reichel, 2009a:3). Verein Menschenrechte Österreich estimates asylum-seekers who have been rejected through a written negative decision to account for the largest group numerically among irregular migrants.⁴⁸ Caritas Vienna Return Assistance also reports of migrant communities out of which repeatedly clients whose asylum procedure has been completed consult the return assistance. Such individuals turn to Caritas if they wish to return to their country of origin. Caritas Vienna Return Assistance reports about 90 per cent of its clients to be (former) asylum-seekers.⁴⁹

3.3 Migrants who forfeit their residence permit

Another possibility that should be mentioned is the case of migrants whose residence permit is revoked after failing to comply with or breaching conditions of residence.

One case in which the residence permit is forfeited is when the authorities do not extend the residence permit. This can result when the legislator change the conditions for issuing the permit. One example was the legislative amendment introduced in 2005, when the minimum income level was raised by the Settlement and Residence Act.⁵⁰ Consequently, numerous applicants with low incomes no longer fulfilled the conditions

48 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

49 Interview with Christian Fackler, Caritas Vienna and Michael Hajek, Caritas Austria, 13 April 2015.

50 Settlement and Residence Act 2005, FLG I No. 100/2005, in the version of FLG I No. 70/2015.

and their residence permits were subsequently not extended (Kraler/Hollomey/Reichel, 2009a:4).⁵¹

Other examples of cases in which migrants can forfeit their residence permits as a result of failing to fulfil the general and special requirements for being issued a permit as laid down in the Settlement and Residence Act include: failure to fulfil module 1 of the integration agreement within the allotted period, the required means of living are no longer available, loss of employment, extended periods of unemployment, the marriage becomes invalid, loss of family status, lacking academic success, etc. (refer to Art. 25 para 1 Settlement and Residence Act).

3.4 Migrants not admissible or possible to be removed

In the case that an alien is not admissible or possible to be removed, that individual's stay is tolerated. Tolerated stay means that the migrant is entitled to remain in the country temporarily, yet this is not tantamount to any legal status. Art. 31 para 1a subpara 3 of the Austrian Aliens Police Act expressly states that tolerated persons do not legally stay in Austrian territory.

Consequently, third-country nationals granted tolerated stay pursuant to the legal provision fall under group of irregular migrants.⁵² Tolerated persons are, however, formally in contact with the authorities; they are issued a 'Card for Tolerated Stay' as specified in the first sentence of Art. 46a para 2 Aliens Police Act.

51 Nevertheless, in practice in most cases the enforcement authorities determined the inadmissibility of expulsion, due to the relevant provisions in the Settlement and Residence Act, according to which this appears to be necessary for the protection of private and family life or, because a termination of residence would be inadmissible (Art. 11 para 3 Settlement and Residence Act).

52 The literature and non-governmental organizations partly consider the status "tolerated stay" to be legal. For example Dahlvik, J., Reinprecht, C. and W. Sievers (eds.), *Migration und Integration – wissenschaftliche Perspektiven aus Österreich: Jahrbuch 2/2012*. Vienna University Press bei V&R unipress, Vienna 2013, p. 271; SOS Mitmensch, *Im Nullzustand*, available at www.sosmitmensch.at/site/momagazin/alleausgaben/34/article/762.html (accessed on 22 June 2015).

4. ACTORS INVOLVED IN DISSEMINATING INFORMATION

The following section describes the actors involved in disseminating information on voluntary return.

In this context, the distinction is made based on the common study template between state actors (under 4.1 below) and other actors (4.2).

4.1 State actors

Among the actors involved in disseminating information on voluntary return, the first to be mentioned is the **Federal Ministry of the Interior**. The scope of areas for which the Federal Ministry of the Interior is responsible include asylum affairs, the aliens police and border control.⁵³ In accordance with these areas of responsibility, the ministry mandates the return counselling centres and is also the authority competent for awarding funding to projects aimed at assisted voluntary return and reintegration. Funding for all of the projects described below has as yet⁵⁴ been provided by the Federal Ministry of the Interior and the European Return Fund.⁵⁵

Since 1 January 2014, the **Federal Office for Immigration and Asylum** has been responsible for first-instance decisions in asylum procedures, for decisions on residence permits for exceptional circumstances and in cases of tolerated stay, for enforcing measures based on aliens law terminating residence, including entry bans and voluntary departure, and for ordering removal from the country.⁵⁶ The Office consequently plays a major role in disseminating information on voluntary return.⁵⁷

One of the **basic welfare support offices** in the provinces, specifically in Carinthia, directly provides return counselling, a service that is otherwise usually outsourced to non-governmental organizations. For asylum-seekers

53 Federal Ministry of the Interior, *Aufgabenbereiche des Innenresorts*, available at www.bmi.gv.at/cms/bmi_service/start.aspx#t_aufgaben (accessed on 22 June 2015).

54 As of 2015 the funding of such projects will take place in the framework of AMIF (Asylum, Migration and Integration Fund).

55 Federal Ministry of the Interior, *Rückkehrfonds/EU-SOLID-Fonds*, available at www.bmi.gv.at/cms/BMI_Fonds/rueckkehrf/ (accessed on 26 June 2015).

56 Federal Office for Immigration and Asylum, *Aufgaben des BFA*, available at www.bfa.gv.at/bundesamt/aufgaben/start.aspx (accessed on 22 June 2015).

57 Interview with Thomas Mühlhans, Federal Ministry of the Interior, 28 April 2015.

during a pending asylum procedure (on request) but foremost for asylum-seekers who have been issued a final negative decision on their asylum application, return counselling is carried out as well as subsequent organization of the voluntary return to the individuals' country of origin and return assistance offered.⁵⁸

4.2 Other actors

Alongside the state actors referred to under 4.1, there are a number of other actors in Austria involved in disseminating information on the option of voluntary return among migrants.

The return counselling organizations represent major actors for the dissemination of information on the option of voluntary return among irregular migrants.

ORS Service GmbH currently provides counselling in areas including voluntary return as part of general activities in the care and accommodation of asylum-seekers in federal reception facilities, in other words asylum-seekers under Federal Government care. The return counselling administered by ORS Service GmbH is based on the contract whereby the Federal Ministry of the Interior commissions ORS Service GmbH to provide services.⁵⁹

Caritas Austria provides help, support and advice to migrants and refugees facing challenging life circumstances, in addition to other activities. Caritas Return Counselling helps individuals who leave Austria again for various reasons.⁶⁰ The organization provides counselling in preparation for return in six of Austria's nine provinces.

The association **Verein Menschenrechte Österreich** is active in the areas of legal counselling, voluntary return, the Dublin procedure and provides support during detention pending removal. The association runs nine centres in the area of return counselling. Return counselling is also provided in accommodations under the basic welfare support system, in private accommodations (except in Carinthia) and to migrants in detention pending removal.⁶¹

58 Province of Carinthia, *Freiwillige Rückkehr in die Heimat*, available at www.ktn.gv.at/297293_DE-Fluechtlingwesen-Freiwillige_Rueckkehr_in_die_Heimat (accessed on 26 June 2015).

59 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

60 Caritas Austria, *Migrantinnen und Flüchtlinge*, available at www.caritas.at/hilfeberatung/migrantinnen-fluechtlinge/ (accessed on 22 June 2015).

61 Verein Menschenrechte Österreich, available at www.verein-menschenrechte.at/ (accessed on 22 June 2015).

The association **Verein menschen.leben** is primarily specialized in the care of unaccompanied minor refugees and female asylum-seekers, while also providing accommodation in a special housing complex to asylum-seekers who for various reasons cannot be taken into detention pending removal. The housing complex of the ‘lenient measure’ is located in Zinnergasse in Vienna, where also individual counselling is provided for those interested in return.⁶²

LEFÖ – Counselling, Education and Support for Migrant Women is an organization by and for migrant women founded in 1985 by women from Latin America in exile. The services offered by LEFÖ at the Intervention Center for Trafficked Women in Vienna include support and counselling to trafficked migrant women in preparation for their return to the country of origin.⁶³

In addition to the organizations providing return counselling, other actors who play a role in disseminating information on voluntary return should also be mentioned.

The **International Organization for Migration (IOM)**, Country Office for Austria, is an important actor involved in the area of assisted voluntary return and reintegration. The office provides logistical return assistance as well as a number of target-group specific reintegration projects in migrants’ specific countries of origin, but does not offer return counselling. The activities of the IOM Country Office for Austria are based on a Memorandum of Understanding signed with the Federal Ministry of the Interior in 2000. The agreement stipulates the basis of cooperation and the framework for the practical implementation of assisted voluntary return measures in Austria. In addition to other items, the Memorandum makes explicit mention of “the provision of information on Assisted Return” (Kratzmann/Petzl/Temesvári, 2010:33, 35, 46).

Diaspora and migrant organizations can also be actors in disseminating information on voluntary return. Such organizations are supplied with information on projects for assisted voluntary return and reintegration from various sources and, if need be, pass this information on to individuals concerned in the communities.⁶⁴

62 Verein menschen.leben, Asyl, available at www.menschen-leben.at/asyl/ (accessed on 22 June 2015).

63 LEFÖ, IBF – *Interventionstelle für Betroffene von Frauenhandel*, available at www.lefoe.at/index.php/IBF.html (accessed on 1 July 2015).

64 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

As an example, a private Afghan association was interviewed as part of this study. The association *Afghanische Jugendliche – Neuer Start in Österreich* gives Afghans, who may also sometimes be irregular migrants, advice on diverse issues. The association subsequently refers migrants to the appropriate institutions, such as Caritas or the International Organization for Migration.⁶⁵

Religious communities and faith-based associations are similarly supplied with information, which they then pass on to their members.⁶⁶ An example is the association *Minhaj-ul-Quran Austria*, which provides advice to irregular migrants on all relevant issues, including also voluntary return.⁶⁷

Beyond this, **health care institutions** can also assume relevance as actors in this context. The hospital *Krankenhaus der Barmherzigen Brüder* (Hospital of St. John of God) in Vienna was mentioned by Caritas in this regard. The hospital's services are also available to individuals without income or without health insurance. Other health institutions can also serve as potential contact points for providing information to irregular migrants: *AmberMed*, run in cooperation between the *Diakonia Refugee Service* and the *Austrian Red Cross*, provides outpatient medical services as well as social counselling and medication support to individuals without health insurance coverage; and the *Caritas Louise-Bus* ensures low-threshold access to medical care for the homeless.⁶⁸

Finally, in some cases **embassies** serve as channels for disseminating information on voluntary return and in particular on specific reintegration projects. Some embassies have displays with flyers or information material about assisted voluntary return and reintegration projects. The association *Afghanische Jugendliche – Neuer Start in Österreich* also confirms that some Afghans, wishing to return voluntarily, contact the Afghan embassy directly.⁶⁹

65 Interview with Shokat Ali Walizadeh, *Afghanische Jugendliche: Neuer Start in Österreich*, 7 May 2015.

66 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

67 Interview with Khawaja Muhammad Nasim, *Minhaj-ul-Quran Austria*, 6 May 2015.

68 Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

69 Interview with Shokat Ali Walizadeh, *Afghanische Jugendliche: Neuer Start in Österreich*, 7 May 2015.

5. DISSEMINATED INFORMATION

5.1 Tools used for disseminating information on voluntary return

The various counselling organizations and actors use differing tools to disseminate information on voluntary return.

First, **flyers and brochures** are used by many organizations involved in return counselling. These can be viewed at some of the organizations' **websites** which, in some cases, also include additional information.

ORS Service GmbH uses a flyer providing information on assisted voluntary return that is available in these languages: Albanian, Arab, Chinese, Croatian, English, Farsi, French, German, Italian, Mongolian, Pashto and Russian.⁷⁰ The ORS website offers basic information, while the flyer can be downloaded from there in the twelve languages listed above.⁷¹

Verein Menschenrechte Österreich also has an information flyer on assisted voluntary return, available from the association's website in translations into these twelve languages: Albanian, Arab, Chinese, English, Farsi, German, Macedonian, Romanian, Russian, Serbian, Turkish and Ukrainian.⁷² This flyer is displayed at the following public offices: the Regional Directorates of the Federal Office for Immigration and Asylum and at the reception facilities where Verein Menschenrechte Österreich offers return counselling services. The flyer is not, however, displayed in public places such as cafés or facilities of community associations.⁷³

Caritas Österreich works with a brochure on assisted voluntary return entitled "Return Assistance: A New Beginning".⁷⁴ The brochure is predominantly used at events, meetings with other NGOs, within the organization and in Caritas residential homes, and is available in these languages: English, Farsi, German, Russian and Serbian. The brochure can

70 See also ORS Service GmbH, *Flyer*, available at www.orsservice.at/voluntary-return/download/ (accessed on 25 March 2015).

71 Ibid.

72 See Verein Menschenrechte Österreich, *Return counselling/Information Sheet*, available at www.verein-menschenrechte.at/downloads.html; Verein Menschenrechte Österreich, *Return counselling*, available at www.verein-menschenrechte.at/rueck.html (accessed on 27 March 2015).

73 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

74 So-called project "IRMA".

also be ordered on request and sent by post. The Caritas website provides the information on assisted voluntary return and describes the options available for participating in the programme. The brochure cannot be downloaded, however. The website does not indicate the languages in which counselling is provided.⁷⁵ Counselling at Caritas Vienna is however provided in these languages: Bosnian, Chinese, English, German, Italian, Polish, Russian, Serbian, Spanish and Ukrainian. At least two languages are available at the other Caritas counselling centres in Austria, while interpreters are called in as required.⁷⁶

The International Organization for Migration (IOM), Country Office for Austria, provides information on the specific Assisted Voluntary Return and Reintegration (AVRR) projects partly in the form of information sheets, flyers and brochures.⁷⁷ These are then made available to potential returnees by return counselling organizations, such as Caritas and Verein Menschenrechte Österreich. The website offers information on the various types of assistance IOM provides for assisted voluntary return and reintegration. The information materials are also distributed through embassies. An example is the Embassy of Afghanistan, which proactively uses the information to reach out to individuals potentially interested in voluntary return.⁷⁸

The Federal Office for Immigration and Asylum is also currently preparing an information brochure that will provide information on voluntary return.⁷⁹

Looking at the findability of the relevant **websites on the internet**, a search using the keywords “voluntary return Austria” (*Freiwillige Rückkehr Österreich*) rendered results ranking as follows: Caritas Vienna was the first hit listed, Caritas Austria the second and Verein Menschenrechte Österreich the fifth.⁸⁰

75 See Caritas Austria, *Projekt “IRMA”-Rückkehrberatung*, available at www.caritas.at/hilfe-einrichtungen/fluechtlinge/beratung-und-vertretung/rueckkehrhilfe-und-rueckkehrberatung-irma/ (accessed on 15 May 2015).

76 Interview with Christian Fackler, Caritas Vienna and Michael Hajek, Caritas Austria, 13 April 2015.

77 Concerning the projects for Georgia, Nigeria, Afghanistan and the Russian Federation/Republic of Chechnya.

78 International Organization for Migration, Country Office for Austria, *Assisted voluntary return and reintegration*, available on www.iomvienna.at/en/assisted-voluntary-return-and-reintegration (accessed on 1 July 2015).

79 Interview with Thomas Mühlhans, Federal Ministry of the Interior, 28 April 2015.

80 Internal research, conducted on 7 April 2015.

A brief examination of **social media** revealed no related information there. Specifically, the Facebook pages of Caritas Austria, Verein Menschenrechte Österreich and the IOM Country Office for Austria provide no information on voluntary return.⁸¹

Poster campaigns are only used to a limited extent. An example is the return counselling service of ORS Service GmbH, which has a poster informing about the option of assisted voluntary return. The poster is currently being revised and updated. It is intended to then put up the posters on display again at the federal reception facilities. One of the locations where the poster will be put up is the Initial Reception Centre at Traiskirchen, the so-called Infozentrum, a large office area with several display cases and a counter where individuals can obtain information of various kinds personally.⁸²

The IOM Country Office for Austria also uses a poster on assisted voluntary return as part of its work.

Telephone hotlines are offered by two of the service providers in Austria. ORS Service GmbH provides a free telephone hotline, which anybody (i.e. both asylum-seekers and irregular migrants) can call to request information about assisted voluntary return. The hotline staff provide details concerning the office able to assist the particular caller and where to turn to; no counselling involving details of return options is provided on the phone.⁸³ Two return counsellors employed at the office for return counselling at Traiskirchen take the hotline calls. Verein Menschenrechte Österreich also offers a free hotline, which is advertised in the flyer. The usage of the hotline shall be marginal according to the association. This is purportedly because, due to concerns for confidentiality, an anonymous hotline is not the primary contact point for individuals seeking information. Rather, priority is given to recommendations by the community, the association says.⁸⁴

81 Caritas Austria, *Facebook-Page*, available at <https://de-de.facebook.com/CaritasOesterreich> (accessed on 18 May 2015); Verein Menschenrechte Österreich, *Facebook-Page*, available at www.facebook.com/VereinMenschenRechte (accessed on 18 May 2015); IOM, *Facebook-Page*, available at www.facebook.com/iommigration?ref=mf (accessed on 18 May 2015).

82 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

83 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

84 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

Among the **options for receiving counselling**, mention should be made of an arrangement existing between one Vienna hospital and a return counselling organization. If a person admitted for inpatient care brings up the subject of return, the social service staff at the hospital Krankenhaus der Barmherzigen Brüder (Hospital of St. John of God) gets in touch with Caritas Return Assistance. This organization subsequently may visit the individual at the hospital and offer return counselling there. Thus, the hospital social workers are familiar with this issue and are able to refer patients for counselling.⁸⁵

The organizations involved in return counselling emphasize **word of mouth** as the most important tool of disseminating key information, such as the options for voluntary return; this is true especially in the case of irregular migrants. The Assisted Voluntary Return and Reintegration Unit at the IOM Country Office for Austria meets regularly with representatives of a wide variety of diaspora, migrant and faith-based organizations as well as with return counselling organizations, for the purpose of informing these of IOM's specific reintegration projects. Word-of-mouth communication is said to be also fundamental in forming opinions in favour of or against voluntary return. In spreading information, word of mouth is also more crucial for the information dissemination than brochures. The feedback given by returnees with friends and family in Austria is also said to influence such word-of-mouth information. Where the feedback is positive, the community would refer new clients to return counselling.⁸⁶

A representative of the association Afghanische Jugendliche – Neuer Start in Österreich also refers to word of mouth as one of the most central tools of disseminating information. Interested individuals find out about the association through friends or fellow Afghans who recommend getting in touch with the association. Recommendations made through the professional network of individuals working at the Initial Reception Centre or other places are also seen to play a major role in this regard.⁸⁷

The facility manager of the Initial Reception Centre at Traiskirchen provided an interesting indication on a possibility of providing information

85 Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

86 Ibid.; Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

87 Interview with Shokat Ali Walizadeh, Afghanische Jugendliche: Neuer Start in Österreich, 7 May 2015.

to migrants not in contact with the authorities. On a demand basis, ORS Service GmbH offers what is referred to as ‘**gate counselling**’ for irregular migrants. It is reported that such individuals visit the grounds of the Initial Reception Centre, which they know from the time when they were asylum-seekers. As irregular migrants have generally no access to the Initial Reception Centre, an appropriate counsellor comes to the gate and entrance and provides counselling there to the person willing to return home. ORS reports that irregular migrants come to the gate seeking information two or three times a month.⁸⁸

Mention should be made here of an important information channel for migrants no longer in contact with the authorities: **advance information** which such migrants received during their period of regular stay when still in contact with the authorities. Such information remains available to these migrants even after their status changes to become irregular.

Specifically, asylum-seekers accommodated at the federal reception facilities are proactively and regularly supplied with information on assisted voluntary return. The facility manager at the Initial Reception Centre reports that this information process begins already when asylum-seekers first arrive, as all of them participate in an initial reception interview. Information on the option of assisted voluntary return is already provided during such interviews, he notes. Beyond this, what is referred to as ‘nation meetings’ are held on a weekly basis at the Initial Reception Centre at Traiskirchen. Here the centre residents meet in groups organized according to language and receive diverse information. Assisted voluntary return is said to be a frequent topic at the meetings, so that asylum-seekers regularly receive information on the subject. It is also reported that at the Initial Reception Centre at Traiskirchen in special cases individuals expressing interest in voluntary return are approached directly. They are then informed of the various options.⁸⁹

ORS Service GmbH, the firm operating the federal reception facility, makes use of yet another tool to disseminate, with lasting effect, information on assisted voluntary return to the target group: a transparent plastic sheet protector with a sticker on ‘Voluntary Return’ is distributed. The folder is handed out to every asylum-seeker for the purpose of collecting all of the documents the person will later receive during their stay, such as general

88 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

89 Ibid.

information sheets and the flyer on assisted voluntary return. This basic, transparent DIN A4 sheet protector bears a small sticker (7 x 3.5 cm) providing information about the hotline for assisted voluntary return. Some asylum-seekers make use of the folder even after a long period of time.⁹⁰

Verein Menschenrechte Österreich offers a broad-based service referred to as ‘outreach return counselling’, whereby visits are made to social communities with the intention of establishing initial contact with individuals who later might become willing to return. Such outreach return counselling takes place in penal institutions (police detention centres and prisons) as well as in quarters where asylum-seekers receive accommodation during the procedure. The strategy pursued through such visits is reported to be effective. For example, the individuals concerned reportedly still had the business cards with the return counsellors’ contact details even after being moved to other quarters. It can therefore be assumed that this information will often still be available when the migrants’ residence status changes to one of irregular.⁹¹

Minhaj-ul-Quran Austria is a faith-based association that cares for the needs of the local diaspora community. While the association has a central office that community members visit when they have information needs, some community members contact the patron of the association directly. Yet members of the association often also approach individuals requesting assistance directly.

5.2 Content of the disseminated information

The previous section investigated how the information is disseminated and the tools used. The following section now looks into the content of the disseminated information. First, the information on voluntary return that is provided to migrants is analysed in detail.

The return decision informs the migrant of the **legal obligation to return**. The Federal Office for Immigration and Asylum encloses a printed information sheet entitled “Information on the Obligation to Depart” with every return decision. The obligation to depart is explained in the first paragraph of the sheet. Attention is drawn to the legal obligation to depart immediately or within the specified time-limit as set forth in Art. 58 of the Aliens Police Act, as well as to any time-limit for voluntary departure that

90 Ibid.

91 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

has possibly been set pursuant to Art. 55 of the Aliens Police Act. The final paragraph of the information sheet informs the recipient of the possibilities of enforced departure through removal and that security measures could be taken (refer also to 2.1.1 above).

Asylum-seekers are already informed of this legal obligation during the regular information events held at the Initial Reception Centre.

As part of its return counselling services, the association Verein Menschenrechte Österreich also provides information on the legal obligations to return. Such information is given in particular to individuals who are contacted through outreach return counselling and whose asylum procedure is pending when they receive the information.⁹² Similarly, in its return counselling Caritas clarifies the legal and social circumstances as well as the general legal situation for aliens and asylum-seekers in Austria and Europe.

The various actors in Austria involved in matters relating to return also provide information on the **option of voluntary return**.

The second paragraph of the information sheet entitled “Information on the Obligation to Depart”, issued by the Federal Office for Immigration and Asylum, provides information on the options for migrants to return to their countries of origin on a voluntary basis (refer to 2.1.1 above). Here, mention is also made of the possibility of return assistance being granted. The two non-governmental organizations providing counselling and support in this regard, namely Verein Menschenrechte Österreich and Caritas Return Assistance, are subsequently listed along with their contact details.⁹³

At the Initial Reception Centre at Traiskirchen, ORS Service GmbH provides interested individuals with information that includes details of programmes for assisted voluntary return and reintegration. ORS Service GmbH regularly receives information from the various return organisations in Austria about return and reintegration programmes as well as about available slots and then passes these details on to interested individuals.⁹⁴

Similarly, the return counsellors with Verein Menschenrechte Österreich and with Caritas maintain an overview of the available programmes

92 Ibid.

93 Federal Office for Immigration and Asylum, Information concerning the obligation to leave according to Article 58 Aliens Police Act.

94 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

for assisted voluntary return and reintegration and the relevant eligibility conditions, and are thus able to provide appropriate information.

Related information materials are also on display at some embassies. An example is the Embassy of Afghanistan, which provides information on the Assisted Voluntary Return and Reintegration (AVRR) activities offered by the IOM Country Office for Austria.

Migrants also receive information through a **reference to other organizations** from which they can obtain further information or counselling on assisted voluntary return. This reference is also included in the information sheet issued by the Federal Office for Immigration and Asylum as mentioned above.

According to the facility manager of ORS Service GmbH, the organization's hotline primarily serves to inform callers of the offices potentially competent to handle the concern and which one can turn to. Enquiries are also answered where possible, as long as these are limited to general issues.⁹⁵

In its return offer, Caritas also refers to other organizations. In some cases Caritas serves as a liaison with other aid organizations in the individual countries of origin.⁹⁶

No information is generally provided as to what migrants can expect upon **arrival at the airport in their country of origin**. Caritas Vienna observes that it is difficult to provide any related specific information as these are often not available.⁹⁷

Further details about what returnees can expect **upon return to their countries of origin** are normally provided as part of clarifying prospects during return counselling. As part of the AVRR (Assistance for the Voluntary Return and Reintegration of Returnees to Afghanistan) Afghanistan II project, the IOM Country Office for Austria distributed a country information report prepared by IOM Afghanistan to the return counselling organizations.⁹⁸

95 Ibid.

96 See Caritas Austria, *Projekt "IRMA"-Rückkehrberatung*, available at www.caritas.at/hilfe-beratung/migrantinnen-fluechtlinge/beratung-vertretung/rueckkehrhilfe-reintegration/ (accessed on 19 May 2015).

97 Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

98 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

Caritas notes in this regard that the scope of information that is provided to the returnee about the country of origin depends largely on the respective country. An excellent basis of cooperation exists with some countries, particularly with those in which reintegration projects are currently underway. In such cases, more comprehensive information as well as contact details can be provided to returnees. Caritas reportedly also has the option of requesting information from European partner organizations, through the European Reintegration Support Organizations (ERSO) network. This is considered helpful since return counselling centres in the Netherlands and Belgium, for example, have more experience with West African countries and therefore more information.⁹⁹

Individually tailored information is subsequently offered to migrants during return counselling. For example, ORS Service GmbH states in its flyer that its counsellors will be glad to explain all options in detail.¹⁰⁰ Caritas offers individualized aspects for which no appointment needs to be scheduled. The organization also explicitly mentions that its programme includes working out future perspectives for the period after return jointly with the individual.¹⁰¹

This study investigated the information disseminated to irregular migrants not in contact with the authorities. In the course of the research it also came to light that information **on topics other than voluntary return** is disseminated as well, such as social issues and issues related to labour law and health.

99 Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

100 ORS Service GmbH, *Flyer*, available at www.orsservice.at/voluntary-return/download/ (accessed on 19 May 2015).

101 Caritas Vienna, *Rückkehrhilfe*, available at www.caritas-wien.at/hilfe-angebote/asyl-integration/beratung-fuer-asylwerberinnen/rueckkehrhilfe/ (accessed on 19 May 2015).

6. CHALLENGES

6.1 General challenges

Within the framework of this study, actors involved in voluntary return in Austria named several challenges in relation to disseminating information on voluntary return to irregular migrants who are not in contact with the authorities.

Return counselling is offered as far as possible all over Austria, while the organizations tasked with counselling projects have a closely-knit, widespread network.¹⁰² It remains up to the organizations implementing the projects to determine how to reach the target group throughout the country (refer also to 2.2 above).¹⁰³ Thus, experts say, it should be possible for those seriously considering voluntary return to find their way to the appropriate organizations.¹⁰⁴ A lack of **motivation** on the part of irregular migrants is cited as a fundamental challenge. It is assumed that individuals staying irregularly in the country wish per se to have no contact with the authorities and do not want to return voluntarily. Voluntary return is, however, associated with such contact with authorities, it is observed. An example is asylum-seekers who expect a negative outcome in their asylum procedure. They often break off contact with the authorities, and sometimes attempt to travel to another EU Member State. Irregular migrants receive information on assisted voluntary return if they are detained pending removal by the authorities, since the option of voluntary return is still open to them whilst in detention pending removal.¹⁰⁵ Therefore, such irregular migrants would not take advantage in advance of existing possibilities for obtaining information on voluntary return.¹⁰⁶

102 Interview with Thomas Mühlhans, Federal Ministry of the Interior, 28 April 2015.

103 Interview with Christian Fackler, Caritas Vienna and Michael Hajek, Caritas Austria, 13 April 2015; Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

104 Interview with Gerald Dreveny and Thomas Mühlhans, Federal Ministry of the Interior, 28 April 2015; Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

105 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

106 Interview with Thomas Mühlhans, Federal Ministry of the Interior, 28 April 2015.

In this context the representative of Verein Menschenrechte Österreich identifies the Chinese as a group that is very challenging to reach. This group would not generally apply for asylum, thus consciously accepting the irregular status from the outset. This group specifically intends not to be reached by authorities, so it is very difficult to approach them in any way or form, it is said. Verein Menschenrechte Österreich attempts to solve this dilemma through another approach. The association works through return counsellors from the relevant communities. Such individuals usually enjoy more trust within the community, even when appearing in their role of return counsellor. It is reported that the phone numbers of such return counsellors become known in time within the communities, so that individuals interested in return can request counselling when the need arises.¹⁰⁷

The patron of the Pakistani association Minhaj-ul-Quran reports a further difficulty, specifically that individuals can sometimes no longer be located after counselling.¹⁰⁸

This problem ties in with another identified challenge. It is noted that persons without a residence permit have **strong inhibitions** against contacting institutions for the purpose of requesting counselling and assistance. This is put forth as one of the reasons why return counselling services in Austria are offered mainly by counselling organizations not run by the state. In this way apprehensions about contact with the authorities could be avoided.¹⁰⁹

Language is also a challenge to a certain extent, when there is no command of the national language. Yet, the non-governmental organizations active in return counselling report that they are relatively well capable of dealing with the issue. On the one hand, the individuals requesting return counselling usually speak more than one language, it is said.¹¹⁰ And return counselling centres reportedly offer more than one language, so that a common language of communication can usually be found. In addition, the individuals are motivated to make themselves understood, so that this usually works without difficulty.¹¹¹ It is also

107 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

108 Interview with Khawaja Muhammad Nasim, Minhaj-ul-Quran Austria, 6 May 2015.

109 Interview with Thomas Mühlhans, Federal Ministry of the Interior, 28 April 2015.

110 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

111 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

reported that many individuals bring along others who are able to communicate. Otherwise interpreters are used.¹¹² Issues can arise, however, where individuals accompanying migrants act as interpreters, as is generally the case in the area of migration: Confidentiality considerations aside, laypersons do not, for example, have the necessary degree of detachment. At times they consequently leave the role of interpreter to the individuals concerned, supplementing the content to be translated with their own interpretations and opinions, for instance.¹¹³

Illiteracy among irregular migrants can also represent a challenge where organizations rely on printed materials (e.g. flyers or brochures) for the dissemination of information. According to ORS Service GmbH, illiteracy proves to be a factor particularly when it comes to completing formalities and filling out forms as part of preparing for assisted voluntary return. It is nonetheless reported that return counselling could be administered without difficulty to Kosovars, for instance, as they are a tightly-knit group whose members mutually assist one another.¹¹⁴

6.2 Confidentiality considerations

The Practical Guide on Information Provision on Return and Reintegration in Countries of Origin, published by IOM, underscores the importance of confidentiality when providing information to migrants. Specifically, personal information must be kept confidential at all times.

112 Ibid; Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

113 See for example Hebenstreit, G. and A. Marics (2015), Berufsethische Anforderungen und qualitätsvolle Dolmetschung. In: Bergunde, A. and S. Pöllabauer (eds.), *Trainingshandbuch für DolmetscherInnen im Asylverfahren*, UNHCR Austria, Vienna, p.74–87, available at www.unhcr.at/service/publikationen.html (accessed on 8 July 2015); Marics, A. (2008), Miš fa:him walla e?: Ein diskursanalytischer Beitrag zum Laiendolmetschen. In: Grbic, N. and S. Pöllabauer (eds.), *Kommunaldolmetschen/Community Interpreting. Probleme-Perspektiven-Potenziale*, Frank & Timme, Berlin, p. 96–97, S. 122–123; Medienservicestelle Neue Österreich/innen, *Migranten beim Arzt: Viele Missverständnisse*, 16 May 2011, available at http://medienservicestelle.at/migration_bewegt/2011/05/16/migranten-beim-arzt-viele-missverstandnisse-und-probleme-2/ (accessed on 9 June 2015); Pöllabauer, S. (2002), Community Interpreting als Arbeitsfeld – Vom Missionsgeist und von moralischen Dilemmata. In: Best, S. and J. Kalina (eds.), *Übersetzen und Dolmetschen. Eine Orientierungshilfe*, A. Francke Verlag, Tübingen and Basel, p. 286–298; Pöllabauer, S. (2013), Community Interpreting. In: Chapelle, C. A. (ed.), *The Encyclopedia of Applied Linguistics*, Wiley-Blackwell, Oxford, p. 2–3.

114 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

Before passing personal data on to third parties, prior written consent is to be obtained from the person concerned (IOM, 2010:12).

International standards require personal data and other information obtained from migrants to be processed in accordance with international standards for the protection of personal data.¹¹⁵ Major orientation is provided by the EU Data Protection Directive,¹¹⁶ which states that “data-processing systems [...] must respect their fundamental rights and freedoms, notably the right to privacy”, irrespective of the nationality or residence of natural persons.¹¹⁷ Thus, such collected, stored and processed information and data from and concerning migrants also fall under these protection provisions. Art. 6 in particular specifies in detail the principles to which data protection regulations must adhere. Here it is stated that personal data must be “collected for specified, explicit and legitimate purposes”¹¹⁸ in appropriate measure¹¹⁹ and “lawfully” (further) processed.¹²⁰ Art. 7 specifies that personal data may be processed only either with the consent of the individual concerned¹²¹ or for one of the important reasons exhaustively enumerated.¹²²

This study examined the provision of information to migrants not in contact with the authorities. In this context, indications of the concern to maintain confidentiality and protect personal data were identified. One example is the flyer issued by ORS Service GmbH that provides information on assisted voluntary return, which states that counselling takes place under

115 Guidelines for the regulation of computerized personal data files, A/RES/45/95, 14 December 1990, General Assembly 68th Plenary Meeting, 14 December 1999; Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data; Council of Europe (1981), Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, available at <http://conventions.coe.int/Treaty/EN/Treaties/Html/108.htm> (accessed on 1 July 2015).

116 Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31995L0046> (accessed on 1 July 2015).

117 Ibid; Recital 2.

118 Art. 6 para 1 (b) Data Protection Directive.

119 Art. 6 para 1 (c) Data Protection Directive.

120 Art. 6 para 1 (a and b) Data Protection Directive.

121 Art. 7 (a) Data Protection Directive.

122 Art. 7 (b–f) Data Protection Directive.

“strictly confidential” conditions. The brochure published by Caritas Return Assistance similarly mentions the option of receiving initial counselling anonymously.

Verein Menschenrechte Österreich further explains that as little information as possible is revealed even where a person residing irregularly in the country should decide for voluntary return; only the items of information required for the process of assisted voluntary return are given. It is noted that the place of residence is often not disclosed, for example, as usually other irregular migrants who should not be discovered stay there as well. Once the person decides in favour of voluntary return, the authority conducting the procedure, i.e. the Federal Office for Immigration and Asylum, is informed, since the return procedure begins from that point in time. The returnee is informed of these conditions. According to Verein Menschenrechte Österreich, the association can only continue to work with the returnee under the person’s consent.¹²³

A final point is that certain return counselling organizations also perceive confidentiality considerations to some degree as a challenge. Caritas Vienna Return Assistance has a room available for confidential counselling in particularly sensitive cases.¹²⁴

6.3 Approaches to disseminating information

Several of the actors involved in voluntary return have also given thought to their approach to disseminating information and the method used. The main concern here is the challenge to preserve the voluntary nature of return.

While the option of returning is partly actively promoted through various means, as described above under 5.1, several actors working in this field expressly argue against such an active, offensive approach in return counselling. This is based on the notion that it could be questioned whether return is indeed **voluntary** when too actively promoted.

Particularly Caritas Vienna is arguing that assisted voluntary return should not be actively promoted. A decision was consequently taken to abstain from putting up posters or leaving flyers at firms run by migrants. The decision was based on the consideration that migrants were aware of the option of voluntary return and of return counselling, since sufficient

123 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

124 Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

channels for disseminating this information exist (as described under 6.1 above). Caritas expects individuals interested in returning to make a certain amount of effort in initiating their return. The organization finds it important that under assisted voluntary return – in contrast to removal – individuals return on their own will and under their own responsibility.¹²⁵

It is considered important in general for return counsellors not to be too proactive in their approach. Migrants then perceive the offer as a helpful means of assistance and a greater number accept it, Caritas says.¹²⁶ The organization views active return counselling that reaches out to migrants¹²⁷ as often being counter-productive, because it scares off the individuals concerned. An active confrontation evokes mistrust. Caritas says that its passive, non-proactive approach is also founded in its intention to counteract the impression of wanting to motivate or convince people to leave Austria.¹²⁸

In the interviews conducted with experts, it was broadly observed that this particular question, i.e. how information on voluntary return is provided to irregular migrants, is **not** considered a **major issue** in Austria. Irregular migrants know of the options for returning.¹²⁹ While not every migrant is aware of the option of voluntary return, the experts doubt whether large-scale information campaigns, for instance covering restaurants or construction sites, would be worthwhile.¹³⁰ The Federal Ministry of the Interior has also stated that no highly specialized, large-scale information campaigns on voluntary return are planned or will be conducted.¹³¹

However, **information gaps** among irregular migrants cannot always be closed entirely. It appears that they are unaware of some details, such as the possibility of air travel expenses being paid under certain conditions as well.¹³²

125 Ibid.

126 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

127 To seek a person out as soon as he or she receives a written negative decision, in order to inquire whether there is an interest in return.

128 Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

129 Interview with Thomas Mühlhans and Gerald Dreveny, Federal Ministry of the Interior, 28 April 2015; Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

130 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

131 Interview with Thomas Mühlhans, Federal Ministry of the Interior, 28 April 2015.

132 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

With regard to the methods used to disseminate information, another item to be considered is pointed out: many individuals require sufficient **time** to thoroughly reflect before deciding whether to return voluntarily, and they also have to include their families in their country of origin in the decision process. Only once the individuals concerned recognize that voluntary return represents a new opportunity and that there is no more hope of being able to stay in Austria do they get in touch with return assistance, it is observed.¹³³

Finally, another approach is to devote special attention to **vulnerable groups**. In the case of youths, Caritas Return Assistance, for example, reports of its endeavours to involve relevant specialist organizations such as the youth welfare authority, the Drehscheibe project in Vienna, the youth welfare office or the district courts. In cases when a guardian (*Sachwalter*) is appointed by the courts to legally represent an individual, Caritas reports that it consults district courts. Caritas reportedly also considers a special approach in the case of individuals who are at risk of succumbing to radicalization and who are suspected of possibly participating in a foreign war.¹³⁴

133 Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

134 Ibid.

7. MONITORING AND EVALUATION

In accordance with the common study template, the question was investigated as to whether monitoring or evaluations take place to question voluntary returnees about the information received prior to return and about the usefulness of such information. While monitoring and evaluations are indeed carried out in Austria, such activities are not primarily targeted at the provision of information on voluntary return and the usefulness of the information, nor are the results evaluated correspondingly.

On the other hand, various actors responsible for implementing projects in the area of assisted voluntary return and reintegration carry out in fact a variety of monitoring measures for their projects and evaluate the return and reintegration process of returnees. Within the framework of these measures, the IOM Country Office for Austria additionally determines whether the returnees felt well-informed. This kind of endeavour is described as a challenge, for several different reasons: first, it is observed that returnees are only prepared to provide information about the received return counselling to a limited extent; second, a general lack of understanding among returnees with regard to the purpose of such information is reported; as a result, the responses given in this regard are said to be mainly monosyllabic in the affirmative.¹³⁵

Limited or non-existent **funding** is also an important factor in the context of monitoring and evaluation. This is reported to affect how such measures are implemented, in terms of objectives, methods, range, depth and frequency. The Federal Ministry of the Interior points out that attention always has to be given to the expense of evaluating a funded project, such as a brochure, in relation to the overall cost of the actual project. Conducting a qualitative survey using questionnaires, for example, must not incur more expenses than the results of the project itself.¹³⁶ In this regard the IOM Country Office for Austria underscores the challenge that project funding represents, since such funding stops once the project is completed, thus restricting long-term monitoring and evaluation. IOM observes that, in terms of time and especially of funds, there are always

135 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

136 Interview with Thomas Mühlhans, Federal Ministry of the Interior, 28 April 2015.

only limited resources for evaluations, as funding is used foremost to assist the individuals interested in returning.¹³⁷ Verein Menschenrechte Österreich reports that no budget is available for a separate evaluation of the usefulness of the information provided during return counselling.¹³⁸

7.1 Monitoring methods

The methods currently applied in the monitoring of projects for assisted voluntary return and reintegration include: monitoring by phone, monitoring reports and monitoring missions.

Several organizations in Austria implement monitoring through **monitoring by phone**: An example of this is the IOM Country Office for Austria, which from time to time conducts semi-structured phone interviews to establish direct contact with a select number of returnees, in addition to other monitoring measures. Some returnees also provide feedback on their own initiative.¹³⁹ Monitoring by phone does not always deliver reliable information, however; it cannot be assumed that all returnees “share their ‘true’ feelings with the Austrian return counsellors” (Kratzmann/Petzl/Temesvári, 2010:70).

While some of the monitoring methods are carried out exclusively by actors in Austria (for example, monitoring by phone) others are arranged in close cooperation with actors in the countries of origin, for instance when **monitoring reports** are prepared. The IOM Country Office for Austria additionally monitors projects on an ongoing basis during the project implementation.¹⁴⁰ The projects for assisted return and reintegration planned by the IOM Country Office for Austria specify that the IOM offices (or local partners) are required to submit reports on the individual project participants. Among other things, these reports also give an overall impression of returnees’ current state of well-being, including their private and job situation, and ascertain whether the individuals felt they had been

137 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

138 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

139 Written input by Andrea Götzelmann, IOM Country Office for Austria, 1 April 2015.

140 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

well-informed.¹⁴¹ Monitoring¹⁴² is performed for each project participant after assistance has been provided. This takes the form of structured interviews conducted according to a standardized set of questions, either personally on site or, due to the distance involved or security conditions, by telephone.¹⁴³ The role played by the information previously provided is, however, only one question among many and therefore not discussed in detail.¹⁴⁴

Alongside these activities, **monitoring missions** to the countries of origin are generally regarded as an effective measure.¹⁴⁵ In the interests of quality assurance of reintegration projects, the IOM Country Office for Austria consequently conducts monitoring missions where such visits are compatible with security considerations.¹⁴⁶ Caritas also undertakes one or two monitoring missions each year, during which returnees are interviewed.¹⁴⁷ Such monitoring missions involve liaison activities with local actors as well as visits with returnees. It is reported that the feedback received during such missions, while highly valuable as well as helpful and valid,¹⁴⁸ only rarely relates to the information received prior to return.¹⁴⁹ An open questionnaire by way of flexible interview guidelines is used during such missions within the setting of an open conversation.¹⁵⁰

141 Ibid.

142 This monitoring activity is conducted locally (preferably at the participant's business) three to six months after assistance is received, for an estimated 90 per cent of participants.

143 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

144 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015; Interview with Christian Fackler, Caritas Vienna and Michael Hajek, Caritas Austria, 13 April 2015.

145 Ibid.

146 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

147 Interview with Christian Fackler, Caritas Vienna and Michael Hajek, Caritas Austria, 13 April 2015.

148 Ibid.

149 Interview with Christian Fackler, Caritas Vienna and Michael Hajek, Caritas Austria, 13 April 2015; Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015.

150 Interview with Christian Fackler, Caritas Vienna and Michael Hajek, Caritas Austria, 13 April 2015.

7.2 Evaluation methods

In addition, several institutions active in assisted voluntary return (and reintegration) perform evaluations of the projects aimed at assisted voluntary return and reintegration and return assistance. The subject of such evaluations includes the information received prior to return.

According to the Federal Ministry of the Interior, evaluations are required as described in the following. Funded projects must supply appropriate indicators demonstrating a certain level of effectiveness.¹⁵¹

The Federal Ministry of the Interior also points out that the organizations perform a post-return **self-evaluation** based on their contacts. The feedback received as well as monitoring results are analysed and either confirm the effectiveness of counselling or show that more information might have been necessary. Yet such evaluations are mostly performed only for reintegration projects involving specific countries of origin, the Ministry reports. An additional factor is that it is difficult to discern whether this involves irregular or regular migrants.¹⁵² The IOM Country Office for Austria systematically conducts internal evaluations after the completion of each reintegration project. The evaluations are carried out by the IOM coordinator responsible for the project, whereas feedback obtained through monitoring interviews and evaluation questionnaires (completed by return counsellors) is also taken into account.¹⁵³ The IOM Country Office for Austria does not, however, perform any evaluations of measures solely provided within the framework of logistical assistance. The reason for this is that all third-country nationals applying to IOM for support when they return are referred to IOM by NGOs which have previously administered return counselling. Here IOM is only responsible for processing the case at operational level.

Caritas launched a test project using a questionnaire to obtain feedback on return counselling while individuals participating in voluntary return were **still in Austria**, and to use the feedback for an evaluation. This meant that Caritas had access to completed questionnaires on the quality of the return counselling and the information content, completed at all

151 Interview with Thomas Mühlhans, Federal Ministry of the Interior, 28 April 2015.

152 Interview with Mathilde-Beate Wolf, Federal Ministry of the Interior, 28 April 2015.

153 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015; Written input by Andrea Götzelmann, IOM Country Office for Austria, 1 April 2015.

counselling centres throughout Austria over a certain period of time.¹⁵⁴ Although the feedback received by this means could be used constructively, only infrequent use was made of the questionnaire. Caritas observes that, immediately before departure, many practical matters are more important and more urgent than filling out even more forms. The motivation and capacity to complete this additional questionnaire is limited, both on the part of the counsellor and of the returnee.¹⁵⁵

Finally, for individual projects, the IOM Country Office for Austria also commissions **external evaluations** in the countries of origin, the results of which the funding party also receives.¹⁵⁶ The methods applied include surveys of project team members, project partners, representatives of funding parties and project participants. The main criteria evaluated included the project's effectiveness, efficiency, sustainability and impact, as well as the degree to which objectives were achieved. The evaluations are also aimed to identify good practices and lessons learned. Another aspect of the task was to investigate both the adequacy of the information received before return as well as its source.¹⁵⁷

Some of the actors commissioned with return activities only carry out an **analysis of return processes**. Verein Menschenrechte Österreich reports that it thereby particularly verifies the contact with the embassies and that the necessary documents are procured to the required extent. The period of time between an initial contact with a migrant and return counselling with that individual is also recorded, with the aim of accelerating procedures. One question that is reportedly investigated through phone conversations with returnees is whether the return trip was safe and whether any issues came up between the send-off at the airport and arrival. Returnees are not asked whether the information given in return

154 This was a sort of pilot project that currently is not carried out.

155 Interview with Christian Fackler, Caritas Vienna and Michael Hajek, Caritas Austria, 13 April 2015.

156 The projects by the IOM Country Office for Austria that were previously evaluated externally include: "Coordination of the Return and Reintegration Assistance for Voluntary Returnees to Moldova", "Return and Reintegration Assistance for Voluntary Returnees to Kosovo", "Voluntary Return and Reintegration Assistance for Nigerian Nationals", and "Assistance for the Voluntary Return and Reintegration of Returnees to the Russian Federation/the Chechen Republic".

157 Interview with Andrea Götzelmann, IOM Country Office for Austria, 31 March 2015; Written input by Andrea Götzelmann, IOM Country Office for Austria, 1 April 2015.

counselling was helpful. The reason given for this is that, due to the staff member's language abilities, the individual asking the question on the phone would be the same as the one previously providing information, which would not result in meaningful evaluation results.¹⁵⁸ In addition, Verein Menschenrechte Österreich reports data on the part of procedures completed by return to the Federal Office for Immigration and Asylum, while ORS Service GmbH provides monthly reports on the number of returnees¹⁵⁹ to the Federal Ministry of the Interior.¹⁶⁰ ORS maintains that this allows an evaluation to be done as to whether the relevant potential group has been sufficiently reached.¹⁶¹

158 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

159 It has to be taken into account here that these numbers refer exclusively to asylum-seekers.

160 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015; Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

161 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

8. STATISTICS AND ESTIMATES

The actual number of irregular migrants cannot be determined. This is due to the specific characteristics of irregular migration, which takes place outside regular migration paths. Estimates of irregular migrants are able to provide only a rudimentary picture of the true situation. Even the cases of irregular entry or irregular stay that are recorded by administrative authorities represent only a certain portion of irregular migration, as such records reflect only the cases of persons who were apprehended. In the view of Kraler/Reichel, it is practically impossible to draw conclusions about the number of irregular migrants on the basis of these irregular migration flows. One of the reasons given is that an unknown percentage of individuals enter irregularly and then apply for asylum, thus no longer belonging to the group of irregular migrants, or they become irregular much later, for example following a negative asylum decision or as a consequence of breaking off contact with the authorities (Kraler/Reichel, 2011:102–103). Such changes of status from irregular stay to asylum-seeker status or vice versa represent an essential dimension of the dynamics of irregular migration, according to Kraler/Reichel. Many regular migrants would go through periods during which their status is partially or fully irregular. It can therefore be concluded that changes in the number of irregular migrants are not necessarily directly related to irregular migration flows (Kraler/Reichel, 2011:102–103).

Statistics on irregular migration in Austria during the past five years (2010–2014) are presented, to the extent available, below. The sources are, on the one hand, administrative data kept by the Federal Ministry of the Interior, the Federal Criminal Intelligence Service and Caritas Austria, as well as quantitative estimates made by researchers and practitioners in Austria. In addition to these national statistics, comparable statistics for the EU compiled by Eurostat are presented.

8.1 Statistics

The sources of data on irregular migration in Austria that are most frequently cited are records of the **number of persons staying in or entering Austria irregularly who are apprehended** or the number of applications for asylum (Kraler/Hollomey/Reichel, 2009b:24).

The Federal Criminal Intelligence Service publishes statistics on the first group (i.e. those staying or entering irregularly) in an annual report.¹⁶² The group of individuals who “have entered or are staying unlawfully” is defined in this context as follows:

Aliens determined to be staying on Austrian territory after having crossed the national border without the assistance of a people smuggler and without possessing the required border documents, or who were rejected at the border, or against whom an entry ban or exclusion order was issued, or persons who were permitted to enter but whose expulsion has become necessary because their stay has become unlawful. The term also includes persons who pursued employment in Austria without possessing the appropriate residence permit as well as persons who were apprehended on Austrian territory or attempted to enter during an existing entry ban or exclusion order (BK, 2015:8).

The statistics additionally provide information on smuggled persons, which refers to

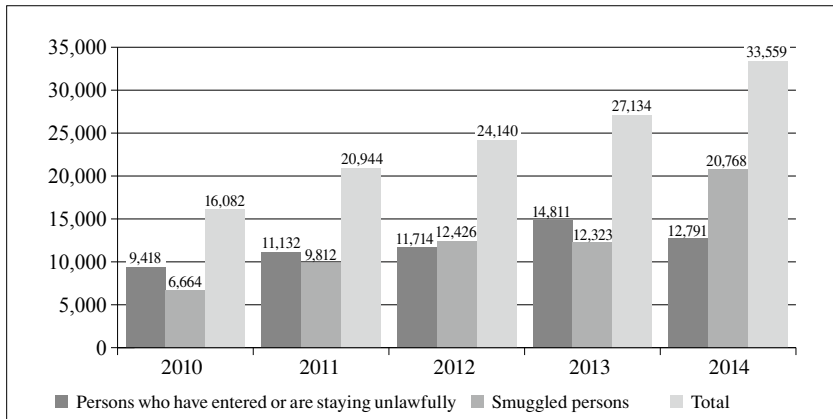
aliens who entered Austrian territory with the assistance of a people smuggler, regardless of whether they were detected while crossing the border unlawfully or apprehended on Austrian territory and regardless of which part of their journey was completed with the assistance of a people smuggler (BK, 2015:9).

The published statistics are based largely on data derived from the Report on the State of Irregular Migration by the Federal Criminal Intelligence Service, from official acts carried out by that office alone or in cooperation with provincial criminal intelligence services and foreign services, and from evaluations of various sources and intelligence (BK, 2015:20). According to the statistics, in 2014, 12,791 persons who entered or were staying unlawfully (2010: 9,418) and 20,768 smuggled persons (2010: 6,664) were apprehended. Thus, a total of 33,559 irregular migrants were apprehended in 2014 (2010: 16,082). The number thus more than doubled compared with 2010. The Federal Criminal Intelligence Service

162 Federal Criminal Intelligence Service, *Schlepperberichte*. Available at www.bmi.gv.at/cms/BK/publikationen/Statistiken_Schleppe.aspx (accessed on 13 May 2015).

attributes the increase in the number of apprehended irregular migrants to public security and economic changes in the countries of origin (BK, 2013:20). Yet the Federal Criminal Intelligence Service also attributed the increase in apprehensions to close, effective work in the areas of investigation and analysis at international level, as well as to effective strategies in Austria (BK, 2013:3).

Figure 1: Number of irregular migrants apprehended in Austria by category of persons (2010–2014)



Source: Federal Criminal Intelligence Service, Smuggling Report 2010, 2011, 2012, 2013 and 2014.

The majority of the total number of irregular migrants apprehended were males (an average of 82% between 2010 and 2014) and aged 19 to 30 (an average of 44% between 2010 and 2014). Another fact concerning the total number of irregular migrants apprehended during the past five years (2010–2014) is that the majority were Afghan (14,312 individuals) and Syrian (13,252 individuals) nationals. The number of apprehended Syrians in particular rose sharply during that period, by 8,882 in the period from 2010 to 2014 and by 6,106 from 2013 to 2014 alone.

Similar statistics are published by Eurostat, under the heading “Third country nationals found to be illegally present”.¹⁶³

Another option for obtaining an approximation of the number of irregular migrants is to take a look at asylum. The asylum system is tied to

163 Eurostat (2015), *Third country nationals found to be illegally present – annual data (rounded) [migr_eipre]*. Available at http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eipre&lang=en (accessed on 1 July 2015).

irregular migration in various ways. Firstly, according to Kraler/Hollomey/Reichel, the majority of **asylum-seekers** in Austria enter the country illegally, since they have no option of applying outside the country, and due to the Dublin Regulation and safe third-country provisions. Secondly, an unknown number of asylum-seekers remain in Austria after a negative asylum decision, while a (presumably minor) share of those individuals who abscond during their asylum procedure also stay irregularly in Austria (Kraler/Hollomey/Reichel, 2009a:3; refer also to 3.2 above).

ORS Service GmbH accordingly points out that every person admitted to the Initial Reception Centre at Traiskirchen was an irregular migrant for a certain time – until being admitted, i.e. until applying for asylum. This period of time lasts from crossing the border until making an application for asylum at a police station or at the Initial Reception Centre, or until apprehension. The number of applications for asylum would ultimately need to be used as the basis for an estimate, ORS suggests.¹⁶⁴ This figure increased by a factor of 2.5 (or by 155%) between 2010 and 2014, namely from 11,012 applications in 2010 to 28,027 in 2014.

Table 1: Number of asylum applications in Austria (2010–2014)

Year	2010	2011	2012	2013	2014
Number of asylum applications	11,012	14,416	17,413	17,503	28,027

Source: Federal Ministry of the Interior, Asylum Statistics 2010, 2011, 2012, 2013 and 2014.

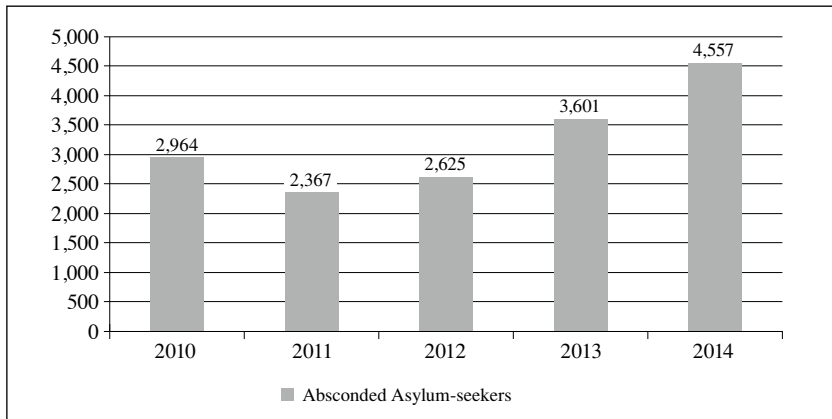
The majority of asylum applications in Austria between 2010 and 2014 were submitted by Syrian citizens (9,287), followed by citizens of Somalia (5,762) and Afghanistan (5,082). The number of asylum-seeking Syrians in particular rose sharply during that period, by 7,560 in the period from 2010 to 2014 and by 5,763 from 2013 to 2014 alone.

As Kraler/Reichel have noted, a change of residence status, from regular to irregular or vice versa, represents an essential dimension of the dynamics of irregular migration (Kraler/Reichel, 2011:102–103). For example, not only do some irregular migrants apply for asylum, but also asylum-seekers break off contact with the authorities and abscond during their admission procedure or asylum procedure. The Federal Ministry of the Interior reports the statistically recorded number of absconded

164 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

asylum-seekers to have risen by more than half in the past five years, from 2,964 in 2010 to 4,557 in 2014.

Figure 2: Number of asylum-seekers absconding in Austria (2010–2014)



Source: Federal Ministry of the Interior, Reply to parliamentary request regarding “disappeared asylum-seekers 2014” (2482/AB), “disappeared asylum-seekers 2013” (307/AB) and “absconded asylum-seekers” (14628/AB).

Possible consequences of absconding include discontinuing procedures, issuing an arrest order or ordering detention pending removal.¹⁶⁵ Thus, when an individual absconds, the person’s residence status becomes irregular. ORS Service GmbH nonetheless assumes that asylum-seekers who break off contact with the authorities do not wish to stay in Austria except in rare cases and should not therefore be classified under the category of migrants staying in Austria irregularly.¹⁶⁶ Kraler/Hollomey/Reichel make the same assumption (Kraler/Hollomey/Reichel, 2009a:3).

With regard to the **return of irregular migrants**, comparative, EU-wide statistics on the enforcement and fulfilment of obligations to return are available from Eurostat. In this context, the dataset on “Third country nationals ordered to leave” is relevant. According to the definition, the statistics refer to

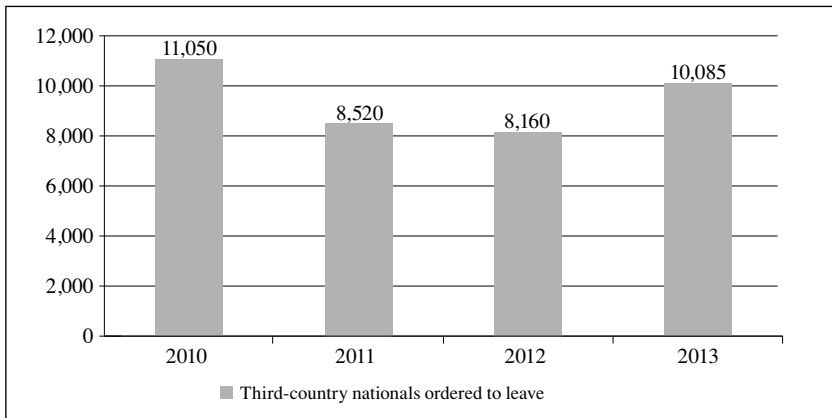
165 Federal Ministry of the Interior, *Reply to parliamentary request regarding “disappeared asylum-seekers 2013”*, 307/AB of 18 February 2014, 320/J (XXV.GP), available at www.parlament.gv.at/PAKT/VHG/XXV/AB/AB_00307/fname_340311.pdf (accessed on 13 May 2015).

166 Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

the number of third-country nationals found to be illegally present in the territory of the Member State who are subject to an administrative or judicial decision or act stating or declaring that their stay is illegal and imposing an obligation to leave the territory of the Member State (Art. 7 para 1 (a) of Regulation (EC) No 862/2007¹⁶⁷).

The most recent statistics available for Austria are from the year 2013. In that year, 10,085 third-country nationals were ordered to leave Austria. That number was then somewhat lower than in 2010 (11,050 individuals). The chart below shows a downward trend from 2010 to 2012, whereas the number increased again between 2012 and 2013.

Figure 3: Third-country nationals ordered to leave Austria (2010-2013)



Source: Eurostat, [migr_eiord], extracted on 22 June 2015.

Note: Figures have been rounded up or down to the nearest 5. The statistics do not include third-country nationals who were transferred between Member States in accordance with the mechanism defined in the Dublin Regulation.

The majority of third-country nationals ordered to leave Austria between 2010 and 2013 were Serbian (3,150) and Russian citizens (3,110), followed by Pakistani citizens (2,695) and citizens of the UNSC resolution 1244-administered Kosovo¹⁶⁸ (2,625). It should be noted in this context that the number of Pakistani nationals increased considerably (by 870

¹⁶⁷ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers.

¹⁶⁸ Hereinafter referred to as Kosovo/UNSC 1244.

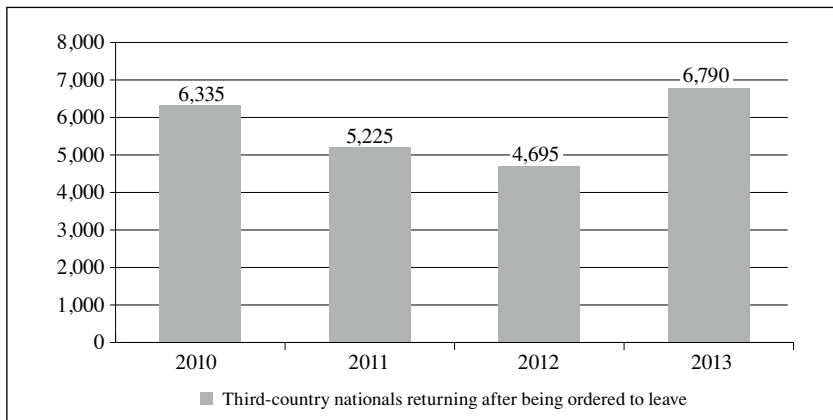
between 2010 and 2013). The number of Syrians ordered to depart increased sharply in this period as well (by 1,310 from 2010 to 2013) to total 1,650 individuals.

There are also statistics on “Third-country nationals returned following an order to leave”. This figure refers to “the number of third-country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act, as referred to in point (a) [of Regulation 862/2007]” (Art. 7 para 1 (b) Regulation (EC) No 862/2007).

Here it should be noted that individuals returning in a given year may have already received a decision, entailing an obligation to return, in the previous year.

The most recent statistics available for Austria are from the year 2013. In that year, 6,790 third-country nationals returned after being ordered to leave Austria, somewhat more than in 2010. On the whole, a trend is evident that is similar to the one seen for third-country nationals ordered to leave Austria: after a decrease between 2010 and 2012, the trend was upward from 2012 on.

Figure 4: Third-country nationals returning after being ordered to leave (2010-2013)



Source: Eurostat, [migr_eirtn], exported on 22 June 2015.

Note: Figures have been rounded up or down to the nearest 5. The figures include removals, assisted voluntary return and voluntary return (to the extent reliably recorded). The statistics do not include third-country nationals who were transferred between Member States in accordance with the mechanism defined in the Dublin Regulation.

The majority of third-country nationals returning after being ordered to leave Austria between 2010 and 2013 were citizens of Kosovo/UNSC 1244 (2,670), followed by Russian (2,520) and Serbian citizens (2,330). Syrian nationals ranged in fourth place (1,380) among those returning between 2010 and 2013 after being ordered to leave. The number of such nationals increased substantially during that period (by 1,195).

Unlike the third-country nationals mentioned above, who returned after being ordered to leave, the number of irregular migrants returning voluntarily and not under obligation to return is not known. While the total number of third-country nationals who returned voluntarily is known from the administrative database of the Federal Ministry of the Interior, the figures cannot be broken down according to residence status.¹⁶⁹ There is thus no way of telling how many of these individuals were staying in Austria irregularly prior to their return.

Data on a portion of the irregular migrants returning voluntarily can, however, be derived by referring to alternative sources. In the case of Caritas, for example, 113 of the individuals who were counselled by the organization and were not or no longer entitled to stay in Austria returned voluntarily to their country of origin in 2013. The absolute figure decreased steadily in the period from 2010 to 2013. Whereas 387 of the individuals counselled by Caritas who were not or no longer entitled to stay returned voluntarily in 2010, the comparable figure was only 113 in 2013 (-71%). In relative terms, the percentage of voluntary returnees in relation to all those receiving counselling from Caritas and are not or no longer entitled to stay dropped from 53 per cent in 2010 to 42 per cent in 2013.

Table 2: Number of individuals counselled by Caritas who are not or no longer entitled to stay¹⁷⁰ as well as those who returned voluntarily (2010–2013)

Year/ Category of individuals	2010	2011	2012	2013
Number of irregular migrants counselled by Caritas	715	531	290	272
Number of irregular migrants counselled by Caritas who returned voluntarily	378	271	142	113
Percentage of voluntary returnees in relation to all irregular migrants counselled by Caritas (in %)	53%	51%	49%	42%

Source: Written communication from Michael Hajek, Caritas Austria, 26 May 2015.

Note: These figures were not adjusted, i.e. possible double entries and potential changes of residence status after the enquiry in the initial interview, cannot be excluded.

169 Written input by Gerald Dreveny, Federal Ministry of the Interior, 26 May 2015.

170 The persons included have not applied for asylum.

It should be mentioned that Caritas usually enquires about clients' residence status during the initial interview. Any later change is recorded in their database but cannot be statistically evaluated.

8.2 Estimates

No current estimates on the total number of **irregular migrants in Austria** are available. The most recent estimates available, from 2008, are derived using a multiplier method and based on police data concerning apprehensions. According to these estimates Austria had 36,252 irregular migrants in 2008 (central estimate). The figure represents a cautious estimate of medium quality (HWWI, 2009:1). Yet Kraler/Reichel recommend in general caution with such extrapolations and specifically when applying multiplier estimates. The method is based on the number of persons entering the country or staying irregularly who are apprehended, and on the assumed ratio to the number of non-detected persons. Yet apprehension rates are heavily influenced by geographical factors (an example being the type of border), border police practices and migrants' behaviour. Apprehension rates are additionally affected by other factors in law enforcement circles, such as ethnic profiling and other sources of distortion (Kraler/Reichel, 2011:106–107).

Current estimates concerning irregular migrants from certain countries of origin have been made, on the other hand, by practitioners in Austria. The patron of the association Minhaj-ul-Quran Austria, for example, assumes that there is a large number of Pakistani nationals residing in Austria but having no contact with the authorities. He estimates having personal knowledge of between 800 and 900 irregular migrants in Vienna, Graz and Linz.¹⁷¹ With reference to the category of migrants who enter Austria irregularly for the purpose of illegal employment, special attention has been drawn to Kosovar and Chinese migrants. Estimates as to the size of this group vary, however. While Caritas assumes this group to be rather small,¹⁷² Verein Menschenrechte Österreich and ORS Service GmbH estimate it to be a much larger and more relevant group.¹⁷³ Verein Menschenrechte Österreich estimates the group of Chinese nationals to be

171 Interview with Khawaja Muhammad Nasim, Minhaj-ul-Quran Austria, 6 May 2015.

172 Interview with Christian Fackler, Caritas Vienna, 13 April 2015.

173 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015; Interview with Alexander Vlaschitz, ORS Service GmbH, 24 April 2015.

small in number but significant.¹⁷⁴ The representative of the association Neuer Start reports that there are probably only few Afghans with irregular status, since most apply for asylum and are then granted either asylum or subsidiary protection status. While it is reported that there is a group of Afghans who see no further opportunity for them personally in Austria, these individuals continue their migration to other countries.¹⁷⁵

It may thus be seen that the available estimates concerning the number of irregular migrants in Austria are based mainly on individual actors working with migrants from specific countries of origin. Such figures are therefore merely indicative with regard to specific sub-groups within the total number and are by no means exhaustive.

8.3 Conclusion

As mentioned at the outset, the actual number of irregular migrants cannot be determined. Nor are any current estimates available of the total number of irregular migrants in Austria. The most recent estimates available, from 2008, cite 36,252 irregular migrants. Current estimates by practitioners only provide indications for groups from certain countries of origin.

An investigation of statistics available in Austria and at European level reveal these to be largely derived from administrative records of cases involving irregular entry or irregular stay, or of the number of asylum-seekers and absconded asylum-seekers. Such statistics are prone to a variety of limitations, such as multiple entries of the same case or being dependent on how thoroughly checks are performed. In addition, they represent only a certain sub-group within the whole of irregular migration. Comprehensive and based on solid methodology, the most reliable statistics are those published by the Federal Criminal Intelligence Service concerning persons who have unlawfully entered or are staying in the country or who were smuggled in. These statistics reveal an upward trend for the period from 2010 to 2014. While irregular migrants were apprehended only in 16,082 cases in 2010, the figure was 33,559 in 2014 (+109%).

A similarly increasing tendency can be interpreted from the number of asylum applications. Yet the statistics do not allow any extrapolations

174 Interview with Günter Ecker, Verein Menschenrechte Österreich, 27 April 2015.

175 Interview with Shokat Ali Walizadeh, Afghanische Jugendliche: Neuer Start in Österreich, 7 May 2015.

concerning the size of the group of migrants residing irregularly in Austria. Data on the number of asylum-seekers absconding in Austria (2014: 4,557) is of little help here, because, firstly, it includes only the category of (former) asylum-seekers and, secondly, only a small number of absconders are assumed to remain in Austria.

With regard to the return of irregular migrants, Eurostat provides comparative, EU-wide statistics on the enforcement and fulfilment of obligations to return, but – at the time of writing – only until 2013 in the case of Austria. In detail, 10,085 third-country nationals were ordered to leave Austria and 6,790 third-country nationals returned after expulsion from Austria in 2013. Here it should be noted that the two groups are not necessarily directly related, since individuals returning in a given year may have already been ordered to depart in the previous year. With respect to both groups, there was a downward trend from 2010 to 2012 and then an increase from 2012 on.

With reference to the number of irregular migrants who returned voluntarily and without any obligation to return, no data has been collected and hence no conclusive observations can be made. Whereas administrative data on voluntary return is available, this data cannot be broken down according to residence status, so that irregular migrants are unable to be distinguished from others. Observations can only be made about the percentage of irregular migrants who returned voluntarily; this is possible based on the records kept by the Caritas return counselling organization. In this case, a declining tendency can be observed between 2010 and 2013, with the absolute number of irregular migrants who returned voluntarily falling (2010: 378; 2013: 113). The relative share of voluntary returnees in proportion to all irregular migrants participating in counselling also decreased (2010: 53%; 2013: 42%). It should nonetheless be noted that these statistics too are subject to certain limitations, such as a limited scope of validity, multiple counting of the same case or changes in residence status during the return process.

9. SUMMARY

The objective of this study is to investigate how to reach migrants who are not in contact with the authorities, in order to provide information about voluntary return. In this context, the various tools of disseminating information, the content of the disseminated information and the related challenges are investigated.

Austria currently has no **legal provisions** governing the dissemination of information on voluntary return that specifically relate to irregular migrants. However, the Aliens Police Act 2005 does generally specify the requirement for the Federal Office for Immigration and Asylum to inform aliens of a departure obligation in the course of a return decision. Pursuant to that law, information can be provided in particular by means of form sheets in a language that the alien understands or through oral communication.

There are also legal regulations of a broader scope that address voluntary return and in particular return counselling and return assistance. The Basic Welfare Support Agreement, stipulates for instance that basic welfare support also includes information and counselling with a view to voluntary return. The group of those eligible for this benefit includes asylum-seekers and aliens without right to residence who cannot be removed due to legal or factual reasons. In the latter case, these provisions also expressly apply to a certain group of individuals who despite their status becoming irregular are however still in contact with the authorities, as they receive basic welfare support.

As part of planned amendments to aliens and asylum laws (2015 Act Amending the Aliens Law), the new Art. 52a of the Federal Office for Immigration and Asylum Procedures Act specifies now a legal basis for return counselling and return assistance and also extends the scope of these services beyond asylum-seekers to other aliens at every stage of the procedure. An obligation to attend a return counselling session for aliens who have been issued a return decision has also been specified for the first time.

Specifications as to how information on voluntary return is to be disseminated and which information in detail is to be passed on are not provided by the state in Austria. Several actors involved in this area demand

the development of guidelines for general minimum quality standards for return counselling.

Here, it is often difficult to distinguish between irregular migrants and those with legal status. This is also the case with return counselling services, which are open to both groups of migrants. Voluntary return is not limited to irregular migrants; consequently, information on assisted voluntary return is always targeted at a broader group.

The target group of this study, that is, irregular migrants who are not or no longer in contact with the authorities, can be categorized into the following **groups** in Austria, based on the reason for their irregular status: irregular entry, failure to comply with the obligation to depart, forfeiting of the residence permit and inadmissibility or impossibility of removal.

Among those who enter irregularly, the category of migrants should be mentioned who enter Austria irregularly for the purpose of illegal employment. Estimates vary as to the size of this group. No reliable data exists. An example mentioned especially in this context is the group of Kosovars.

Another relevant group are migrants who do not comply with the obligation to depart. This may be the result of their visa or residence permit expiring. Another case of failing to comply with the obligation to depart is potentially after receiving a negative decision in an asylum procedure or when the procedure is terminated prematurely. Return counselling organizations estimate asylum-seekers who have been rejected through a written negative decision to account for the largest group of irregular migrants. However, more precise statements are not possible due to a lack of or inadequate statistics.

Due to the specific characteristics of irregular migration, the actual number of irregular migrants in Austria cannot be determined. Nor are current **estimates** available. The most recent estimates available, from 2008, cite 36,252 irregular migrants in total (central estimate). The **statistics** on irregular migration in Austria that appear to be the most comprehensive, and are among those most frequently used, are the records of the number of persons staying in or entering Austria irregularly who are apprehended. According to those statistics, in 2014 12,791 persons who entered or were staying unlawfully and 20,768 smuggled persons were apprehended. Yet these figures are also subject to limitations as they represent only a specific portion of irregular migrants, namely those who

were apprehended. In addition, the figures are dependent to a certain extent on intensity of checks performed. In the case of irregular migrants who are not in contact with the authorities, the statistics on absconded asylum-seekers can be referred to. In 2014, 4,557 asylum-seekers broke off contact with the authorities and absconded. Yet it should be noted in this context that, firstly, this figure includes only the category of (former) asylum-seekers and, secondly, that only a small number of absconders are assumed to remain in Austria.

Research into the relevant **actors involved in disseminating information** on voluntary return revealed that both state actors as well as other actors contribute in a major way to disseminating information in Austria. The Federal Ministry of the Interior mandates the return counselling centres with this task and is also the authority competent for awarding funding to projects aimed at assisted voluntary return and reintegration. The Federal Office for Immigration and Asylum also plays a decisive role in disseminating information on voluntary return. On receiving a negative written decision on their asylum procedure, the individual concerned is informed of the option of voluntary return. The individual receives an information sheet with the heading “Information on the Obligation to Depart”, along with the return decision, from the Federal Office for Immigration and Asylum. In the sheet, attention is drawn among other things to the option of voluntarily returning to the country of origin, and contact information is subsequently given for two non-governmental organizations active in providing counselling and assistance in this matter.

Alongside state actors, numerous other actors were identified that contribute significantly towards disseminating information among irregular migrants in Austria. The first to be mentioned in this regard are the non-governmental organizations active in return counselling. ORS Service GmbH additionally provides counselling on assisted voluntary return at the federal reception facilities. The information that migrants receive is potentially still available to them should they later forfeit their regular status. The International Organization for Migration, Country Office for Austria, is another important actor involved in the area of assisted voluntary return and reintegration. Diaspora groups, migrant organizations, health institutions as well as embassies are to be especially mentioned among the actors playing a major role in disseminating information to irregular migrants.

The study revealed that a variety of **tools** are already being used to **disseminate information on voluntary return**. Most of the important actors in this area use flyers, brochures and websites to disseminate information, in most cases in various languages. Two telephone hotlines are also offered, although this service is less used, probably due to confidentiality considerations. Several of the actors mentioned word of mouth as important tool of disseminating information; this is reportedly a major factor within the individual communities, determining how and which information is spread.

Particular mention is made in this context of advance information on voluntary return provided to migrants while their status is still regular; partly such information is still available later, should the individuals become irregular.

A glance at the **content of the disseminated information** reveals that migrants are informed comprehensively about the legal obligation to return as well as concerning the option of voluntary return. Yet in some cases information is limited to a referral to another counselling centre. Details about what returnees are to expect upon return to their countries of origin are also normally provided as part of return counselling. The research carried out for this study also revealed that also other information is disseminated to irregular migrants, in addition to details of voluntary return.

Research identified several **challenges** faced in disseminating information on voluntary return to irregular migrants who are not in contact with the authorities. One fundamental challenge is the lack of motivation among irregular migrants, who of themselves do not wish to return and consequently desire no contact with the authorities. This category of irregular migrants therefore makes only limited use of existing options for obtaining information on voluntary return. Another related challenge is the strong inhibitions that individuals without a residence permit have against contacting institutions for the purpose of requesting counselling and assistance. This is one of the reasons why return counselling services in Austria are offered mainly by counselling organizations not run by the state. Language is also a challenge, yet one which non-governmental organizations active in return counselling report are able to deal with fairly well.

In addition, confidentiality considerations need to be taken into account when providing information to migrants who are not in contact

with the authorities; several actors in Austria perceive this matter also as a challenge to a certain extent. Personal data and other information obtained from migrants have to be processed in accordance with international standards for the protection of personal data. In the context of providing information, indications of the concern to maintain confidentiality and protect personal data were identified, even though potential for improvement in this area exists.

While the option of returning is sometimes actively promoted through various means, several actors working in this field expressly argue against such an active, offensive approach in return counselling. This attitude is based on the challenge arising from the notion that it could be questioned whether return is indeed voluntary when too actively promoted. It is regarded as important that under assisted voluntary return – in contrast to removal – individuals return at their own will and under their own responsibility.

In Austria, no **monitoring or evaluations** are carried out that specifically target the issue of the usefulness of the information received prior to return. On the other hand, various actors responsible for implementing projects in the area of assisted voluntary return and reintegration carry out in fact a variety of monitoring measures for their projects and evaluate the return and reintegration process of returnees.

Within the framework of these measures, the IOM Country Office for Austria additionally determines whether returnees felt well-informed. Such an undertaking represents a challenge, especially due to the fact that returnees are willing to provide information about their return counselling only to a limited extent and do not generally understand the purpose of such information. Beyond this, the information previously provided is only one question among many and therefore is not discussed in detail.

In the monitoring of projects for assisted voluntary return and reintegration, certain methods are currently applied that also involve enquiring whether individuals felt well-informed; such methods include monitoring by phone, monitoring reports and monitoring missions. While some of the monitoring methods are carried out exclusively by actors in Austria (e.g. monitoring by phone) others (e.g. preparing monitoring reports) are arranged in close cooperation with actors in the countries of origin. The feedback received during monitoring missions only rarely related to the information received prior to return.

In addition, several institutions active in assisted voluntary return (and reintegration) carry out evaluations of the projects aimed at assisted voluntary return and reintegration and at return assistance. This also involves looking into the information received prior to return. An example is Caritas, which used a questionnaire for migrants before leaving Austria, which, however, only few returnees completed. For individual projects, the IOM Country Office for Austria systematically both conducts internal self-evaluations and commissions external evaluations.

Finally, limited or non-existent funding is also an important factor affecting monitoring and evaluation. This influences how such measures are implemented, in terms of objectives, methods, range, depth and frequency. A challenge especially mentioned in this regard was project funding, which restricts options for long-term monitoring and evaluation. It was also pointed out that such activities have to be proportional to the overall financial expense for the project. It was observed that, in terms of time and especially of funds, the resources for evaluations were limited, as funding was used primarily to assist the individuals interested in returning. In this context it was suggested that sufficient funding to allow regular monitoring and evaluation after project completion would be helpful in general. It was further suggested that findings of systematic evaluations dealing also with the information received prior to return would be beneficial. The knowledge derived in this way could be used to further optimize the dissemination of information on voluntary return to irregular migrants not in contact with the authorities.

ANNEX

A.1 List of translations and abbreviations

English term	English abbreviation	German term	German abbreviation
Aliens police	–	Fremdenpolizei	–
Aliens Police Act	–	Fremdenpolizeigesetz	FPG
Act Amending the Aliens Law	–	Fremdenrechtsänderungsgesetz	FrÄG
Assisted Voluntary Return and Reintegration	AVRR	Unterstützte freiwillige Rückkehr und Reintegration	–
Asylum Act	–	Asylgesetz	AsylG
Asylum, Migration and Integration Fund	AMIF	Asyl-,Migrations- und Integrationsfonds	AMIF
Basic Welfare Support Agreement	–	Grundversorgungsvereinbarung	GVV
Card for Tolerated Stay	–	Karte für Geduldete	–
Counselling, Education and Support for Migrant Women-Intervention Centre for Trafficked Women	LEFÖ-IBF	Beratung, Bildung und Begleitung für Migrantinnen-Interventionsstelle für Betroffene von Frauenhandel	LEFÖ-IBF
European Commission	EC	Europäische Kommission	EK
European Community	EC	Europäische Gemeinschaft	EG
European Economic Community	EEC	Europäische Wirtschaftsgemeinschaft	EWG
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Reintegration Support Organizations	ERSO	ERSO Netzwerk	ERSO
European Union	EU	Europäische Union	EU
EU Programme “Solidarity and Management of Migration Flows”	SOLID	EU Programm „Solidarität und Steuerung der Migrationsströme“	EU-Solid-Fonds
Exclusion order	–	Aufenthaltsverbot	–
Federal Administrative Court	–	Bundesverwaltungsgericht	–
Federal Constitutional Act	–	Bundesverfassungsgesetz	B-VG
Federal Criminal Intelligence Service	–	Bundeskriminalamt	BK
Federal Government	–	Bund	–
Federal Government Basic Welfare Support Act	–	Grundversorgungsgesetz – Bund	GVG-B
Federal Law Gazette	FLG	Bundesgesetzblatt	BGBI.
Federal Ministry of the Interior	–	Bundesministerium für Inneres	BMI

English term	English abbreviation	German term	German abbreviation
Federal Office for Immigration and Asylum	–	Bundesamt für Fremdenwesen und Asyl	BFA
Federal Office for Immigration and Asylum Procedures Act	–	BFA-Verfahrensgesetz	BFA-VG
Human Rights Association Austria	–	Verein Menschenrechte Österreich	VMÖ
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
International Standardization Organization	ISO	Internationale Organisation für Normung	ISO
IOM Country Office for Austria	–	IOM Landesbüro für Österreich	–
Legal adviser	ᄁ–	RechtsberaterIn	–
National Contact Point	NCP	Nationaler Kontaktpunkt	NKP
National Contact Point Austria in the European Migration Network	AT EMN NCP	Nationaler Kontaktpunkt Österreich im Europäischen Migrationsnetzwerk	AE EMN NKP
Non-Governmental Organization	NGO	Nichtregierungsorganisation	NRO
Province	–	Bundesland	–
Removal	–	Abschiebung	–
Return decision	–	Rückkehrentscheidung	–
Settlement and Residence Act	–	Niederlassungs- und Aufenthaltsgesetz	NAG
Treaty on the Functioning of the European Union	–	Vertrag über die Arbeitsweise der Europäischen Union	–
Unaccompanied minor	–	Unbegleitete/r Minderjährige/r	–
United Nations	UN	Vereinte Nationen	VN
United Nations High Commissioner for Refugees	UNHCR	Hoher Flüchtlingskommissar der Vereinten Nationen	–
–	–	Ambulant-medizinische Versorgung, soziale Beratung und Medikamentenhilfe für Menschen ohne Versicherungsschutz	AmberMed

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